

SMA Africa – Kenya – July 2016 Report 1

#StopExtraJudicialKillings

The disappearances of Eric Mutunga his lawyer, Willie Kinuthia Kimani, and their taxi driver, Josephat Mwendwa led to the mounting of public search via social media and shock when news hit of the discovery of their mutilated bodies. The outrage could be witnessed on social media and was channelled into the organisation of several street protests. As becomes evident, who these efforts targeted for blame and who they advocated on behalf of became a contested issue. For some, there was a direct line between these events, other incidences of police brutality and the state, specifically this particular regime. This was the main narrative of the protest organisers, who did not distinguish between the existence of criminal elements within the police, and state-driven, deliberate circumventions of the normal course of justice in order to eliminate persons seen as a threat to state structures.

When we elected MURDERERS to lead us, then it was a clear message that we expected a system of Majabazi (sic) [bandits]. #StopExtrajudicialKillings (PatrickssafariR, 2016)

---- @patrickssafariR kindly lets know names of the murderers u are talking about (Cmajau_, 2016)

---- @patrickssafariR where did you graduate from? They need to recall your cert. Is the police a regime? (Bensonmugambi58, 2016)

How long are we going to have #extrajudicialkillings in #Kenya? Since the 60's its been a constant theme in every regime. #PressPass (Anon1KENYA, 2016)

#StopExtrajudicialKillings They killed so called 'Mungiki', then Imams, then Somalis, 'protesters' with live rounds and we were silent. (Johngithongo, 2016)

8 man squad kiambu Road, 4 by 4 crew Nairobi area. Orders from top 4 bloody thirsty guys. Arrest their bosses. #StopExtrajudicialKillings (MohajichoPevu, 2016)

---- @MohajichoPevu Report to police. (SKiptugenReal, 2016)

---- @SKiptugenReal which police? Rwanda ama [or] south African police (MohajichoPevu, 2016)

What if we ask for the resignation of the IG and bring someone who can set up structures so that we don't have the same problem #PressPass (MugaThaFred, 2016)

---- @MugaThaFred @ntvkenya the whole system is stinking. Changing the IG ni kama kuosha kuku miguu [it's akin to washing a chicken's legs]. (RonoAlphas, 2016)

---- @RonoAlphas then let's change the president...#PressPass

Not everyone had this point of view. Some did see a difference between opportunistic criminals and state sanctioned criminals. For them the connection between the government of the day and society at large, and the culpability of the police as individuals and as an institution, was more tenuous. An investigation by the infamous 'Flying Squad' of the CID

led to the arrests of the individuals that Eric Mutunga had been pursuing for harassment and attempted murder. A witness had placed the three victims at a police post in Mlolongo, where apparently the ring-leader, a policeman nicknamed Maasai, was a well-known figure.

One could argue that protest—on and offline—is about shining a light on an issue; arguing semantics, addressing complexity and identifying variations on a theme is for other arenas, such as NTV’s show Press Pass, where they analysed the case. It aired after the first protests on the night of July 4th, 2016:

It didn't take long before we hear " The police are brutal and execute Kenyans because they reflect the rot in society". Nonsense! (IEAKwame, 2016)

Ngunjiri Wambugu: We dehumanise the police yet we want to see them behave like human being #PressPass @MarkMasai (Ntvkenya, 2016)

Macharia Gaitho: Not all police officers are bad; We have some who do good job #PressPass @MarkMasai (Ntvkenya, 2016)

@MarkMasai we have a very good @NPSOfficial_KE officers capable of handling investigation. Am proud of them. Save few rotten! #PressPass (Matundura78, 2016)

If you are a resident of mlolongo you probably have heard of Masai #StopExtrajudicialKillings he should be stopped (Kenn_ngugi, 2016)

Are there syndicated criminal gangs in police service? We must weed them out & hold each one of them to justice.#stopExtrajudicialKillings (Mainaoh, 2016)

---- If a criminal gang within police service carried out the crim ; term Extrajudicial may be misleading @mainaoh @gathara (ChessTitans254, 2016)

There is a lot of work that needs to be done in regards to police reforms. #StopExtraJudicialKillings (Frisamaskani, 2016)

Give a D+ student a police uniform, a gun and power, and he will abuse it.#StopExtrajudicialKillings (KeVinMuQiri, 2016)

@ntvkenya the public transport in OngataRongai is controlled by a cartel of police officers n an aspiring politician caled "fergie"#Presspass (RMagonde, 2016)

There was wide participation but not everyone felt included in the broad church built by the protest organisers. They questioned the timing and accused Boniface Mwangi & Co., of favouritism and/or cherry picking.

Many youths from Eastleigh missing. Families shattered. I'm glad voices to #StopExtrajudicialKillings getting louder (Asmali77, 2016)

Extrajudicial killings didn't start with Juma, Willie and the high profiled. In the ghettos young murdered daily #StopExtrajudicialKillings (Kinyanboy, 2016)

For those criticizing this cause, we are here today to protect your right to life as well #StopExtrajudicialKillings (Irunguhoughton, 2016)

---- @irunguhoughton @sarahkimani there shld have been a demo for the somali community taken to Kasarani frm Lawyers (Alphapapa12, 2016)

---- @irunguhoughton @sarahkimani this guy is said to work with an American NGO we read politics in this whole demo (Alphapapa12, 2016)

I for one think Alphapapa12 was on to something, rather than getting hung up on tribe, as the majority did, I would be quicker to point to the international profile of this incident as the key catalyst. I can envision the sequence of events:—Willie Kimani's US-based employer contacts friends in Washington, local American ambassador receives alarmed phone calls and FBI are deployed, it seems apt to also involve local activists, the most visible of whom is Boniface Mwangi. Mwangi addressed the complaints:

The protest on Monday is about #StopExtrajudicialKillings. For all Kenyans killed extrajudicially. Respect that. (Bonifacemwangi, 2016)

---- @bonifacemwangi Because Mtu wa Nyumba (person from your house) was killed.... (IkeOjuok, 2016)

---- @bonifacemwangi stop being a fraud where were u when the same ppl who killed KIMANI [a Kikuyu name] were killing Luos in siaya and Ksm [Kisumu]? #SponsoredActivism (Makiche_victor, 2016)

---- @bonifacemwangi @ngunjiriwambugu stop receiving money from George Soros to destabilize the country (Galexon, 2016)

---- @VMukeni @okothkenneth the lawyer worked for @IJM an international organization. (BEAYAHUS, 2016)

---- Those accusing @bonifacemwangi of not organising protests after Juma and Kisumu victims, who prevented you from organizing one? (Mbate, 2016)

---- @bonifacemwangi this is not extra judicial killing the police were on their own...they acted on their own (Leshan_eddy, 2016)

---- @bonifacemwangi few criminal cops elements don't reflect the force or the gov't [...] (Manndun, 2016)

Only Robert Alai fights for everyone, Boniface Mwangi is only dramatic when a Kikuyu is killed #StopExtrajudicialKillings (IkeOjuok, 2016)

JUST IN: FBI to assist in probe into murder of lawyer kimani, his client and Taxi driver. #StopExtrajudicialKillings (Patrickssafari, 2016)

The protests went ahead (the Law Society of Kenya organised a second protest), and were successful in that, they were peaceful and proceeded without disruption. It was also not just a Nairobi-only affair; other towns and cities around the country had their own demos. Even police spokesperson, Charles Owino, joined in, despite the fact (or maybe because of it) that the rhetoric tended to tar all the police with the same brush.

Stopped outside the Office of the President, crowd says because the buck stops here. #StopExtrajudicialkillings (Kenyanpundit, 2016)

The final stop of our PEACEFUL #StopExtrajudicialKillings march office of the Inspector General Kenya Police (Mentalacrobat, 2016)

Today's demos were peaceful because the police decided to make them that way. Nothing else can justify the demos #StopExtrajudicialKillings (Team_CORD, 2016)

Owino voluntary joins #StopExtrajudicialKillings,sprinkled with red food colour,we didn't have a T-shirt for him. (Bonifacemwangi, 2016)

---- @bonifacemwangi the presence of Mr. Charles Owino gives the police confidence in the process but will the rogue police change their ways? (AkokoOtieno, 2016)

---- @bonifacemwangi. I'm already in love with owino he has shown solidarity, that's how true activist should behave #StopExtraJudicialKillings (Captain_Lawi, 2016)

---- @bonifacemwangi was this genuine or simply a PR exercise & a (futile) attempt to sanitise the bad image of the KE police? (AtonyaStanley, 2016)

Tempers were high but peaceful in 11 counties today. Apologies to @NPSOfficial_KE Owino who got "splashed" w' us #StopExtrajudicialKillings (Irunguhoughton, 2016)

I couldn't help but notice in the #StopExtrajudicialKillings by @bonifacemwangi protesters had brand new t-shirts paid for by who?

The high profile of the case is an opportunity for the police to demonstrate that “they are not rotten to the core” as an editorial cartoon in one of the dailies suggested. Successful prosecution of the killers, with transparency throughout the process would likely generate some good will. The naysayers would view it as further proof that there was something exceptional about this case, but that is already true—Mr. Kimani was a lawyer working for a politically connected US NGO.

The Trouble with the North East

The counties of Wajir, Mandera, Garissa and Lamu continue to bear the weight of being located at the frontline of the war with Al Shabaab.

Difu police station in Wajir overrun last night. Many officers with their guns missing or dead. (Crimealert4Kenyaans, 2016)

Report: About 100 suspected AS militia attacked Diffu police station in Wajir County leading to a fierce exchange of fire around 1am.

2 buses headed to Mandera from Nairobi attacked by Alshabab militia in Suki area,Elwak. Bus still under siege. More to follow. (Ali_Manzu, 2016)

2 Mandera bound buses were today morning attacked by suspected Al shabaab at wargadud. Driver of one of the buses confirmed dead. (K24Tv, 2016)

---- @K24Tv Wajir,Elwak,Mandera,Rhamu , Moyale all gr8t towns terror is destroying potential business of a warm hearted people.Pray4KDF 2overcome

Six killed in gun attack on two buses in #Kenya's Mandera (ReutersAfrica, 2016)

Blame for these attacks has most often fallen on incursions by Al Shabaab, but recently it appears the representatives of the national government have become convinced of the presence of local militia. The county Governor denied such a possibility.

Amb. Saleh says Mandera attacks are by local militia, Governor says it's Alshabaab. What do you think? #SundayPoll (Asmali77, 2016)

---- @asmali77 the attack happened far from the border.why has Al shabab not claimed responsibly? (Adan_garane, 2016)

Suspicion/knowledge about the existence a local militia may have precipitated the disarmament exercise that followed:

A counter-terrorism operation was staged in Dabaciti near El-Wak, Mandera County and 6 rifles with thousands of bullets recovered. (Suemcphree, 2016)

Cont.. The weapons are believed to be the ones used to conduct attacks on travelers in Mandera (Suemcphree, 2016)

Social media users presented a convincing case that it was imprudent to disarm the people living at the frontline of the war with Al Shabaab, a determination that social media observers cannot possibly make but are likely to have an opinion on. This is probably one of those decisions where you are damned if you do, and damned if you don't:

#BREAKING KDF Conduct Raid in El-Wak's Al-Shabaab Village: Massive Cache of Weapons Recovered (CTNSIS, 2016)

---- @CTNSIS it's not secret all tribes near border have weapons for self protection against Alshabaab if u disarm them aint u helping AlShabaab (Abdiaziz_a, 2016)

----- @CTNSIS Buses were attacked by Alshabab. Only yesterday the Gurreh tribe warned Alshabab and threatened to fight them now we are disarming them (Abdiaziz_a, 2016)

----- @CTNSIS There is no Alshabaab village inside Kenya please stop misinformation. People along the border have weapons for self protection (Abdiaziz_a, 2016)

----- @ctnsis There is no difference btw Kdf and Alshabab, They both commit atrocities against civilians. (Zabdull9, 2016)

News emanating from the locations where the disarmament exercise was taking place was that the personnel conducting the exercise were heavy handed, literally. There were reports of whippings meted out to residents of Harwale. The KDF who appear to have policing powers in the North East, denied that they had acted improperly.

13 PEOPLE HOSPITALISED after beatings by the Military in Harwale Village, Mandera South (TheStarBreaking, 2016)

#ElWak residents leaving town to safety following heavy policing by military and disarmament exercise at #Hawarle (Yassinjuma, 2016)

1/2 #Mandera :Both the hospital management & Deputy Sub County Commissioner can confirm that nothing happened in Mandera. (KdfInfo, 2016)

---- @kdfinfo kwani my friends in Harwale self inflicted those lashes on themselves! Your officers came to the village with a list KPR as shabab (Mamathoeje, 2016)

2/2. #Mandera : We are a professional force with a commitment to protect the Kenyan public.

3. #Mandera: We respect the quality and sanctity of life and it is not within our efforts to harm the citizenry.

---- @kdfinfo how can we ever trust you after what you did in elram and harwale in mandera south (Abumubarak1977, 2016)

---- @kdfinfo who is responsible for this atrocity? Can you please confirm your statements. (AbdullahiDerow, 2016)

---- @kdfinfo @InteriorKE u loosing friends n vital Intell in the community with such utter stupidity of poor leadership on part of ur officers

---- @TheStarBreaking @TheStarKenya thanks for the highlights instead of using the locals to fight Alshaytan the kdf has turned on innocent shame (Sheikh_issack, 2016)

The KDF was able to maintain its image of ‘professionalism’ when its interaction with the public was limited to military parades in stadiums during public holidays. In these times, they must work for that identity, even while operating in world where it is also difficult to distinguish between friend or foe, as illustrated by the Kapenguria gunman.

Kapenguria Gunman

Kapenguria police post, famous for the detention of the Kapenguria Six during pre-independence times, was current news when five policemen were shot and killed there this week. The tweets below offer a glimpse into the confusion around unfolding events:

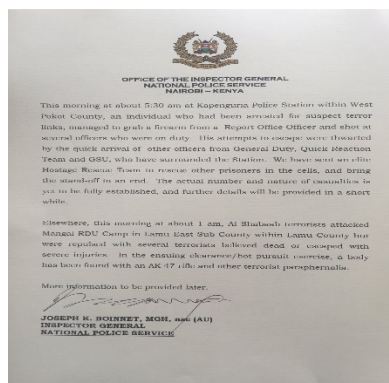
Unknown number of Al Shabaab terrorists suspects Opens gunfire in a police station, Kapenguria West Pokot County. (Atanasi, 2016)

Detained terror suspect overpower kapenguria police station, seize firearm & engage police officers in gun fight. 6 officers reported dead. (Patrickssafari, 2016)

---- @patrickssafariR You mean ONE terror suspect overpowered scores of policemen at Kapenguria Police Station & killed 4 of them ? Incredible ! (GichuhiEmma, 2016)

Helicopter carrying elite GSU RECCE Company landed in Kapenguria where gunmen are engaging police in a shootout. (suemc_phee, 2016)

The police confirmed the news with a press release:



Source: https://twitter.com/NPSOfficial_KE/status/753498699192528896

Later on it emerged that contrary to prior reports, the killer had been a local policeman. According to some, he had been 'radicalised'. His name, Abdihakim Maslah, certainly fit the profile:

It has been revealed that a policeman, not a terror suspect, killed an OCS and 3 cops at Kapenguria police station. (MacOtani, 2016)

Radicalised policeman constable Abdihakim Maslah who killed fellow officers in Kapenguria stand-off #EpukaUgaidi (Epukaugaidi, 2016)

The next police press release opted not to speculate about his motives, which though prudent given earlier mistakes, gave everyone else leeway to do so:



Source: https://twitter.com/NPSOfficial_KE/status/753633072097157120

Different from the radicalised officer narrative, was the story that he was a disgruntled employee who had been denied a transfer by his superior.

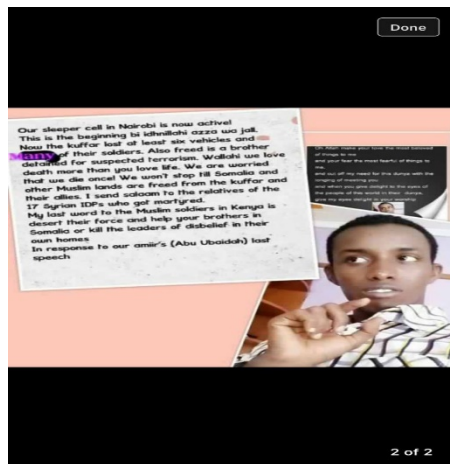
Terrible misreporting about alleged terror suspect in Kapenguria; turns out he was a disgruntled policeman. (Alaminkimathi, 2016)

---- @alaminkimathi @Iyyesa @MacOtani it was a terrible mistake it was a terrible plot by the government to tunish the name of Muslim community. (Abdallahsasah, 2016)

Another theory was that there was indeed a terror suspect detained at Kapenguria and that the officer in question was attempting to rescue him.

A suspected member of Al-Shabab (Omar Okwaki Eumod) was arrested and booked at Kapenguria. He planned his rescue from the cells. (RobertAlai, 2016)

This is the officer who attacked Kapenguria police station. Omar Eumod whom he went to rescue is still detained (RobertAlai, 2016)



The running theme in this report seems to be that speculation and social media go hand in hand, thus creating an impetus to control the narrative before it does harm—whatever constitutes ‘harm’ in one’s perspective. Furthermore, whether you are Boniface Mwangi or the KDF, it is most important that the message appears to be sincere.

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