News
Ministry



Patients seeking medical care walk towards the main entrance of St Mary's Mission Hospital Elementaita in Gilgil, in southwestern Kenya. This is a branch hospital of St. Mary’s Mission Hospital in Lang’ata, Nairobi. Patients of the hospitals say they are concerned that the quality of medical care has diminished during the long court battles. (GSR photo/Doreen Ajiambo)



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An 11-year legal battle over control of two Kenyan hospitals for the poor is depriving thousands of local residents of critical health services.

The unusual dispute over St. Mary's Mission hospitals pits a former Maryknoll priest, William Fryda, against the Assumption Sisters of Nairobi. Each side claims ownership of the hospitals, with the standoff resulting in an exodus of staff and significantly diminished service to patients.

"I can't believe what is happening in our church," said John Njogu, a 50-year-old father of four who was interviewed outside one of the hospitals in December.

Njogu, who is being treated for throat cancer, lamented the poor health care services he said have resulted amid the protracted battle for its control.

"These men and women of God are leaving us to die as they fight each other for wealth and positions," he told Global Sisters Report from his wheelchair.

"A Battle for Control" interactive map (click the icon at the top right to open the map in a new tab)

Fryda, the former Maryknoller, is a physician who has worked in overseas missions for the past three decades. He says he raised several million dollars from donors and personal funds to build the hospitals in Kenya. He says he agreed to register ownership of the facilities with the sisters as a temporary measure agreed to by both sides. The sisters dispute that and claim full ownership of the hospitals.

Attempts by leading church and legal officials to broker a reconciliation between the factions have failed.

"I ask the parties … to forget the bitter fights in and outside court, embrace each other, and push forward with one mission, that of developing the best healthcare for the poor in the Kenyan society," Justice Sila Munyao of Environment and Lands Court in Nakuru declared in 2017. "They need to have a second look at the Christian principles that they believe in and find space for each other."

Archbishop Philip Anyolo weighed in on the conflict, saying that a person living consecrated life is not supposed to own properties. He rebuked both Fryda and the nuns for selfishness, clarifying that the properties are supposed to be under the church, and that management issues were causing the misunderstanding.

"I would advise both parties to come back to the church so that we can help them find the solution because neither the nuns nor priest own the properties," Anyolo, who is also the immediate former chairman of the Kenya Conference of Catholic Bishops, told Global Sisters Report.



A nurse attends to a patient at St. Joseph Hospital June 2 in Gilgil in southwestern Kenya. After losing the first long court battle for the control of the hospitals in September 2017, Dr. William Fryda set up another hospital nearby St. Mary's Mission Hospital Elementaita to continue serving the poor. (GSR photo/Doreen Ajiambo)

The Maryknoll Fathers and Brothers at one point had also offered to hire an arbitrator. "There were repeated attempts at mediation but Dr. Fryda did not want that," Fr. Lance Nadeau, who was the regional superior general at the time, told Global Sisters Report. "He [Fryda] wanted it to go through courts. He was convinced he could win in court."

Fryda told Global Sisters Report that he refused mediation because he felt he would not be treated fairly in any process that involved the church.

In the course of the legal strife, Fryda was advised by the Maryknoll Fathers to return to their headquarters in New York and take an assignment elsewhere but he declined, leading to his dismissal. His supervisors say that he also had refused requests by the Maryknoll Fathers to undergo an audit. The Assumption Sisters have

been accused by an unnamed group of "concerned sisters" of financial mismanagement of the hospitals.

The saga began in 1998, when Fryda says he bought two parcels of land in Lang'ata for US$380,000 to build a hospital for the poor. Fryda says he had been working as a surgeon at Nazareth Hospital outside Nairobi for seven years when he decided to build a new facility.

Much of what happened since is in dispute. The most recent decision by a court of appeals in September 2020 held that both the former priest and nuns contributed towards the facilities' establishment and directed that the hospitals be transferred to St. Mary's Mission Hospital, a company "held under a charitable trust for purposes of developing, maintaining and/or operating a hospital specifically aimed for the poor in society."

Read more:
Document
Sept. 2020 Appeal Court Decision .pdf (3.61 MB)

Yet 10 months later, Fryda and the Assumption Sisters have not agreed on the management of the hospitals, leaving area residents fearful about how they will be cared for in emergencies and serious illnesses. The sisters have not handed over the properties to the company. Fryda in October went back to court to seek clarification and ask that the earlier orders be implemented. There has been no action as yet.

Interactive timeline of events (click the arrows to scroll a slideshow or click on specific dates in the timeline):

The properties include a mission hospital in Elementaita, a small community in Gilgil in southwestern Kenya; and a larger hospital in Lang'ata, a residential area in Nairobi. Also at issue during various points in the court battles were a property near Lang'ata which is part of Regina Pacis, a university college run by the Assumption Sisters, and a parcel of land in Sagana in central Kenya.

The latest ruling came after Fryda appealed a court decision in September 2017 that vested the management of the hospitals to the nuns. Before that, they were run by Fryda, who was responsible for recruiting employees and managing funds.

The September 2020 ruling disappointed the nuns and pleased Fryda, who said the decision was a win for him and area residents served by the hospitals. "My dream when I was buying land and building these hospitals was for them to be under a company," said Fryda. "So this ruling is definitely what I had always wanted."

Catholic sisters interviewed for this story asked not to be identified for fear of angering their congregation superior. Others said they had been warned not to speak to the media about the case. Sr. Bernadette Munyao, the superior general of the Assumption Sisters of Nairobi has declined repeated requests for an interview, referring questions to the congregation's lawyer, Wanja Wambugu. The lawyer also has declined to answer questions.

The nuns say that including Fryda in the management of the hospitals would jeopardize their operation. "We are not giving up anytime soon because the hospitals belong to us," said one nun interviewed in December, who asked that her name not be used. She is close to Munyao, who has been the superior general since 2015. "The court battle has just begun and he [Fryda] should not expect to receive anything from the hospitals," the nun said.

The clearest path through the thicket of claims and counterclaims may be to consider one side, then the other, followed by accounts by some of the people best positioned to describe the impact of the impasse: patients seeking critical care.



Patients sit on the benches along the hospital corridors as they wait to be attended to by the doctor at St. Joseph Hospital June 2 in Gilgil in southwestern Kenya. Dr William Charles Fryda opened the hospital after the fallout between him and the Assumption Sisters of Nairobi over the ownership of St Mary's Mission Hospitals in Nairobi and Gilgil. (GSR photo/Doreen Ajiambo)

Fryda's version

In an interview with Global Sisters Report, Fryda said his father was a cowboy and mother a teacher in South Dakota. He said he arrived in Kenya in 1991 with the Maryknoll Fathers and Brothers, whose mission is to spread "the Good News of Jesus Christ through love and hope by serving those most in need across the world," as stated on the order's website.

Fryda told Global Sisters Report that he spent about $5.5 million dollars to build St. Mary's Mission Hospital Nairobi in Lang'ata, a residential area in the nation's capital. It opened in 2000 as a 320-bed, level four hospital, which in Kenya are government, private and mission hospitals which have the resources to provide adequate medical

and surgical services. He said he later acquired land in Elementaita in the Gilgil region donated by a friend, Joseph Ngera, and constructed St. Mary's Mission Hospital Elementaita which has 150 beds, for about $365,000. He finally purchased a piece of land in Sagana for $50,000.

Since the company, St. Mary's Mission Hospital, was yet to be registered when he purchased the properties, Fryda said he agreed with the Assumption Sisters of Nairobi that the properties would be registered in their name, and that they would later deed the properties to the company.

"I bought and developed these properties using my own money and contributions from friends and donors," Fryda, dressed in a white lab coat with a stethoscope slung around his neck, said in an interview in Gilgil. "Since I trusted them and I didn't want these properties to be under my name, we agreed that I put the properties under the trusteeship of their congregation with the understanding that they will later on transfer to the company once registered."



Dr. William Fryda, an American former Maryknoll priest, sits with a patient in the ward after attending to him on June 2 at St. Joseph Hospital in Gilgil. Fryda now runs

the new heath facility which he opened after the fallout with the Assumption Sisters of Nairobi involving two hospitals. (GSR photo/Doreen Ajiambo)

The sisters' version

The Assumption Sisters of Nairobi, whose mission is to fulfill the mission of Christ through evangelization and serving the poor through health services, education and social work, was formed in 1953 in the Archdiocese of Nairobi by African women religious.

According to its website, the congregation has about 200 members and 50 communities in 14 dioceses in Kenya and abroad. It began as a diocesan congregation and in 1998 was granted pontifical status. Each community is under a local superior.

The plan to build the hospital was a result of a collaborative meeting between the congregation and the Maryknoll Fathers and Brothers, the Assumption Sisters of Nairobi said in court documents.

"Although the idea of starting the hospital was a co-operative effort between the Assumption Sisters and the said Maryknoll Fathers and Brothers, it was agreed that Assumption Sisters would be the legal owner of the hospital and that it would be responsible for the running of the hospital," the sisters said in court documents. The congregation also said money to buy and develop the land was provided by donors responding to letters written by the Assumption Sisters congregation.

Between 1992 and 2002, the superior general of the Assumption Sisters was Sr. Maria Felix Mwikali. She was succeeded by Sr. Marie Theresa Gacambi, who is one of the original shareholders of St. Mary's Mission Hospital company.

Gacambi testified that Fryda raised the funds for developing the properties after getting an authorization letter from then Nairobi Archbishop Raphael Ndingi Mwana'a Nzeki in February 1993. She denied that the Assumption Sisters of Nairobi agreed to hold the parcels of land in trust for Fryda, saying it wasn't possible to do so.

Fryda had the option of either registering the parcels of land in his own name or that of his congregation, said Gacambi in the court documents, confirming that she'd known Fryda since 1998 when she served as deputy to the superior general. "She

testified that Fryda was only to assist them build and manage their hospital, and as a missionary, he would move on. In order to fund and build the hospital, she said that the Superior General had to get a letter from the Archbishop of Nairobi to authorize them [to] raise funds," according to the court document.

The sisters said they allowed Fryda to run the hospitals as a result of the goodwill that earlier existed between them.



Patients sit on the benches along the hospital corridors as they wait to be attended to by the doctor at St. Joseph Hospital June 2 in Gilgil, in southwestern Kenya. Dr. William Fryda opened the hospital after the fallout between him and the Assumption Sisters of Nairobi over the ownership of St. Mary's Mission Hospitals in Nairobi and Gilgil. (GSR photo/Doreen Ajiambo)

Court battles begin

The fallout between Fryda and the congregation began in August 2009 after leadership of the congregation changed.

Fryda said in an interview that the new leaders started sidelining him and doing things behind his back, such as firing employees and having the second Lang'ata property assigned to Regina Pacis University, owned by the nuns. That parcel of land was intended to expand the hospital. This is also reflected in his testimony in court documents.

"Later on, the sisters claimed that they owned the parcels of land and developments in Lang'ata and Gilgil and they had the right to run the facilities without my involvement," he said. "I was surprised at their decision and I had to move to court to stop them from taking over the properties I struggled on my own to build."



Dr. William Fryda, an American former Maryknoll priest, sits in his office at St. Joseph Hospital June 2 in Gilgil. Fryda has set up another hospital next to the St Mary's Mission Hospital Elementaita to continue with his mission of serving the poor after losing the first battle for the control of St Mary’s Mission Hospitals in Nairobi and Gilgil. (GSR photo/Doreen Ajiambo)

In their counterclaim, the sisters said in court that the fissures in their relationship began when Fryda proposed new guidelines to be followed in the operations of the hospitals. Fryda also wanted the properties be transferred to the new registered company, they said, noting that they couldn't agree on the changes and demands.

Fryda sued the congregation on Sept. 8, 2010, essentially saying he was the rightful owner of the hospitals. The congregation countersued on Jan. 12, 2011, and the lawsuits were consolidated and moved to the environment and land court in 2012.

Pending the hearing of the cases, an injunction was issued by the court on Feb. 2, 2011, in favor of Fryda, allowing him to manage the hospitals. Fryda appointed a new board and fired some of the staff, Gacambi testified in court. "She claimed that the Sisters were ejected from the hospitals in the most inhumane way and thought that Dr. Fryda has no regard for religious African women," according to the court document.

Fryda's move to take the matters to court escalated the conflict. He was pressured by the Catholic Church in Kenya and the Maryknoll Fathers and Brothers to withdraw the case or face sanctions, he said in the interview.

In a letter to Fr. Edward Dougherty, the then-superior general of Maryknoll Fathers and Brothers, Cardinal John Njue, the then-archbishop of Nairobi, expressed his disappointment on why Fryda would unilaterally proceed to a public court and institute a case against the Assumption Sisters of Nairobi. He said the approach would embarrass the church and have adverse effects on the pastoral mission of the church in the country.

Read more:
Document
Cardinal John Njue's letter to Fr. Edward Dougherty.pdf (132.93 KB)

"I therefore, through you urge Fr. Fryda to desist from having this approach through a public court and to quickly undertake the process expected of a Catholic priest with the context of the Canonical Procedures of the Church," Njue said in his letter to the Maryknolls dated Sept. 30, 2010.

Nadeau, the then-Maryknoll regional superior,* testified in court against Fryda, saying he had embarrassed the congregation by contesting the ownership of the

project instead of handing it over to the local church.

Nadeau recently told Global Sisters Report that Fryda was recalled by Fr. Ray Finch, the superior general of the congregation, to take another assignment but he disobeyed. Nadeau also said that Fryda refused to submit to an independent audit for the $4.9 million seed money raised under the auspices of the Maryknoll Fathers for the hospitals, a statement also reflected in court documents.

Fryda said in an interview that he is not aware of money received by the Maryknolls towards the development of the hospitals, maintaining he raised the funds through donors.

"From 2007 onwards I had no donor funds going through MKN, and thus no audit because no funds through them," said Fryda, noting that the amount received from Maryknolls before 2007 was audited as required by the congregation's policy. He said the Maryknolls only asked for the audits after filing the case as an excuse to dismiss him.

Nadeau said in the interview and court testimony that the sisters also raised money for the hospitals. "It was a scandal, a shameful thing," Nadeau said in an interview with GSR about the contentious court battles. "Ordinary people, believers who give their money in the collection basket in Kenya on Sundays saw a Maryknoll priest and the religious congregation fighting over property that was supposed to serve the poor."

"It seemed like greedy people fighting over land. The hospital used to be excellent. The care was excellent and the cost was low," Nadeau added. "It was an enormous scandal."



A woman is sitting in a wheelchair as she waits to be attended to by a doctor at St. Joseph Hospital June 2 in Gilgil, in southwestern Kenya. Dr. William Fryda opened the hospital after the fallout between him and the Assumption Sisters of Nairobi over the ownership of St Mary’s Mission Hospitals in Nairobi and Gilgil. (GSR photo/Doreen Ajiambo)

For a Maryknoll missionary to claim ownership of a property developed under the auspices of the congregation is highly unusual, said Finch, the superior general at Maryknoll's headquarters in New York. Maryknoll wasn't a party to the property dispute, Finch said, and he is unaware of another case in Maryknoll's global missions like the one embroiling Fryda and the Assumption Sisters.

"We initiate a project in collaboration with a local community and hopefully we are able to leave it in their hands," he said. The Maryknolls don't claim ownership but instead leave the projects for local control, though that may sometimes take 40 or 50 years.

Fryda had told Global Sisters Report that he is no longer a priest and has been excommunicated. Fryda was dismissed from the Maryknolls effective March 1, 2017, Finch said. He had not heard if Fryda had gone to another order, and a process to "laicize" would be done separately from the dismissal under the auspices of the Vatican and was not initiated by the Maryknolls, Finch said. Nadeau concurred. Neither Finch nor Nadeau knew of any move to excommunicate Fryda.

"I'm not sure if he identifies himself as a priest or a Catholic," Nadeau said. "What led to his dismissal was a very narrow basis for the dismissal," Nadeau said. "Fryda was directed to return to Maryknoll New York and take an assignment and he refused, and it was on that basis he was dismissed. He was told to have an audit done and refused to do that."

In their response to the case filed by Fryda, the Assumption Sisters asked Justice Sila Munyao of Environment and Lands Court in Nakuru to restrain Fryda or his agents from interfering with the management of the hospitals and to surrender funds held in six bank accounts for the hospital.

The judge ruled in favor of Assumption Sisters on Sept. 28, 2017, noting that Fryda did not give enough evidence to support the claim that the parcels of land and the developments were held in his trust. But he also asked the sisters to find a position for Fryda within the hospital.

However, the nuns would hear none of it. They obtained a court order to evict Fryda and the hospital's employees on Dec. 28, 2017. Fryda said in court documents that the eviction was violently executed by police leaving some of the employees injured. Fryda said he was also forced to vacate his home within the hospital in Gilgil.

Advertisement

Allegations of financial mismanagement

After taking over the two hospitals from Fryda in 2018, the Assumption Sisters through their lawyer Wambugu obtained court orders and froze all the bank accounts belonging to the hospitals, said Fryda in an interview. Later, Wambugu got the accounts unfrozen and signatories assigned to Munyao, the current superior general of the Assumption Sisters of Nairobi and the lawyer (Wambugu), he said.

The dispute has garnered media attention in Kenya. Some of the Assumption Sisters wrote a letter in March 2019 addressed to Uhuru Kenyatta, the president of Kenya, signed only by "Concerned Sisters" disputing Munyao's leadership of the congregation and alleging financial mismanagement and other misdeeds. The sisters said they had earlier written to the papal representative in Kenya and to Rome, seeking dissolution of the congregation and recognition of other leadership of the congregation, but had not received a response.

"These are dead hospitals," said Fryda, claiming that Munyao embezzled money from the hospital accounts and now it is bankrupt. "The sisters have killed the two hospitals with stealing money from them."



The main entrance to St. Mary's Mission Hospital Elementaita in Gilgil. (GSR photo/Doreen Ajiambo)

Munyao and the congregation, through their lawyer, had also claimed in documents filed in court that Fryda had failed to account for some of the funds he received from donors in the name of the Assumption Sisters of Nairobi. Fryda denied the

allegations saying he wasn't aware of any money contributed in the name of the sisters and they had failed to provide evidence in court.

Munyao declined to respond to questions regarding the allegations.

"At the moment we are not in a position to share information about the hospitals on social platform," she responded in a text message via phone. "I'm sorry about that, I would advise you to find our lawyer for more detail about this."

Their lawyer, Wambugu, also declined to comment. "That is client information and I cannot disclose it to the public."

The patients' story

The legal scuffles between the nuns and Fryda have people in the two regions worried. Most are poor and rely on the hospitals for affordable medical care they cannot access elsewhere.

The Lang'ata hospital, for example, serves a large proportion of low-income people from the surrounding slums like Kibera. The hospital charges $70 for a cesarean delivery, for instance. However, the same procedure costs over $1,000 in most private hospitals in Kenya.

The hospital claims it serves at least 1,200 people daily, and over 3,000 people received Comprehensive Care Centre services – a free outpatient initiative for patients with retro-viral disease – monthly from the institution, according to a website that provides information about hospitals in Kenya and about 800 to 1,000 babies were delivered monthly. Since 2009 when the court battles began, the number of patients served and services provided appears to have declined. Hospital administrators wouldn't comment on the number of patients served currently, referring questions to the superior general.

Global Sisters Report visited both Lang'ata and Elementaita hospitals to observe the usage and talk with patients in the area about the care received. On a recent visit to Lang'ata in June, the number of patients observed entering the hospital from 6 a.m. to 7 p.m. was about 500. In Elementaita, about 25 patients were observed entering the hospital from 6 a.m. to 7 p.m. Employees interviewed, who declined to have their names used, said most of the hospital beds are empty.



Paul Kamau, 72, a resident of Gilgil, still seeks treatment at St. Mary's Mission Hospital Elementaita. He said much has changed since doctors and workers were fired when the sisters took back management of the hospital in December 2017 and replaced with new ones. Yet he remains confident in the sisters. (GSR photo/Doreen Ajiambo)

Area residents said the hospitals are now not providing quality healthcare services because most doctors and nurses were fired during the takeover in December 2017. Some workers left the facilities after going for several months without a salary and there is a persistent shortage of essential drugs, said employees who didn't want to be named. Others are still working despite not being paid for months.

"I don't nowadays visit the hospital," said Pauline Wairimu, a mother of five who lives in Kibera slum. "There are no drugs in that hospital and even the nurses to attend to you are very few. Yet [the hospital] asks for a lot of money which I don't have."

Paul Kamau, another resident of Gilgil who still seeks treatment at St. Mary's Mission Hospital Elementaita, said much has changed since doctors and workers were fired during take over in December 2017 and replaced with new ones. Yet he remains confident in the sisters.

"I still come to seek treatment here because of the trust I had with the workers," said the 72-year-old father of four who is suffering from diabetes. "Many things have changed here. The main problem is the lack of enough doctors to attend to patients and also the price has gone up which is a strain to me but I have faith in the sisters."

The plight of patients has shocked religious leaders both in Kenya and elsewhere. "It's tragic — they've done wonderful work caring for people and the fact that it has come to such a difficult situation is just tragic," said Finch, the Maryknoll superior general. "Nobody wins and the people who need help suffer."



A signpost for St. Joseph Hospital in Gilgil, a region in southwestern part of Kenya. (GSR photo/Doreen Ajiambo)

Meanwhile, as the Assumption Sisters continue to find a way out after the court failed to rule in their favor, Fryda seems to have picked up the pieces and built another hospital — St. Joseph's Mission Hospital — next to St. Mary's Mission Hospital in Gilgil. It is a 28-bed hospital which opened in 2017 and offers limited services. Fryda said he got the money to build St. Joseph from friends who are donors and plans to expand it.

At least that offers some choice to patients like Njogu who had only depended on St. Mary's hospital.

"I want to live a bit longer and I will now be receiving treatment at the hospital because it's affordable," he said.

**This story has been updated to correct Nadeau's previous title as then-Maryknoll regional superior.*