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# Balancing Religious Autonomy and State Intervention in Human Rights Law: Insights from the Shakahola Massacre

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## ABSTRACT

*The tension between religious autonomy and state intervention remains a cornerstone challenge in human rights law, as it grapples with the dual imperatives of protecting individual freedoms and ensuring public safety. This paper examines the legal and ethical complexities of this dynamic, using the Shakahola Massacre as a focal case. In 2023, the Shakahola Forest in Kenya became the site of a grim discovery — mass graves linked to the coercive practices of a cult led by Pastor Paul Mackenzie. Over 200 deaths, rooted in starvation rituals allegedly promising salvation, shed light on the devastating outcomes of unchecked religious influence. The massacre raises critical questions about the balance between respecting religious freedom and the necessity for state oversight when rights are violated under the guise of spiritual practices.*

*This analysis explores how international human rights frameworks, particularly the principle of proportionality, can guide courts and policymakers in resolving such conflicts. It also highlights the gaps in existing legal systems that allowed the tragedy to escalate, emphasizing the need for reforms. These include strengthening mechanisms for monitoring religious organizations, implementing early detection systems for harmful practices, and fostering international cooperation to establish legal precedents.*

*Ultimately, this study advocates for nuanced legal*

*approaches that safeguard human dignity without infringing upon the core principles of religious liberty. The lessons from the Shakahola Massacre serve as a global call to action for creating more effective and balanced governance in this critical domain*

### **KEYWORDS**

*Religious autonomy, State intervention, Human rights law, Shakahola Massacre, Legal reforms*

### **INTRODUCTION**

Religious autonomy is often regarded as a foundation of democratic societies, enshrined in various international legal frameworks and constitutions. It guarantees individuals and communities the freedom to practice their faith, engage in rituals, and express spiritual beliefs without undue interference. Simultaneously, states hold a paramount obligation to protect the rights, safety, and well-being of their citizens. When religious practices extend into areas that compromise human dignity or public safety, the tension between these two principles —religious autonomy and state intervention — comes to the fore.

At its core, the concept of religious autonomy is intertwined with the values of individual liberty and cultural diversity. It recognizes that spiritual beliefs are deeply personal and often form a base for the ideologies of individuals and communities. Religious freedom allows people to explore existential questions, preserve cultural heritage, and foster social cohesion. Moreover, it forms part of a broader spectrum of human rights, aligning with freedoms of thought, conscience, and expression. Any infringement upon this right is, therefore, regarded as an affront to the principles of equality and dignity. Yet, the question arises: *where should the line be drawn when religious practices risk violating other human rights?*

The Shakahola Massacre, a chilling tragedy that emerged from the depths of Shakahola Forest in Kenya, forces this question into sharp focus. The horrifying discovery of over 400 deaths, linked to extreme fasting rituals orchestrated by a cult leader in the name of salvation, shattered any illusion that religious practices are always benign or harmless. Pastor Paul Mackenzie, leader of the Good News International Church, is alleged to have manipulated his followers into starvation, promising them eternal salvation through self-inflicted suffering.<sup>1</sup> This deeply exploitative

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<sup>1</sup> BBC News, *Paul Mackenzie: Kenya starvation cult leader pleads not guilty to Shakahola massacre*, (Aug. 12, 2024),

exercise of religious authority laid bare the dark potential for harm when the sanctity of religious autonomy remains unchecked.

As shocking as the Shakahola incident was, it is not an isolated case in human history. Throughout time, the abuse of religious influence has led to significant human rights violations, from forced labour to violent mass suicides. What makes the Shakahola case particularly pertinent is its context within a modern, rights-based legal framework. Kenya, like many nations, has legal safeguards designed to balance individual freedoms with state intervention. However, the delayed response of the authorities, coupled with systemic gaps in oversight, highlights the challenges of enforcing these protections effectively. With this, the paper aims to underline a paradox at the heart of human rights law: *how can states honour the spirit of religious autonomy while protecting their citizens from practices that exploit or harm them?*

Drawing from the Shakahola Massacre, this essay aims to explore the broader legal, ethical, and policy-related dimensions of this tension. The following paper is divided into five parts: The first part of the paper introduces the complexities of balancing religious autonomy and state intervention, framing the discussion through the lens of the Shakahola Massacre. The second part delves into the case background, highlighting the systemic failures that allowed the tragedy to unfold. The third part explores the legal tension between preserving religious freedom and fulfilling state responsibilities to protect public welfare, emphasizing the principle of proportionality.<sup>2</sup> The fourth part proposes legal reforms to prevent future abuses of religious autonomy, including stronger oversight mechanisms and international collaboration. The final part concludes by reflecting on the broader implications of the Shakahola case, advocating for governance that ensures safety without compromising liberty.

## CASE BACKGROUND

The Shakahola Forest tragedy, also known as the Shakahola Massacre, unfolded in March 2023 in Kilifi County, Kenya.<sup>3</sup> This horrifying event was centred around Paul Nthenge Mackenzie, a self-proclaimed pastor and founder of the Kenyan Religious Cult Good News International Ministries. Through his organization,

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<https://www.bbc.com/news/articles/cy84xxd5n08o>.

<sup>2</sup> *What is proportionality?*, British Institute of Human Rights

<https://www.bihr.org.uk/get-informed/legislation-explainers/what-is-proportionality>.

<sup>3</sup> Hassan Mugambi, *How did we get here? Questions arise over Malindi cult that has been operating since 2003*, (Apr. 22, 2023),

<https://www.citizen.digital/news/how-did-we-get-here-questions-arise-over-malindi-cult-that-has-been-operating-since-2003-n318494>.

Mackenzie propagated apocalyptic beliefs, convincing his followers that mass starvation was the path to salvation and a reunion with Jesus Christ.<sup>4</sup>

The cult operated on an 800-acre property in the Shakahola Forest, where Mackenzie isolated his followers from the outside world, subjecting them to copious psychological manipulation and coercion. He further instructed them to destroy government-issued documents, such as IDs and birth certificates, to sever ties with society. Those who attempted to leave or failed to adhere to the starvation timeline were reportedly killed by enforcers hired by Mackenzie.<sup>5</sup>

The tragedy came to light when a concerned individual reported missing family members who had joined the cult. Authorities launched an investigation, uncovering shallow graves and rescuing emaciated survivors. Many of the victims were children, and some graves contained entire families. The death toll eventually surpassed 400, with hundreds more reported missing.<sup>6</sup>

The incident exposed systemic failures, as warnings about Mackenzie's activities had been ignored for years by both the media and the administration alike. It also highlighted the dangers of unchecked religious extremism, the state's inability to protect vulnerable populations and the general lack of legal frameworks in Kenya and abroad that cater specifically to the issue of religious cults and their gross human rights violations in the name of spirituality and religious freedom. Mackenzie and his accomplices faced numerous charges, including murder, manslaughter, and organized criminal activity, but none that specifically addressed the coercion or psychological manipulation that was exercised by them over their followers.<sup>7</sup>

The Shakahola Forest tragedy remains one of the deadliest cult-related events in recent history, serving as a grim reminder of the

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<sup>4</sup> Francis Mtalaki, *Shakahola death toll climbs to 372 after 12 more bodies exhumed*, (July 12, 2023), <https://www.citizen.digital/news/shakahola-death-toll-climbs-to-372-after-12-more-bodies-exhumed-n323399>.

<sup>5</sup> *Kindiki: Makenzi hired armed gangs to kill followers who backed out of starving plan or took too long to die*, The Standard (May 26, 2023), <https://www.standardmedia.co.ke/article/2001473797/kindiki-makenzi-hired-armed-gangs-to-kill-followers-who-took-too-long-to-die>.

<sup>6</sup> Nehemiah Okwembah, *Two unborn babies raise Shakahola deaths to 427*, The Standard (Aug. 3, 2023), <https://www.standardmedia.co.ke/coast/article/2001478552/two-unborn-babies-raise-shakahola-deaths-to-427>.

<sup>7</sup> Tom Odula, *Kenya doomsday cult leader, 30 others face charges of murdering 191 children. More charges to follow*, AP News (Jan. 17, 2024), <https://apnews.com/article/kenya-doomsday-cult-pastor-charges-54a384a5aa4842490b7ffec5139d73e8>.

need for vigilance against exploitative ideologies and the importance of safeguarding human rights. It accentuates the necessity for systemic reforms to prevent such atrocities in the future.

### **RELIGIOUS AUTONOMY VS. STATE INTERVENTION: A LEGAL BALANCING ACT**

The Shakahola tragedy highlights the gaps in legal frameworks world-wide that allow religious extremism and the formation of high-control religious groups to go unchecked. It emphasizes the necessity for the state to prevent religious abuse against its citizens, protecting them from exploitation and radicalization by self-proclaimed religious figures such as Pastor Paul Nthenge Mackenzie. While it is undeniable that demarcating practices stemming from high-control religious groups as opposed to those from major religious denominations can often prove to be tricky, it is also a need of the hour that a proper balance be struck between religion and state in order to uphold societal order and individual freedom.

Cults have historically proven to be a blind spot in the legal statutes surrounding religious freedom, with their leaders often misusing their power in order to manipulate their believers into acts that deeply violate their rights as individuals; As noted in infamous cases such as *the Jonestown murder-suicides*<sup>8</sup>, *the Heaven's gates Mass suicides*<sup>9</sup>, or most recently the *Shakahola Forest Tragedy*, charismatic figures at the top of the hierarchy in such religious groups and movements often subject their followers to horrific psychological, emotional and physical abuse, with the lattermost often including fatal consequences.<sup>10</sup>

Part 2 of Chapter 4 (The Bill of Rights) in the Constitution of Kenya explains the rights and fundamental freedoms as follows - *Every person has the right to freedom of conscience, religion, thought, belief, and opinion.*<sup>11</sup> However, this principle becomes vague when the assertion is made that the state cannot intervene, even regarding public safety, health, and the rights of others. While this right is not absolute, it can be restricted when necessary. In Shakahola, the Kenyan government faced criticism for failing to act sooner, despite reports of missing persons and suspicious

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<sup>8</sup> Alan Johnson, *Annals of Emergency Medicine*, 59 *Annals of Emergency Medicine* (1997).

<sup>9</sup> Wendy Gale Robinson, *Heaven's Gate: The End*, 3 *Journal of Computer-Mediated Communication* (1997)

<sup>10</sup> Melissa Dittmann, *Lessons From Jonestown*, 34 *Monitor on Psychology* (2003).

<sup>11</sup> KENYA CONST. art 32, pt. 2, ch. 4

activities within the sect.<sup>12</sup>

The Kenya National Commission on Human Rights (KNCHR) conducted investigations and found that authorities had ignored early warning signs, allowing the tragedy to escalate. This further raises concerns about state negligence — *should governments be held legally accountable for failing to prevent mass deaths?* The principle of state responsibility suggests that authorities must take proactive measures such as monitoring religious groups, investigating coercive practices, and ensuring vulnerable individuals are protected, all of which were glaringly missing in the case at hand.<sup>13</sup>

### **SUGGESTED LEGAL REFORMS**

The Shakahola Tragedy is not an isolated case of cult exploitation; it uncovers for us the gaps in legal frameworks around the world that allow coercive religious activities to flourish unchecked. While existing laws might appear sufficient on paper, their enforcement often falls short, highlighting the urgent need for proactive legal reforms and early intervention mechanisms. Charismatic leaders frequently misuse their authority to manipulate vulnerable individuals, exploiting their trust for harmful practices. This unregulated religious influence, combined with weak enforcement, creates a fertile ground for exploitation especially of vulnerable communities like women and children.<sup>14</sup>

Governments must implement early warning systems to detect signs of religious extremism. This includes community reporting mechanisms, intelligence gathering, and collaboration with human rights organizations. Furthermore, drawing from existing examples such as the Australian Parliamentary report titled *Conviction with Compassion: A Report on Freedom of Religion and Belief*, Mandatory registration of all religious organizations with the government can be crucial in maintaining financial transparency and accountability. Such measures would enable authorities to monitor and verify their activities, identifying harmful organizations before they inflict widespread damage.<sup>15</sup>

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<sup>12</sup> *Kenyan govt. abdicated duty in cult murders*, The Hindu (Mar. 23, 2024), <https://www.thehindu.com/news/international/kenyan-govt-abdicated-duty-in-cult-murders/article67983422.ece>.

<sup>13</sup> *Authorities Ignored Whistleblower in Paul Mackenzie's Cult Activities*, Report, Tuko.co.ke (Mar. 23, 2024), <https://www.tuko.co.ke/kenya/542440-authorities-whistleblower-paul-mackenzies-cult-activities-report/>.

<sup>14</sup> Alexandra Stein, *Cults are terrifying. But they're even worse for women.*, (Apr. 2, 2018), <https://www.nbcnews.com/think/opinion/cults-are-terrifying-they-re-even-worse-women-ncna862051>.

<sup>15</sup> Joint Standing Committee on Foreign Affairs, Defence and Trade,

Ethical codes of conduct for religious leaders should also be established, with penalties for violations to deter misuse of power. Laws must explicitly recognize acts such as psychological coercion, manipulation, radicalization, forced fasting, and religious indoctrination as human rights violations when carried out under the guise of religion. Survivors should be treated as victims, not criminals, recognizing that even voluntary participation often stems from manipulation.<sup>16</sup>

Additionally, international mental health advocacy groups around the world have provided policy suggestions wherein the government must provide legal aid, mental health support, and reintegration programs for survivors of coercive religious sects. Rehabilitation-focused policies should replace criminalization, ensuring survivors receive compassionate care and societal reintegration opportunities.<sup>17</sup> The lack of accountability in the Shakahola case allowed harmful practices to thrive unchecked. Establishing stronger regulation of religious organizations with clear legal guidelines will ensure that these groups operate within human rights standards. Furthermore, creating early intervention mechanisms would enable authorities to proactively address potential threats.<sup>18</sup>

The State's responsibility also extends to upholding the Right to Life by criminalizing coercive religious practices. Psychological coercion, radicalization, and religious indoctrination must be categorically outlawed. Survivors must be recognized as victims of manipulation rather than complicit participants. Grievance redressal mechanisms, mental health support, and rehabilitation programs should be established to assist survivors in their recovery journey. Such measures would address the systemic issues of cult liability while promoting societal resilience against exploitation under the guise of religion.<sup>19</sup>

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Government of Australia, *Conviction with Compassion: A Report on Freedom of Religion and Belief*, 181 (2000)

[https://www.aph.gov.au/parliamentary\\_business/committees/house\\_of\\_representatives\\_committees?url=jfadt/religion/relchap10.pdf](https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=jfadt/religion/relchap10.pdf)

<sup>16</sup> Thomas Robbins, *Religious Movements, the State, and the Law: Reconceptualizing the Cult Problem*, 9 N.Y.U. Review of Law & Social Change

<sup>17</sup> Philippa Hambling, *Media Release: Cult survivors deserve government support*, Knowmore (Feb. 19, 2024), <https://knowmore.org.au/media-release-cult-survivors-deserve-government-support/>.

<sup>18</sup> Steven Hassan, *Responding to Authoritarian Cults and Extreme Exploitations: A New Framework to Evaluate Undue Influence*, (Feb. 5, 2022), <https://www.psychiatrytimes.com/view/responding-to-authoritarian-cults-and-extreme-exploitations-a-new-framework-to-evaluate-undue-influence>.

<sup>19</sup> Philippa Hambling, *Media Release: Cult survivors deserve government support*, Knowmore (Feb. 19, 2024), <https://knowmore.org.au/media-release-cult-survivors-deserve-government-support/>.



## CONCLUSION

The Shakahola Forest tragedy is a sombre yet pertinent case study for us to analyse the complex legal and human rights challenges surrounding religious autonomy and state intervention. While individuals have the right to practice their faith, this right ultimately cannot justify coercion, mass starvations, psychological manipulation or other forms of human rights violations. Governments must uphold their duty to protect life, prevent coercive religious practices, and ensure survivors receive justice and rehabilitation.

Legal frameworks must evolve to address early intervention mechanisms, monitoring of extremist religious groups and cults, and support systems for survivors; By enforcing stricter regulations, criminalizing harmful practices, and prioritizing survivor-centric policies, governments can prevent future incidents and safeguard society from abnormal religious influence. The tragedy serves as a stark reminder that human rights protections must extend beyond legal theory into practical enforcement, ensuring that vulnerable individuals are safeguarded from exploitation in the name of faith.