



# **#KENYAREFUSES**

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*Everybody knows that the dice are loaded  
Everybody rolls with their fingers crossed*

AARON: I would like to introduce you to some very brave and righteous people. They are all Kenyans who have refused to accept what the past election has offered them, and so we have called this special supplement #KenyaRefuses. Let me explain.

SHAILJA: I asked three things of each piece I commissioned for this supplement. That it be dangerous. That it be necessary. That it be true. I wanted to create a platform for transgressive voices, voices not widely known outside Kenya. To showcase writers who dedicate their days to the daily construction of what Wambui Mwangi calls, in *Silence Is A Woman*, “a more sharable, livable way of being Kenyan”.

During the 2013 presidential election, #KenyaDecides was the hashtag used on twitter to describe the choice on the ballot between Uhuru Kenyatta and Raila Odinga, the two major candidates. The lines were long but people voted, and a winner was crowned. Journalists hoping for violent spectacle were disappointed; international observers praying for order and peace were rewarded. Uhuru Kenyatta became president and William Ruto became his deputy president. Everyone went back to what they had been doing before.

Three and a half months later, the final vote counts, by each race, have not been released. And there are discrepancies, almost a million of them.

Former anticorruption czar John Githongo quoted a commissioner of the electoral board saying “We are having sleepless nights reconciling the presidential results and those of the other positions. Over a million votes must be ‘reconciled.’” Reconciled is a nice gloss for “we can’t tell where the votes came from.” As Wycliffe Muga, the weekend editor for the Nairobi Star put it, “Nobody can seriously expect Kenyans to believe that about a million citizens walked into the voting booth; tossed aside all the ballots for county representative, MP, governor and senator; and then voted only for the president of their choice.” Kenyans are being called on to unsee what they saw, to ignore what they know, both before the election and at the National Tallying Center. But as Shailja puts it, in her blistering essay, *The Politics Of Contempt*, contempt is when it doesn’t matter what Kenyans know, but only that they won’t say anything about it, won’t do anything about it. Chagua amani, they’re told; *choose peace*. “Wait. Sing. Dance. Pray. Be patient. Stay calm. Pray. Wait.”

*Everybody knows that the war is over  
Everybody knows the good guys lost*

“Accept And Move On” is the mantra of Uhuru Kenyatta’s triumphant Jubilee administration. After all, Kenya’s last election, at the end of 2007, took us to the brink of civil war. After record voter registration and turnout, and a successful Election Day, the opposition party led by Raila Odinga won a substantial majority of parliamentary seats. But tensions rose when, after two days, the presidential result had still not been announced. On the third day, the tallying of the presidential vote was abruptly shut down by government security forces, who ejected all media at gunpoint from the national elections center. A few minutes later the incumbent, Mwai Kibaki, was declared presidential victor, and sworn in after dark.

*Everybody knows the fight was fixed  
The poor stay poor, the rich get rich*

Mass popular protest followed, met with violent reprisal by Kibaki's state apparatus. Police were given shoot-to-kill orders, and hundreds of Kenyans died. Powerful politicians deployed armed militia in different regions of the country to consolidate their power. And for six weeks, Kenya burned.

A mediation agreement brokered by Kofi Annan would only halt the chaos after over a thousand people had been killed and over a quarter million displaced from their homes. Uncountable and uncounted numbers of women were raped, men and women were sexually violated, and "Internally Displaced Persons" (IDPs) became a new subcategory of Kenya's population, one that persists and grows to this day, now standing at over half-a-million people. Kenyans suffered, and continue to suffer.

*And everybody knows that the plague is coming  
Everybody knows that it's moving fast*

The writers you will read here are committed. They are fierce. They are whistleblowers, breaking the hegemonic omerta of ethnic and class allegiances. They are willing to go where the ugly is. Like the poets in *Their Justice Shall Be Our Justice* who, in a collective act of imagining, resurrect and amplify the voices of the victims, survivors and witnesses of the post-election violence.

The passive voice is too circumspect to describe what happened, and it is not enough to simply say that "violence erupted." Who was responsible? Why did it happen? How to ensure that it never happened again? As part of the power-sharing agreement between the two major parties, a national commission was appointed to investigate, and amassed a substantial body of evidence "to show planning and organization by politicians, businessmen, and others who enlisted criminal gangs to execute the violence." Eventually, Kenya took the

*Everybody knows that the boat is leaking  
Everybody knows that the captain lied  
Everybody got this broken feeling  
Like their father or their dog just died*

cases of the indicted to the International Criminal Court, which began a prosecution against a handful of figures who they charged with crimes against humanity: murder, rape, torture, mass displacement. There was evidence. There were witnesses.

Is there still a case? Witnesses have disappeared, and there have been calls to drop the case. It's easy to say why: two of the defendants are Uhuru Kenyatta and William Ruto, who joined together in a party which they named the "Jubilee" alliance, who ran for president and deputy president on a platform that promised calm in exchange for impunity. Since these two men had been on opposite sides of the election violence five years earlier—and since they stood accused of orchestrating violence against each other's supporters—their promise of a jubilee was compelling. They were declared winners of the election. President Uhuru Kenyatta has said that if he must govern from the Hague, he will. It will be the first presidency by Skype.

Elections are many things, but they are also stories that people tell about themselves, stories that people say yes to when they vote. The story that many Kenyans have wanted to tell with the 2013 election was a story of peace, the story of a peaceful democracy in which no one died, no one was forcibly circumcised, no one was raped, and no one was sent fleeing from their burning home. Kenya continues to be "stable," one of the most "stable" countries in Africa.

That story has been told. #KenyaDecided

This election supplement tells different stories. In *Against Voting*, Okwiri Oduor recalls bombardment by "peace infomercials" before the election, and by massive billboards thanking Kenyans for

keeping the peace after it. “Vote and go home,” the authorities demanded. She preferred not to.

Some stories are the story which cannot be told. In *Wailing*, Keguro Macharia remembers the sight of a man whose tears cannot be articulated, whose tears disarticulate the thing he needed to believe in, a process that made sense to him, a process not governed by an arcane maze of rules and processes, so arcane that he could never negotiate it. In *Kenya Will Never Was*, Orem Ochiel wants to say “Kenya” and not feel irony slip into the space between the word and the wistful exhalation that follows it.

That irony can be encapsulated in a single name. Uhuru Kenyatta. Uhuru is Swahili for ‘freedom.’ Uhuru was named for Kenya’s independence by his father, Kenya’s first president Jomo Kenyatta, who changed his own given name, “Johnstone Kamau” to exactly the kind of name a founding president should have.

Jomo Kenyatta’s successor was Daniel arap Moi, who raised to new heights the authoritarianism and corruption of the last years of Kenyatta’s administration. To mention “the Moi years” is to refer to a dark period of gangster cronyism and dictatorship that didn’t end until 2002, if indeed it did. For when Moi was finally forced out of power, it was Uhuru Kenyatta that he named as his successor. But the Kenyan people rejected the Kenyatta name and legacy and instead voted in a rainbow coalition of opposition parties under the leadership of Mwai Kibaki. Who happens to be Uhuru Kenyatta’s godfather.

So Kenya’s fourth president is the son of the first president, the declared successor of the second, the godson of the third. We’ve come a long way, baby.

“In Kenya, the business of politics is patriarchy,” writes Wambui Mwangi in *Silence Is A Woman*.



“[T]he dominant positioning of the Kenyatta family...creates not only a deeply ethnicised but also a near-personalized relationship with the state.”

Also silenced are the regions and communities of the country outside Central Kenya. Decades of land grabs by politicians have turned indigenous peoples into indigent squatters. Many are still undocumented as Kenyan citizens. Studied neglect by successive governments has left the hinterland and margins of the country without basic infrastructure and services, but subject to ongoing resource plunder by politicians and their corporate multinational partners. In 2008, a movement called the Mombasa Republican Council called for the 10-mile coastal strip to secede from Kenya. Pwani Si Kenya was their rallying cry. The Coast Is Not Kenya. Shailja Patel's *Postcards from Si Kenya* unpacks their grievances, from the tiny Indian Ocean island of Lamu.

*Everybody knows that you love me baby  
Everybody knows that you really do...*

*From the bloody cross on top of calvary  
To the beach of malibu*

*Everybody knows the scene is dead  
But there's gonna be a meter on your bed  
That will disclose  
What everybody knows....*

*Everybody knows it's coming apart  
Take one last look at this sacred heart  
Before it blows*

A month after #KenyaDecided, Ali Zaidi, consulting editor of the respected weekly *The East African*, posted the lyrics of *Everybody Knows* by Leonard Cohen and Sharon Robinson, on a Kenyan listserve.

He posted them without comment. Everybody got it.

Karibu #KenyaRefuses ■



# Wailing

by KEGURO MACHARIA

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*Something has died*

A MAN IN Kisumu is wailing. He will have to be my proxy as it's easier to write about someone else's tears. He is not wailing because Raila Odinga lost this election. That is what a cynical, narrow view of Kenyan politics would say. He is crying because, along with all the other Kenyans who watched the proceedings of the Supreme Court, he saw compelling evidence that the elections lacked credibility. The process was flawed, as Kethi Kilonzo argued in court. We cannot trust the results.

He remembers the most damning claim from the Kriegler Report, that widespread rigging made it impossible to credibly determine who had won the election. We needed

this election to be credible. We needed to move on from the 2007 election by believing that our voices had been heard. That we could trust the electoral body and its processes. But if the IEBC was cleared by the Supreme Court, they lost whatever trust we had in them. I do not trust their processes. I do not trust their results. I am not willing to entrust them with Kenya's future.

This man is crying because he believed in the Supreme Court. He believed that presented with compelling evidence, the justices would try to assuage our radical doubts, would try to reassure us that we could trust our electoral processes, no matter how long it took to get to the truth.

In their arguments before the court, the lawyers argued that they were representing Wanjiku. Wanjiku represents the ordinary mwananchi, the one most vulnerable to fluctuations in power. Wanjiku is not protected by armed guards and fierce dogs and gated communities. When hell breaks loose, Wanjiku is caught in it: as the injured, the killed, the raped, the dispossessed, the disenfranchised. Wanjiku's voice is rarely heard. And if it were, it's not clear that it would be understood.

This man from Kisumu is Wanjiku. He saw evidence of a flawed process presented on television and wanted the court to know that he saw this evidence and he demanded an accounting. He wants the fragile faith he had invested in Kenyan institutions—the electoral body, the Supreme Court—to stay alive.

Something was killed.

He was wailing—is still wailing, as long as that video clip exists—to mourn the death of something he needed to believe in, a process that made sense to him. A process not governed by an arcane maze of rules and processes, so arcane that Wanjiku can never negotiate it.

He is wailing because he discovered, as I did, that the law is not set up to give voice to the disenfranchised. The law is set up to follow rules.

And this is what I find most wounding.

I have no doubt that when the Supreme Court releases its judgment it will have followed all the rules. I have no doubt that it will be legally sound and might even become a famous case study for legal scholars across the world. I have no doubt that those invested

in the minutiae of the law will find this case endlessly rewarding.

I simply can't care about that.

I care because, along with many other Kenyans who followed the elections and monitored the results, I doubted the credibility of what was being announced. I care because, along with many other Kenyans who followed the case in court, I heard and saw compelling evidence that the elections were not credible. I care because, along with many other Kenyans who have invested their energy, their love, and their devotion to this country, I want to have institutions we can trust, and want to believe that after 50 years where Wanjiku has had no voice, she can finally be heard.

We wail because Wanjiku has been told what she sees, what she hears, what she feels is irrelevant. We wail because Wanjiku has been told that arcane rules trump the truth she knows. We wail because a faith we wanted to have has been decimated.

Something has died. ■



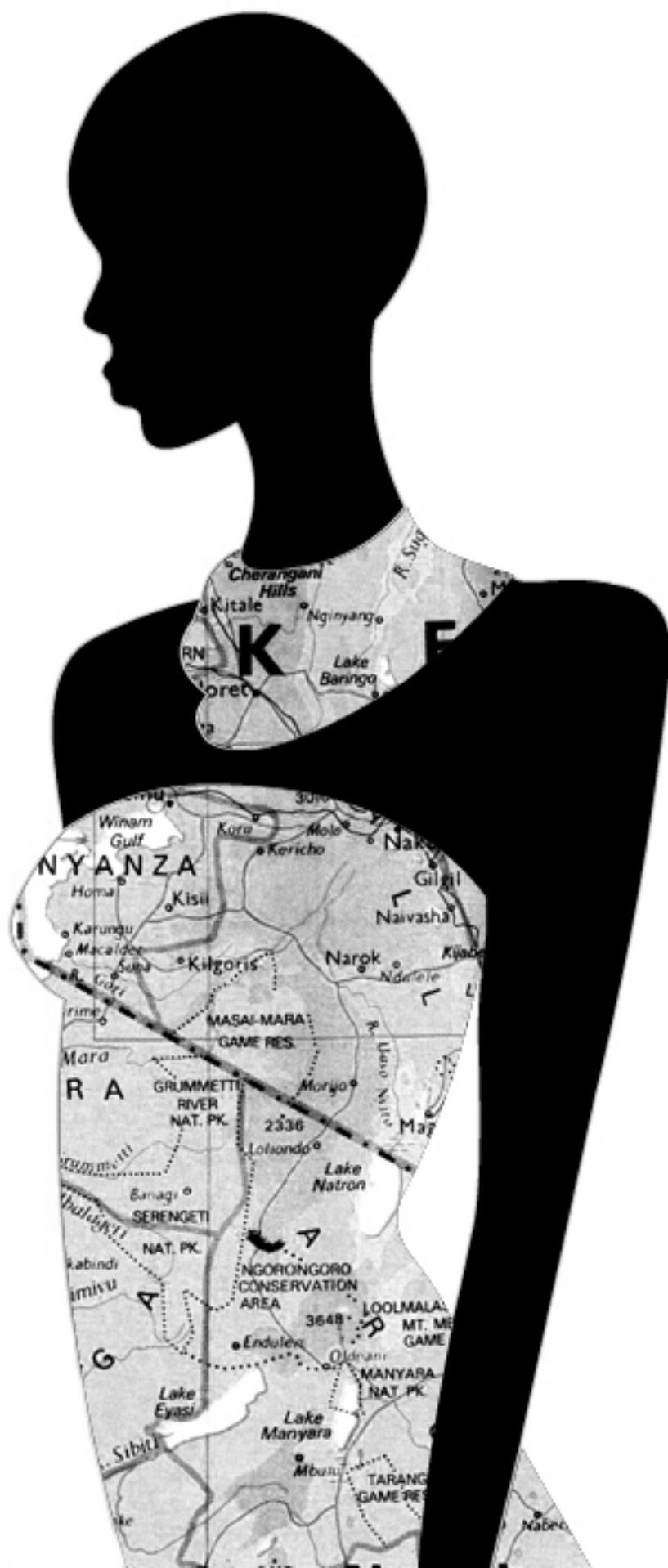


*Tena mwanangu idhili,  
Mbee za makabaili,  
Uwaonapo mahali,  
Angusa kuwenukiya.*

*Further, my child,  
humble yourself,  
before people of rank,  
when you see them anywhere,  
quickly praise them.*

—Mwana Kupona binti Msham,  
19th Century Lamu Poet,  
*Advice To Her Daughter* (1858)

LAMU IS A tiny island in the Indian Ocean, off the coast of Kenya. It is part of an archipelago that birthed the Swahili language and Swahili culture in a rich maritime civilization of Indian Ocean trade and city states in the 11th century. Chinese sailors arrived here in the 15th c., married local women. Lamu County includes the islands of Lamu, Manda and Pate, Kiwayu and Ndau, and 6,300 square kilometres of the North coastal region of Kenya, bordered by Tana River to the South. ■



# Silence Is a Woman

by WAMBUI MWANGI

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*The business of Kenyan politics is ethno-patriarchy,  
but women's bodies keep interrupting*

*"The general term for a woman is 'mutumia,' meaning 'one whose lips are sealed'"*

—Gikuyu Architecture

*"Your silence will not protect you"*

—Audre Lorde

*"Silence is a Woman" is dedicated to the reverberating voices of Gladwell Otieno and Zahid Rajan, and to all the women in all the bus and matatu stops in Kenya.*

## 1.

### **Of Public Bodies, Bodies in Public & the Body Politic**

IN 1922, MARY Muthoni Nyanjiru led a group of women that stormed a police station in Nairobi, Kenya, to demand the release of the nationalist leader Harry Thuku who had been arrested and detained by the colonial government. The colonial forces had guns and the men who had come with Nyanjiru and the other women were afraid. Nyanjiru denounced these men as cowards, stripped naked to shame them, and walked into the

police bayonets. She was among the first to die in the ensuing bloodbath, but her bravery roused her people into active resistance.

In 1992, Wangari Maathai led a group of women that occupied “Freedom Corner” in Nairobi’s Uhuru Park, demanding the release of political prisoners arrested and detained by the Moi regime. The government sent armed police to evict the women, who stripped naked in protest and defiance. Wangari Maathai was beaten unconscious and hospitalized, but the women of Freedom Corner eventually won.

Kenyan women have been laying their bodies on the line for years. A group of women stripping naked in public is one of our most potent political practices. Women’s bodies work as a potential and latent public space in Kenyan modernity because they usually appear in public only under cover: a frightening secret weapon everyone knows about. In many African communities, there is no stronger curse or taboo upon men than seeing “the mothers naked.” There is no stronger way for women acting together to register political dissent. Deployed in this way, women’s bodies have the power to make (something) public, to create “a public” around this action, and thus to produce both public-ness and publicity from the ground of their own corporeal materiality.

As political action, this is not only a public mode of power and a specific form of public voice. It is also a critical public voice of dissent against the all-encompassing patriarchy.

These women’s bodies are subversive

bodies. Women’s power deployed in this way can only be oppositional, always a challenge, always-already embodying and performing the power to refuse. Yet, women’s bodies do not have to be unclothed for significant utterance. A woman’s daily clothing is already a mode of speech about her life and about her relationship to the situation of her embodiment. In contemporary Kenya, even the banality of women’s everyday clothing appears to pose a threat to masculinist domination.

The Kenyan post-colonial social contract is not a political agreement between allegedly neutral individual citizens but a patriarchal and ethnicist order based on the domination of all Kenyan women by all Kenyan men. The seemingly unsayable political problem in Kenya is the post-colonial dominance of the patriarchal ethnic Gikuyu elites, whilst the ethnic virulence of Kenya’s patriarchal politics threatens our constitutional democratic opening. The bodies of women speaking from different horizons of political possibility create generative conditions of dissent and democratic renewal. It is very much to my purpose to pay homage to the lineage of Gikuyu women’s political protest, in which I include the historical acts of Muthoni Nyanjiru and Wangari Maathai and of contemporary women who continue to use their bodies powerfully.

In 2008 Kenya’s Post-Election Violence, Rachel Kungu, protected only by her commitment to the work of social repair, walked up to barricades of burning tires erected by angry, armed, and violent young men, to negotiate for peace. In May 2013, Muthoni



Njogu wrote a poem the day after she participated in a demonstration outside Kenya's Parliament:

yesterday, i was hit.  
 yesterday, my heart, hurt.  
 [...]  
 right now.  
 there is a swelling at the back of my  
 right leg,  
 beneath the ankle,  
 i cannot sleep.  
 [...]  
 nothing prepares one to be on the  
 receiving end  
 of a riot police baton.  
  
 nothing prepares one to sludge  
 through itchy  
 eyes, coughing phlegm  
 & seemingly random state of  
 confusion hours  
 after the violent dispersion.  
  
 nothing prepares for the experience  
 of running  
 solo  
 while a band of armed, club  
 welding, tear canister  
 holding men run after you shouting  
 for you to  
 stop.

I oppose the exclusionary and false Gikuyu-centric narrative and the ideological erasure of the many other ethnic communities in the Kenyan story as told by Gikuyu men. Here, I also want to insist on the strong tradition within Gikuyu women's culture of resisting tyranny, oppression, domination, and hubristic upumbafuness by the men. The multi-generational trajectory of Gikuyu

women's political embodiment and ethical public action contradicts the version of Gikuyu culture enforced by misogynist male interpreters and patriarchal narratives.

I use layered juxtapositions of "bodies" and "publics" and the metaphorical sutures between corporeal bodies and "the body politic" to look at how public space has been marked and defined, which bodies impose their forms on the public, and which other bodies are denied a public presence. These questions are not only theoretical concerns. Having endorsed Majubaolu Olufunke Okome that "as a woman, there are conditions under which one is legitimately able to exercise power," I also mark the violent masculinism acting in the name of public "decency" which has launched a pedagogy of violence and terror against Kenyan women using women's bodies as its teaching instrument.

These "lessons" are administered through public media showing public spectacles enacted in public spaces and fueled by public commentary. Kenyan public spaces are defined and punctuated by monumental forms of homage to powerful men while by contrast an imaginary symbolic woman without a body who used to represent social justice is now said to be dead. A suggestive resonance links Kenyan forms of masculinism to the spaces and artifacts of Kenya's patriarchal domination by ethnic political elites.

## 2.

## Entanglements & Ululations: A note on theory and methodology

### Micere Githae Mugo:

Where are those songs / my mother  
and yours / always sang / fitting  
rhythms / to the whole / vast span of  
life/? [...] Sing Daughter sing [...]   
sing/simple songs/for the people/for  
all to hear/and learn/and sing/with  
you.

—Where Are Those Songs?

### Marziya Mohammedali:



### Adrienne Rich:

Whatever is unnamed, un-  
depicted in images, whatever is  
omitted from biography, censored  
in collections of letters, whatever is  
misnamed as something else, made  
difficult-to-come-by, whatever is  
buried in the memory by the collapse  
of meaning under an inadequate or  
lying language — this will become not  
merely unspoken, but unspeakable.

—On Lies, Secrets, and Silence

### Sitawa Namwalie:

Let's speak a simple truth:

The average man can

without much planning

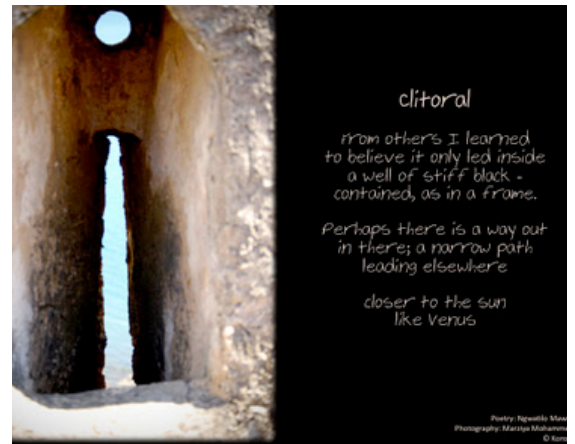
take by force

most average women in the world,

all average children

—Let's Speak A Simple Truth

### Ngwatilo Mawiyoo:



### Ng'endo Mwangi:

First, it is thought. Like this, do you  
see? Then it is found. Like this. Then it  
is spoken and said in this way. You do it  
just so, like this and here, just so. After, it  
is sewn. Do you see? Like this. When it is  
built, then it is sung. Now, you try.

—Life

## 3.

**In The Name of The Father and of  
The Son and of The Ethnic Spirit**

*"It's a father's duty to give his sons a fine chance."*

—George Eliot

In Kenya, the business of politics is patriarchy. All the bodies that matter are male and the "House of Mumbi" is a congregation with a powerful political punch. The Republic of Kenya has had four presidents in the 50 years between 1963 and 2013. Three of Kenya's four presidents have been from the Gikuyu ethnic community. The first was Mzee Jomo Kenyatta, who assumed power in 1963; in 2013, Uhuru Kenyatta, his son, moved his lineage back into a State House first occupied by the man known in life and in death as the "Father of the Nation."

In Kenya, control of the state means control of the patronage on which the political elite's accumulation of public resources depends. The crucible of Kenyan politics is the capture of the state by a constellation of Gikuyu elites, their relatives, and their financial cronies, the resulting Gikuyu dominance in politics, economy, and society, and the consequential Gikuyu ethnic privilege. The political hegemony of the Gikuyu community and the Kenyatta family's dominant position within it combine to create both a deeply ethnicized and also a near-personalized relationship with the state.

Thus, in Kenya, the public is privatized

as the political is ethnicized.

2013 is Kenya's 50th Jubilee, celebrating 50 years of freedom from colonialism. In Kiswahili, "freedom" is 'Uhuru.' In the capital city Nairobi, there is an Uhuru park, an Uhuru highway and now, an Uhuru president. The "Jubilee Coalition" was Uhuru Kenyatta's political vehicle for his presidential campaign. When Jomo Kenyatta was president, his face was on the Kenyan currency. It still is. Jomo Kenyatta's official photograph was prominently displayed in every Kenyan office and home. In the manner of such power, it came to pass that the largest airport in Kenya is Jomo Kenyatta International Airport. The iconic Nairobi landmark is the Kenyatta International Conference Center, the largest hospital is Kenyatta National Hospital, and a major road bifurcating Nairobi is Kenyatta Avenue. There is both a Kenyatta University and a Jomo Kenyatta University of Agriculture and Technology.

This metonymic association between "Kenya" and "Kenyatta" is no accident. The first president gave himself that name. He was also the author of *Facing Mount Kenya*, which he wrote as his doctoral dissertation in anthropology and in which he examined at scholarly length the working of Gikuyu society and cultural practices. This work is so iconic in post-colonial Gikuyu culture that now it does not so much describe as generate Gikuyu identity. In the Gikuyu language of Jomo and Uhuru Kenyatta's core supporters, "mutumia" is one of the generic words for a woman. The literal translation of "mutumia" is "the silent one" or "one who does

not speak.”

Melissa Williams cogently argues that “if justice requires the expression of the different experiential perspectives of different social groups, then one must go a step further to argue that justice requires that these different voices be heard and responded to.” Similarly, according to Aristotle, a political being is a speaking being. Political participation requires the possession of a “voice.” The valorization of women as silence by Gikuyu culture raises questions about their political participation in the democratic processes of post-colonial Kenya.

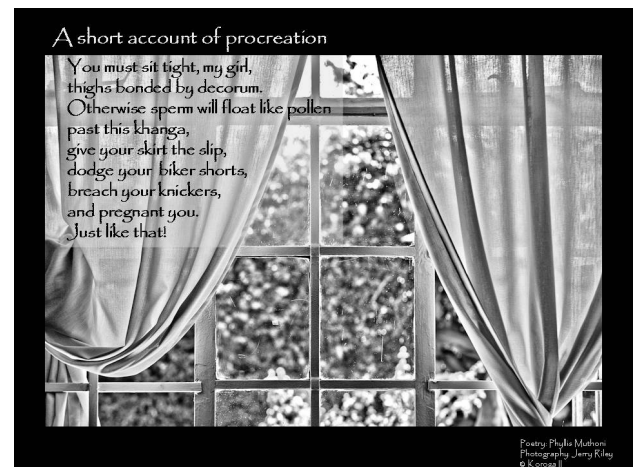
The usual gloss of ‘mutumia’ is that Gikuyu womanhood is a reserved dignity and composed serenity. This gloss is unsurprisingly the one enforced and circulated by patriarchal and misogynist cultural interpreters. The natural condition of a woman is to dwell in silence, to persevere mutely, and to communicate speechlessly. Silence becomes a woman. Silence is what a woman, in becoming a woman, becomes. Silence is becoming in a woman because silence is the becoming of a woman. A woman is silent. The presence of a woman is the presence of silence. Silence is a woman.

Moreover, Gikuyu women are encouraged to misunderstand the mytho-political significance of Wangu wa Makeri, the powerful matriarch who once briefly ruled the Gikuyu. We are told that Wangu was overthrown because the men plotted to impregnate all the members of the women’s council simultaneously. The implicit rapes necessary for this forced synchronicity of pregnancies

notwithstanding, we are also taught that nine months later these same men staged a noble coup d’état and Wangu’s viciously oppressive matriarchal rule was ended, forever.

This carefully circulated and re-narrated cultural “knowledge” re-inscribes alleged contradictions about women’s bodies, power, and political possibility. It reminds women that all our bodies are always available for physical degradation by all men. It threatens while inscribing the illegitimacy of women in political authority. It destroys the public power of women’s bodies by destroying women’s power to use our bodies in a public way. It inscribes the collective memory of matriarchal rule with the mark of illegitimacy and perversion. This repressive discursive construct supports Sylvia Tamale’s perceptive demarcation of women’s cultural history as a rights-infused territory of potential justice-claiming publics and publicity precisely by the vehemence with which it denies such a possibility.

### Phyllis Muthoni:



## 4.

**The Pedagogy of the Body Strippers**

Matatus are Kenya's predominant form of public transport. Matatus drivers are infamous for their aggressive driving style, propensity to speed (and crash), and their hostile and dominating attitudes to almost every other type of vehicle and road user. Either despite or because of these frightening aspects, these matatus—especially driven in this way—are also iconically Kenyan. Matatu stops and vehicles are a dynamic public Kenyan space. They are where all Kenyans meet, mingle and often deliberate our politics in the course of our ordinary lives. Matatu culture is also belligerently masculinist. As Keguro Macharia observes, violence against women in Kenya is so entrenched as to be unsurprising, un-extraordinary, banal.

In January 2013, a 13-year old girl returning home to Dandora in a number 42 matatu was abducted by a group of men who took her to an unknown location and gang-raped her repeatedly. On the 16th of February 2013, the Nation Television Network reported that a woman had been attacked and stripped “by matatu touts” at a bus/matatu-stop in Kitengela, a town in Eastern Kenya. The reporter said that while the lady escaped relatively unscathed from the incident, she “did not seem remorseful.” The reporter also interviewed the area parliamentary representative, who described the incident as “shameful” but “urged women to dress more decently.”

On April 1, 2013, a woman passenger got off a matatu at the bus stop in Nyeri, a town in central Kenya, and was assaulted by men variously described as “a group,” “a crowd,” “a mob,” or simply as “matatu touts.” The media report was that the woman was attacked and raped because the men judged her “indecently dressed.” The “matatu touts” tore off her outer clothes, ripped apart her underwear and forcefully inserted their fingers, sticks, mud, and dirt into her genitals. They taunted her that they were helping her achieve her goal, as the way she was dressed showed that she had wanted to show off her body.

Kenya learned of this incident because it was broadcast on national television and the video was placed on the network's website. After protest from individual women and women's groups, this casual depiction of humiliation was replaced with a marginally less alarming video of other women helping the shattered victim salvage her belongings. The text under the adjusted video clip reads:

Drama ensued at the nyeri bus termini when a crowd descended upon a lady they claimed was indecently dressed. The angry mob undressed the lady saying that the short dress top she had worn reflected badly on the women of nyeri. the lady who was not given a chance to defend herself was stripped and left in her birthday suit as her inner garments were kicked and thrown about by angry men. The women who were equally scorned warned mothers against letting their daughters leave the house without approving their dressing. A good

samaritan who witnessed the saga  
 saved her embarrassment by giving  
 the lady a long dress as an alternative  
 approved by the men. [sic]

In the adjusted text, these words were removed: “Traders and other passers-by had a free movie to watch as they gathered to witness as the drama was unfolding...Women and mothers were warned not to let their daughters walk out of the house without their approval. What a lesson!” Like most of the world’s corporate media, Kenyan news-media anticipates and transmits to a dominant male gaze. The on-air anchors displayed an unattractive admixture of prurience veiled by spurious professionalism. The framing of this incident suggests, also, that a submissive female public—the everywhere-threatened subject of violence—is not so much anticipated as in the process of construction. This incident is not likely to be the last in Kenya; nor has the public lesson been lost.

Eight days after the Nyeri bus stop attack, another story appeared about a woman who was attacked by “matatu touts” in Bomet, a town in Kenya’s Rift Valley. The touts said the mini skirt was offending and prompted them to strip her as a lesson to other women. According to the newspaper report:

“This is how women end up being  
 raped and men are blamed for being  
 immoral yet women dress in a bad way,”  
 said Kiprono Sang one of touts.

At time of writing, there have been no arrests of any of the perpetrators in these cases.

## 5.

### **Burying Wanjiku: Mystery! Woman’s Body Missing Before Her Death!**

*and when we speak we are afraid  
 our words will not be heard  
 nor welcomed  
 but when we are silent  
 we are still afraid*

*So it is better to speak  
 remembering  
 we were never meant to survive*

—Audre Lorde

Social justice activist Rachel Gichinga observed that women “got a shellacking” in the March general elections. She was referring to the minuscule numbers of women elected to the national legislature, but her observation also applies in unexpected domains. On the day after the Supreme Court of Kenya affirmed the victory of President Uhuru Kenyatta, columnist Rasna Warah published an article in the Daily Nation entitled “Wanjiku is dead but who will mourn her when everyone wants to move on?” As she wrote:

Wanjiku died last week. There was no state funeral, no wreaths, no eulogies. She was buried in a quiet ceremony in her small plot of land. They say she died of a broken heart. A note was found next to her body. It read: ‘I am tired.’

When the villagers learnt of her passing, they shrugged and said: “That

is life. We need to move on. We can't mourn that which was never ours.'

Warah ensured that we remembered Wanjiku by claiming that we had forgotten her.

To 're-member' is to make a member again, to bring that member back into the community of imagination, re-awakening past trajectories and giving new momentum along new paths of the present. More poetically, if your name is in the headline of a nationally-circulating newspaper, you are represented, recalled from absence and made present again, millions of times.

Warah's readers seemed to be acquainted with Wanjiku. The comments section was immediately filled with vigorous dispute about Wanjiku's health and death. Wanjiku was alive and kicking, and had been seen at a Nairobi market that very day; Wanjiku had indeed died un-mourned and in vain; Wanjiku was dead but not forgotten, the whole country was grieving for her; Wanjiku might be in a coma and would yet recover in a few months or in five years.

Wanjiku is—or was—an iconic representation of "the ordinary Kenyan citizen." Kenyan artists, intellectuals, activists, lawyers, and politicians invoke her to make arguments in "the public interest" or "the common good." Wanjiku is Kenyan shorthand for our 'we.'

In the 1990s, President Daniel arap Moi dismissed popular pressure for constitutional reform by demanding, "What does Wanjiku want with a constitution?" Unwittingly, he created the defiant symbol: Wanjiku was

enthusiastically adopted by proponents of constitutional reform as the "anti-Moi." They demanded social justice and a new constitution on her behalf. Wanjiku became ubiquitous in the Kenyan public imagination, a way of gesturing to "public opinion," the "common person," or the "ordinary mwananchi."

"Wanjiku's Constitution" passed by national referendum in 2010. Chief Justice Willy Mutunga keeps a half life-size sculpture of Wanjiku on display in his chambers because, as he put it, "Wanjiku is the boss." The sculpture shows Wanjiku with a copy of the constitution in her kiondo (bag). Gado, the prominent political cartoonist, frequently includes Wanjiku in his satirical images. She is a tiny figure in the corner, commenting wryly on political antics and the quirks of Kenyan society.

Wanjiku represents, or represented, the people whose names never appear in news broadcasts or newspaper pages. She was the voice of those who are subject to the actions of the powerful but never powerful themselves. She was alert to the rising costs of living and the quotidian preoccupations of daily life. Wanjiku was thus the private citizen with a view of public actors, the powerful and famous. By commenting on social trends, Wanjiku was a private critic of the public, of the generalized "society out there." In this sense, she manifested as the unacknowledged instability between "public" and "private" concerns. As a figure of the democratizing aspirations of a new constitutional order—but attentive to the concerns of its citizens—she straddled the divide separat-

ing the valorized and masculine public world from the comparatively undervalued private female world. She was easily translatable into different contexts. Her persona was down-to-earth. Performance scholar Mshai Mwangola observed that Wanjiku “came across as a favorite aunt.”

However, Wanjiku’s emergence in the male-dominated Kenyan public sphere didn’t necessarily imply more equitable gender relations, or even awareness to gendered issues. In her translation to a visual form, after all, both the cartoonist and the sculptor are male. The imaginations that shaped Wanjiku for national representation have mostly belonged to men. Wanjiku seems to lack any awareness of her body’s processes—such as menstruation, pregnancy, or the need to eat—and she also has strangely male-inflected concerns. The Kenyan universalism she portrays is coded male.

Not having a body, Wanjiku is unable to experience or mediate the lived politics of a body’s situation and concerns. Without a body, Wanjiku is only a name. Wanjiku might be failing as an avatar of social justice because her name places her in Uhuru Kenyatta’s Gikuyu community. As an angry Kenyan voice proclaims, “There is no Wanjiku in Kisumu.” Kisumu has historically been a bastion of opposition to Gikuyu ethnic hegemony and thus to the Kenyatta family’s rule. The experiences Wanjiku purported to represent are lived experiences by real women’s bodies in the corporeal situations of real women’s lives. Perhaps this Kenyan riff on “Lady Justice” invites resistance to the making of a Kenyan ev-

ery-body or Kenyan any-body out of an ethnically specific but poignantly disembodied no-body. Perhaps, instead of personifying a national aspiration to social justice, Wanjiku served or was perceived as a disciplinary site for the domestication of gendered and ethnified dissent. Even so, the traces and cleared spaces of Wanjiku’s possible failure might generate alternative pathways to a more shareable Kenya and a more livable way of building our common spaces of the ordinary.

## 6.

### Kethi Kilonzo and The Shackles of Doom

And you shall not escape

What we will make

Of the broken pieces of our lives.

—Abena Busia

In a departure from Wanjiku’s impassive ubiquity, a different Kenyan womanhood has captured the attention of the Kenyan public. Almost by definition, women who make news tend to be not-ordinary and not-average. These extraordinary women in the public eye stand implicitly as the antithesis to Wanjiku, whose power rests in her ordinari-ness. The Kenyan public’s awareness of these women ironically also includes knowing that they are not-ordinary because of the structural constraints and prohibitive contexts under which and despite which these women



have emerged into public visibility.

Kethi Kilonzo argued the petition challenging the validity of the electoral process before the Supreme Court, and though she lost her case, she gained an enormous goodwill constituency. A lively public of supporters, admirers, legal groupies, legal peers, and admiring well-wishers that has been drawn into each other's orbit by Ms. Kilonzo's affect might sketch the contours of an audience for alternative politics. Watching Ms. Kilonzo before the Supreme Court, I was struck by the dramatic David and Goliath contrast of the proceedings. Light of build and with a deceptive air of fragile vulnerability, Ms. Kilonzo faced an intimidating coterie of highly experienced and very expensive male lawyers representing the Electoral Board, Mr. Kenyatta, and Mr. Ruto respectively.

As a candidate for the Kenyan public's affections—and as a symbolic hook for constitutional justice—Kethi Kilonzo's presence in the landscape of the Kenyan imagination might offer several advantages over the Wanjiku Effect. Wanjiku, supposedly an “ordinary” citizen, is possibly either opaque or ethnicized. Kethi Kilonzo is not an average or ordinary citizen. Her position is privileged and particular. Her late father was once Justice Minister and was also the Education Minister in the just-ended Coalition government. Kethi Kilonzo is as materially substantial as Wanjiku was not; a professional woman where Wanjiku was ambiguously occupied; of Kamba ethnic origin where Wanjiku was redolent with Gikuyu origins; wielding constitution law like a sword in a warrior's

hand whereas for Wanjiku the constitution seemed more of a shield; and flesh and blood articulacy to Wanjiku's inked outlines and imaginary laconic speech.

Class divisions in Kenya have often been intentionally obscured by the elite's malevolent ethnicization of Kenyan politics. Kethi Kilonzo's stance in defense of constitutional compliance suggests one ethical form of broaching this impasse to find a workable common ground. To the 49.03 percent of the electorate who would have preferred a different Supreme Court decision, Kethi Kilonzo now has a powerful political credibility. She raises the possibility that social and class privilege might not determine political destiny. Kethi Kilonzo's substantive argument before the Court was also material to the emergence of “a public of interest” around the constitutional issues she articulated and until her father's death, she continued to be a vocal public critic of the decision by the Supreme Court. Kenya might now possess the kernel of a constitutionally literate public as a result of the enthralled attention to the nationally televised Supreme Court proceedings and to Kethi Kilonzo's subsequent media appearances.

Another horizon of possibility opens out of a controversy pitting constitutionally embedded hate speech laws against equally constitutionally guaranteed rights of freedom of expression and speech. An original play by Cleophas Malala, *Shackles of Doom*, entered in the Kenya National Drama Festival by Butere Girls High School, was deemed “hate speech” and banned by the authorities

because it depicted and critiqued Kenya's ethnicized politics. More precisely, the plot is critical of Gikuyu strategies of economic domination. The constitutional injunction against "advocacy of hatred that constitutes ethnic incitement, vilification or others or incitement to cause harm" was pitted against the right to expression, artistic creativity, and academic liberty. Both of these imperatives are enshrined in article 33 of the 2010 Kenyan constitution.

Kenyan social media erupted in vociferous displeasure at the Ministry of Education's arbitrary decisions and veteran social justice activist Okiya Omtata pursued the appeal before the High Court. Photographs of the students were widely published and circulated, as were ever more detailed engagements with the play's narrative. Possibly pirated DVD copies of *Shackles of Doom* found an instantaneous and enthusiastic Kenyan market. The Butere Girls company received several pointedly public invitations to perform at privately-owned venues across the country. The Kenyan Diaspora thickened national Kenyan public discourse with queries and belligerent commentary. All the broadcast media weighed in. The discursive thrum had more political impact than the most successful staged play possibly could. Even from within their enforced silence, these young women's bodies were articulating a critical facet of Kenyan existence.

The ban was announced a few days after the Supreme Court confirmed Uhuru Kenyatta's electoral victory. Not many people had seen the play or known about it, and if it

had not been censored, most Kenyans would never have heard of it at all. But the news that a high school play had been banned on grounds of causing ethnic offense to or hatred of "a certain ethnic community" generated a storm of public protest and indignation. Artistic creativity in Kenya—especially high school plays—had not been censored since the hateful days of the Moi dictatorship. Activists appealed the Ministry of Education's ban, and somewhat unexpectedly—given the conservative electoral ruling handed down by the Supreme Court—the appeal was successful. The play was unbanned. Judge David Majanja's ruling held that:

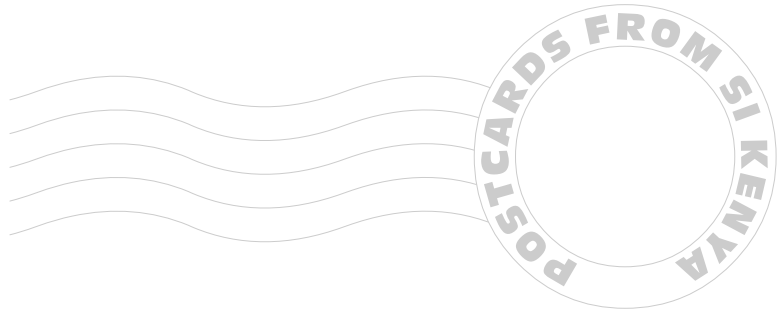
Artistic expression is not merely intended to gratify the soul. It also stirs our conscience so that we can reflect on the difficult questions of the day. The political and social history of our nation is replete with instances where plays were banned for being seditious or subversive. This is the country of Ngugi wa Thiong'o, Micere Mugo, Francis Imbuga, Okoth Obonyo, and other great playwrights who through their writings contributed to the cause of freedom we now enjoy. Some plays were banned because they went against the grain of the accepted political thinking. Kenya has moved on and a ban, such as the one imposed by the Kenya National Drama Festival must be justified as it constitutes a limitation of the freedom of expression. I am not convinced that Kenya is such a weak democracy whose foundation cannot withstand a play by high school students.

I certainly endorse Judge Majanja's senti-

ments, yet, the Butere Girls' play had already achieved part of its purpose even while the girls and their play were absent from public view. This attempt to remove young women from staging an interrogation of Kenyan society and articulating new political possibilities failed because the public push-back against the ban was instantaneous and impassioned. This was neither a particularly gendered response nor based in explicitly gendered concerns. Nevertheless, these young women's silenced bodies stirred a public to intervene on their behalf.

Gwendolyn Bennett said, "silence is a sounding thing for one who listens hungrily." Listening hungrily, I hear women's bodies speaking in and through the silence. Kethi Kilonzo lost her case, and the Butere Girls did not win a prize at the festival, but as have many Kenyan women who have enacted protest and dissent under conditions of political duress, both created a visible and vocal public by the focused performance and non-performance of their bodies. Generations of Kenyan women have used their bodies to create a new collective imagination and to nurture justice in our political community by showing nakedness, by offering bodily truths and by converting corporeality into transformative speech. As I tell you these stories now, my own back is curved over my desk. My eyes are tired and my arms are cramped. I feel the tension in my neck and between my shoulder blades. In the silence, I hear the loud clatter of my fingers on the plastic computer keys. I hear the songs of my mothers and my sisters. I hear my voice. ■





FIFTY YEARS AFTER independence, in all the 6,300 square kilometres of Lamu county, there is not a single paved road. This is a problem. If you are one of the 36,000 residents of the Lamu archipelago, you need to go to Malindi, the nearest town on the mainland, for a dentist, an optician, most medications, surgery, to get your laptop fixed, higher education, technical training, industrial equipment, kitchen appliances. Women who develop complications during childbirth are sent to Mpeketoni, the nearest mainland town at the centre of the resettlement scheme of Kikuyus at the coast, whose influx displaced the indigenous hunter-gatherer Sanyes. The Mpeketoni hospital is better equipped, staffed, and serviced than any in Lamu. At Mpeketoni, they are often told to go to Malindi. They often die in transit. The

Saudis built a state-of-the art hospital, the King Fahd hospital, on the island of Lamu. But neither the Saudis nor the government of Kenya keep the hospital stocked with drugs, supplies, or medical staff. So its primary activity is referring patients to facilities on the mainland.

Anyone with \$350 can fly to Nairobi in the space of an hour from Manda airstrip. But as recently as nine years ago, here's how you got from Lamu to Malindi. A boat ride from the island to the mainland took thirty minutes, costing a dollar. Five hours and nine dollars sent you in a bus along a rutted bumpy dirt road to Malindi. During the rainy season, the bus stopped at the Sabaki river bank, where passengers got off, unloaded their luggage, loaded it onto canoes, and crossed the river by canoe. On the opposite bank, you'd

get on a bus from Malindi, whose passengers had just unloaded themselves and their luggage. They would get into your canoes, cross the river, and load their luggage and bodies onto the bus you'd just vacated. The whole dance would take an hour. It might be raining.

Today, an all-weather murram road crosses the river, which at least cuts out the canoe portion of the journey. But it is still a brutal ride, over cavernous potholes, especially in the rainy season. No toilets on the bus. A paved road would cut the journey time

by 2 to 3 hours.

When the government built a road for the grand opening of the new Lamu Port project, attended by the presidents of Ethiopia and South Sudan, they built it at record speed. So quickly, in fact, that they forgot to tell the people living in the path of the new road what was coming. Families drinking morning tea watched earth-movers barrel towards them, tearing up their crops and farms in ravenous mouthfuls, coming for their homes. We were not told there were people, said Kenya's minister of transport. ■



Photo by SHAILJA PATEL



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Date: 8 March 2011

**PRE-TRIAL CHAMBER II**

Before: Judge Ekaterina Trendafilova, Presiding Judge  
Judge Hans-Peter Kaul  
Judge Cuno Tarfusser

**SITUATION IN THE REPUBLIC OF KENYA**  
***IN THE CASE OF THE PROSECUTOR V. WILLIAM SAMOEI RUTO, HENRY***  
***KIPRONO KOSGEY AND JOSHUA ARAP SANG***

Public Document

**Decision on the Prosecutor's Application for Summons to Appear for William  
Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang**



## ORDERS

William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang, without prejudice to further decisions of the Chamber in this respect:

- (i) to have no contact directly or indirectly with any person who is or is believed to be a victim or a witness of the crimes for which William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang have been summoned;
- (ii) to refrain from corruptly influencing a witness, obstructing or interfering with the attendance or testimony of a witness, or tampering with or interfering with the Prosecution's collection of evidence;
- (iii) to refrain from committing crime(s) set forth in the Statute; and
- (iv) to attend all required hearings at the International Criminal Court.

# Their Justice Shall Be Our Justice: A Dialogue on the ICC Witness Project

by MARZIYA MOHAMMEDALI, NGWATILO MAWIYOO, and MICHAEL ONSANDO

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*Kenyan poets imagine and amplify the voices of missing witnesses*

THE ICC WITNESS Project is a collaboration between Kenyan poets to imagine and amplify the voices of some of the missing witnesses for the ICC trial. We want to make sure the victims and survivors of the Post-Election Violence that rocked Kenya in 2008 are not forgotten.

The idea was sparked by a BBC article, “Claims of Witnesses in Kenya ICC Trial ‘Disappearing’”:

What is clear is that alleged tampering with witnesses or those who may offer important leads about Kenya’s violent past, is worrying the chief prosecutor at International Criminal Court (ICC) at The Hague.

*“Kenya needs us to work together;  
Kenya needs us to move on.”*

—Uhuru Kenyatta,  
Kenyan President-elect,  
currently under indictment for crimes  
against humanity, March 2013

*Kenya needs a great many things.  
It needs Post-Election Violence to unhap-  
pen:*

*Those who were killed need to undie, need  
to*



crawl from their graves in solidarity.  
Ashes need to burn backwards, float in air,  
gently unfuse themselves from wooden  
church doors  
and melted glass windows.

women need to guard their wombs, begin  
the process  
of being unraped, erase their memories  
as they become whole, unbirth those chil-  
dren who  
were begotten from violence.

And those displaced people! They need to  
move,  
redisplace themselves back to their original  
locations.  
Retill their lands, watch the stones  
jump magically back into houses.  
The pangas need to flake off the blood,  
replace themselves quietly,  
claim back the rust that spotted them before.

Kenya is moving on.  
Kenya is moving on.

—Witness #47

### Why this?

The project is fundamentally a way to  
make sense of the craziness we've recently  
gone through, and are geared to go through  
in Kenya's foreseeable future. Even within

our communities as artists and intellectuals,  
there have been moments when I felt alone,  
suddenly without a framework to process the  
many densely loaded things that are happen-  
ing.

Would it have mattered so much if  
these witnesses hadn't been crucial to a case  
brought against the alleged perpetrators of  
the violence? Would it have been newswor-  
thy if the case hadn't been before the Interna-  
tional Criminal Court? Would anyone care if  
witnesses vanished, died, recanted, just like  
that, if their testimony did not involve very  
important people?

It probably would. The message being  
sent is very clear. If something happened,  
keep silent. Move on. Forget About it. But  
how can we be silent?

Suddenly, for the first time in a long  
time, we couldn't assume we still officially  
possess the freedom to speak. The ICC Wit-  
ness project is a way to take - and test - that  
freedom.

I have been told that this is our secret.

Our secret is shameful and should not be  
shared.

Shared instead is the feeling of being one.  
Being one is more important than the truth.  
The truth is something that should be bur-  
ied.

Buried in the grassland we left behind,  
behind the old stone wall where I fell.

I fell as I was running, my dress caught up.  
My dress caught up, pulled from my body,

my body torn apart, turn by turn by turn.  
By turn, they claimed each part of me:  
Each part of me, a pretty piece of flesh.  
Flesh met dirt met blood met metal.  
Metal slicing through me, hands holding me  
down.  
Down, under all the pain, I felt a hand on my  
ankle.  
My ankle turned; I felt the bone break.  
Break this illusion, that I am to blame.  
I am to blame, I have been told.  
I have been told that this is our secret.

—Witness #85

## Why Poetry?

Poetry is what we did because it's what brings some of us together in the first place. The suggestion was posted on the Kenyan Poetry Catalyst google group, and on the Concerned Kenyan Writers listserv, which was started during the trouble following the last election.

In response came a lot of poems. Poems that use imagination to recreate scenes that, while not real in the strict sense, most probably happened. Poems that explore what those involved may have felt.

It was also a creative challenge – how much can you express in this form? It's not always easy, given how confronting the subject matter is. And yet, poetry also lends itself to scenarios that border the unreal – like things 'unhappening' (Witnesses No. 47 and

101) which give us a way to address forgetfulness, and the admonishment to 'move on' without acknowledging what it is we're moving on from.

Flash prose and single thought microblogs are now making their way into the project. Other voices are coming through as well – 'other' witnesses, telling what they saw or experienced, second- or third-hand; and the poets themselves, debating their actions and responsibilities.

The diversity of voices is great. Our different approaches to language, style, tone and everything else help people capture many possible scenarios that could have occurred. Not just the victim's point of view, but the perpetrator's too. How might a killer have felt? This has led to talk of the project being contradictory in terms of the message. Well, life is contradictory.

Say their names:

Ali, Ben, Susan, Beatrice, Lucy

Say their names:

Brother, Friend, Wife, Sister, Girlfriend

Say their names:

Kiptoo, Onyango, Achieng', Nyambura,  
Cheruiyot

Say their names:

missing, burned, raped, decapitated, insane

Say their names:

scared, criminalized, hated, feared, intimidated

Say their names:  
forgotten, erased, error, error, error

—Witness #95

I am tired  
and it continues not to end

—Witness #97

## Why Now?

There have been many projects addressing the post-election violence. Most of them talked about promoting peace, and in that way, they were successful. The elections took place ‘peacefully’. People lined up for hours and hours to vote. Kenya’s populace was determined to show that we could ‘get along’, that we weren’t going to descend into the darkness that we had seen before.

But the peace seemed a bit odd, forced. A friend said ‘we talked of peace, with guns to our head.’ That’s what it felt like, a militarized situation: ‘be peaceful, or else’. The implied threat of violence, ironically as a reaction to anyone daring to engage in violence, seemed to be what kept people in check.

And still the wheels turned. The elections were held and it looked like “Team UhuRuto” was setting up for a first round win.

Then one of the four ICC cases, against civil service head Francis Muthaura, was dropped. The only witness for the charges against Muthaura confessed that he had been paid off. All other witnesses for this set of charges were said to be dead or had refused to testify.

## What is the witnessing? And what is its work?

Witnessing in the project is many tiered. There’s witnessing to the past - particularly the 2007-2008 election crisis and related death and violence. And witnessing the present - the ICC process and its flaws, what’s happening in the background to the real people involved, victims, perpetrators and others. The project has been a way to interrogate the ‘official story’ and the new propaganda and try to reach the truth.

And, just what, is the truth? To be honest it may have turned into the murkiest concept in our country. We witness to say what happened, trying to recall without bias, but also without leaning towards any specific underlying motives as they are many and complex. We paint the picture.

We aren’t the actual ICC witnesses. We watched as Kenya burned, as our compatriots tore each other apart; we took to the internet and interrogated our responsibilities as artists and writers.

We came from different backgrounds, ethnicities - even different countries. But we were all concerned. So watching ICC wit-

nesses disappear was like watching the systematic erasure of our past. We were afraid that if everyone turned away, as many were doing, then we would forget.

We don't have access to the witness statements, but we do have access to a range of media that focuses on the post-election violence and the subsequent trials. We have lived through the nightmares in our neighborhoods and on television, watched the footage, seen the pictures, heard the stories. These are translated into the forms we choose to write in, make up a body of work that draws heavily from what did happen and moving beyond the statistics and general records to bring back the basic 'humanness' of what happened – show the people who were affected.

We refuse to forget. We cannot afford to forget.

*Dholuo:*

Pi wang'a chwer achwera.  
Naneno gik malich miwuoro.  
Chunya nogik.  
Atarora atara.

*English:*

My eyes keep leaking. keep leaking.  
They saw things too terrible to voice.  
My heart stopped.  
Now I merely exist. merely exist.

—Witness #58

### **Why are the poems not attributed to individual poets?**

When the project went online for public view (as opposed to being created and shared on listserves) the general consensus was that the work speak for itself, without attributions detracting from what was said and shifting focus from witnesses to poets. This was a collective exercise of memory, to piece together stories that we had heard, watched, read about, viewed photos of... at some point, the poet, while being the viewfinder, needs to step back.

It's important to note that we're not working with verified testimonies. We have nothing to do with actual ICC witnesses or witnesses to any local case. We are not working with people who knew enough to become real witnesses. We're working with our own present, our own memory, with the energy of our neighborhoods, the media and conversations with friends over tea and biscuits - or goat meat.

By not having any names, I suppose we are enacting or playing a more traditional folk role through the project, akin to traditional ceremonies of old where masked members of the community, through trances or otherwise, reflected the present or coming future of the community to itself. The identity of the masked ones was not important but the listeners (participants, really, as everyone was involved in the telling) accepted the message - knowing and trusting the truth of it beyond

the particular identity of the messenger.

Names would shift focus from what we were trying to say to who was saying it. Plus, some of the poets are writing views that are the polar opposite of what they “should” be thinking. Anonymity gives writers space to say what needs to be said.

There was also an unspoken, but implied sense of caution around the project, as the works were wont to describe the actions of people who would not be happy with their representations in the project. Having no attributions has freed up the creative space – I feel those poems that come through are more outspoken and tackle stronger themes than they would if the poet was being named.

Security aside, the funny thing about Kenya is, for most people, it’s easy to tell what part of the country you hail from just by your name. And it’s never harder to read text on its own terms than at election time, and harder still when the subject is so charged. It was useful to prevent people from reading anything but the text. It was also probably easier to hear the content, shorn of the ego-laden questions of who wrote it, and how good a poet do I think that person is.

I do hereby make oath and swear as follows:

1. THAT I am a male adult individual of sound mind hence competent to swear this affidavit.
2. THAT I once said something about someone, but I’ve changed my sound mind.

3. THAT I now revoke my testimony because I’m terrified of what might happen instead.

4. THAT I never expected those I moved against to come into power.

5. THAT both bribery and threats are effective tools to buy a witness.

6. THAT if you are reading this, I might be in a shallow grave somewhere.

—Witness #82

**What are the prevailing winds in Kenya now?**

In 2007/2008, following the announcement of election results, there was widespread violence across the country - but especially in the Rift Valley, in Nairobi, at the Coast and in Kisumu. More than 1000 people died, about half a million were displaced.

It is widely accepted that the violence was organized. The ICC process sought the persons responsible. It indicted sets of suspects from the two historically warring factions. There has been a lingering gangrened sense that some persons who were not indicted bear the greatest responsibility; that they wiggled out of the ICC’s net, by accident or by design.

Two of the ICC defendants, newly elected President Kenyatta and his running mate, William Ruto decided to pool their support around the country and run together. This was presented as a reconciliation of their



communities. But in the run up to the election, the international community warned against voting for accused persons. This backfired spectacularly as the ICC process and its uneven delivery of justice came into question.

So Kenya just elected two of the men standing trial for crimes against humanity. No one really knows how this will play out. The country is split right down the middle - between euphoria and bitterness. Even walking down the street, you pick up residual tones of feeling.

Online, we will violently attack anyone who dares even suggest that Kenya is not okay. We will pull statistics about how our good country is growing economically. We will insult them, their mothers and even their dogs. We're a ruthless lot you see. But the truth is we're scared inside. So we'll say anything to cover ourselves up.

Binyavanga (Wainaina) did. His piece in the Guardian welcomed the results as a big demonstration to the West that Kenya wasn't willing to play by its rules anymore. I was totally confused by that piece, not for the exterior ramifications to the West but what it meant for Kenyans relating to each other. I'd just come back from a research trip to the Coast - which was vehemently against Kenyatta - and I'd heard stories there of other Kenyans from Kenyatta's stronghold boasting before the elections that only someone from Central Kenya could hold the presidency. Coast people had no ethnic links with either of the front runners of the election, but they've felt the brunt of Gikuyu economic

domination over the years.

It's true that international media tend to speak about Kenya in a way that is not helpful to anyone trying to truly understand our issues. It's also true that Kenyan media did the best they have done in recent memory, in terms of not acting carelessly and raising the temperature in the country. But it's also true that neither of these two sets of journalists have learned to tell the whole truth and ask the right questions.

Local media was reluctant to report anything that could cause unease – they ignored what was right there, whether out of patriotism or fear... I'm not sure that was the way to go about it. There have been two narratives about Kenya running concurrently, one local, the other foreign. Foreign journalists have been reporting about us longer than we've been reporting on ourselves, and have often provided 'the model.' We've tended to use it, but with increasing critique. In recent years we've started to see that change; local journalists reporting on Kenya with more thought and personal investment. They've learned since the last election that they literally defend their homes every day they are at work (especially at election time). It's like when CNN or even Fox News reports on (white) American issues – there's that sensitivity, care and sometimes willful blindness in the reporting. Our media might have been more wilfully blind during this election, but the stakes were also higher for us.

Thankfully for once everyone could feel how divided the country was, and said a lot about bringing people together. And Ke-

nyatta made encouraging noises, once the Supreme Court upheld the declared election results, quickly going to the Coast to suggest that he was willing to work for the whole country, to put in place actual goals, and to bring the country together.

Will Uhuru be a good president? Will I die tomorrow? Will the new Superman movie hit? All hypothetical questions. At this point only one thing is real, and that's our fear.

tell me about  
the screams of old men

*it was a job  
just a job*

tell me about  
the smell of your neighbor's burning flesh

*it was a job  
just a job*

tell me about  
raping women

*it was a job  
just a little fun*

tell me about  
becoming a monster

—Witness #13

## Response And Challenges?

It hasn't been easy for the poets. Some reactions, from people who identified themselves as victims of the post-election violence, were angry. 'How dare they claim to speak for us,' and truly, how dare we. That said, there are contributing poets who were also directly affected by the violence, who recount what they experienced. It was never our intention as poets to replace the voices of ICC witnesses and 2008 survivors with our own, but more to amplify them. So that those voices don't get drowned out in the peace celebrations and 'moving on' that occupy centre stage in Kenya right now.

If you think about it, who is a witness? A murderer? A corpse? And what is it to witness? To see, to hear, to think, to imagine, to remember, to create, to feel, to fathom, to smell, to craft? If one was to write a poem about the war in 1945 today, who would question their right to write it? Something happened – and it may continue to be happening – and we absolutely cannot go prancing around as if it didn't (as if it isn't).

Others who have criticized the project claim that it is meant to be an destabilizing force, targeting our 'peace' and aligned with Western interests – and perhaps, with the lack of attribution, it may be read that way even though that is not the intention. Those who are made uncomfortable by the project need to examine what it is about these witnesses that makes them uncomfortable, what gives rise to this feeling that the poems are 'anti-Kenyan' (when all the people involved in the project identify very strongly as Kenyan).

The voices discouraging this project hurt but also amuse me. They hurt because clearly they don't want to hear that this issue is ours as much as theirs, or could be anyone's. Most of us were far enough away from the epicentres of the violence, some of us were nearer or had family members directly affected. It's ours. Even if we weren't directly affected, our attempt to imagine the different characters, to go into their minds, to feel their impulses and see their environment is a good thing. It means we claim this as our history. Their justice shall be our justice. And perhaps it's an invitation to others even more closely impacted to feel with us what it was like, insert their experience. Kenyans aren't good at public displays of feeling, at talking about the heart of it. In the moment you will see our naked pain - which is why those images from 2008 are so unbearable in their way. Because we quickly learn to cover up, to bottle up everything that's not related to 'the economy', to tangible things like homelessness and hunger. We know that people respond to that. Our inner lives are far more complicated.

And then there is the enemy that is ourselves. Writing the witnesses can be emotionally taxing for the poets – discussions between those involved can be quite charged as accounts are reconstructed, as we sometimes question what we are doing. Going back over accounts of the violence reveals flaws in our own thinking, moments of questioning humanity.

It occurred to me that I've never been more aware of ethnicity than I have been

in this election. Not always in the best way. That awareness has come from interacting on a very personal level with everyday people across Kenya. I worry whether that awareness will recalibrate itself into something more reliably positive.

### What Next?

There's no solid way forward. When we began I didn't even think it would be around for this long. We may incorporate other art forms - there have been whispers of photography.

We just need to keep writing, get more people to join the project and more people to read.

And the unfolding itself is absolutely fascinating. Having different poets with different views, who are also changing their own lens keeps it fresh. But life is quickly going back to business as usual and it is harder; there's a sense of responsibility - of owing it to the universe not to get too distracted.

Right now the message is painfully clear. No matter what else happens we can't let ourselves forget. We just can't.

If we stay silent, and if the witnesses are silenced, then all we will have to say when the post-election violence is mentioned is: "It was a dark time for Kenya. Something bad happened. The end."

I lost my strength on a garden path  
peopled with clovers and



mukengeria creepers thick  
as a conspiracy.

I lost direction in the market  
haggling down the price of tomatoes,  
fantasies of omena in red, red sauce  
keeping my silent pain company.

I lost courage in a harambee  
raising funds for a child with leukemia,  
the family flush with money for the first time  
just before the burial.

I lost my heart in a jua kali shed.  
It wasn't a sudden heart failure,  
but a daily robbery in small doses,  
like the progress of death.

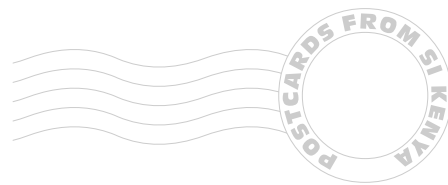
My resolve went with my spouse;  
with my two little girls –  
pinpoints of light in a long night.  
Three pillars knocked down in one flight.

My memory washed and wore  
The way clothes might change colour  
from orange to pink to almost white  
with daily laundering.

I lost hope the way a leaking roof  
drives sanity away, drop by drop.  
Fix the iron sheets or buy uniform  
or save for school fees?

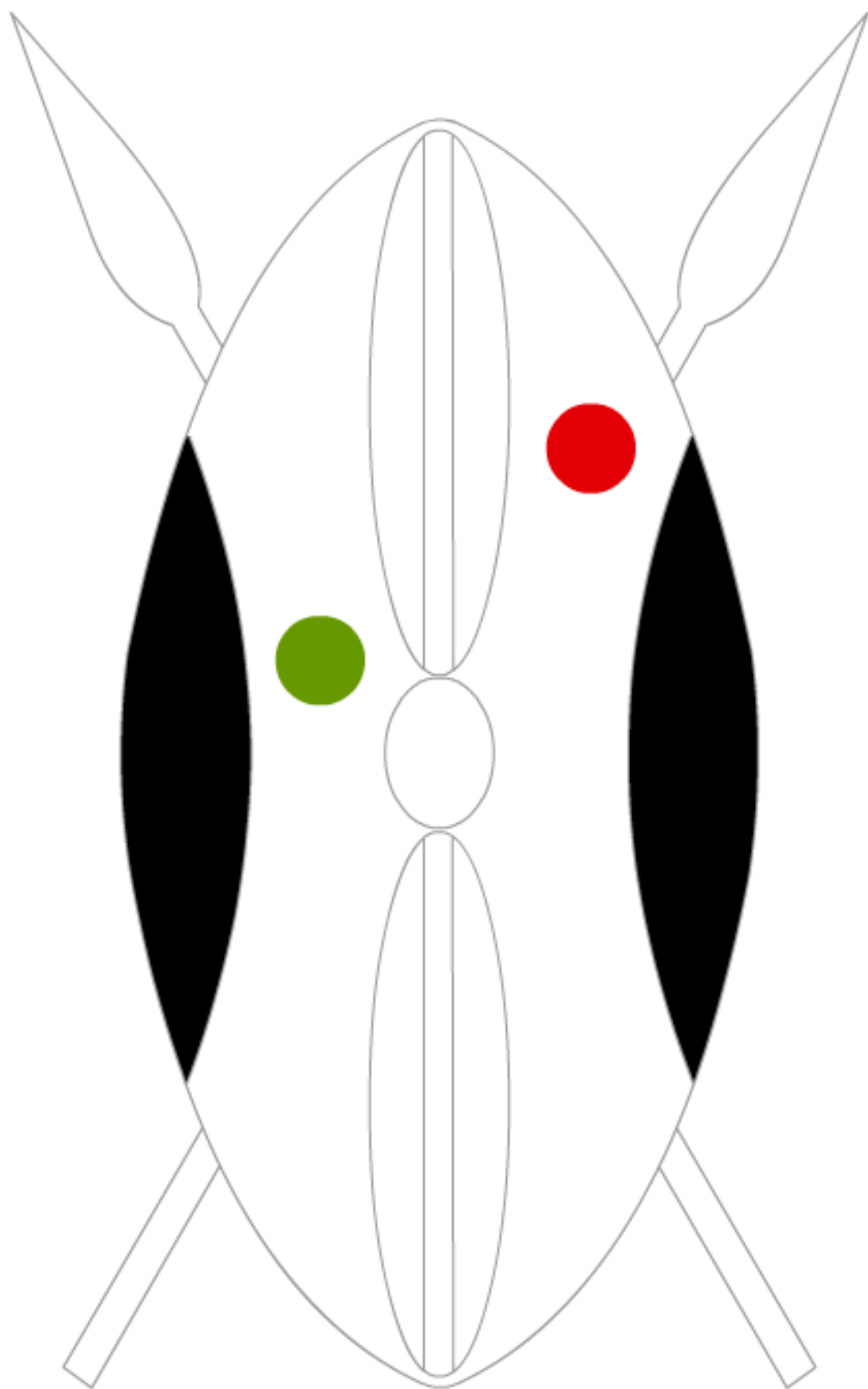
It's the way a couple of weevils  
ruin a bag of cereal.  
Too many small weevils,  
too many fights.

I lost.



Uhuru Kenyatta owns an exclusive tourist lodge in Lamu. On the most unspoiled shore of the island, it's a small slice of the 500,000 acres that were "acquired" by his father all over Kenya.

Uhuru Kenyatta has promised free pre-natal care at all public hospitals in Kenya, and a laptop for every schoolchild.



# Kenya Will Never Was

by OREM OCHIEL

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*Who are these dead, and who are these displaced?  
Are they the same families that were displaced 20 year ago?*

*"[Kenya] was never innocent...You can't ascribe our fall from grace to any single event or set of circumstances. You can't lose what you lacked at conception...Hagiography sanctifies shuck-and-jive politicians and reinvents their expedient gestures as moments of great moral weight. Our continuing narrative line is blurred past truth and hindsight. Only a reckless verisimilitude can set that line straight...It's time to demythologize an era and build a new myth from the gutter to the stars. It's time to embrace bad men and the price they paid to secretly define their time. Here's to them."*

—James Ellroy, *American Tabloid*

## I.

IN KENYA, EVERY election since 2002 has felt like an opportunity to define what Kenya is. Something real and immense is always at stake. One can feel it in the thronging of the hopeful crowds languishing in the sun as each person awaits the cool, expiatory calm of the voting booth. Every election is "historic" and "record numbers of voters" are reported at every poll.

In 2002, it was the opportunity to rid ourselves—by rejecting the acolytes and political party—of a tyrant who had rigged and ruled Kenya for over two decades. The promise of multi-partyism would finally be

realised. Everyone in the country had been mobilised to register and to vote; freshly churned high-school graduates talked excitedly with grizzled, weathered elders as the scorching sun burnished the face of Kenya and gave it the sheen of a golden future. The country was voting as one, for one thing: to repudiate one man. By sheer volume of votes—a deluge of righteous democratic decisiveness—any attempt at rigging would be ineffectual; and so it was.

In 2007, the great promise remained unfulfilled. After four years of a regional mafia monopolising the State House, we needed a change to purge Kenya of its demons: having replaced the tyrant with his long-time lieutenant, we could now replace him with the man we had never been able to elect. But the incumbent won. The chaos that erupted is, as we are now encouraged to think, history.

In 2013, the stakes were higher than they had ever been, more historic than ever, the queues longer. The country had been torn apart in 2008, so Kenyans had the opportunity in 2013 to force its leaders to account for that violence, to create a Kenya that would no longer tolerate the impunity of elites.

In each of these elections, the opportunity was to make Kenya livable, to make it a place which Kenyans could call legitimate, a state in which all Kenyans could rejoice and thrive. These

elections could never be business-as-usual. The business of Kenya was still undefined, yet to begin.

## II.

I want to make some kind of a claim on what Kenya is, on what “Kenya” means. I want to make this claim because my heart tells me that there must be such a claim to be made. I want to say “Kenya” and not feel irony slip into that space between the word and the wistful exhalation that follows it. But would such a claim be a false one?

African national borders were drawn in a way that made sense to colonizing powers, but they were arbitrary and divisive for the communities they fenced in. After independence, our governments agreed not to adjust those borders, recognizing that the ruling elite would have desires in common with their former colonisers. Borders demarcate regions of control of populations, of resources, and of wealth.

The post-independence flurry, then, was a scramble to define and secure sources of wealth that could be captured by the state.

The Shifta War was essentially identical in its motivations to the Mau Mau rebellion, after all. But while the northern

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by the state**

Kenya region's struggle for self-determination was an existential threat to "Kenya," Mau Mau goes into history as a struggle for independence. When it came time for Kenyans to deal with their own uprising, the government played the part of the British, brutally suppressing the Northern Frontier District to show the wealthier regions of Kenya—the Rift Valley, the coast, the lake region—that struggles for regional autonomy would not be tolerated. Any effort to subtract from the actual or potential wealth of the ruling elite would be met with force.

The haste and excitement of independence was also opportunism. The men behind Kenyatta had opened their minds to what individual wealth looked and felt like and to what could be done with it. While some saw Kenyatta as a means to guarantee national unity and independence, or as a tool to be manipulated—an old man, soon to die, and easy to outmanoeuvre—many others followed in Kenyatta's footsteps wholeheartedly.

"Nothing is more important than a correct grasp of the question of land tenure," Kenyatta wrote, in *Facing Mount Kenya*; "it is the soil that feeds the child through lifetime." Land was and remains the most important form of wealth in Kenya, and Kenyatta would preside over the transfer of land from colonial powers to a landed and landlord class. He would re-imagine the past, pulling the ground out from beneath Kenya's nascent "African socialism." "[T]he land did not belong to the community as such," he wrote, "but to some individual founders of various

families who had full rights of ownership and the control of land." Kenyatta and his ilk would preach "Uhuru na kazi" (freedom and work) through a system of concentrated land ownership, and as political patronage became necessary for success, land wealth became necessary for political power. When his vice-president, Daniel Arap Moi, said he would "fuata nyayo" (follow in the footsteps) of Jomo Kenyatta, Moi was signaling that he would continue to use land as a tool for political control and to concentrate political power and wealth.

The Kenyatta family is said to own land so extensive that it defies measurement. Certainly it defies questions. Uhuru Kenyatta refused to admit just how much land he had inherited but he was willing to acknowledge that he had "donated" three thousand acres to squatters in the Coast Province. What moral compass directed him to say "donated" instead of "returned"? It was the way that land was acquired that created squatters; much of it was taken from the very people who had the strongest of historical and traditional ties to it.

"Uhuru" is a name that directly recalls his father. "No Uhuru without Kenyatta" was the demand that Kenyatta be released from detention before Kenya could be made an independent republic. Uhuru Gardens is where Nairobi celebrated when Kenya became independent, and "Amani na Uhuru" (peace and freedom) is the abiding phrase in our national anthem. In his victory speech, Uhuru effortlessly channeled an innate sense of grandiose destiny by invoking the anthem

as though it were his own personal charter.

Immediately after his election victory, one of Uhuru's first actions was to visit the home of the former president Moi where they were photographed together, a picture of Kenyatta gazing approvingly from the background. Uhuru wanted the blessing of the man who tortured and killed numerous Kenyan citizens, who dismantled public institutions, and impoverished the entire country. Uhuru, too, would "fuata nyayo."

### III.

I want to know what Kenyans feel about the violence of the last election. I want to know what they feel about the men who allegedly helped instigate the deaths of more than 1,300 people and displacement of over 500,000. The idea that the results of this election are a clear reflection of thinking about the repercussions of the prior election is difficult to countenance. Those numbers resemble the post-election violence that ushered in multi-party politics in Kenya in 1992, when Human Rights Watch estimated that 1,500 were left dead and 300,000 displaced.

The displaced expect Uhuru to resettle them; they voted for him and celebrated the confirmation of his victory. These are people too impoverished to be able to solve their predicament for themselves. With few choices, they have to look to Uhuru and his deputy, William Ruto, both of whom are accused of having had a hand in bringing about

their dire situation.

Who are these dead, and who are these displaced? Are they the same families that were displaced two decades ago? Are they daughters and sons, now going through the same motions as their own mothers and fathers before them? Violence is woven into family histories, embedded in the grains of the soil that scores the feet that run, trudge, and crawl to safety. Political violence has been consistent. Violence is the ground on which our politics stands.

### IV.

On the BBC show "World Have Your Say," on the Monday after the election, a young journalism student at the University of Nairobi fulminates about the expenses involved in our president-elect and his deputy traveling to The Hague. Who will pay for all this flying back and forth, and accommodation? Tax-payers' money will go to waste. He does not mention that our president is the richest man in Kenya. Other participants denounce the International Criminal Court, casting aspersions on whichever nefarious conspiracy funds the ICC. A journalist points out that the ICC's funding is publicly disclosed on the website, that one of the largest sources of funding is Japan, but the Kenyans' refrain of "The West..." still remains.

The journalists sound baffled. One chants the party line: Westerners don't get it, that Africa is asserting itself in ways The

West can't understand, can't interpret, and aren't needed to interpret. Ironically, he is from "The West" himself. He is overeager, overzealous, trying to rouse the crowd. They are placid, imperturbable, even stupefied. Another journalist points out that Kenya voluntarily became a signatory to the Rome Statute, that Uhuru and Ruto are the same men who preached the necessity of going to The Hague. Kenyans praised Louis Moreno Ocampo's arrival in Kenya. But the consensus today is that the ICC is irrelevant and we should abandon it.

To be sure, the BBC show was structured to guarantee a minimum of friction. Only those who voted for Uhuru Kenyatta were invited. I hear each one of their names and I recognize each speaker's ethnicity. They are almost all, on the face of it, Gikuyu. But no one mentions ethnicity, the one unstoppable force that dominates politics and structures electoral results. Among the Kenyans on the show there is a prayerful unity, a curious harmony, the lack of even the slightest dissent. The journalists are muzzled. They are not there to excavate the murky interior of voting Kenyans; they are there to provide the aural veneer of debate.

## V.

This paranoia about "the West" infects how we think about the election. In his tendentious and muddled "The Western Journalist in Africa," for example, Mukoma wa

Ngugi attacks the biased reporting of Michela Wrong, a journalist whose work is perennial fodder for male armchair-politicians whose obsession with her has reached disturbing levels. When Mukoma contrasted her writing with that of Elkim Namlo's satire, "Foreign reporters armed and ready to attack Kenya," it was left to commenters to observe that Elkim Namlo is actually Michael Holman, Michela Wrong's husband and partner.

Mukoma's faux pas reveals a popular Kenyan (perhaps even African) compulsion: those with no direct experience of colonialism still need to point out and fight neo-imperialism. The battles our parents and grandparents lived through animated and empowered their generations, but while we reap the fruits of their victory, we are left without a specific, visible evil against which to rise up. There is a vacuum and we fill it with spectres: in our night, a bush easily turns into a bear. Thus, Mukoma does not let the facts get in his way, placing the forward-thinking, perceptive, and satirical African against the racist, parochial, and paternal Westerner. Focusing on this relationship allows us to depict ourselves as continuing what our forefathers began. We can tell ourselves that we are their children, fighting their fight. Mukoma, specifically, can continue his father's work.

Other thinkers were not immune to the charms of this narrative. Professor Mahmood Mamdani, director of the Makerere Institute of Social Research and Professor of Government at Columbia University, understood the Kenyan election as hinging on the different ways by which the two dominant political



parties approached the issue of the ICC. But he wrongly attributes the phrase, “Don’t be vague, [say] the Hague” to radical activists, what he calls “the human rights lobby,” and the losing candidate’s camp. In fact it was the deputy president-elect himself who spoke those words, before he officially learned that he was among the accused.

Mamdani describes the losers as the winners would, telling the winner’s tale. The big lie was that the losing party had embraced the West while the winning party was fighting against imperialism, which could explain how Kenyatta and Ruto went from being unelectable, a few short months before the election, to being the only viable candidates. If Mamdani had described how UhuRuto reversed their positions on the matter, and how their duplicity was embraced by the larger part of the country, his thesis would have been untenable and he would have had to write a more complex and nuanced essay. His failing was in simply reporting without checking the source, thereby failing at explaining why the election was won and lost, as well as failing to show how we, Kenyans, are being manipulated by politicians.

Even Binyavanga Wainaina, of “How to Write about Africa” fame, has seemed addled when praising the recent election, making no mention of the way it maintained the status quo. In praising our new presidency, he predicted it would be muscular and talk tough to the West, ignoring how such posturing has upheld injustices and impunity since independence. When asked why he was indefensibly silent on the most important issues,

Binyavanga responded on Twitter that he did not want Kenyans to wash their “innerwear” (underwear) in view of the West, and added that he did not vote for the president-elect and his deputy.

These are our priorities, it seems: Not to air our dirty laundry in public, as though Westerners might be fooled into thinking that Kenya, unlike every other nation, lacks dirty laundry. Also: to praise the strength that supports impunity. This is a very Kenyan mood, to refuse to gaze behind us at all the skeletons strewn about. We prefer the bright, saturated, branded, brochure-friendly vision of our future.

## VI.

Or perhaps that view is also unreasonable and paternalistic. Did the internally displaced really vote for these men, who bore so much responsibility for the violence? If those responsible for a war can bring peace to a region, why do they need the presidency in order to do it? The same question applies to the conciliatory Prime Minister’s post created for Raila Odinga. If the office was necessary for peace, doesn’t that indict the man who occupied it? If these men bring peace, what kind of justice will they bring?

Ngugi wa Thiong’o might have hoped for a revolution to reverse impunity and the marginalizing of workers but such a revolution to restore independence-era ideals of wealth redistribution could never be reflect-

ed in a presidential vote. There is no bridge from here to there, from the masses being oppressed by demands that they vote according to their ethnic group to a material politics unmotivated by ethnicity, or that evil word “tribalism.”

The poorest voted for the wealthiest men in Kenya. Ethno-political alliances were maintained, sustained, and strengthened.

## VII.

I want to know what Kenyans want, real Kenyans, not us with our iPads, Macbooks, running water, electricity, our free time. Kenyans, however, never vote for what they want. They only vote against what they do not want, against what they fear, what they have been told to fear, and what they have been told to not want. Voters do not assert themselves; they keep the putative savages from breaking the walls and laying everything to waste. It is a siege mentality: There is no improving the situation; one can only prevent the worst.

Perhaps I cannot understand my country. It has been only fifty years since independence, but that history only shows gaps, omissions, unknowns. There is no anchoring narra-

tive, no aetiology which can grasp Kenya all at once, once and for all. Perhaps it would reveal too much about things of which no Kenyan wants to be a part. Perhaps such a radical cleaving to the truth would lead to nothing less than a sustained violent uprising. Clouded with ghosts of the dead, our past echoes with the voices of the marginalised and the brutalised. Our landscape is its own exegesis of all that remains undone, of all that must remain undone in order for elites to retain power.

## VIII.

If the majority of Kenyans are poor and this is what they want, for which they have voted, for which they have camped at polling stations from midnight to midnight, then why should the politics of this country matter to those of us who are safe? To those of us for whom economic growth, security, and

low inflation have meant easy access to credit, salary raises, funding, venture capital, abundant freelancing opportunities, scholarships?

Keguro Macharia pointed out that the post-election violence in 2007/8 “demonstrated how radically unstable middle-classness could be: it suggested that pre-

**The poorest  
people  
voted for the  
wealthiest  
men in  
Kenya**

carity was not a state one could comfortably move past. Indeed, the strikes by various professional groups over the past few years—doctors, nurses, teachers—have been about being part of the precariat. Unless one comes from established money, professionalization no longer offers the guarantee of social mobility.”

In the long shadow of post-election violence, Kenyans were called upon to maintain the peace, to work towards peace, and avoid incitement or hate-speech. If not continuously reminded to be at peace, Kenyans would apparently break out into violence. When Daniel Arap Moi was re-elected in 1988, *The Weekly Review* ran the headline “Peace Breaks Out.” Having quashed a coup, Moi had “saved” Kenya, and the nation was eager to believe that partial truth. Exhausted by the unwelcome possibilities, disruptions, and privations brought on by chaos, Kenya ached for order. Even the National Council of Churches of Kenya—the de-facto opposition in that single-party state—came together with other political leaders who had once been opposed to (and even imprisoned by) Moi, and all united in pledging their loyalty to President Moi.

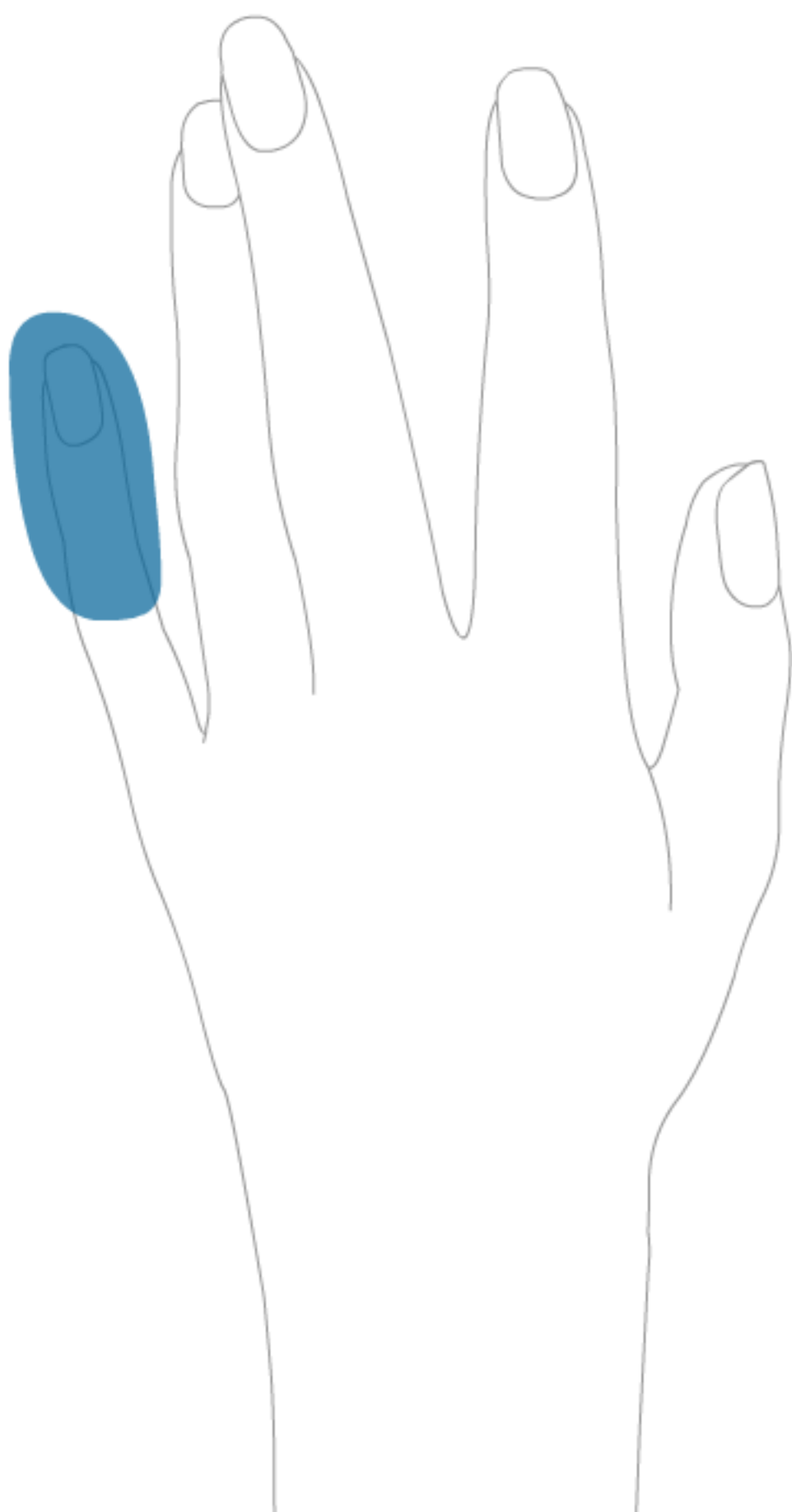
Okiya Omtata, a fiery Kenyan political and human rights activist, noted that “calling for peace without demanding that justice be done” is, in reality, “calling for a ceasefire.” This past election—complete with a militarised and policed peace—has the same feel of a ceasefire. Focusing on one type of highly visible violence has caused us to ignore the existence of any other. By conflating violence

with conflict, dissent is now seen as incitement and criticism is hate-speech. But the demand that we sacrifice ideological debate for a greater, more important goal, is itself ideological. In essence, it is totalitarian. We demand peace at all costs precisely because we know that, in reality, there is no peace at all, and violence is not far away. We are not safe. The trappings of safety and security aren’t a measure of progress.

No middle-class family has been middle-class for more than a generation: our parents lived in crushing poverty as children, were impoverished as young professionals, and only modestly prosperous during the Moi-era, a time when interest rates were at thirty-five percent, inflation ever increasing, when corruption was a tax always siphoning away the fruits of all labour, and when citizens were murdered, tortured, dispossessed or disappeared.

We must care about our political condition, not because of the economy, but because we receive the understanding that the violence we see meted out with impunity, to others, could just as easily be turned against anyone else. We must see the fragility with which our houses are built. We must notice that there is no peace without justice, without a Kenya that can be embraced by all of us within these borders. To say, believe, or accept that the middle-class is safe is to ignore how precarious any status must be, when hung between great poverty and absolute wealth.

We see that Kenya exists at the same time that it doesn’t. ■



# Against Voting

by OKWIRI ODUOR *and* KENNE MWIKYA

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*A conversation between two friends (or strangers)*

**OKWIRI:**

“Vote well, eh? We have to put our man inside Statehouse,” said a woman I had sat next to at the Easy Coach bus station, just three days to the elections.

I mumbled that I would not be voting.

The woman’s mouth fell. “Eh! How can you say such a thing loudly for people to hear? If Raila does not get inside Statehouse, me I will blame you.”

This was the constant refrain in the months before the elections, a time when you could not proclaim your reservations about the electoral process. On Twitter, voting cards had become popular avatars. Purple pinkies were a fashion statement.

THE NON-VOTER WAS a despicable person, deserving humiliation. A person like me lacked basic patriotism and had desecrated their ethnic legacy. My actions were outrageous. There was a call to national and ethnic ownership, and I was ignoring it.

I wanted to know why people voted. But the responses were just versions of the Independent Electoral and Boundaries Commission (IEBC) slogan: Your Vote, Your Future. Many summoned the social contract to rebuke my unjustifiable apathy. And besides, they asserted, to vote was to acquire the right to complain, the moral authority. The non-voter was stuffing their mouth with gravel. They were required to acquiesce, henceforth,

to go limp in the face of state aggression.

**KENNE:**

I am interested in the way people situated themselves for the elections, the kinds of material and ideological preparations they made before the elections, most of which were dependent on the election itself and its outcome. There was a lot of movement before the elections. Some people “going home” to vote, while others pre-emptively self-evicting themselves, in case 2007/2008 would happen again. The election conditioned people’s thinking. That’s why the woman at the bus station not only expected you to register but to vote for a certain person.

I refused to register or to vote for this reason, my refusal to participate in reducing the democratic process, from an expansive democracy to the act or event of voting.

**OKWIRI:**

I did not register for a similar reason. It was not out of apathy, I shared in the concerns and anxieties that gripped Kenya. But the ruling elite, no matter what masks they wore, had interests more similar to each other than different. And for me, the prognosis was poor. There was little I could identify with, and even that little was flimsy. It was not enough for me to take part in empty ritual. I was very interested in the youth and women agendas, for example, but the political parties presented them in a way that was completely different from anything I had in mind. After looking at what the parties said about women and the youth, there was no way for me to

select any of the aspirants. Had I chosen to vote, I would have been forced to use different criteria to make decisions on the political leadership. This was unacceptable.

You mentioned democracy, earlier. I have qualms about the nature of our democracy itself. It did not matter whether one went to the polls or not; the ruling class had its own agenda and we were there to make sure it was the legitimate agenda. I dispute the idea that the vote was the ultimate culmination of a citizen’s civic responsibilities, that after this event, one was required to do little else for five years.

**KENNE:**

The elections were also about the suspension of values and faculties of inquiry. Recently, Godwin Murunga wrote an article asking why Kenyan voters showed such outrage against members of parliament such a short while after voting them in. I think the outrage makes a lot of sense, because it’s detached from the election cycle. This moment is completely different from the election euphoria, from triumphant affirmations of a “mature” electorate.

**OKWIRI:**

I’m reminded of the bombardment of peace infomercials on television, and of the massive billboards thanking Kenyans, after the elections, for keeping the peace. Those infomercials were a convenient way of making the election separate and distinct from anything else. Vote and go home, the authorities warned. I found this worrying, first in the

suggestion that one ought to vote and then meekly accept whatever the outcome. Second, there is the suggestion that one ought to vote and then abdicate their civic duties for another five years. Civic duty is not reducible to a singular act. It is a deeper commitment to constant scrutiny of whether elected representatives are fulfilling their mandate.

**KENNE:**

Recently there was this association formed that sought to represent young people who found themselves disillusioned after the elections. They still faced the same problems they faced prior to the elections: poverty, unemployment, no inclusion by the governmental or corporate systems (what we here call “the private sector”). They had expected change. They had read the manifestos which elegantly catered to them. I felt detached from this group, even though I’m aware that I’ll easily form part of it once I graduate from law school. I’ll be subjected to an endless jumping through hoops while looking for employment and in the end deal with the disappointing fact that I need experience to get employment which I can’t get because I haven’t been employed!

I didn’t feel disillusioned because I didn’t invest in any political offer out there during the elections. I am interested in how this lack of disillusionment is a

function of various privileges accorded to us: we attend university, our law degrees may be of value once we attain them because we are under a dispensation guided by a “constitution for lawyers,” as a friend put it.

**OKWIRI:**

My disillusionment wasn’t from investing in political offers but from the dimming prospects any alternative future. I wasn’t convinced that much had changed over the last ten years, nor that much was about to change. True, the economy had grown, but the benefits have only gone to a few pockets. The inequalities were absurd. Historical injustices have never been addressed.

Recently, we have been othering each other, wallowing in an exclusionary nationalism in response to the Kenyan army’s incursion into Somalia. I’ve heard young people like myself call out members of ethnic communities of northern Kenya, accusing them of “taking over” Nairobi, expressing dread at having to “integrate with refugees.” I would have liked to see these issues engaged. Instead, they were replaced with more calls for

**My lasting  
memory from  
the presidential  
debates is Paul Muite’s  
clenched fist**

a shared chauvinism and militarism. My lasting memory from the presidential debates is Paul Muite’s clenched fist, a lawyer and human rights activist promising to secure Kenya’s borders, with more militarism and a more hard-line stance on Migingo Island.

**KENNE:**

There is a piece on Gukira, on “queer disposability,” where he claims that politicians engage in homophobia not only because it is politically or rhetorically valuable to do so, but also for the purposes of “lubricating” anxieties or conflicts. I have been trying to find a place for myself in the discursive expanse that has been the post-election, and part of my resistance to voting was based on the failure to find a space that would have me and my “baggage” of nuances and idiosyncrasies. I think it is something that I and a lot of other queers shared. We were cowed during the elections, advised by LGBTIQ activists to lay low and keep away from trouble. This accounts for much of the apolitical positioning among queers, a cynical repudiation of that which has already marginalized us and rendered us violable. One would argue that women are disposable too. This similarity is very important for those of us who seek to create linkages outside our own identities.

**OKWIRI:**

I am reminded not only of the hollow and token promises of inclusion, but also of the largely ignored constitutional threshold on gender parity. This went hand in hand with physical and psychological violence. The election season saw an unprecedented scale of violence against women aspirants, from instances of rape to attacks, threats and intimidation.

I spoke to women who expressed concerns about their safety, both prior and subsequent to the elections. Some of the vio-

lence they feared was domestic. One heard men gloat that there would be serious sanctions should their wives dare vote in any other manner than the men had stipulated.

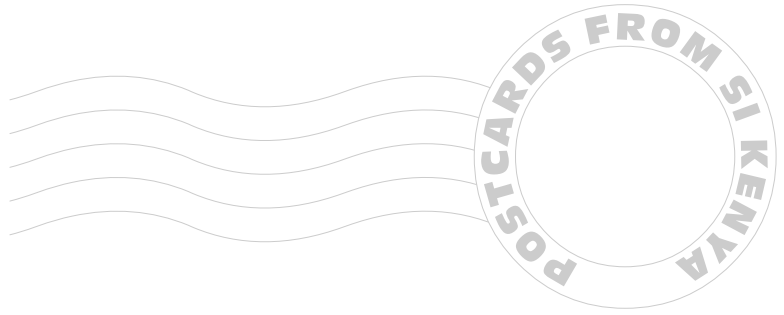
Women also expressed concerns about the consequences of the elections. Any kind of post-election violence would include sexual violence against women. In the months preceding the elections, in fact, one read reports in the newspaper of women packing up and leaving urban areas for “home,” where they could get some semblance of protection against gender-based electoral violence. This last point reinforces what you spoke of earlier about getting ready for the elections, anticipating certain events and making certain choices.

**KENNE:**

These elections have been a lot of things. There has been the suggestion that its form and outcome can be explained in a set of facts or a singular narrative. Political elites corralled voters into ethnic blocs, the elections were determined by young and women voters, or that money and the promise of success determined who won the elections. The issues we’ve talked about here feature only marginally in how narratives about the elections are created.

This is how we, political nonconformists, radical feminists and queers, will survive the next five years, sustain and enlarge ourselves: by complicating simplistic singular narratives. By mounting critical resistance to established ways in which the Kenyan citizenry holds stake in the political economy. ■





THERE IS ONE channel between the main Lamu island and all the other islands in the archipelago, inhabited by over 12,000. A daily ferry plies this channel, known as Mkanda, sometimes as heavily loaded as a road vehicle, people hanging off the top and the sides. Small boats run water, supplies, humans, between the islands. There is no fresh water on the other islands. Locals harvest rainwater on large cement floors, *jalbia*, which are tilted to run off into storage tanks. In the weeks before the rains at the end of the dry season, when all water stores have been exhausted, you can see young men forming human chains, pass-

ing jerry-cans of water from hand to hand down to boats on the seafront, for transport to the smaller islands. These sell for up to 60 shillings a jerry-can, a punishing expense for families who eke out a living from fishing, subsistence farming, hunting, and gathering.

The proposed Lamu Port-South Sudan-Ethiopia Transport Corridor (LAPSSET), is the most ambitious transport project in modern history of the continent. It will cost \$23 billion. In 2008, the government of Qatar agreed to finance the entire project in exchange for 100,000 acres of fertile land in the Tana River Delta, where it could grow food



for Qataris. Debate and opposition ensued. Qatar pulled out, but the displacement and land grabbing in Tana Delta has turned it into a living hell, caused hundreds of deaths.

The port will link Lamu to the oilfields of Southern Sudan via two oil pipelines, one for crude and one for refined. It will be the largest port on the African continent. Oil pipelines are no fun for the people who live along them. Just ask the residents of the Niger Delta.

No one has asked the Wa'amu if they want to live with oil spills, petroleum fires,

the poisoning of their soil, air and precious scarce water. The plans for the construction of the new Lamu Port will block access to the Mkan-da channel for three years while the harbor is dredged to make it deep enough for huge container ships. The channel will be completely closed as a transport route. The planners did not consult the local people.

The alternate route will go around the outside of the islands, in the open ocean, exposed to the full force of winds and currents. At least four times longer than the Mkanda crossing, the route will be impossible for small boats, a route that would capsize the Lamu ferry on a rough day, and be high-risk on a smooth day. The Lamu Port Steering Committee, made up of prominent locals, first heard of this plan five weeks ago, at a community activist meeting.

When a Lamu dhow captain, whose ancestors have sailed these waters for generations, was told of the plan, he refused to believe it. Impossible he said. People will die.

Raila Odinga, leader of the Opposition, came to Lamu twice before the election. He told the people of Lamu that they were stupid to have reservations about the port. Don't you want to be Dubai, he demanded.

No questions were allowed. No time was allotted for a local leader to respond. Luck only knocks once at your door, said Raila. He liked this line. He repeated it. ■



# The Politics of Contempt

by SHAILJA PATEL

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*How to exist in this air of enmity without being defined by it*

*“Political communication is two things: definition and repetition.”*

—Mark Malloch Brown,  
PR consultant to Margaret Thatcher

*“It’s hard putting deep feeling into words. It’s easier to write Das Kapital.”*

—Ray Gooch to Bob Dylan

*“I have a dream. I have a dream that someday no man will steal an election to prove that his dick is as big as his father’s.”*

—Shailja Patel

OF ALL THE fine and pretty sights in this fine and pretty world, none is finer or prettier than the sight of the full-bellied urging the empty-bellied to chagua amani. But peace is an outcome, not a choice. Peace is an outcome of visible justice, felt equality, universal access to resources, to lives of meaning, to infrastructures of opportunity. Not a choice.

Chagua amani this weekend. Spread the amani around. Go to a packed Java and spot the largest, fullest, most ebullient table. Walk over and tell them they won’t get what they order. Invite them to “Chagua Amani.” They won’t get any food at all. Chagua amani, people. But they will still need to pay for what they’re not getting. Chagua amani! If they

start to protest, summon security guards. To help them chagua amani.

Let me know how that goes.

TO QUALIFY FOR contempt you must be disposable. Invisible. Shameable. Usable. Silenceable.

In 2011, Kenya's Health Services Minister Anyang' Nyong'o, a man who had once been a political reformer and intellectual, started an Africa Cancer Foundation. It was a vote of no confidence in his own docket. A health minister who flies to California for private medical treatment raising funds for private research? How likely was it that donors would seek favors in return? He appointed his daughter the CEO, keeping it in the family. It was no surprise that 2012 brought a nationwide nurses strike, doctors strike, EMT strike, in protest of intolerable working conditions. As Keguro Macharia put it, it is a terrible thing to ask medical professionals to go to work and watch people die.

To celebrate International Women's Day, Nyong'o fired all the striking nurses. He claimed he could conjure two thousand new doctors out of thin air. In an interview on Citizen TV, Nyong'o compared the doctors' and nurses' unions to Al-Shabaab. He berated, talked over and mansplained the young female news anchor, then rose and clumped off the set before her startled gaze. Raila Odinga's CORD, the opposition party, appointed Nyong'o their spokesperson for the 2013 election.

In the Moi years, we got used to con-

tempt. No information. No apology. Derision and threats if you complained. And the world is divided into those who wait and those who are waited for.

Uhuru Kenyatta respects international law. Just like Moi. That's why every ICC witness is in hiding.

My names are Uhuru Kenyatta, and I want everyone to stop hating on me for my family's five hundred thousand acres of land. It's not our fault we've been tripping over willing sellers since 1963. I remember waking up in the morning, looking out of the window, and seeing people already lined up to beg us to buy their land. You don't get it the way ugly people don't get Angelina Jolie. Land comes to us the way cameras are magnetized to her. We would drive through the highlands and peasants would come out of their hovels, bow to the ground and beg my father to take their land. And their daughters. And their land. Some would already be packed, just in anticipation of us coming. Some had heard we were coming and burned down their homes to make their land more attractive to us. As Zuma would say, an African man cannot leave a willing seller unsatisfied.

Mama Ngina, mother of Uhuru Kenyatta, was gifted to Jomo Kenyatta by her own father. Chattel. A good bottle of wine. A fertile cow. She was seventeen or eighteen. He was fifty-eight. Forty years older. Willing buyer, willing seller.

Our choices in this election were Uhuru

Kenyatta's Catholic Divine Right Imperial Monarchy or Raila Odinga's Talk Left Walk Right Patriarchy. Two Mount Kenya Mafia lords facing trial for crimes against humanity, or a 68-year old male candidate in a country where 62% of the population is under 25.

What would it look like to queer a Kenyan election? Would it mean to refuse binaries?

I SPENT THE week of the elections at the national tallying center, Bomas. Sitting on hard battered metal chairs, drinking too much coffee, listening to choir after choir after choir, waiting for Godot.

It was extraordinary to witness the full-spectrum contempt of the Electoral Commission for all Kenyans.

Wait. Sing. Dance. Pray. Be patient. Stay calm. Pray. Wait.

A nation sentenced to slow death by choir. Indefinite waiting. Unseen big men. No information. Welcome to 1985. It's all retro from here.

The big auditorium screens showed the wrong tally numbers. The numbers on the screens didn't add up to the total votes shown at the bottom. As if we didn't have calculators on our phones and tablets. Contempt means our calculations don't matter.

**Wait. Sing.  
Dance. Pray.  
Be patient.  
Stay calm.  
Pray.  
Wait.**

The Electoral Commission has still not explained what went wrong with the electronic system, a system bought with 9.5 billion shillings of taxpayer money. The Electoral Commission took out a loan of 2.7 billion shillings from Standard Chartered Bank, and all Kenyans will repay it.

If you buy a fridge, and the fridge doesn't work, you demand your money back. If you invest in a company, you want audited accounts. And if the company refuses audit, refuses to make its books available, you have your answer.

On Friday, four days after we voted, the final result was promised by 11am. At 11.54am, we were told the Big Swinging Dicks were at breakfast. The millions who hadn't eaten for three days, the paralyzed country, could just keep waiting.

No apologies. Apologies, like taxes, are for the little people.

Our Obama will come, tweeted Boniface Mwangi, anti-corruption activist. Pity the country that needs to hope for a savior.

WHAT ARE THE accommodations made by those living in a polity of contempt? Contempt for those below you, and pretend that everything is fine. Positive thinking.

Baby steps, an old friend reassures me. The televised presidential debates... do you real-

ize what a game-changer that was? Yes they were bad, but we have not had that before! These men, who have never been required to answer a question in their lives, not even in their own homes, were being questioned by the entire country. I watched it with my house-help, it was something she could feel a part of.

This friend, a single mother, works 16-hour days to give her children an elite private education. I pray, she says, and I don't allow negative energy into my home, into my space, anywhere near me. I want to focus on the positive, because otherwise I would collapse. For her children, there are no baby steps. They get the same quality of teaching, the same educational resources, as the children of the wealthy in Zurich or Palo Alto. If my friend were told to wait two generations for her children to have opportunities, she would take up arms.

But we will tolerate a sham of a democracy. One that's good enough for the servants.

We will fetishize patience for the poor while the rich vault over the queues.

HOW DO WE exist in the air of this contempt and not be defined by it? Rage is a reaction. Armed revolution is a reaction. Silence, invisibility, self-loathing, acquiescence... Those are not reactions. Those are the desired effects.

Contempt means you can make people wait all day in the heat and dust to vote. No one stood in line for twelve hours in the sun, without water, because they didn't want their

vote counted and tallied correctly. People died in voter queues.

Above all, contempt is shaming the victims. Survivors of rape, massacre, and displacement are unpatriotic tools of imperialism if they dare to enter international fora, if they seek the avenues of redress that are there for the ruling class to use daily. Who do they think they are, Kenyattas?

I propose the ICC go and build their court properly, wrote Binyavanga Wainaina in *The Guardian*, then come back and talk to us when it is grown up, when there are a few convictions of people who are not Africans. Don't muddy the picture by mentioning that the ICC Prosecutor representing Kenyan victims is an African woman, going head to head with Uhuru's white male British lawyer, the same lawyer that defended Milosevic. If Binyavanga were raped, his home burned, his family killed, would he believe that the interests of oligarchs should determine his access to justice?

The best public entertainment in Kenya right now is the furious gyrations of middle-aged Gikuyu men for places in Uhuru's court. It's the dance of the Swazi virgins before King Mswati. Replace the sea of female nubility with a heaving scrum of raddled male flesh, bloodshot eyes, jiggling hemorrhoids, and roars for the heads of peasants who forget their place.

About our 2007 election I wrote: The opposite of hope is not despair. The opposite of hope is denial.

The opposite of contempt is not a charade of transparency. The opposite of con-



tempt is equality.

WHAT WAS THE fear that silenced us as we watched this travesty unfold? That people would die. That women would be raped. Homes burned. Thousands turned into refugees.

This fear came from two sources. A state apparatus which did not hesitate to kill Kenyans in 2008. A presidential candidate and his running mate facing trial for these crimes. And an opposition which has betrayed its base over and over again. An opposition that sent young people out to face police bullets

in 2008, while its leaders and their families holed up in gated mansions. An opposition that ordered the razing of churches filled with people, armed and deployed militia against innocent communities.

So we huddled, at Bomas. We weighed what we saw with what we needed for proof. We asked agonized questions about responsibility.

The screens stayed fixed, no updates released, figures blatantly wrong. We said it was for peace.

Will we refuse, ever again, to be so cynically used? ■





**#KENYADECIDES**  
**#KENYADECIDED**  
**#ACCEPTANDMOVEON**  
**#KENYAAT50**  
**#JUBILEE**  
**#CORD**

**#KENYAREFUSES**