

HA! KUNA MATATA

SECURITY IN KENYA



HA! KUNA MATATA

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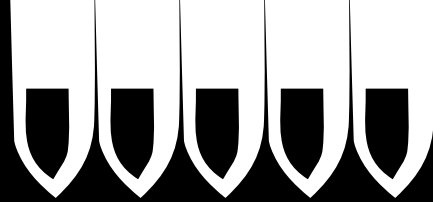
from "Something Quite Unlike Myself" by Michael Onsando

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**FREEDOM
WOULD BE
MEANINGLESS
WITHOUT
SECURITY
IN THE HOME &
IN THE STREETS**

NELSON MANDELA



Security is a word oft used and misused all over the world.

In its simplest sense, it implies the absence of threat or some kind of insulation from threat. In its most complex sense, it could refer to the various arms, barricades and weapons systems that countries build to keep immigrants, refugees and all those various “Others” out. It could mean being able to walk down the streets of your own hometown without feeling watched, harassed, persecuted or stalked. It could mean knowing where your next five or ten meals will come from. It could mean being able to ride a matatu, or suffer an accident without worrying that the police will threaten or actually bring you harm.

We know what is on the news - we also know what isn't on the news - all those silenced stories of the robberies not reported, the assaults never believed. We want to tell these stories. We want you to grasp that our country is ever moving, ever evolving - sometimes for the better, sometimes for the worse. We want you to experience Kenya as we do, not as a large, undifferentiated monolith - a big block of “Africa” - but as this transient, malleable thing that we know it to be: a place where the difference between *usalama* and *not-usalama* could be the difference between getting on one matatu and not the other; of driving home using one road and not the other. We also want you to think deeply about elements of Kenyan living that we take for granted - such as fences - and analyze phenomena like terrorism, and modern techniques like forensic science, and their impact on Kenyan life.

You will notice that most of the stories are short and punchy, reflecting various experiences that many have had in Kenya. These flash-creative-non-fiction stories represent the merging of two ideas that happened to take shape around the same time. On one hand, we knew that we wanted to give more Kenyans the opportunity to reflect on what the concept of security means to them, and how they view themselves as agents but also subjects of the idea. On the other, we want to be at the forefront of

nurturing the next generation of non-fiction talent in Kenya. All too often when people think of African writing in English, they tend to think only of fiction writers. We sensed a gap in the writing space in Kenya – where individuals could not only offer reflections on their experiences of this important facet of our daily lives, but also demonstrate that there is more to Kenyan writing than fiction.

The idea behind the flash-creative-non-fiction is to create a pastiche of vignettes from everyday life in Kenya. Think of flash-creative-non-fiction like the *Okoa Jahazi* of storytelling: just enough to keep you going as you await your next long read. We also wanted these stories shared the way they would be shared if we were standing at Ambassadeur, waiting for the 125 bus: rapid fire and concise, but with the creativity and flair that we know Kenyans have in abundance.

The submissions we received reflect a broad mix of ideas, and we hope that they inspire in you conversations equally as diverse and fascinating, as they inspired in us. Let's keep the conversations going. Send us your questions, comments, observations and insights based on what you read, and we'll amplify the best ones.

Ultimately, this Kenya is our story too – not just the story of the *wenyenchi*. It's time to take back the narrative.

NANJALA NYABOLA

MARIAMU

MARTIN MAITHA

Maybe, it's 9 p.m. The guys are chilling at "Base" trading random talk and idle chatter to pass time.

Maybe, it's 10 p.m. An engine splutters, reminiscent of someone in the throes of a particularly nasty bout of tuberculosis.

"Oya! Wasee, ni Mariamu!"

No one knows the truck is called Mariamu; no one really cares either.

"Nyinyi mang'aa, hebu simameni hapo ama tuanze kufyatua!"

They love shooting. They will shoot at a fly in their soup. They will shoot at the sky because it's too rainy. The only sound is that of crickets, and faint riddims from the pub three doors down the road.

Three figures in long deep navy blue overcoats; AK-47 rifles dangling casually from their shoulders, smiling conspiratorially among themselves and leering at the group of young men. Oh, this will be fun.

"Mnafanya nini hapo? Nyinyi ni wale vijana mnasumbuasumbua wananchi hapa, eeh?"

Slap.

"Ah, si hivo afande. Si tumekaa tu tukiongea."

"Hiyo utasemea hapo mbele kwa station. Hebu twende!"

The rickety lorry is driven off.

More stops...

...more 'criminals.'

Stories flow in the truck. An uneasy camaraderie develops among the victims of the same fate, a kinship of lambs headed to the slaughter.

"Nani hapa hajawai shikwa?"

A hand goes up.

"Haya story ni hivi. Ukishikwa, yenye iko kwa mfuko, toa. Ka hauna any, ni cell tu. Kesho ngware upelekwe Makadara Law Court, upatwe na sijui drunk and disorderly, hata kaa hujakunywa. Sema uko guilty, fine ni punch tu. Shida ni kufinyana kwa cell usiku nzima. Relax."

"Na kaa niko innocent? I have rights."

"Hahahahaha! Ati rights? Hizo ziliisha class ya GHC buda. Jifanye tu mang'aa utajipata una bhangi kwa mfuko ama ushootiwe tu. Ni hali ya life. We nyamaza tu, nyeyenyekea na hakitaumana."

The truck comes to a stop.

"Tokeni!"

It's a mélange of all characters: some ladies of the night, some drunks. Others were simply unfortunate to be caught in the wrong place at the wrong time.

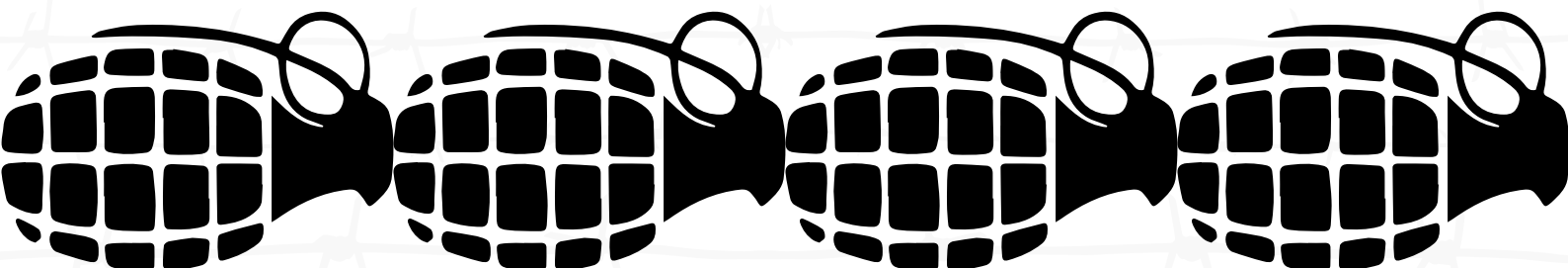
"Haya! Anzeni kutoa. Toa ndugu, toa dada, ulicho nacho..." one of the police officer bellows out - a drunken rendition of the popular hymn.

It's all notes. No coins.

"Na next time msirudie kutangatanga usiku. It's very dangerous."

Double slap.

Utumishi kwa wote.





UTUMISHI KWA WOTE

IAN ARUNGA

Utumishi kwa wote walio na kitu kidogo!

I have hated Kawangware *matatus* since the time I was thrown out of one and was almost beaten up because I was carrying an A3 x-ray envelope on my lap that got the 'kange' mistaking me for a pick pocket. An A3 x-ray envelope is what pickpockets use to distract their targets... Innocently leaving hospital with a lung infection, holding this x-ray envelope is a crime! And the huge warning in red on one corner of the envelope saying, 'DO NOT FOLD' doesn't help either!


I thought really hard on whether to take that Kawangware bus. My 'pickpocket' scar was still so raw. The other option was a 'boda boda' but my colleague from the office had fallen off one the same day and according to him, "almost died!" I was in the bus before I even finished this thought process!

I sat at the front, right between the driver and a cop who was not going to get off until he got his bribe. I thought to myself, "This is the safest place I can be!" When we almost got to Othaya junction - which was my stop - the woman sitting right behind me let out a really sharp scream...

I frantically tried to look at what was happening at the back with no success. The front of the bus was completely separated from the back with a formerly transparent window.

Then the woman, in a loud voice, screamed, "*Hutaniibia nikiwa hai!*" (*You will not steal from me while I am alive!*) Right after that, a young man was asked to disembark. All this time, the cop and the driver sat calmly, neither of them moving a muscle.

What happened to "*Utumishi kwa wote*"?



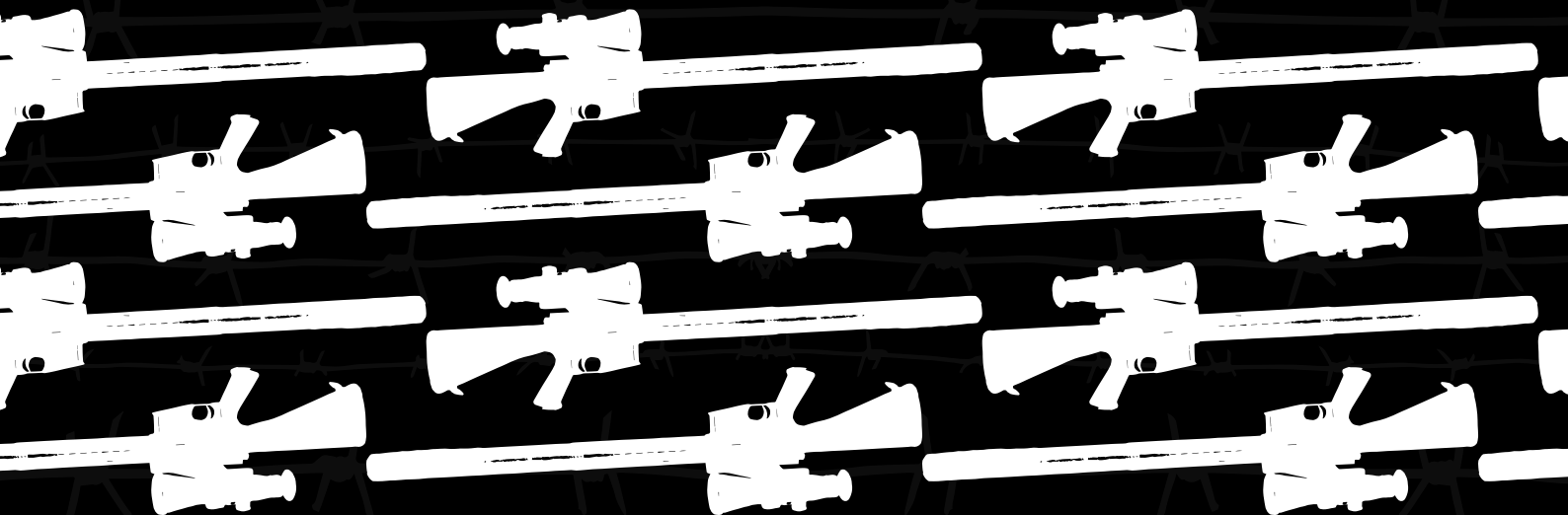
I sat there for five minutes next to this cop whose stomach was so large, it looked like he had swallowed a goat whole. He wasn't interested trying to do anything but get a small bribe from the driver for driving a bus with an expired insurance sticker.

The cop got off at my stop. Before he jumped out, the driver handed him something right over me, clenching it like it was a bag of weed.

"Renew insurance!" was the last order from the "*Utumishi kwa wote*" guy!

As I walked to my mother's house I tried to figure out what situation I feared more: being pickpocketed at knifepoint or getting pickpocketed at knifepoint and bribing for help. I think I prefer just being pickpocketed.

Something tells me I will not have the energy to bribe for help.





EVERY DEATH SHOULD MATTER


MORRIS KIRUGA

In the dead of the night, two groups methodically approached the small serene police station. The outer wall of the station had seen better, cleaner days. Its dark blue and white paint had been peeling for years, and the little of the police crest that was left was now indiscernible. Tonight, it would get a shade of red.

The leading group wielded traditional weapons such as knives, and bows and arrows. It was both the decoy and assault group and it would, by the end of this first attack, have traded its rudimentary weapons for something with a greater punch. The second group kept a distance, with each of its members carrying a gun to cover the first group's activities. As the first group entered the open police station door, the police officer on duty yawned, groggily registering the ragtag militia of young men coming his way. They must be bringing in a thief or something, he thought. It had been a quiet year. The last time anything big had ever happened was five years prior, and the local police station had remained untouched. To the young officer at the OB (Occurrence Book) desk, this was just as any other night.

Only that it wasn't. The small group of visitors suddenly turned vicious, attacking the police officer and his two colleagues. They approached the armoury, their main object of interest, while the second group outside returned fire to a few officers who responded to the call for help.

For neighbours of the police station, what was weird about that dark night in Likoni was the fire that engulfed their beacon of hope. The Kenyan Police Service, albeit notoriously lax and underfunded, is still better than nothing. They provide some semblance of order when they want to, and when they can (although they are more likely to come in the morning to collect your corpse than to come in the dead of the night to rescue you). But tonight, the protector was burning, and all hope was lost.




As if cloned, a similar group of attackers, organized in the same way, was attacking a small police post at the ferry. At the same time. It was a night to be remembered, and for the young Digo men who were going to bloody their hands, it was the first night of their future. As the police station and post fell, and screams filled the night, the attackers filled their own armoury and grew in strength and firepower.

Before long, they turned their sights on their primary targets, the civilian population. They had a specific profile for their victims, and they knew who they wanted to slaughter to terrorize those who were lucky enough to survive. For those victims, even police presence would have done little to save them but their absence, with six casualties by midnight of that night, made the already grim situation much worse. It was a bloody night in as the attackers ran rampage, killing hundreds in their eight-hour spree. They faced little resistance, except from the few brave men and women who lifted a panga or a rock to defend their families. Or the few young men who tried to save their own lives. Those died the most brutal deaths. By first light they had disappeared.

This cold night marked the first of many in that cold August of 1997. It was the beginning of the slaughter of certain tribes in areas around Likoni, and it spread faster than anyone wanted to mount a response. Those who died became numbers on a Red Cross list, at least those who had relatives and friends who cared to look for them. Others were lost forever in the melee of the massacres and murders that would define the next three months.

The events of the night of 13th August 1997 seem eerily similar to those of the Mpeketoni attacks in 2014. The same ethnic profiling defined the victimology, and it was clear that the attackers were not just random spontaneous assailants. They had been funded, trained and fed by someone, or a group of people, and went on to fulfil their part of the bargain. Such planning always leaves a trail that should be easy to follow, as was the case in 1997 when an unassuming diary of the planning stages was found. Its contents bore details that revealed just how organized the




group was, as has been almost every other group of attackers before and after that.

As has become common in the days since the first six people, all officers, died in Likoni in that election year, thugs and assassins have become more and more daring. The firepower is also getting better as terror organisations connect with home-grown terrorists, making the situation even worse.

The problem with Likoni is that it shows the lack of proper response services in the country. One might justify the fact that the police response was slowed down by just how quick and brutally efficient, and strategically genius, the first attacks were. There was no time to make radio calls, and hence, the world remained in the dark for eight hours as civilians and police officers died. But Westgate and Mpeketoni tell a different story.

In one of the security camera clippings featured in a recent HBO documentary on the Westgate attack, the four attackers seemed lost on what else to do. It takes a keen eye to notice the immediate lack of direction before they go back to their spree. In launching such a blatant attack in an opulent urban area, they had anticipated a full attack within the first few hours. It is likely that all they needed was an hour to do their damage but in the structural failures that would follow, they got at least two days. They had not surprised the security forces as the Kaya Bombo raiders did in 1997, yet for the first two and a half hours they experienced little resistance from the few officers and armed civilians who jumped into the melee on their own accord.

In Mpeketoni, news leaked out that the intelligence services had warned the security services days prior to the massacres. The police seemed not only complacent but also part conspiratory as they redirected traffic and went missing as the attackers turned the settlements into killing fields. They did the same thing the next day, as happened on the night of 14th August 1997 in Kaya Bombo, and then spread out their attacks into other smaller ones. Terror, it seems, has been winning all this time.




The problem is part police and part societal. The Kenyan way of handling everything, including insecurity at such a grim level, is to make do where the government fails. The answer to rampant insecurity is not demands for heightened police presence, for example, but the coming together of neighbours to hire security companies and Maasai guards. The private sector, both formal and informal, thus thrives in the government's ineptitude, yet the masses for whom public services are meant cannot afford the comfort of making such decisions.

On the part of the police, the problem is multifaceted. While the organisation problems such as low pay and bad working conditions are common knowledge, there is a general institutional lethargy that bedevils the entire Kenyan public security system. Mix this up with organisational rivalry that exists between its different wings and you have a recipe for chaos, where the bullets of terrorists will continue mowing down Kenyans as security bosses decide who has the mandate to shoot back.

Consider Westgate, one of the most recent examples, where the media frenzy around the four-day attack allowed the country to see its police and army soldiers jostling for control and jurisdiction. That rivalry cost at least three lives, one of a General Service Unit (GSU) commander, and at least two soldiers who were shot in retaliation. It should have been a revelation that the rivalry was not a mere joke anymore but one that had gone to the extent of an internal war.

What it showed was a Mafia-like unspoken rivalry between the forces meant to protect Kenyans, both from themselves and from outsiders. Within the typical Mafia organisation, a murder must be avenged for there to be any forgiveness. Every cartel has its own territory, and breaching such territory is a declaration of war for which assassins will get paid to clean out the competition. Such competition exists in all spheres of life, although not all of them are marked with bullets and combat gear. They are what we have come to expect of drug gangs and Mafia organisations but not from security organisations.




The question of who should protect the country should be a fairly easy question to answer. It is not one that a civilian should even be expected to contemplate as terrorists aim to maim him or her. As a law-abiding, tax-paying, peaceable civilian, one's right to life should be more than guaranteed. The social contract that drives this relationship demands that the civilian population only cede its rights to the government on the primary promise of security. If that promise is breached due to one reason or the other, such as foolhardy competition or incompetence, the contract should be assessed. But the Kenyan civilian population has grown numb to pain.

When the bullets rang in the air and the machetes were sharpened in Tana River, over 100,000 people had to flee their homes to survive. The terror that spread as each night approached meant that little or no work got done and the local economy suffered. In what often seems like a peaceful country, 0.25 percent of the population could not sleep at night for fear of attacks. The rest of the country, numbed by decades of rampant attacks, discussed the issue for a few days and then moved on to the next big issue.

Such has become the only way the national psyche can handle death and drama. Our legendary amnesia has moved from being a behavioural reaction to being ingrained in our social DNA. Within it has emerged a disconnect from the subject, and an acceptance for the government's ineptitude as its unchangeable character.

As part of society, the ability to forget even the greatest of pain is actually derived from the pre-colonial era, although it is during the colonial era that people learnt to flinch when the needle pricked but say nothing about the jab in the days to come. It was necessary to forget. To accept and move on.

With Kaya Bombo in 1997, a flurry of calls to bring the obvious political influences to book followed. Investigations included a commission of inquiry which, spurred on by international organisations and other



pressures, was one of the most efficient in the country. Of course few, if any, of the actionable points in the report were ever read even a second time. With Westgate, an attack on the higher income classes mostly, a new sort of silence followed. One year after the attacks, no such inquiry has ever been done, and the event seems to have been accepted as a disaster. Not a disaster that could have been prevented, or even stopped in its tracks within hours, but one that happened. The numbness to traumatic acts of public murder that now defines our social nature is frightening.

For societies to grow and develop, history shows, they have to be highly efficient and forward-looking. One of the ways to do this is to redefine the security parameters in such a way as to ensure that the farmers beyond the castle walls have access to the castle walls. Without them, the country burns and the Lord of the castle will starve and die with his nobles. Since an economy is essentially an ecosystem, each limb and organ must do its part for the entire system to be complete. Numbness denotes lethargy first, but the apathy of Kenyans towards their own security is not only a death warrant, but a shaky hand on the crystal ball.

The Russian mass murderer, Josef Stalin, once quipped that the death of one is a tragedy, and the death of a million is merely a statistic. He had a point, that until the death of each human being is considered a tragedy, it is impossible for mass murder to ever be anything more than a statistic.

In Kenya, at a different time and place, the likelihood that the next answer to a knock on the door may be your last is the harrowing possibility you have to live with. Even worse, that once the obituary page has yellowed and the mound of soil on your grave has flattened, and the flowers withered as the termites gnaw away the cross, your death will have taught us nothing, and will have meant nothing.

**WAKUBWA
HUPENDELEA
UBINAFSI,
WADOGO
HUPENDEKA
UJAMAA**

SWAHILI PROVERB



KEEPERS

NYAMBURA CHEGE

My Uncle 'Mucene' (*gossip*) came to visit. He said he had news to tell us, so my father and I listened keenly while indulging in a cream tea. "I tell you, it's been a long night for me and *Mama watoto*," he started saying.

"Why, what happened?" my father, his brother-in-law, asked.

"Our neighbour's house was burglarised, and I think some of them were beaten because all we could hear from our bedroom was *Mama watoto* screaming in pain."

My father was astounded. "You did not go to help them?"

"Go where?! And expose ourselves voluntarily so that they can rob and beat us silly as well? Ah-no, be serious! No way. We waited quietly, and prayed for them...just hoping that the thugs would leave. It's all we could do."

"You think cowering away in your home while your neighbour was being terrorised is all-that-you-could-do for them, uncle Otieno?" I asked, incredulously.

Readjusting himself in his seat, he said, "You people just don't want to understand what I'm saying, Nyambura."

The matter was laid to rest.

Then two weeks later, my father got a call from Uncle Otieno in the middle of the night. He told me how their conversation went:

Uncle 'Mucene' was sobbing. "Peter! Please do something! They're in the house asking us to come out!"

"What are you talking about? Who is in the house?"

"The thugs, they're here! Please call for help. Please come and help us!"

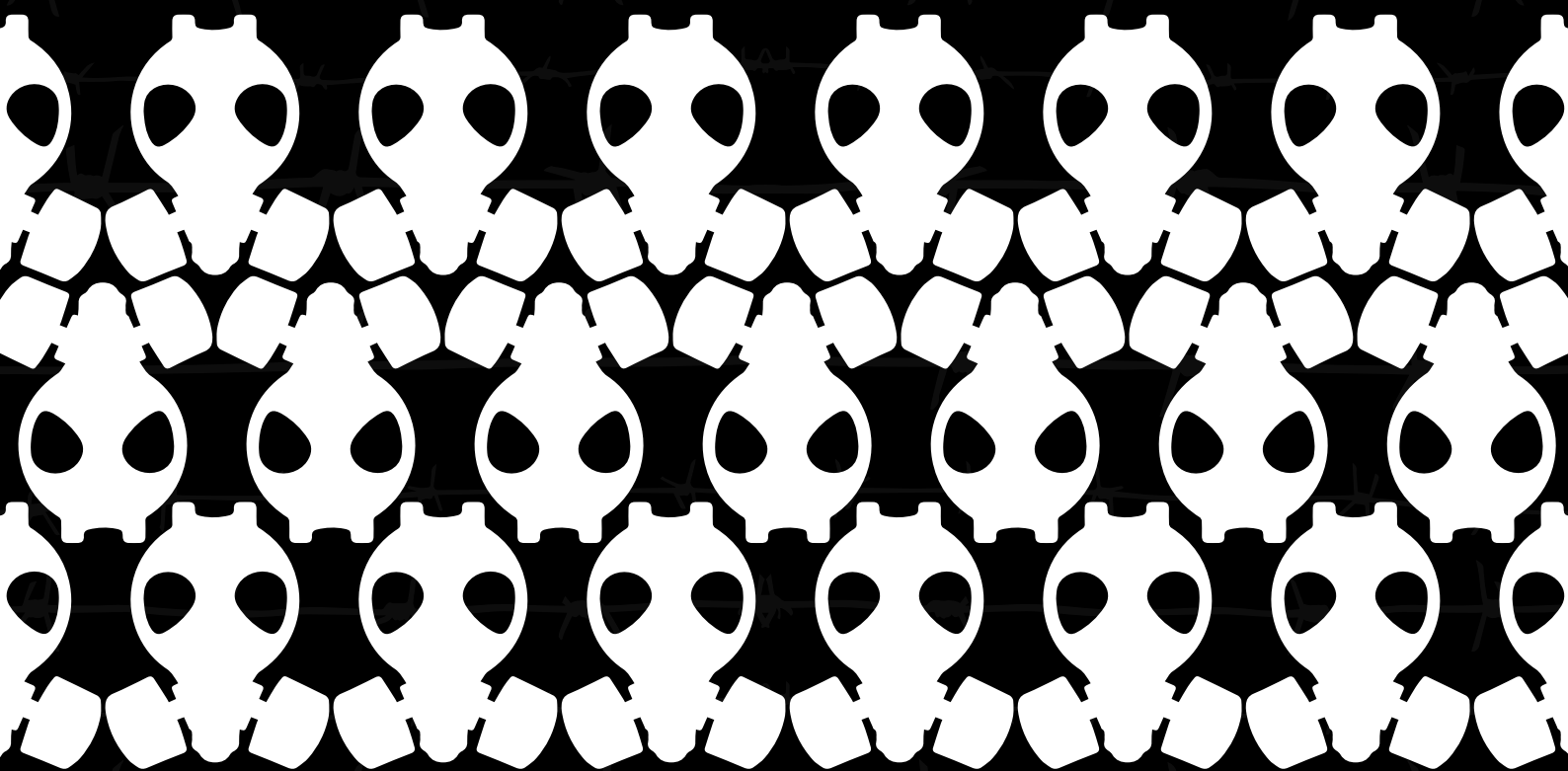
We're going to die!" At this point, Uncle 'Mucene' was barely audible.

"Otieno, call your neighbours! Meanwhile, I'll be praying for you!" my father said, and terminated the call.

It so happens that my Dad had relayed Uncle 'Mucene's' philosophies to some of their shared friends, and they in turn had decided that he needed to be taught a lesson.

Security in our beloved Kenya has to begin from the grassroots. We have to change how we think and how we react to people being robbed, carjacked, kidnapped, raped, terrorised, and even murdered. Why don't we start minding each other, it has to start somewhere, so why not there—mind each other. It is easier said than done, yes, but it is achievable.

Mind each other.






OF MEN IN CHECKED SHIRTS & LITTLE CHILDREN

MURUGI KAGOTHO

I met him the other day, this man. He was dressed in his characteristic faded yellow checked shirt that now looked overly worn, brown khakis, and the hat I had grown so accustomed to seeing. I met him the other day, 13 years later, and this time round, I looked him in the face, with no fear. He seemed taken aback, intimidated in fact, and though for some reason my words failed me at the moment, I am sure that he knew he was no longer in control. I had regained my ground - and intended on keeping it.

I must have been around 11 when I saw him for the first time, this man. Walking home from school, I noticed him pass me by then suddenly stop. I could feel his eyes on me for a long time, but being young and naive, it never struck me as particularly strange. This was until I saw him the next day, standing obscurely hidden along the road as if waiting for something, and that something turned out to be me. He stared and stared at me this man, day after day, until he finally gathered the courage to start trailing me. He followed me home. Close, but not close enough to raise any suspicion from anyone. And that was when my instincts made me realize that this checked shirt may lead me to my grave. I remember running home and frantically telling my mum what was going on, and true to say, when we stepped out of the house, we could see him standing at the corner just peering in the direction I had just ran to. My mother never got a good look at his face.

Not to say that he never stopped following me, but after that, my mother talked to the shop owners, who were our friends, about it, and every time I thought this man was watching me, I would slip into a shop and stay there till the shop owner called my mum or had someone escort me home. Needless to say, this man was so obscure that my attempts to describe him to anyone always proved unproductive. It's as if he did not



exist except in my mind, and there, he existed for the sole purpose of filling me with fear. I was lucky that he did not take it any further.

And so I met him the other day, this man. 13 years later, still looking exactly as I remembered him, albeit run down by life. I bet he recognized me at once, recognized how much I had grown and how much of a woman I had become. I bet he recognized the fearlessness and the confidence I was now shoving into his face. I was now grown enough to confront him.

I stared him down, this man, on behalf of all the little boys and little girls that men like him find easy prey. I stared him down on behalf of every little boy and little girl whose innocence has been taken advantage of by a perverse stranger. For every little boy and little girl who is unaware of the men and women around them with intentions that are far from good. For every little boy and little girl who has to live in fear because their parents are not around enough to listen to what they have to say about the man that grabs their hand every day after school. I stared him down on behalf of our little boys and little girls whose childhood has been shortened by the need to be wary of the life around them; of the things they hear and the things they see. I stared him down so that he would know that he had lost the battle and the war, and that he could no longer use his power to intimidate and scare me as he once had.

I may not have spoken a single word to this man in the checked shirt, but he understood every single thing I had intended to say, and the next time I meet him, on behalf of every little child out there, be sure that my words will not fail me.






FENCE CULTURE

OTIENO SUMBA

The first thing I learnt to climb was a fence, a rickety wooden fence. My friends and I would climb up and jump down all day, and our paper planes flew a lot better when launched from this elevated platform, especially because there were no trees around. Alone, this would hardly have been able to deter intruders, but the fauna that had grown around it was quite restraining. Having had to free my friends from the seemingly endless soft twig clutter on several occasions, I knew. The dry leaves on the ground would rustle loudly when trampled upon, a sound that could be heard from the adjacent block of flats, acting as a rather cheap but effective alarm system.

This fence had replaced a chain-link fence, which my friends and I had dissected over the years. During the last two play seasons (April and August during the school holidays), Musa, a teenage boy from the neighborhood had developed a new technique for manufacturing his wire toy-cars. While hip-high bamboo steering wheels and plastic mudguards were standard, Musa's heavy duty cars were said to be able to carry 1 kg packets of Maize flour, and were obtainable at the unbeatable price of 30 *bob*, provided one brought his/her own raw materials. Straightened wires from chain-link fences in the neighbourhood were preferred. Musa then slit bicycle tubes from questionable sources into rubber bands, which he used to make the tires and to tie the car frame, interior and fittings together. Nobody realized that the chain-link fence was gone until the bushes that covered it caved in. Meanwhile, going to the Shops to get maize flour had never been more exciting.


The intruders had long since found their ways around the wooden fence: they were brazen enough to come in through the gate. The red, wrought-iron Gate was flanked by a roofless watchman's house and stood on slanting wrought-iron pillars.



The *chokora mapipa* (street kids), curtly called *machokosh* on the streets, were courteous enough to close the gate as they went in, inconspicuous in their rummaging around in the plot's trash bins for anything that looked like plastic, ignorant of the flies that frenzied around them, and dutiful in their wielding of *Gunias* (sacks) full of plastics onto their backs on their way out. Occasionally, a house help from one of the houses gave them a packed lunch of leftovers in a tin of *Kimbo* to eat, hurriedly placing the tin near them and scurrying off, stifling a giggle while the other house helps watched from the windows of the flats they worked in. The unspoken consensus was that the *machokosh*, despite their stench, were harmless and were therefore tolerated from safe distances. All the house helps would call in the children they were entrusted with when the distinct squeak of the gate was followed by a sack lugging *chokosh* and only release them to continue playing when a second squeak announced the departure of the said *chokosh*.

The robbers also found their way in. Like the *machokosh*, through the gate. Unlike them, at night, and they were less interested in the trash, and much more in the blue Audi saloon that was always parked at the far left corner of the yard. KPLC (Kenya Power and Lighting Company), having conspired to let us sit in the dark for a few hours every Tuesday and Thursday night, offered them a great opportunity to sneak in. Even the gate, which normally would squeak when opened, did not squeak that night. It is still a matter of contention as to whether or not the robbers lubricated it beforehand.

The Pastor who lived in the ground floor flat in front of which the Audi was parked, swore he had a revelation that compelled him to look outside his bedroom, upon which he spotted the gang and raised alarm. By the grace of God he was still alive, never mind that the "gun toting gangsters" were not toting anything. The theft was botched and God thanked. Five years on, a self-proclaimed bishop, he was still giving this testimony, to the delight of his growing congregation at Praise International Ministries, some of whom had been attracted by this very testimony.




The second thing I learned to climb was a wall. It was more challenging than climbing the wooden fence, and more dangerous. Over two metres high, there was no getting over the wall without assistance. Friends' shoulders and heads served well at the beginning, until we learned how to hug the wooden mast that hoisted the telephone wires and wriggle our way up, to the delight of our onlooking friends.

Playing on this wall was dangerous. At the top, it was lined with broken glass: bottles of Stoney *tangawizi*, Coke and Sprite had been destroyed specifically for this purpose. Within a month, we had knocked off the glass over a stretch of a metre, so that two of us could stand side by side on top of the fence. Our newspaper jets flew even farther. We jumped down from the wall with open umbrellas hoping to glide, and when that failed, we tied stones to rectangular plastic bags, crumpled them together, then threw them from the wall and watched them glide as they descended, imagining ourselves as the stones. It was a blissful childhood, within the walls.

Outside the walls, our parents required us to walk to school in as straight a line as possible; no unnecessary turns, no stops to play, no stealing guavas over the hedge from a neighbour's tree - and woe unto us if we talked to a strangers. Rogue drivers and crossing roads were the least of our parents' worries. It was the thuggery "out there" that they were worried about: the kidnappers, thieves and what not. Soon, we had a carpool with our next door neighbour's kids, and the following year, my school bought a bus whose services we were enlisted to.

We were picked up and dropped off every morning and evening respectively, each child was handed to a waiting brother, sister, house help or parent personally by the driver. If the brother, sister, house help or parent was late, the engine was put off and one of the older pupils was shown where the child in question lived. He was then duly instructed to deliver the child to his/her doorstep. Only then did the engine come on again.




When I got robbed, I did not tell my mother. Fresh out of primary school, I needed my freedom of movement, especially now that my curfew had been extended by two hours to 7 pm. This was unnecessary, since I would have come in to listen to the Top 7 at 7 radio show on Kiss 100 anyway. On my way home from buying meat one afternoon, I was intercepted by an angry looking *chokosh* on a path through an open field that I had chosen to take since it was shorter and less dusty than the parched murram road that connected to the main street that led to my house.

He lamented angrily about me being one of those “*watoto wa wadosi*” while forcefully searching and emptying my left, then right, pockets of my Champion sports trousers. Though scared, I managed to secure 50 *bob* of my pocket money in my back pocket with my left hand, which I later combined with another 50 *bob* (from my savings of 250 *bob*) to give my mother her change back.

In retrospect, this was my first adult decision, handling an instance of insecurity by myself. It could have been worse. I could have been beaten, stripped of my clothes or smeared with human scat. Kenyan life is transcended by measures against intrusion, Kenya being one of the few countries in the world where gated communities of various forms are not exclusively a preserve of the rich.

Secure living means living in a walled environment. While gated living may be attractive for reasons that are not limited to security such as amenities, reliable water and electricity supply, solid infrastructure, landscaping and community, for a majority of Kenyans, gated living is a choice that stems from security concerns. While the government is mostly to blame for failing to provide security for its citizens, walling and gating is hardly a solution to the problem. It is a bandaid solution - a reaction to our perceptions of a social problem rather than to the problem itself. Insecurity in Kenya is not the problem, it is a symptom.




In essence, only the poor have the “luxury” of living in “freedom” in Kenya. Slums and poorer neighbourhoods are sprawling and open, while everybody else is walled and locked up, busy creating an adjusted form of social reality - a perfect tiny world where crime and violence do not exist. The more one has, the higher the walls need to be surrounding it. The haves are afraid. Afraid of the day the have-nots will come and demand redistribution (I’ll save the Marxist arguments for another day). For example, for the *chokosh* who robbed me, I was rich simply because he presumed I lived behind a wall, and while I do not condone his actions I also do not, and cannot, blame him.

We have failed to create a society in which everybody belongs. Enclaves of prosperity by default physically segregate non-prosperous people. The receptiveness for the prosperity gospel preached in our religious institutions does not help matters either. When confronted with these facts, anybody will say that wanting to live in relative safety is a natural thing. Indeed it is, but what is often forgotten is that human beings are social beings, and they compare themselves with others in their environment.

It is therefore natural to want to have what your neighbours, friends or compatriots have, especially if your vicinity is shared. Walls in Kenya try to deny this immediate vicinity, with every slum bordering a “leafy suburb”, as the enclaves of the well-to-do have come to be known. If poor Kenyans have no other way of accessing the wealth that is flaunted to them every day by well-to-do Kenyans, the walls, no matter how high, will not prevent them from wanting it, yearning for it, taking it, or at least trying to.

And so young Kenyans will continue to die. Their bullet ridden bodies will be strewn on the street, again reaffirming the cheapness of African life, and their blood will seep into the soil after yet another botched robbery. Well-to-do Kenyans will commend the police for fighting “insecurity”; for shooting young men in the head without the slightest chance of fair trial, even when they were on their knees, their hands high up in the air in

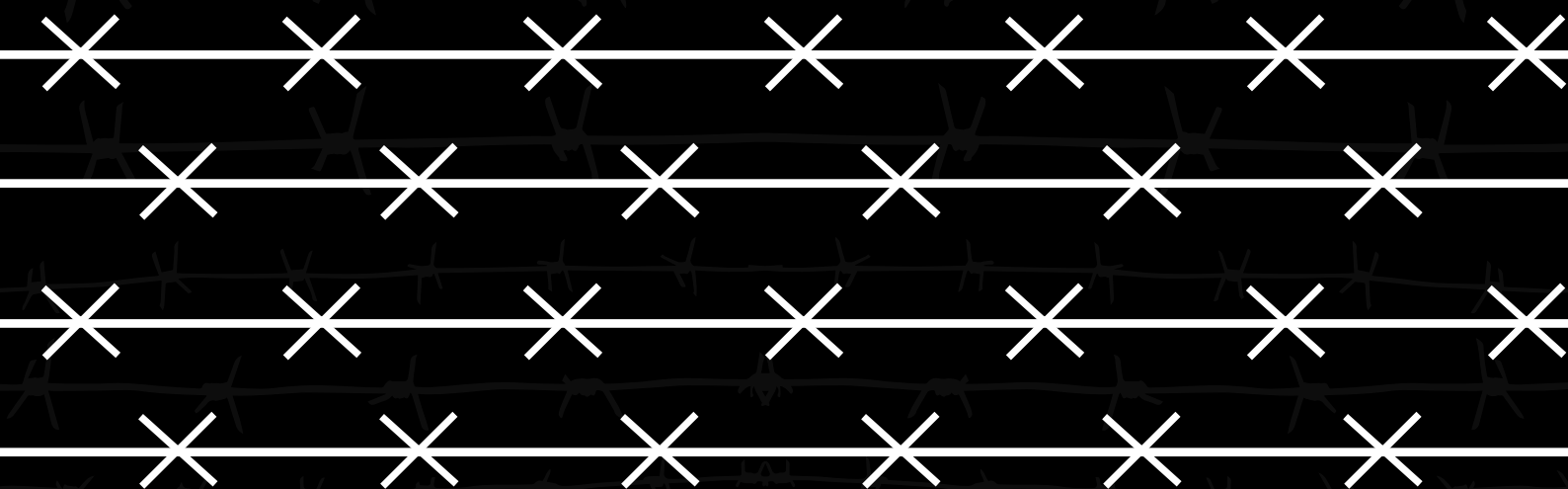


desperate surrender. Pictures of their lifeless bodies will be leaked on social media, captioned “Look at these lazy, sleazy school dropouts who don’t want to work hard for their money and to eat their sweat like honest and hardworking Kenyans!” and liked, shared, retweeted and favoured.

The truth is they did. They worked hard. They worked to build the fence around a villa in which their mothers cleaned, and their brothers tended lawns for 200 *bob* a day, just like their fathers before them. They worked hard for money that was not enough to take them through school, so they dropped out and looked for menial work to supplement their families’ income. They saw the wealth that they would never earn if they built a wall every day for the rest of their lives.

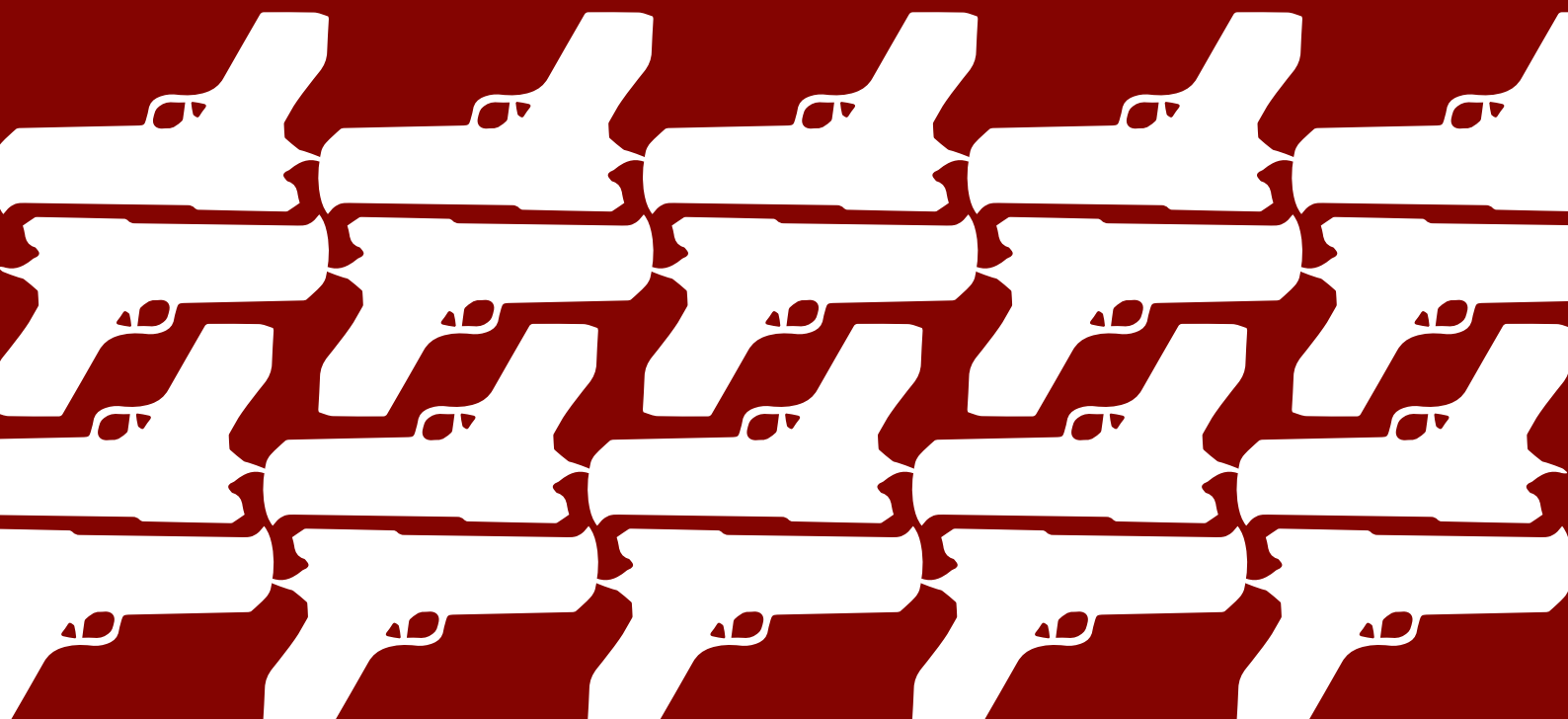
Peer pressure mounted from agemates, who had earned a quick *bob* doing untaxed, illegal “labour” - who were trying to make life for their families worth living. Pressure mounted from their families, who asked them why they couldn’t be more like Jose, the neighbour’s boy who had dropped out of school the same time last year and who, recently, had bought his parents a new sofa set. With each day they hesitated, a younger sibling dropped out of school, a mother needed medication for her broken back, and food for the following day had to be bought.

They gave in, but were not too lucky.



**STRANGERS ARE NOT
SIMPLY THOSE WHO
ARE NOT KNOWN
IN THIS DWELLING,
BUT THOSE WHO ARE,
IN THEIR VERY PROXIMITY,
ALREADY RECOGNIZED
AS NOT BELONGING,
AS BEING OUT OF PLACE.**

SARA AHMED



KENYAN

K.A.ALI

English, glass marbles,
a mouthful of slippery
platitudes. Words that
we read, floods that a mother juggles,
On the red edge of her tongue.
The dry stretch of an old whip,
cracking over newsprint,
a syrupy hiss
sweet with confusion.
She pronounces that
she is Kenyan.

Not Kenyan enough.
She read once, eyes dry,
tongue jagged. Holding
staunchly her mouthful of blood,
her cracked teeth,
her hard womb.
A fistful of bank notes.
The glare of the sun on her brow,
turned down, daylight soiled,
a baton struck gamely on his open palm,
the security official regards her,
a complication.
"everybody knows that politically
correct screening
never catches terrorists."
And they ask for her papers.

UNDER THE BED

EUTICUS MOLA

Abdi hid under the bed, one hand over his mouth and the other on his chest to make sure his heart was still beating. It was still early - almost midnight - and on a normal day, he would be seated on a stool outside his door counting the stars. But this was no normal day.

He first heard the news on the radio at 1pm. Several gunmen, the number still not confirmed yet, had entered one of Nairobi's biggest shopping malls and opened fire. By the time the news was going to air, the police were yet to find their way into the mall and the gunmen were hiding somewhere in the mall.

His first reaction was anger, followed by fear. He was angry that these men would go about killing innocent people in the name of Islam and afraid that the government would now have to show their hand.

Cause and effect.

It had happened before. After a missile was launched at a plane carrying foreigners, mostly Israelis, the counter terrorism unit had descended on his hometown looking for people who matched the terrorists' description. He had never heard from his brother, Ali, since he was whisked away in an unmarked black Toyota.

He stared at the mirror hanging in the corner of his room. His reflection reminded him of his brother. They were twins, a few minutes separating their entrance into the world. Muslim, tall, light skin, kinky hair, a chiseled face and Somali.

Today it seemed the same ghosts had come back to haunt him. He could hear the wails as mothers watched their sons being whisked away, unsure if they would get to see them again. There was a knock on his door but he lay there quiet as a corpse, under the bed.



HOLD ON TIGHT

THE MANY FACES OF INSECURITY IN NAIROBI


CONSTANCE SMITH

At around 10am on Thursday 28th August gunfire burst out across Kaloleni, one of Nairobi's decaying public housing estates in Eastlands. With bullets raining down, residents fled into their homes – both permanent and mabati houses – as for several hours police exchanged gunfire with thugs fleeing from a robbery in the Industrial Area. Eventually, riddled with bullets, five young gunmen were laid out on the ground: two dead, and three injured and immobilised.

Insecurity in Kenya has been the stuff of global headlines in recent months, with coverage of terrorist attacks, governments withdrawing embassy staff and tourism plummeting. Yet despite the violence, the blood and the deaths, the Kaloleni incident was apparently routine enough not to be reported anywhere in the Kenyan media. Violent crime in poorer corners of the city is not news, apparently.

"We were held hostage for several hours," said Nico, describing how he and many others had taken shelter in their homes, even hiding under the bed as gunfire licked the walls and windows. This was not the first incident of shooting in Kaloleni, in fact, it is only the most recent of several over the past few months. For many Kenyans, the threat of terrorism, such as the attack on the Westgate Mall, remains a somewhat vague and distant threat, overshadowed by more mundane anxieties that rear their heads with ominous regularity. Gun crime is just one of the much more real and urgent forms of insecurity that must be negotiated everyday.

Even when faced with what might be classed as a terror attack, other concerns may take priority. After the bomb went off in *Gikomba* market, my friend Georgio was sprinting through Kaloleni. What's wrong? I asked him. "I'm going to *Gikosh* – I need to protect my shop," he called as he hurried past. Following a confused and chaotic 'terror incident' such as a bomb exploding in one of the city's most crowded markets, most of us




would choose to flee. But Georgio, along with all the other stallholders, knew that the confusion following the explosion was a perfect opportunity for looters to take advantage. Desperate to safeguard his stock, he headed into the fray and into potential danger. The imminent loss of livelihood weighed up in his mind as a much greater insecurity than a second explosion.

For Kaloleni residents, this climate of uncertainty is deepened by the looming threat of demolition of the estate itself. On 14 May 2014, an article appeared in the Nairobi News paper with the headline “In Comes Chinese Money, Out Go Eastlands Estates”. The article describes a Memorandum of Understanding signed between Nairobi County Government and two private Chinese companies to build 55,000 apartments in place of the county council housing in Eastlands, as part of the city’s so-called ‘urban renewal’ programme. This is only the most recent in a range of overlapping, and sometimes conflicting, announcements of redevelopment projects.

Over the past few years, large scale urban planning projects have achieved new momentum in Kenya, and Nairobi in particular. The government’s Vision 2030 initiative envisages “transforming Kenya into a middle income country by the year 2030” and the reinvention of Nairobi as a “world-class metropolis”. One key platform of this policy is the Eastlands Urban Renewal Strategy. These are all noble schemes if it means increasing employment, raising living standards and reducing poverty, but many residents fear that it is gentrification under another name: the displacement of thousands of poorer households in favour of high net-worth renters and buyers.

The Eastlands estates, including Kaloleni, are several neighbourhoods of colonial-era housing in the east of Nairobi, built by the British colonial government between 1920s and 1960s to provide affordable housing for Africans in Kenya’s rapidly growing capital city. Although today they are rundown and in disrepair, tens of thousands of low-income Nairobians still call them home. According to the article, the new apartments are to be designed, constructed and then sold by the Chinese companies, despite the fact that very few current residents have the capital needed to



purchase property. As described, the scheme implies the end of publicly-owned rental housing in this area of Nairobi. What this might mean for the residents is far from clear, but displacement seems likely.

With even the roofs over their heads in doubt, residents are facing a whole range of insecurities, both urgent and chronic.

While the government dreams of Vision 2030, ordinary wananchi try to get by, dodging bullets from both police and criminals, evading the county council's bulldozers and praying their matatu gets them to work in one piece. Planning for the future is fraught when the sands of the present are shifting underneath you. It is as much a game of hope and luck as of intentions and ambition.

*

Miraculously, it felt like, the police managed to avoid hurting anyone else in the Kaloleni shootout. By lunchtime, children started to peer around corners, playing with the empty cartridges now littering the estate. Residents came outside to survey the damage, patching up shattered windows and walls peppered with bullet holes. Excited chatter began to swell: Who were the young gunmen? Whose homes had they hidden in?

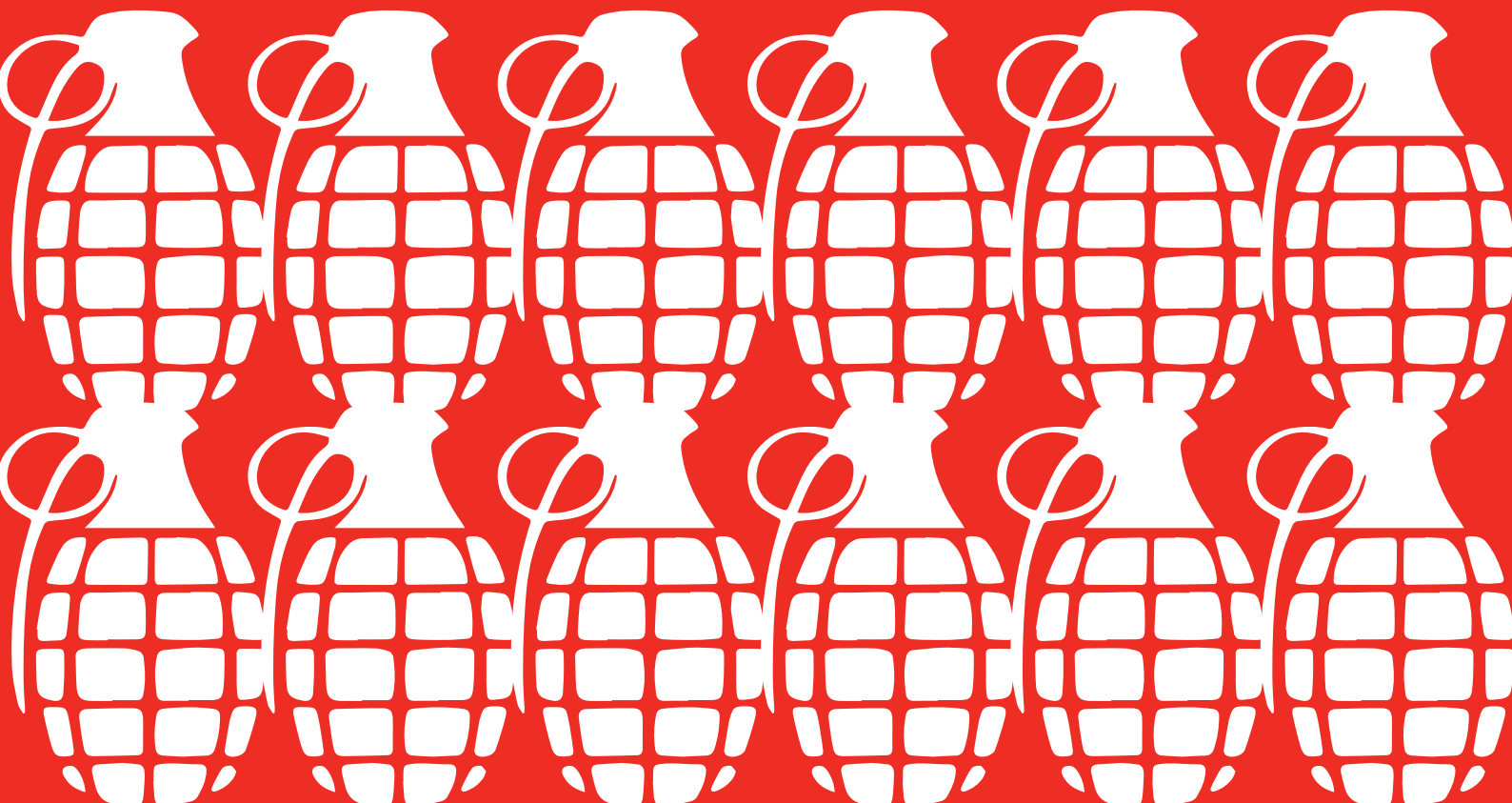
With the immediate danger over, comments and photos were quickly uploaded to social media, provoking much discussion, especially among the Kaloleni diaspora, now living in many corners of the world. But there was sadness too, and resignation.

I asked one man if he would replace the battered wall of his one-room mabati home. He looked me in the eye and said, "Is there any point? Maybe they will demolish all this soon anyway. I can't keep rebuilding and rebuilding."

I AM TIRED

AND IT CONTINUES NOT TO END

WITNESS #97, THE ICC WITNESS PROJECT



EXHAUSTION A JOURNAL

NKATHA OBUNGU

Day 100

Dawn. Yet another day to crawl out into the silent horror that is downtown Nairobi with the chaos of speeding vehicles, spitting boda boda operators, pavement climbing buses and the odd pedestrian who will blind tackle you off the pavement. It's a technicolour nightmare. It rains and cars splatter collages of mud on the canvas of moving bodies attempting to cross the road. Nothing works. Everything is broken down. Everything is dirty: broken, turned inside out. Disease and desperation tinged with just a little positivity scribbled in second hand books going for 200 bob (*Hujui* John Maxwell?). Perhaps if I were driving in air-conditioned comfort and guarded by guns...

Day 150

A man squats at Ambassador surrounded by vegetables in varying states of putrefaction. He is preaching against sons who outgrow their fathers and women who clutch empty wombs. A crowd surrounds him; hands are dipping into pockets; phones are growing feet and walking away...

Perhaps if guns could guard us...

Day 176

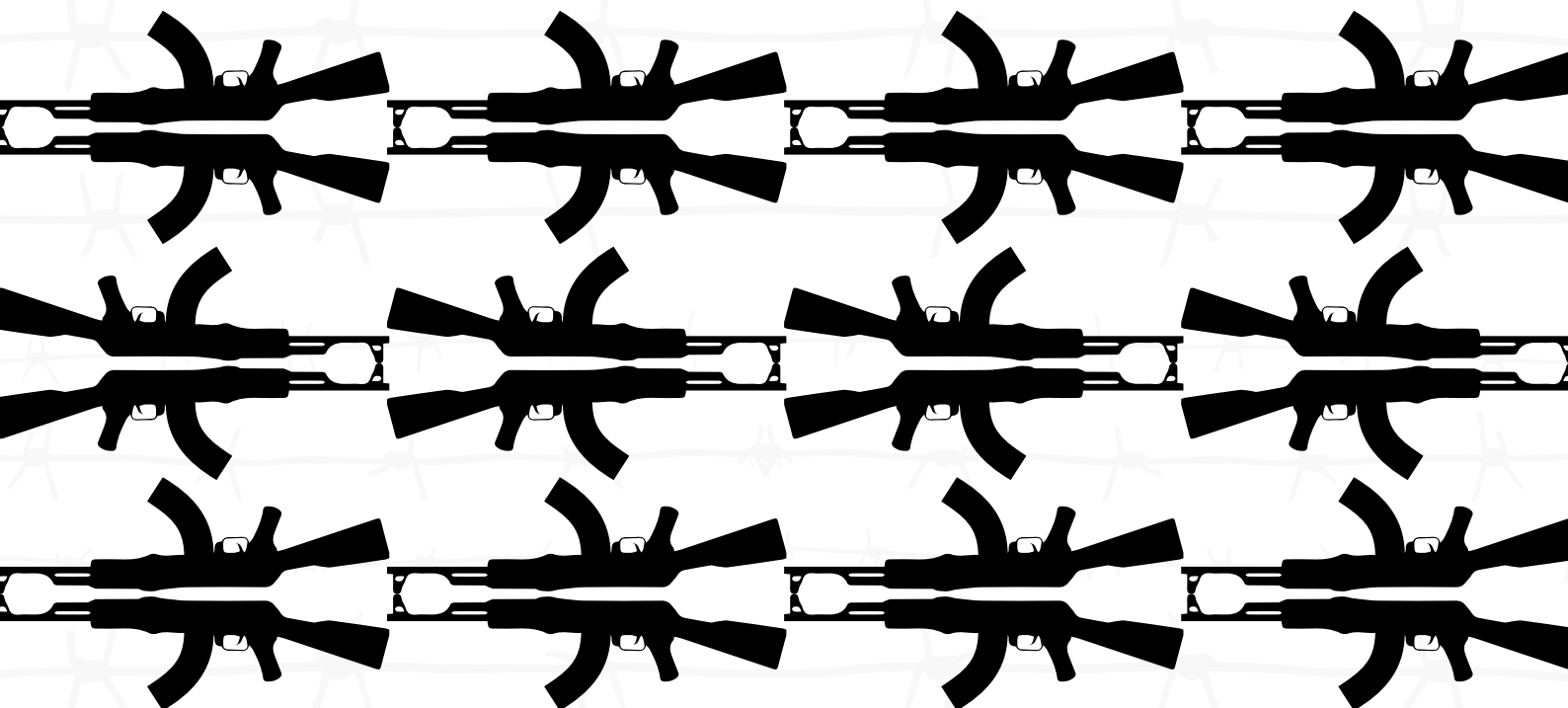
Standing on a friend's balcony and beyond that, a thicket of barbed wire rings the gated estate. It's a tall building on a hill. Beyond the electric fence, beyond the hired dogs that drool terror and bloody murder; a valley blanketed by tin roofs spreads out. Invisible. Hyper visible. What are we safe from? Are they safe from us? From our apathy and mindless disdain?

Day Zero

I want to get excited. Let me try again. I want to suck the marrow out of life and be the proudest patriot that lived. Dedan's spawn. But how to summon the strength to live in a space that wants to spit you out at every turn because you have not yet had the opportunity to chew apart the seams of what little values they brainwashed into you in Sunday school?

Tired of trying. Tired of aspiring for things that seem so out of reach, we turn to xenophobia to contain the demons that haunt us in our dreams. 1984. 2014. Big Brother watches as we lurch from one nightmare to another.

I was so desperate to love you Nairobi, to lie in your lap and inhale you. But you do not want me Nairobi. I am not rich enough for you to love, or even respect.





STILL UNHUMAN

AISHA ALI

The other day I was involved in a debate about street harassment when the man I was debating confidently proclaimed “Women get harassed on the streets because they allow it.”

This statement shut me up for a few seconds. As soon as I recovered, I inquired:

“What does this mean?”

“If women stood up against men who harass them, they wouldn’t harass them.”

“You do know that the average woman was no match to the average man, and standing up to men most of the time means physical violence. Women have even been killed.”

“If you believe in something, then you should be willing to face violence for it. Even if you have to die,” he said in a very matter-of-fact tone.

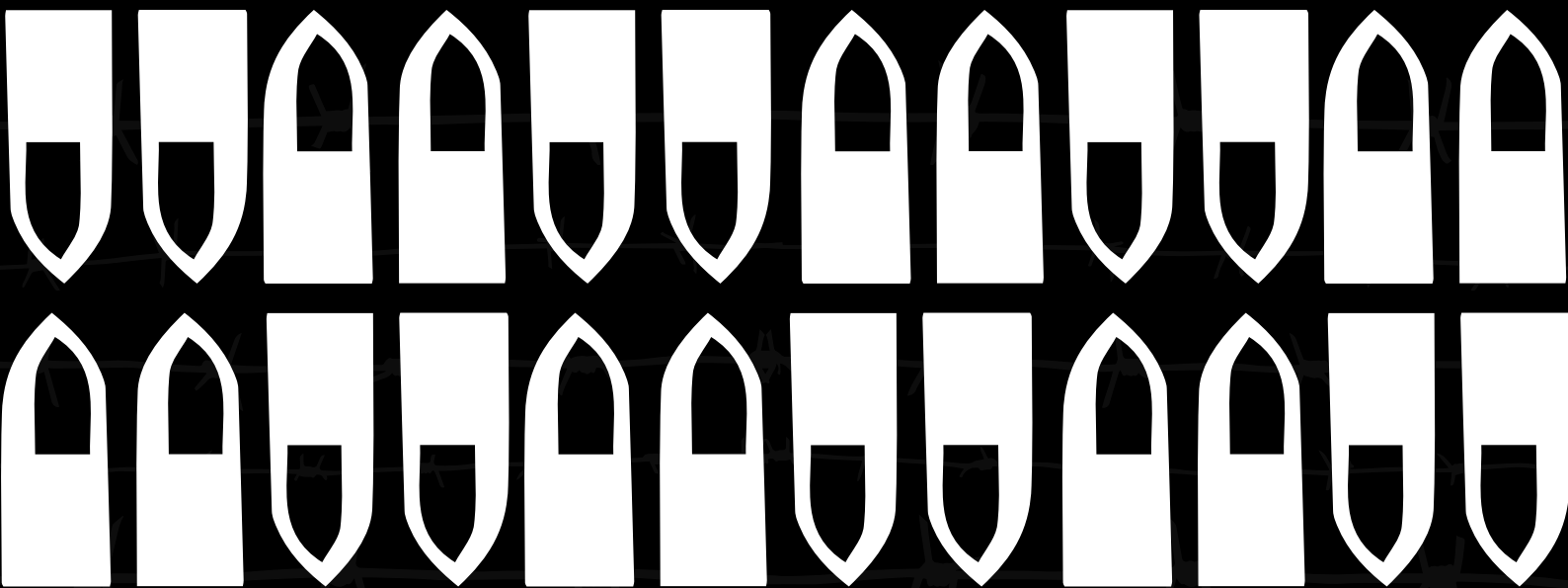
Since then, I have been thinking about the number of times I have been harassed by men simply for existing female. One day three men surrounded me in a bus at night, and harassed me to the point of tears in the presence of the bus conductor who didn’t do anything. Another, a man said hi to me and when I refused to respond, grabbed my arm and shook me, and followed this with insults.

It hit me that day that women are not human. When a person requires your death to believe that you are worthy of safety, you know that this person doesn’t consider you a human being who deserves to exist in a safe environment. Women are getting physically attacked by men who feel entitled to them. Women are being killed for not accommodating these men.

Yet this person could stand there and demand more harm towards women, more death of women, before he can admit that the problem is men. He would rather see women die, before he accepts that the fault of harassment of women lies firmly on men. Every time I leave the comfort of my home, I know that my body, my being female makes me a target. And that I am responsible for my own safety.

And I know that if anything were to happen to me, I'd be the one to blame. If I were to die, I'd be responsible for my own death.

The man I was talking to didn't notice the shift in my body language. He didn't notice me folding into myself a little, moving away from him. He didn't notice me recognizing yet another man I can't trust to keep me safe.



MADE IN KENYA : FORENSIC FILES

SOPHIE GITONGA

I'd never met a murderer before - and it never featured on my to do list.


Pete was a guest at the Kamiti Maximum Security Prison, his home for several years. He was convicted of murdering his wife, and for that he was sentenced to the gallows. His sentence was later commuted to life imprisonment.

His call was a surprise. I tried to convince him that he had the wrong number, but he had done his homework. He knew about the DNA laboratory where I worked and the kind of work we did. He had the right number. Pete told me why he had called - he was mounting an appeal against his conviction and he needed my help. He was disputing the outcome of the DNA results from the evidence collected in the investigation of his wife's murder. The evidence linked him to the murder, yet he was categorical that he had nothing to do with it.

Being impartial and having no vested interest in the outcome of an investigation is an important skill to learn and use. You need to go against your natural inclination to rush to judgement until you have weighed all the facts and information. I was sympathetic towards Pete, and felt that there had been a miscarriage of justice, given the reputation of the Kenya Police Service in the area of criminal investigation.

On the other hand, it was possible that Pete was after all guilty of killing his wife, and that he knew he could poke holes in the police investigation and was using me as a pawn to get out of his current predicament. Still, I decided to hear Pete out. He invited me to visit him in prison and I agreed, a little too quickly. He sounded calm, decent even, over the phone.

I did not know what to wear on my day out to prison. I hadn't told anyone I was going because I didn't want to be talked out of it, so I couldn't get an opinion on what to wear. I figured pants would be best - it is easier to



run away very fast when you are wearing pants (and of course no jeans because, well, in American movies, the prisoners wear denim and you don't want the guards thinking that you are one as you are trying to leave). A black pantsuit would have to do; I could pass off as a lawyer in one.


In the cab, I willed my heart to keep beating at a steady pace. We got to the entrance and the driver was shooed away, cabs were not allowed on prison grounds. I was required to turn off my cell phone and leave it at the reception. The cat calls began almost immediately I left the reception, "Sister! Rasta!" (I have dreads) and I thought to myself: This is how I'm going to die and no one will even know because I didn't tell anyone where I was going.

After going through another reception, I got a proper pat down body search, much unlike those benign wand waves you experience at malls. This was a contact sport. I was relieved when she didn't tell me I had a breast tumour following the groping. Power suits meant nothing in here. I ambled through a dark hallway and there it was, the proverbial light at the end of the tunnel that led me to the room where I would meet Pete. There were four wardens in the room, there to monitor my conversation with Pete, I supposed, and to make sure there was no monkey business. I was okay with that.

Pete walked in. He was towering and dark skinned. He had huge hands, one of which I shook gingerly. His face was surprisingly gentle. Was this the guy who had allegedly snuffed the life out of his wife?

He was a model prisoner, rewarded for his good behaviour. He had access to the computers in the wardens' offices - that was how he had found my number. It was also how he studied. He was studying Law.

Pete spoke of how his previous appeal had been rejected, the grounds for which were not entirely clear to me. He handed me all the documents he had relating to his case, and came back to point about the DNA tests, why he doubted their accuracy, and whether the right interpretation was used to arrive at a conclusion. He was sure that a review of the evidence




would exonerate him. My responses to him were cautious and clipped; I knew it would be premature of me to agree with him before I read the case. I was eager to get back to the office and pore over the case.

Pete's marriage was tumultuous; he drank heavily and beat his wife with equal fervour. He worked as a mechanic, and she as a hairdresser. They had two children. She had walked away from the marriage on several occasions, only to return. This was the anecdotal testimony provided by their neighbours and his wife's family. He did not dispute this. He admitted that he and his wife had altercations on numerous occasions, but this did not mean that he killed her.

On the night in question, he had been working late and decided to catch a drink in the neighbourhood close to home. His wife worked in the same neighbourhood, so he'd occasionally pick her up and they'd go home together. He didn't have an alibi on this night though. He drank alone and doesn't remember if there were any witnesses to corroborate his testimony. Much later, at about 11 pm, he made his way home. He did not find his wife at home, but that wasn't unusual to him. He slept, only to be awoken by loud banging on his door. His wife's body had been found in a bush close to home. She had been strangled. It was also possible that she had been raped and killed.

There was no photographic evidence or sketches included in the papers I had, and when I asked Pete about this, he doubted that they existed because previous attempts to get them had availed nothing. Thus, there was no way of reconstructing the scene or the crime itself as it happened. The police talked about the position of the body, and it was 'close' to their home, and the bar where Pete had been drinking the night before. There was no disclosure about the general surrounding of the area where the body was found, the time, weather condition - nothing. It was anyone's guess.

A post mortem was conducted to determine cause of death, which was ruled as asphyxiation. Vaginal swabs were collected to determine if the



victim had in fact had been raped, though evidence to corroborate an assault or lack of one was never sought. The vaginal swabs were declared sufficient. The victim's fingernails were bloody and torn, and it was believed that she fought off her assailant(s), and that her fingernails contained the evidence of that altercation.

Given his history of violence, Pete was naturally the primary suspect in his wife's death, and he was arrested. He asked to see his wife and pay his respects. This was granted and he was able to see her at the mortuary. That was the last time he saw her.

The police questioned Pete and he maintained his innocence. He was held anyway, because he was "assisting" with investigations. I've never quite understood why a suspect, if guilty, would want to help the police nail him.

Pete never underwent a physical exam, and he was never asked to submit to one. This was a classic Sherlock Holmes moment that was missed; the police seemed to have no interest in checking whether other evidence could corroborate the fingernail evidence. Pete maintained then, as he does now, that he had no physical injuries on his person that would suggest that he was in a fight. The police had decided that Pete was the culprit though, and that was enough.

Some of the evidence, which included the victim's bloody clothing, the fingernail scrapings and vaginal swabs, was submitted to the Government Chemist laboratory for DNA analysis. Pete submitted a blood sample, which was used as the reference sample. The findings were that the DNA profile from the fingernail scrapings matched Pete's blood sample profile.

The defendant had no opportunity to call in his own expert witness who would challenge the DNA results, nor could he have the same samples also analysed in an independent lab. This was where I came in. I told Pete that a reanalysis of the sample would not be possible because after so many years and what was presumed to have been an open and shut case, all physical evidence had been destroyed. Without it, there's wasn't much I could do.

*


Pete's case reminded me of another high profile case, that of Tom Cholmondeley. This heir of British aristocracy, very rich and fond of shooting, was charged with the murder of an alleged poacher who had trespassed onto his land. This was the second man Tom had been accused of killing (the charges in the first incident were dropped due to lack of evidence). The charge of first degree murder was reduced to the lesser offense of manslaughter. In my opinion, this was partly due to lack of evidence, but mostly due to fear of the backlash that would result if Tom was acquitted in this case too.

I had the opportunity to speak to one of Tom's lawyers, and he was flabbergasted that this case could even proceed to trial with so little evidence. Another debacle courtesy of team Kenya Police. From what I've read, by the time the police arrived at the crime scene (Tom's expansive ranch), night had already fallen. Where they sighted evidence, they moved it so that they could get a better view of it. Problem. When the lighting was too poor to actually conduct a scene investigation, the police left the scene unsecured, with a promise to return the following day to continue the investigation.

The post mortem analysis carried out on the victim indicated that he had been shot twice, once in the buttocks (non-lethal) and another shot that was fatal. Tom fired the buttock shot and ballistics evidence corroborated this. The other shot was fired by a different gun, and possibly by a different person. The police did not pursue this line of questioning. They relied on the testimony of another witness. Tom and his legal team mounted a spirited defence. In the end though, the court of public opinion found him guilty and the judge sided with the public.

*

In Kenya, it seems your guilt or innocence is determined by emotions, who you know, and how much money you have. Justice and fairness are foreign concepts in our criminal justice system. The legal burden of proof




lies with the defendant. The preponderance of evidence (the much lower standard of proof used in civil cases), seems to trump reasonable doubt in criminal cases, even when the doubt is clear and legitimate.

Edmond Locard theorized that every contact leaves a trace. By this he meant that every physical contact between people or things left something traceable that could confirm that the contact took place. This principle was so convincing that back then, law enforcement adopted it in crime investigation. If this evidence could be located at the time the crime was committed and analysed, then it would provide critical information about the identity of the perpetrator.

Enter forensic science. The determination of criminal culpability was not sorcery, it needed backing that was impartial and testable, and not subject to whims. Scientists were then called upon to help the criminal justice system (police, lawyers, judges and wardens) in ensuring that the right person was held responsible for the commission of a crime by analysing the evidence and testifying to the accuracy of those results.

It is my contention that forensics in all its forms, as judicious as it is, does not solve crime. The successful resolution of a crime is a team effort. Every step from the crime scene to the courtroom needs people at the helm who know what to do. A degraded, improperly labelled, poorly preserved sample will not yield a result simply because the analyst holds a PhD, or because the equipment he uses was manufactured in Europe. Evidence tampering cannot be undone in the laboratory.


Furthermore, though evidence is the linchpin in a criminal investigation, it only serves as an investigative tool. For example, the presence of semen on a woman's panties is not a conclusion of sexual assault. It is a conclusion of sexual intercourse with a male who is currently unknown. If the victim is going to claim rape, there has to be evidence to support her claim, and this additional evidence has to be sought and its probative value determined by the investigating detective. The detective still has to ask the questions who, when, where and how, and what he gathers from this has to add up with what the evidence shows.



In another example, if analysis of blood stains on your clothes reveals that the blood is human in origin and not from the slaughter of a chicken, as you had earlier claimed, then you are in the awkward position of having to answer how the blood got onto your clothes. If a DNA test goes on to show that the blood is not yours but someone else's, then your assertion that you cut your finger and wiped your hand on your shirt cannot be sustained. Evidence points you in a certain direction, and someone has to go out, find the perpetrator, arrest him and charge him with something.

This is why I get puzzled when I hear the prosecution ask for more time to carry out investigations to link a suspect to a crime, especially after they have already arrested and detained the suspect. How are they able to charge someone with a crime yet have insufficient evidence to show that this suspect committed said crime? And where exactly do they hope to find this extra evidence? One of the first things you learn in forensics is that evidence is very transient, and thanks to TV shows like CSI, criminals are learning how to conceal or destroy it, so the sooner a crime scene technician can locate the evidence, the higher the chance of successful resolution.

In the courtroom, scientific evidence makes a better witness than most eyewitness accounts. The former doesn't perjure itself, doesn't forget crucial facts, is impartial, and in some cases can be retested. For most lay people, the challenge is in understanding the significance of scientific testimony, because it is so heavily laden with jargon. The prosecution will have the expert from their lab who will testify to this and that but because the defence lawyer does not understand what was said, he or she cannot challenge this testimony. Miscarriage of justice occurs, then, if the triers of the fact cannot raise reasonable arguments against the evidence or testimony produced. Again, this is not something that can be fixed by well-equipped forensic labs.



We require the entire criminal justice system working in tandem. Everyone needs to know his or her role and have the necessary deftness to accomplish it. Possible immediate solutions for Kenya include provision of the right resources in the right quantities at the right time to the already existing forensic laboratories. With the right support, these labs can cater to the needs of the 40+ million Kenyans who would seek those services.

If capital investment is too great for the government to shoulder, outsourcing forensic services to accredited labs is also an option. Outsourcing has worked well in other areas like education, infrastructure development, and health care provision, and could possibly work well in this field too.

When I think about Pete and Tom, I fear for myself because as a potential victim, I have no recourse in our current judicial system. I could be a victim of crime and the perpetrator would be let off the hook due to lack of evidence, or may never be identified due to incomplete investigation. I could be a victim of police who could inaccurately implicate me in a crime, and I would be twiddling my thumbs in remand waiting on them to collate sufficient evidence against me.

Collective vigilance remains necessary. Kenyans have only recently begun to enjoy freedoms under the Bill of Rights. Knowing what your rights are is important, because these situations could happen to anyone.




GOING BACK : AGAINST REPETITION

CLIFTON GACHAGUA


I want to go back to when I did not know anything, to when I was young and all I had was the company of the monsters of other children, eating sugar and stars together. to when I was incapable of imagining monsters. I want to go back to when I did not have friends and allies, to when I did not have to say hello at festivals. I want to go back to when I drank less, smiled less. to when I sensed violence but did not know it, when I saw it but could not name it. I want to go back to when I did not have to promise letters to people I barely know, to when the sending was more important than not writing at all. to when I did not send myself letters from strange and new towns, to when a boat ride to Pemba was exciting; to when I was not afraid of water. I want to go back to when I did not have teachers. I want to forget desire, need, language. I want to go back to when all I knew was from touch. and when I get there I want someone – maybe my mother, because I want to forget Wambui – to cut off all my limbs. I want to return to the best policies for war when I played alone in the dark, having long forgotten the monsters of my friends – not their existence; their names, and all ran out of sugar and the stars replaceable by fluff in a neighbour’s hair. to when everything was named *siasa za soko*. to when nothing needed naming. I want to go back to when I did not know line breaks, when the book of blues meant nothing to me. I want to go back to when all music sounded similar. I want someone to cut off my ears – maybe my father, who I have seen in many alleys but who insists on remaining voiceless. I want to go back to when I did not need a father, when I was not aware of need and desire, to when saving my cousin from a falling down the stairs was more an act of jealousy than love. all my dreams have always been about falling; why should another fall in my place?

I want to go back.



after my hands have been cut off by my mother and my ears by my father – I want weapons and instruments of war. to lick them. I want my small cousin, now a grown woman, to return to infancy, bite my tongue off. I want to un-learn sound, confidence, inflection, ‘look up once in a while when you read your poems to people.’ I want people to read their poems to me. I want them to stitch them on my skin because I have no ears – recently cut off by my ‘any other.’

I want to forget making out in dirty taxis, to forget this thing I am, have become. I want to forget how all my favourite poets use *pause*, use hesitation. I want to have zero poets. I want the man in the taxi to take out my eyes and offer them to the first woman in a red dress he meets. a woman he will never meet. I want him to walk this world with my dry eyes in his hands, like the Magician, looking for a white cock for his War Witch. I want war and I want to destroy the thing I have called *memory*. I want to forget hate and go back to anger. I want to forget structure and form, to forget how these words might look on a page. I want to go back to the sound the door made every time in preparation for my mother’s arrival. all my childhood was spent feigning sleep – what I now call ‘waiting for my mother.’ it won’t matter. in a short while I will have forgotten naming. I will have forgotten my mother. I will have forgotten. I will. have. I want to go back to the empty house, my cousin laughing at me, with a string on the door latch. I want to forget the continuous terror of love, how I continue to fail those I love, and how those I love do not exist except for themselves. I want to be alone, to write an anti-novel, to burn what’s left of me – skin, bones, blood, spleen, anus, mouth, cartilage – into nothing. I want terror and I want violence and I want to be a child, fucking another child. I want to go back to where there is a place called memory-history. and because I have no eyes, no mouth, no tongue, no ears, no skin, no way of sensing – I want to go back to being God, the most violent of all. I want to go back to *Cucu* Njeri talking to me in a language I could not understand. I want to go back to the time before she was in a grave in Langata and tell her mother will be okay. to tell her I cried not for her but for my mother, who I saw crying for the first time – not her first time



but mine. to when dingi and domokaya meant something. I want to go back to when I was not sentimental, to when I killed small animals and ate them. – and stars taste like dead painters –. I want to re-learn all the violence I can and use it and use it and use it against my / self.

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