The Rise of Jihad, Killing of 'Apostate Imams' and Non-Combatant Christian Civilians in Kenya: Al-Shabaab's Re-Definition of the Enemy on Religious Lines

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Abstract

Since the Kenya Defence Forces (KDF) deployment into Somalia in 2011, terrorist related attacks have increased targeting anti-jihadi Muslim clerics, churches and non-combatant Christian civilians. These and other attacks indicated the rise of a homegrown radicalised section of the Muslim population in Kenya, willing to undertake jihad and kill fellow citizens in the name of Islam. In this regard, the article explores the intra-Muslims conflict emanating due to divergent views on the concept of jihad, and how ultimately the variances are supposedly resolved by imposing the apostasy claim on the opposing clerics. In varied occasions, suspected al-Shabaab militants and their Kenya jihadist counterparts have attacked churches, and killed non-combatant Christian civilians. The atrocious killing of both anti-jihadi Muslim clerics and non-combatant Christian civilians, and coupled with the exclusivist jihadi supported discourse imply the conflict is transforming into a broad-based violence between Muslims and non-Muslims. Therefore, this paper identifies three arguments associated with the jihad discourse in Kenya; (i) rationalising the jihad cause in the present ethno-nationalist Somali war; (ii) the apostasy claim arising due to intra-Muslims conflict boosted by the jihad discourse; and (iii) the justification of targeting non-combatant Christian civilians during the 'jihad' attacks.

KEY WORDS: Al-shabaab, Islam, Jihad, Islamist, Non-Muslim, Kenya

Introduction

We will talk about jihad. We believe in jihad. It is jihad, jihad is part of our religion. They will kill us all, we will die but we will never leave jihad.[2]

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[2] Sheikh Abubakar Shariff Ahmed (Makaburi), see the video" Jihad in Kenya", Vice News, 2014. Accessed on February 25, 2016: https://www.youtube.com/watch?v=KcwokHau8Xk.

These are the words of Sheikh Abubakar Shariff Ahmed also popularly known as 'Makaburi.' The visibly furious Sheikh 'Makaburi' was recorded on camera declaring this view when he visited the murder scene of Sheikh Ibrahim 'Rogo' Omar.[3] The murdered Sheikh Omar was allegedly assassinated by security agents on suspicion of preaching jihad and organising attacks on anti-jihad imams and non-Muslim civilians. Since 2011, various incidents of attacks attributed to the radical Islamist jihadi groups had been on the rise in Kenya suggesting a jihad tendency being rife in the country. Previously, Kenya has witnessed terrorist onslaughts like the Israel owned Norfolk hotel attack in 1980; the US embassy assault in 1998; and the 2002 twin attacks of the Paradise hotel and an Israel jet taking off from Mombasa international airport.[4] However, these earlier terror attacks were attributed to international Muslim groups like the Popular Front for the Liberation of Palestine (PFLP) and al-Qaeda, ruling out the possibility of the local Muslims' involvement. But since the KDF deployment into Somalia in 2011, in pursuit of al-Shabaab, terrorist related attacks have increased targeting anti-jihadi Muslim clerics, churches and non-combatant Christian civilians. Some of the major assaults included; the Westgate mall in 2013[5]; Mpeketoni in June 2014[6]; Mandera Bus and Quarry killings in November 2014 and December 2014 respectively[7]; and the Garissa University College bloodshed in 2015.[8] With these and other attacks it indicated the rise of a homegrown radicalised section of the Muslim population in Kenya, willing to undertake jihadi and kill fellow citizens to fulfill an 'Islamic cause.'

Reports have shown a trend of sections of Muslims joining jihadi groups and overzealously advance the movements' jihadi ideology posing danger in the country. Due to the variant shades of the jihadi groups (al-Hijra, Jaysh Ayman and al-Muhajiroun), and which sometimes operate independently of the al-Shabaab, in this article I would, sometime collectively, refer to them as the 'Kenya Islamist jihadi.' Between December 2013 and November 2014, Muslim youths sympathetic to the jihad cause took control of certain mosques in Mombasa to serve as centres for preaching and spreading its ideology.[9] In between the contestation for the mosque space, Muslim clerics opposing the preaching of the violent jihad ideology were killed under mysterious circumstances. Arguably, there is effort to intimidate and kill the anti-jihad clerics opposing the growing jihad propensity among the Muslim community. In this regard, the article will explore the intra-Muslim conflict generated by the diverse views on the concept of jihad and how ultimately the divergences are supposedly resolved by imposing the apostasy claim on the opposing clerics.

To the wider Kenyan society, the appearance of the Islamist jihadi groups in the country has caused anxiety among citizens. In varied occasions, suspected al-Shabaab

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[3] See the video Jihad in Kenya, Vice News, 2014.

[4] Hassan J. Ndzovu, (2014). Muslims *in Kenyan Politics: Political Involvement, Marginalization and Minority Status*. Evanston: Northwestern University Press.

[5] Rob Bleaney, (2013). "Nairobi terrorist attacks: Live updates as Kenyan forces mount gun battle to end shopping mall crisis" Mirror September 23. Accessed on February 25th, 2016: http://www.mirror.co.uk/news/uk-news/nairobi-terrorist-attacks-live-updates-2294469.

[6] Hassan Mwakimako and Justin Willis, (2014). "Islam, Politics and Violence on the Kenyan Coast", July 2014, pp1-26. Observatory Analysis on Political and Security Issues in the Horn of Africa

[7] Nzau Musau, (2014). "Smell of death still evident in targeted bus" *The Standard*, Monday, November 24, p6.

[8] Fred Mukinda and Aggrey Mutambo, (2015). "147 Students killed in cold-blooded raid on campus" *Daily Nation*, Friday, April 3, pp4-5.

[9] Ishaq Jumbe and Patrick Beja, (2013). "Mombasa Imams alarmed as radicalized Muslim youth take over popular mosques, police fear moving in might anger even moderate faithful", *The Standard*, Tuesday, December 3.

militants and their Kenya co-jihadist counterpart have attacked churches, and killed non-combatant Christian civilians.[10] Following Kenya's forces deployment to Somalia, the al-Shabaab's struggle has taken on a fresh dimension with the violence extended against non-combatant Christian civilians, reflecting a new wave of conflict in the country. The atrocious killing of some church clergies and non-combatant Christian civilians, attacks against churches and coupled with the exclusivist jihad supported discourse imply the conflict is transforming into a broad-based violence between Muslims and non-Muslims.

Therefore, in this article I examine how al-Shabaab and the Kenya Islamist jihadi re-defines the 'enemy' along religious lines by identifying three arguments; (i) the rationalising of the jihad cause in the present ethno-nationalist Somali war; (ii) the apostasy claim arising due to intra-Muslims conflict attributed to the jihad discourse; (iii) and the justification of targeting non-combatant Christian civilians. The last two aspects of my discussion are informed by the expansion of the jihadi's violence to civilians who embody the enemy apostates and unbelievers. The re-definition of the enemy along religious lines has provided the jihadi groups justification of extending the hostility to opposing Muslim clerics and increasing victimisation of Christian civilians. In this warfare approach, both opposing Muslim clerics and non-combatant Christian civilians are no longer secure as violence is directed against them. Undoubtedly, al-Shabaab's repositioning of the conflict within the transnational Islamic framework is an effort to lift its profile in the global Islamist jihadi circles. From an ethno-nationalist struggle, the al-Shabaab led war in Somalia has now transformed into a "glocalised jihad that is inspired by global forces but which is focused on local injustices."[11]

The 'Circle of Obligation' Discourse: Rationalising 'Nomadic Jihad' in the Contemporary Ethno-Nationalist Somali Struggle

In Kenya there are various Islamist jihadi groups operating in the country, and one of them is Jaysh Ayman. This group was purportedly formed in 2001 through the influence of jihadist clerics, Sheikh Aboud Rogo and Sheikh 'Makaburi.'[12] Though initially affiliated to the al-Shabaab, the group is reported to have recently declared loyalty to the Islamic state.[13] While the al-Shabaab leadership has remained faithful to al-Qaeda, any shift of allegiance by its former allies has resulted in forceful retaliation by its security organ.[14] Undoubtedly, Jaysh Ayman was originally established with the blessing of the al-Qaeda's leadership in the region thereby explaining the genesis of its name, the 'army of Ayman', the al-Qaeda emir, Ayman al-Zawahiri. With a limited number of foreign

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[10] Philip Mwakio and Benard Sanga, (2013). "Likoni church torched amid rising tension", *The Standard*, Saturday, December 28, p7; David Ochami, (2015). "Al-Shabaab releases chilling video about Mpeketoni attack", *The Standard*, Monday, March 9, p6.

[11] Virginie Andre, (2015). "Violent Jihad and Beheadings in the Land of Al Fatoni Darussalam", *Religions*, *6*, p1205. Accessed at www.mdpi.com/journal/religions.

[12] David Ochami, (2015). "KDF scores major victory with last week's killing of Al-Shabaab militia" The Standard, Sunday, June 21, 2015, p20.

[13] The Standard Team, (2016). "Fugitive Kenyan al-Shabaab terrorist resurfaces with more threats" *The Standard*, Sunday, February 28. Accessed December 28th, 2016: https://www.standardmedia.co.ke/article/2000193248/fugitive-kenyan-al-shabaab-terrorist-resurfaces-with-more-threats.

[14] Thomas Joscelyn, (2016). "American charged with supporting shabaab, serving in 'specialized fighting force", January 11. Accessed on December 28, 2016: http://www.longwarjournal.org/archives/2016/01/american-charged-with-supporting-shabaab-serving-in-specialized-fighting-force.php.

fighters, Jaysh al-Ayman draws most of its members from the coastal cities of Kenya.[15] In its operations, the group has been accused of numerous incidents of assaults that included a June 2014 Mpeketoni massacre[16]; a July 2014 attack in Hindi that culminated in the destruction of a church[17]; as well as a June 2015 ambush at a Kenya Defence Force base in Baure that led to the killing of two Kenyan soldiers.[18]

The other Islamist jihadi group is al-Hijra that begun as a Muslim Youth Centre (MYC) founded in Eastleigh in 2008 by Sheikh Ahmed Iman Ali. Later in January 2012, the al-Shabaab leadership appointed Sheikh Ali as emir for al-Shabaab's operations in Kenya, culminating in the changing of the name to al-Hijra. His selection indicated the recognition of non-Somalis as members of the al-Shabaab.[19] Having declared allegiance to al-Shabaab, the group is implicated in a series of attacks in Nairobi as well as the recruitment of sections of Kenyan Muslims into al-Shabaab.[20] While Sheikh Rogo supported the activities of MYC in the country, his ambition differed from those of Sheikh Ali, since Rogo desired the creation of "an East African jihadist movement distinct from al-Shabaab."[21] But with the death of Sheikh Rogo, al-Hijra's leaders quickly moved in to assure the al-Shabaab leadership of their continuing loyalty. Trained by al-Shabaab in Somalia, the members of al-Hijra are determined to extend the jihadi war to Kenya.[22] Following his appointment, Sheikh Ali appealed to Kenyan Muslims to overcome their oppressive status by joining the jihadi movement to wage war against their 'enemy.'[23]

Mostly, the al-Hijra attacks in Kenya have been on a small scale involving the tossing of grenades into bars, churches and placing of bombs in public buses. Despite al-Hijra's wish to instigate more destructive assaults, the group appears to lack the technical capability to plan complex attacks.[24] Notwithstanding the group's shortfall, it possible that its armed combatants were involved in the Westgate assault since the attackers were fluently speaking Kiswahili and also their supposedly disappearance from the mall, suggested their knowledge of the city. This clearly points to home grown members of the jihadi movement with formidable operational experience acquired due to battlefield exposure in Somalia.

Last, al-Muhajiroun in East Africa is another jihadist group in Kenya formed in January 2015, and which is believed to have made an irrevocable pledge of allegiance to al-Qaeda and al-Shabaab.[25] Among its senior leaders include Sheikh Ali, the former leader

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[15] Ochami, "KDF scores major victory with last week's killing of Al-Shabaab militia."

[16] The Standard Team, "Fugitive Kenyan al-Shabaab terrorist resurfaces with more threats."

[17] Joscelyn, "American charged with supporting shabaab, serving in 'specialized fighting force."

[18] Joscelyn, "American charged with supporting shabaab, serving in 'specialized fighting force."

[19] Matt Bryden, (2015). "The Decline and Fall of Al-Shabaab?: Think again," SAHAN: Pathfinders in Policy and Practice, p8.

[20] Kat Nickerson, (2014). "Kenyan Terrorism Evolves: The Emergence of al-Hijra (Muslim Youth Center)." Accessed on December 28th, 2016: https://katsafrica.wordpress.com/2014/06/01/kenyan-terrorism-evolves-the-emergence-of-al-hijra-muslim-youth-center/.

[21] Bryden, "The Decline and Fall of Al-Shabaab?: Think again," p8.

[22] Bryden, "The Decline and Fall of Al-Shabaab?: Think again," p8.

[23] David M. Anderson, (2014). "Why Mpeketoni matters: al-Shabaab and violence in Kenya", *Norwegian Peace-building Resource Centre*, p2.

[24] Bryden, "The Decline and Fall of Al-Shabaab?: Think again," p8.

[25] Avraham Ben Adam, (2015). "Al-Muhajiroun: Al-Qaeda's New Branch in Kenya." Accessed on December 28th, 2016: http://intelligencebriefs.com/al-muhajiroun-al-qaedas-new-branch-in-kenya/.

of the MYC (al-Hijra), hence explaining the choice of Kenya for its activities.[26] With Sheikh Ali in its leadership structure, it is possible that the new group incorporated the former al-Hijra movement,[27] which he earlier led. Though it is not clear what relationship exists between al-Shabaab and al-Muhajiroun, there is no doubt that the group was established to support the former's attempts at expanding in Kenya and the East African region.[28] Aware of the numerous challenges confronting al-Shabaab and which curtails its capability in successfully exporting the jihad ideology to the East Africa countries, the al-Qaeda leadership supported the creation of the new outfit.[29] Reports have hinted that al-Shabaab is considering leaving some of its operational activities in Kenya to al-Muhajiroun, making the group its official operative in the country.[30] Though initially affiliated to al-Shabaab, the group is expected to grow to an independent functional jihadi movement. The group comprises of "members of *ansar al-Mujahideen*" who have fought "alongside al-Shabaab's *Mujahideen* in Somalia as a separate, but cohesive unit made of foreign jihadists."[31] Over the course of its jihadi war, the al-Shabaab leadership came to acknowledge and assent the immense contribution of foreign fighters in the war. Though situated in Kenya, the group is expected to spread the jihadi discourse within the entire East African region, and further strive to establish a Muslim society that conforms to the "strict Wahhabi interpretation of Islamic teachings."[32]

Although most Muslim scholars unanimously agree that a defensive jihad is an obligation for Muslims, a section of the *ulama* in Kenya embrace the view that in the present period jihad should focus on the individual's struggle for inner purification (*jihad al-nafs*), which is the 'greater jihad.' This view point has been challenged by the jihadists' leadership hence encouraging participation in a jihadi war against the 'invading' forces of the AMISOM (Africa Mission in Somalia). Consequently, some of the pro-jihadi sheikhs' sermons and their Kiswahili publication (*Gaidi Mtaani* meaning terrorist in the neighbourhood) focuses on giving broad exhortations to jihadi, outlining the obligation and benefits of participation.[33]

In both mosque sermons and magazine publications, jihadists argue against the popular Muslim opinion that jihad is mainly a struggle against ones individual soul. In advancing their argument, al-Shabaab rely on the opinions of various classical Muslim scholars to strengthen their justification for a jihadi cause. Like other Islamist jihadi groups in the Muslim world, al-Shabaab and their Kenya allies seem to have been

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[26] Evgenia Gvozdeva, (2015). "Tanzania/Kenya: New Al-Qaeda-linked terrorist group "Al-Muhajiroun in East Africa" issues threat against western targets." Accessed on December 28th, 2016: http://www.esisc.org/publications/analyses/tanzaniakenya-new-al-qaeda-linked-terrorist-group-al-muhajiroun-in-east-africa-issues-threat-against-western-targets, on 28th December, 2016.

[27] Fred Oluoch, (2015). "Security agents pursue new terrorist group in the East Africa region", *The East African, Saturday*, April 25. Accessed on December 28th, 2016: http://www.theeastafrican.co.ke/news/Security-agents-pursue-new-terrorist-group-in-East-Africa/2558-2696970-mas8l0z/index.html.

[28] Gvozdeva, "Tanzania/Kenya: New Al-Qaeda-linked terrorist group "Al-Muhajiroun in East Africa" issues threat against western targets."

[29] Adam, "Al-Muhajiroun: Al-Qaeda's New Branch in Kenya."

[30] Gvozdeva, "Tanzania/Kenya: New Al-Qaeda-linked terrorist group "Al-Muhajiroun in East Africa" issues threat against western targets."

[31] Adam, "Al-Muhajiroun: Al-Qaeda's New Branch in Kenya."

[32] Avraham Ben Adam, (2015). "Al-Muhajiroun: Al-Qaeda's New Branch in Kenya." Accessed on December 28th, 2016: http://intelligencebriefs.com/al-muhajiroun-al-qaedas-new-branch-in-kenya/

[33] Abu Hussein, "Maswala Muhimu Kuhusiana na Jihad Somalia", *Gaidi Mtaani*, Issue 3, Rabi Al-Thani 1434, p7. The translation from Kiswahili to English is mine.

influenced by the work of Ibn Taymiyya. Having initiated the 'circle of obligation' idea with regard to jihadi, Ibn Taymiyya argues:

> When an enemy attacks a Muslim community, then it is the obligation of those who have been attacked to fight to defend their city and get rid of the enemy. And even for those Muslims whom the attack was not intended, it is their obligation to help their Muslim brethren as Allah said, "But if they seek your aid in religion, it is your duty to help them" (8:72). The Prophet has also commanded about Muslims assisting one other."[34]

In expounding Ibn Taymiyya's argument, al-Shabaab demonstrates that his idea is applicable in present Somalia, where a force of 'infidels' has invaded a Muslim *wilayat*, declaring:

> Currently our Muslim brothers in Somalia need our assistance because they have been over powered by the infidels. Therefore, it is the duty of all Muslims to heed their call for help...any Muslim country, including Afghanistan, Iraq, Palestine, and Somalia, which for now have been invaded by various enemies, it is our responsibility as Muslims to help them in their liberation struggle.[35]

To advance the 'defensive jihad' cause, al-Shabaab further rely on legal opinions issued by Muslim scholars belonging to the four schools of Islamic jurisprudence (Hanafi, Maaliki, Shaafi and Hanbali), whose rulings they maintain to be in agreement with regard to the subject.[36] Therefore, in contextualising the views of the four schools to the Somalia situation, al-Shabaab claims:

> …the invasion of Somalia calls for Muslims in that country to stand up and defend their country, but if they are unable to defend themselves, it is the duty of those Muslims living near them i.e. Kenya and those in other nearby countries to assist them. Similarly, if the Muslims in the immediate circle are unable to liberate the invaded Muslim country (Read Somalia), then this 'circle of obligation' expands until it eventually becomes the duty of the entire Muslim community in the world in providing the required assistance.[37]

Supporting al-Shaabab's struggle are sermons of Kenya Islamist jihadi clerics sympathetic to the jihadi cause, the most vocal one being Sheikh Rogo, who was consistent in his call for jihadi in Somalia.[38] He was the most important religious figure in Kenya to revive active participation in 'defensive jihad' in the context of Somalia. In a kind of Islamic liberation theology, Rogo appealed to the Muslims in Kenya "to take up arms" as it guaranteed the establishment of the rule of God in both Somalia and Kenya.[39] In Rogo's argument, the application of force is necessary to remove oppression and

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[34] Abu Hussein, "Maswala Muhimu Kuhusiana na Jihad Somalia", p7.
[35] Abu Hussein, "Maswala Muhimu Kuhusiana na Jihad Somalia", p8.
[36] Abu Hussein, "Maswala Muhimu Kuhusiana na Jihad Somalia", p8.
[37] Abu Hussein, "Maswala Muhimu Kuhusiana na Jihad Somalia", p8.
[38] Press Office, "Sheikh Aboud Rogo's Death: A Catalyst for Change", *Gaidi Mtaani*, Issue 3, Rabi Al-Thani 1434, p5.
[39] Sheikh Aboud Rogo's view expressed in the video, "Mpeketoni: Reclaiming back Muslim lands under Kenya Occupation", Al-Kataib Production, 2014.

enable the Islamic faith to predominate the world. In his several sermons, he maintained that Muslims are today in a state of misfortune because of their abandonment of jihadi.[40]

Sheikh Rogo together with other Islamist jihadi clerics adopted Ibn Taymiyya's and other classical imam's reasoning, arguing that if a group of Muslims are unable to repel an aggressor, then it becomes an individual obligation for those nearest the conflict zone.[41] Consequently, the presence of the KDF in Somalia provided the excuse Rogo and other jihadi sheikhs needed to frame Kenya as an occupying force thereby justifying a defensive jihad. The 'defensive argument' was necessary to legitimise attacks against non-Muslims, which through selective texts and concepts was presented as religiously justified violence against the infidels. Therefore, the attacks on fellow Christian citizens by the members of jihadi groups were interpreted as retaliation against injustices of the Kenyan government, which have instigated rage in the form of religious intolerance.

'Hypocrite' and 'Apostate Imam' Claim: A Strategy to Resolve Intra-Muslim Conflicts

The public debate on whether the war in Somalia is jihad or not, has generated intra-Muslims conflict due to the emergent diverse views. Ultimately, the intra-Muslims conflict has seen the assassination of several Muslim clerics, from both the opposing side. While the killing of the pro-jihadi Muslim clerics was blamed on the Kenyan security forces, that of the anti-jihadi imams was attributed to the jihadist combatants. Within the pro-jihadi camp it began with the assassination of Sheikh Rogo in August 2012. As the main ideological leader, he was regarded as the pathway to Islamic radicalisation and recruitment of Muslims for deployment in Somalia.[42] In October 2013, his successor, Sheikh Ibrahim 'Rogo' Omar, was killed by unknown assailants. Curiously, he was eliminated in a similar manner and along the same road his predecessor met his death.[43] And while attending a court hearing situated on the same road his two colleagues were assassinated, Sheikh 'Makaburi' was killed by unidentified gunmen outside the court premises.[44] His assassination sealed the fate of the three comrades accused of advancing the jihadi cause in Kenya. The murder of the pro-jihadi clerics has been blamed on the state's security agents through the alleged support of the anti-jihadi clerics as efforts of combating religious radicalisation.

Perceived as a way of retaliation, al-Shabaab and their Kenya allies embarked on a campaign that targeted a systematic elimination of the anti-jihadi clerics. Sheikh Said Salim Mwasalamu became the first target, killed by unknown gunmen in December

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[40] See the video, "Mpeketoni: Reclaiming back Muslim lands under Kenya Occupation"; Sheikh Aboud Rogo sermon, "Ulazima wa Kupigana na Mayahudi na Wakristo", Video, Ahlul-Kahf, 2012.

[41] See the video, "Mpeketoni: Reclaiming back Muslim lands under Kenya Occupation."

[42] Bill Roggio, (2012). "Kenyan Muslims riot after murder of Shabaab-linked cleric", *The Long War Journal*, August 28. Accessed on February 26, 2016: http://www.longwarjournal.org/archives/2012/08/kenyan_muslims_riot.php.

[43] Galgalo Bocha, (2013). "Mombasa: 4 killed Aboud Rogo style", *Daily Nation*, Friday, October 4. Accessed on February 26, 2016: http://www.nation.co.ke/news/Sheikh-Abubakar-Sheriff-alias-Makaburi-/-/1056/2018322/-/1voake/-/index.html.

[44] Benard Sanga and Stanley Mwahanga, (2014). "Radical cleric Sheikh Abubakar Shariff alias Makaburi shot dead", *The Standard*, Wednesday, April 2. Accessed on February 26, 2016: http//www.standardmedia.co.ke/article/2000108386/radical-cleric-sheikh-abubakar-shariff-alias-makaburi-shot-dead.

2013.[45] His assassination was followed by the killing of Sheikh Mohamed Idris, Chairman of the Council of Imams and Preachers of Kenya (CIPK), on June 2014.[46] Five months later, Sheikh Salim Bakari Mwaragi was killed in manner comparable to Idris.[47] All these clerics were vocal critics of the jihadi ideology. They were accused of "betraying" Muslims by "supporting" the government's security agencies in "eliminating" the Kenya's jihadi clerics.[48]

What could have influenced the killing of the anti-jihadi Muslim clerics? Disagreements among Muslims as to whether the fighting in Somalia could be designated as jihad or not, could have contributed to the deaths of several anti-jihadi Muslim clerics in the country. The opposing clerics view al-Shabaab as not legitimately involved in jihad warfare. This critique is informed by the perception that al-Shabaab violates all stipulated rules for engaging in jihad.[49] They are concerned that the commandment offering protection to women and children has blatantly been disregarded in the violent campaigns of al-Shabaab, and instead the region is witnessing the appearance of "violence without limitation or rules like those that shaped the concepts of just war and jihad."[50]

Due to ideological differences, Sheikh 'Makaburi' allegedly ordered the killings of the anti-jihadi clerics, accusing them of deserting the just cause of Islam (read jihad). Investigations revealed that 'Makaburi' purportedly conspired to execute the anti-jihadi imams after coordinating their expulsion from certain mosques in Mombasa.[51] Clearly, there is division within the Kenyan Muslim community; anti-jihadi and pro-jihadi camps. Significantly, the division should not be understood as equally large groups, but rather the jihadists represent a small faction, while the anti-jihadi is a diverse and non-coherent block. What justification do the Islamist jihadi groups have to kill fellow Muslims in Kenya? Arguably, for Muslims to be fought by their co-religionists they should be declared to have left the Islamic faith (*murtadin*). In this regard, according to the jihadi groups, apostates should be fought without hesitation for forsaking Islam.[52]

However, the majority of Muslims are reluctant in their approach to declaring a fellow Muslim apostate. This reluctance is underscored by various *hadith* of Prophet Muhammad, which include: "Withhold [your tongues] from those who say "There is no god but Allah", do not call them *kafir*. Whoever calls a reciter of "There is no god but

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[45] "Muslim leaders want arrest of clerics' killers", *Coast this week*, January 3-9 2014, issue 86, p2; Calvin Onsarigo and Alloys Musyoka, (2013). "Muslim youth attack Mombasa sheikh", *Weekend Star*, December 28/29, p6.

[46] Cyrus Ombati, (2014). "Gunmen kill chairman of Council of Imam and Preachers of Kenya Mohamed Idris", *The Standard*, Tuesday, June 10. Accessed on February 26, 2016: http://www.standardmedia.co.ke/article/2000124224/gunmen-kill-chairman-of-council-of-imam-and-preachers-of-kenya-mohammed-idris.

[47] Benard Sanga, (2014). "Battle between radical, moderate Muslims fuelled tension", *The Standard*, Sunday, December 14, p26.

[48] Athman Amran, (2014). "Terror police investigating 6 individuals", *Coast This Week*, January 3-9, Issue 86, p4.

[49] See Sheikh Juma Ngao's interview in "Jihad in Kenya".

[50] John O. Voll, (2015). "Boko Haram: Religion and Violence in the 21st Century", *Religions*, *6*, p1192. Accessed at www.mdpi.com/journal/religions.

[51] David Ochami, (2015). "Cables claim Makaburi plotted to kill preachers", *The Standard*, Saturday, March 7, p6.

[52] Abu Hussein, "Maswala Muhimu Kuhusiana na Jihad Somalia", p7.

Allah" as a *kafir*, is nearer to being a *kafir* himself."[53] This cautionary measure from Muhammad's tradition suggests that apostasy accusation requires absolute proof of intention, something that is impossible unless the individual openly announces his disbelief. In line with this view, none of the murdered anti-jihad clerics had publicly denounced Islam since they were still prominent religious personalities in their communities by the time of their slaying. But despite the lack of evidence to have renounced Islam, they were considered hypocrites and apostates by association.

For the Kenya jihadists, 'supporting' the government against religious radicalisation of sections of Muslims is considered apostasy. This claim became enough confirmation in charging the anti-jihadi clerics with apostasy. The anti-jihadi clerics' opposition to the jihadi's ideology and their willingness to support the state in curbing radicalisation within the Muslim community was interpreted by the jihadi groups as an attack on the Islamic cause. The theological basis for severing relations with 'infidel' states is obtained in Quran 5:51, declaring, "O you who believe! Take not the Jews and Christians for your friends and protectors [*awliya*]; they are but friends and protectors to each other." In developing a broader definition of the term "*wali*" (pl. *Awaliya*), the jihadist included "any relationship with non-Muslims."[54] As a result any form of support to the Kenyan government by the anti-jihadi clerics in countering the ideology of the jihadists was considered as apostasy, thereby a justifiable reason for their elimination. Consequently, Muslims who work together with the government and openly condemn the activities of the jihadi groups are branded as *munafiq* (hypocrites) who deserve to be chastised for their betrayal against the faith. An emphasis is made on their Islamic identity forbidding them from associating with other groups, especially the *kafir* government. Those who failed to abide by this have been killed as seen with the case of anti-jihadi clerics on the pretext of apostasy.

'Doctrine of Proportional Response' and the Killing of Non-Combatant Christian Civilians

To the broader Kenyan society, Muslims affiliated to the jihadi groups in the country have caused apprehension among citizens. In September 2013, a small band of jihadist fighters attacked the Westgate mall in Nairobi and by the end of an 80 hour siege at least 67 people were killed.[55] Suspected jihadi members, in February 2014, killed a pastor of a Christian church in Mombasa (Majengo area). A month later, two gunmen raided Jesus Joy Church in Mombasa (Likoni area), killing seven people and injuring several others.[56] In June 2014, more than 60 people were killed during the Mpeketoni attack in Lamu, allegedly committed by Jaysh al-Ayman.[57] In December 2014, 64 people were executed within a week in Mandera, targeting non-Muslims living in the region. The victims included 28 passengers who were pulled off a bus,[58] and 36 quarry workers who were

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[53] Quinton Wiktorowicz, (2006). "A Genealogy of Radical Islam", *Studies in Conflict and Terrorism*, Vol. 28, p77.

[54] Wiktorowicz, "A Genealogy of Radical Islam", p82.

[55] Daniel Howden, (2013). "Terror in Westgate mall: the full story of the attacks that devastated Kenya", The Guardian, http://www.theguardian.com/world/interactive/2013/oct/04/westgate-mall-attacks-kenya-terror#undefined.

[56] Sanga, "Battle between radical, moderate Muslims fuelled tension", p26.

[57] David Ochami, (2015). "KDF scores major victory with last week's killing of Al-Shabaab militia" *The Standard*, Sunday, June 21, p20.

[58] Kipkoech Tanui, (2014). "How to beat terrorists in their game", *The Standard*, Friday, November 29, p15.

gruesomely killed because they were not Muslims.[59] And in April 2015, at least 147 people, mostly students, were killed in one of the deadliest assaults by the jihadists at Garissa University College in Northeastern Kenya.[60] Like in Westgate, Mpeketoni and Mandera attacks, at the Garissa University College non-Muslims were also a special target singled out for murder.

In all the attacks, al-Shabaab claimed responsibility justifying these horrendous killings as a reaction to "Kenyan occupation of Muslim land [read Somalia]" and "continued suffering of Muslims in Mombasa."[61] Clearly, the perpetrators of these horrible acts have not been afraid in indicating that they are fighting for Islam and Muslims thereby raising the key question of the religious motivation behind the attacks. There is no doubt that these attacks have raised religious tension in the country because of the profiling of non-Muslims for targeted murder, whether in public or in places of worship. Ironically, the continued declaration by jihadi groups' leadership to be on a "religious mission against members of other faiths," is eroding the public trust of "Islam as a religion of peace."[62]

However, aware of the negative image the attacks give to the Islamic faith, several anti-jihadi imams denounced the indiscriminate killings of non-Muslims civilians. The opposing clerics were dismayed by the jihadi groups' 'lack' of religious justification for their attacks. According to one of the opposing imams, Hassan Suleiman Mohammed reiterated that "Islam does not advocate for shedding of innocent blood. Islam advocates for peace and coexistence."[63] Similar views were echoed by Sheikh Mohammed Osman Warfa who was reported affirming, "We reiterate that their [jihadists] actions are unacceptable, immoral and inconsistent with Islamic teachings. Islam stands for peaceful co-existence and there is no reason whatsoever to justify the killing of innocent people."[64] On his part, the chairman of the Kenya Muslim National Advisory Council (KEMNAC), Sheikh Juma Ngao added his voice proclaiming, "If they [al-shabaab and Kenya Islamist jihadi] want to kill, they should kill in their name and not in the name of God. And they should stop involving Islam and Muslims in their killings of innocent people in this country."[65]

Together with clerics of similar views they repeatedly emphasised that there is abundant religious evidence from primary sources of Islam prohibiting the killing of civilians. And the most widely cited source is the Quran 5:32, "We decreed for the children of Israel that whosoever kills a human being for other than manslaughter or corruption in the earth, it shall be as if he had killed all mankind and who so saves the life of one, it shall be as if he had saved the life of all mankind." While a *hadith* of Muhammad supposedly condemning killing of non-combatant is the one declaring, "Set

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[59] Manase Otsialo, (2014). "Massacre survivors recall night of horror", *Daily Nation*, Thursday, December 4, p1.

[60] David Oginde, (2015). "We must confront the religious question in the war on terror", *The Standard*, Monday, April 5, p3.

[61] Martin Cuddihy, (2014). "Gunmen massacre 36 quarry workers while they sleep in north-east Kenya; President sacks minister, police chief", December 3. Accessed on February 27, 2016: http://www.abc.net.au/news/2014-12-02/gunmen-slaughter-36-in-fresh-northeast-kenya-attack/5935012.

[62] David Oginde, (2014). "Muslim leaders may hold key to counter-terrorism bid", *The Standard*, Sunday, November 30, p15.

[63] Joseph Akwiri, (2014). "Why the fight against radicalization will give rise to more resistance", *Coast This Week*, January 3-9, Issue 86, p3.

[64] Adow Mohamed, (2014). "Suffering the consequences: Strategy of segregationist massacres catches dysfunctional security establishment off-guard", *Weekend Star*, November 6/7, p2.

[65] See Sheikh Juma Ngao interview in "Jihad in Kenya", Vice News, 2014.

out for jihad in the name of Allah and for the sake of Allah. Do not lay hands on the old verging on death, on women, children and babies" (*sunna* of the Prophet Muhammad).[66] These and other injunctions, the opposing clerics view them as doctrinal confirmation proscribing against intentional targeting of non-combatants. Clearly, the main focus of the anti-jihadi clerics seems to be a lack of justifiability of targeting non-combatant Christians in the al-Shabaab led war.

Despite doctrinal evidence emphasising the sanctity of life and limiting attacks against civilian, the jihadists still argued against non-combatant immunity. So where do the jihadi groups derive the justification of making civilians a legitimate target in Kenya? In al-Qaeda's view, civilians who support an infidel or apostate state act as representatives of the enemy thereby becoming legitimate targets, and by extension include non-Muslims civilians.[67] As an affiliate of al-Qaeda in the East Africa region, Kenya's jihadi groups embrace its ideology and apply it within the local context. In this respect, Christian civilians in Kenya were no longer viewed as non-combatants because they represented the oppressive government and a symbol of infidel in 'Muslim land.' This reasoning informs of the attacks against civil servants, university students, casual labourers, women and children based on their religious affiliation. The selective killing of non-Muslims implied they did not support the jihadi cause and were tacitly supporting the regime, thereby removing their non-combatant immunity. Clearly, the jihadists' strategy is to create religious division among Kenyans, hence winning hearts of Muslims in its jihadi cause.

In addition, jihadi movements in the world employ the "doctrine of proportional response" in justifying killings against non-Muslim civilians. By drawing from this principle, the jihadists accept that, "when the infidels kill Muslims civilians it becomes permissible to attack their civilians in Kind."[68] To justify their proportional response towards non-Muslims Kenyan citizens as a result of Kenya's 'incursion' of Somali, al-Shabaab posited:

> As the kuffar [read Kenya government] intentionally bombed and killed women and children in Mujahideen controlled areas of Somalia, the Mujahideen, justifiably, have the right to kill their women and children, and every action will be met with an appropriate response…[69]

In advancing and elaborating the revenge narrative, Sheikh Makaburi was categorical positing:

> In the Islamic Sharia we have revenge. The Kenya army is doing the same thing to people in Somalia. They are killing innocent civilians in Somalia…The Quran is very clear in this. It says in revenge there is life. If you don't revenge they will continue killing. I will give you an example, after killing Sheikh Rogo no revenge was done that's why they have killed Sheikh Ibrahim, and if there is no revenge done they will kill me or any other Sheikh.[70]

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[66] Wiktorowicz, "A Genealogy of Radical Islam", p84.

[67] Wiktorowicz, "A Genealogy of Radical Islam", p88.

[68] Wiktorowicz, "A Genealogy of Radical Islam", p89.

[69] "Was Badru Nairobi Operation a Cowardly Act?" *Gaidi Mtaani*, Issue 4, Dul Hijja, 1434, p20.

[70] See Sheikh Abubakar Shariff Ahmed interview in "Jihad in Kenya." Sheikh Makaburi premonition came to be true as he was later on killed after the interview.

The revenge attack account and in similar proportion is presumably supported by the Quran 2:194, "And one who attacks you, attack him in like manner as he attacked you." To justify the application of the doctrine of proportional response against non-Muslims, the jihadists groups had to demonstrate that the Kenya government is targeting Muslim civilians in Somalia and Kenya. It does so by citing the number of jihadi clerics killed in Kenya and civilian casualties in Somalia since the deployment of KDF. Without showing KDF's intentional target of civilians, which is critical for the use of the proportionality doctrine, the jihadi groups concluded that the government has strategically killed Muslims in Somalia and Kenya to terrorise the Islamic nation. Accordingly, Muslims are permitted to kill infidel civilians as an act of reciprocity.

By declaring all Christians are culpable because of their 'Christian government' attack on Muslims, the jihadi groups have manipulated the subjective nature of defining 'innocent civilians' to justify wide-scale attacks on non-combatant Christian residents. In all their various onslaughts, the definition of 'innocent civilian' was redefined not to include the non-Muslim populations to sanction their killing, their capacity to fight notwithstanding. Clearly, the jihadists seem to argue that anyone assisting the enemy (the government) in whatever means in 'fighting against Islam' loses the protection of non-combatant status. But even without proving how the non-combatant Christian civilians have been supporting the state in fighting against the movement, the jihadi groups unilaterally declared their killing was doctrinally justified.

However, the targeting of innocent, non-combatant Christian civilians is merely a strategy rather than a doctrinal sanctioned practice. The decision of the leaders of the jihadi groups to kill non-combatant Christian civilians and attack their places of worship, could be seen as applying certain doctrinal texts to the wrong reality. The application of this principle of violence in classical Islam to fellow citizens who are a part of the same state lacks justification. The jihadi groups' tactic of separating Muslims from Christians and thereafter killing the latter in their various attacks in Kenya was intended to create division between the members of the two faiths. The decision to kill non-combatant Christians was anticipated to provoke Christians to initiate reprisal attacks against Muslims. Had this occurred, the jihadists in Kenya would have claimed its goal is to defend Islam and the Muslims whose existence was being threatened. With such a claim they would have found their justification more appealing to the global jihadi.[71]

By re-defining the Kenya state as *kufir*, the jihadi groups have justifiable reasons to proclaim violent attack against the state. Through this process of re-identification of the enemy, Kenyan Christians are dehumanised and ultimately killed. "This process of satanization of the enemy is part of the construction of an image of cosmic war, which becomes particularly operational when people feel oppressed or have suffered injuries at the hands of the dominant", Virginie Andre observed.[72] The re-identification of the non-combatant Christian civilians as 'infidel enemy' stripes them of their worth as human beings whose killing is justifiable in attaining the jihadi's goal. This strategy reflects an attitude, which perceives the identity of the enemy as illegitimate, undeserving of any respect. In this framework, violence against non-Muslim was legitimated in Islamic terms as jihad in the path of God. Religion defined an identity that opposed pluralism in favour of a clearly defined, exclusivist community.

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[71] Samuel Makinda, (2015). "How to cripple killer militia, which thrives on our weaknesses", *The Standard*, Saturday, April 11, p4.

[72] Andre, "Violent Jihad and Beheadings in the Land of Al Fatoni Darussalam", p1207.

Conclusion

In Kenya, the aim of al-Shabaab and their Kenya allies' activities is to radicalise and unify the Muslim population behind its jihadi call in order to seize power in Somalia, which will culminate with the establishment of an Islamic caliphate in the region. By defining themselves in Islamist terms, the jihadists are striving to distance themselves from the secular premise of politics, with the objective of establishing an Islamic state devoid of infidels in its territory. The conflict propelled by jihadi groups revolves around the themes of defensive jihad, infidel, traitor, and apostasy. Thus, al-Shabaab regards itself as leading a defensive jihad, which they believe finds its justification in the forced 'incursion' by the infidel forces. Further, the jihadists have also expanded their violence to civilians who embody the enemy infidels and apostates. The cleverly usage of terminology indicates an ideological view in the way the jihadi groups frame the conflict. In their identification of the 'enemy', al-Shabaab describes them as 'infidels' and 'apostate.' This new framing has led to the evolution of the Somali civil war into a struggle to liberate a Muslim territory, which makes jihadi toward this cause compulsory to every Muslim. Al-Shabaab's usage of religion as the organising framework of their resistance, is gradually transforming the conflict into a cosmic war.

With its self-identification as a religious revolution, al-Shabaab finds selective doctrinal basis to legitimise religious violence on other groups. In its re-interpretation of the doctrinal texts, the jihadists focus on religious concepts helpful in the legitimisation and waging of a jihadi against non-Muslims. Together with the Kenyan jihadi groups, al-Shabaab draws on the Islamic tradition of war and the narratives of global jihadi in its justification and strategy for its armed struggle and violence against 'apostate imams' and non-Muslim civilians. The strategy's intention is to transform the conflict from ethno-nationalist to a cosmic war. The victims' religious affiliation is informative on the jihadists' re-identification process of the enemy. The jihadi groups have not only identified the state symbols and the Christian civilians as the *kufir* enemy that has to be vanquished, but also any Muslim who would be considered to be supporting the state in its war on terror. Clearly, jihadists are willing to kill anyone whom it does regard as both an apostate and infidel who in their interpretation loses their immunity status. Such an approach would give them an acceptable nod among the global jihadi.

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