

Hate Speech

The last month has seen a growing incidence of politicians falling afoul of ‘hate speech’ regulations. The Office of the Inspector General of Police even felt the need to release a press statement, also posted on *Twitter*, warning politicians with “election fever”¹ that making [inflammatory statements would have legal repercussions] (NPSOfficial_KE, 2015).

The first arraignment, though not the first incidence, in this current spate, is not your typical example of hate speech. You might recall the tale of the Kibera riots as discussed in the July dispatch. It included a snippet about Cabinet Secretary, Anne Waiguru going public (and to the CID) with evidence of public sector pilferage by means of infiltrations of IFMIS (Integrated Financial Management Information System). IFMIS is a computer-based technology that was intended to combat corruption and mismanagement in government procurement (although its own procurement process is also shrouded in rumours of shady dealings).

At the time Anne Waiguru went to the press with a case of stolen passwords and an attempt to defraud the ministry of KES 800 million, she indicated that investigation might lead to prosecutions. It appears, however, that hundreds of millions of shillings are indeed missing and no one is going to jail. The details about how the thefts were achieved are murky, given the alleged transparency and accountability embedded into the tool.

Let’s not question a system that has been tried and tested numerous times....instead lets question the users #IFMISFacts (IFMISKenya, 2015)

Every transaction that goes through the IFMIS system requires a series of approval, hence the 25 step approval hierarchy process #IFMISFacts (IFMISKenya, 2015)

Earlier in the year, President Kenyatta had asked several members of his government to step down pending investigations into allegations of fraud and monetary crime. An anti-Waiguru camp, largely in the opposition, are calling for her to also be suspended. She perhaps cleverly, acted as whistle-blower and there is no direct evidence tying her to the questionable tenders, which supports the case for her to continue in her role. Nevertheless, the calls for Waiguru’s resignation have grown ever more strident. Perhaps she should step down on principle, seeing as the embezzlement did happen under her watch as Ared_4eva82 notes:

¹ The elections are slated for August 2017.

#NySlistofshame I don't care whether Waiguru is innocent if over half a billion is lost in your docket u should resign/be fired @Ukenyatta² (Ared_4eva82, 2015)

But that has not been the crux of the argument from most quarters. Instead, the discussion has become about her alleged romantic relationship with President Kenyatta and her *femme fatale* capabilities.³

Ann Waiguru has 4 distinct characteristics: intelligent; hardworking; beautiful and corrupt. She fits in any of the above description (Kabetes, 2015)

The rumours have been around since she was installed as Cabinet Secretary for Devolution and Planning. However, once they were vocalised publicly, they apparently became worthy of prosecution.

Opposition Senator Johnstone Muthama has a reputation for making crude statements so when he, during an opposition rally, referenced the rumours about Waiguru and Kenyatta, it was not a surprise that he would “go there”. Muthama alluded to Waiguru’s effective immunity from prosecution saying amongst other things, that she was lucky to be ‘honey coated with sugar’ ” (SDEKenya, 2015). The result was that he was asked to make a statement at the CID HQ and was recently arraigned in court for ‘incitement and disobedience of law’ (NationFMKe, 2015) by Director of Public Prosecutions (DPP), Keriako Tobiko. There were those who disagreed with the prosecution, albeit for somewhat dubious reasons:

#Muthama's crime? Asking on behalf of majority of Kenyans "what's special about #Waiguru?". Is plunder of public resources her assignment? (Wekesah, 2015)

I, personally, agree that it was a somewhat frivolous prosecution. Perhaps it best fits a case of libel or slander. I understood the reaction to Muthama’s comments as President Kenyatta feeling the need to demonstrate that while it was okay to disagree with him, this form of ‘disrespect’ would not be tolerated. Although it likely had the unfortunate consequence of providing grist for the rumour mill.

Mbikuchis_Mzito somewhat patronisingly reminds us that Muthama has in the past, made remarks that can be understood as actual hate speech and yet trotted off into the sunset unscathed:

² I find it charming that people often tweet Uhuru’s account with complaints and kudos. I doubt that he reads it.

³ I cannot help developing a sympathy for the view that the anti-Waiguru movement has the tenor and tactics of a witch-hunt—the sexist connotations of that term are intended. Other than the insinuations about a relationship with the President, Waiguru’s no-nonsense demeanour also keeps coming up. Perhaps it is trite to point out that this complaint is often only levelled at women.

Let me remind all you forgetful children, even Muthama asked Raila's supporters, "mko tayari kukufa? Walai (sic) na mtume (Are you ready to die? By God! With the chosen one)...." (Mbikuchis_Mzito, 2015)

A *Facebook* group set up in 2013, 'Kenyans Against Johnstone Muthama's Hate Speech' confirms that he has been at this for a while. Even though this story has preoccupied Kenyans' social media chatter. I still did not consider Muthama's unconvincing arraignment for hate speech worth discussing until questionable public statements and subsequent judicial interventions became somewhat of an epidemic. Director of Public Prosecutions, Keriako Tobiko has been busy.

On October 12th, political commentator, Mutahi Ngunyi, was arraigned in court on four counts of 'ethnic contempt and hate speech' (IrsAhustler, 2015) for remarks that he posted on *Twitter* in August. His *faux pas* occurred before Muthama's, but it is another case of overreach—his *Twitter* tirade was not hate speech; both he and Muthama are likely to walk. Perhaps the goal is to demonstrate zero tolerance and equal application of the law. Ngunyi's barrage of posts, railing against opposition leader Raila Odinga were interpreted by some as denigrating the Luo community. The original posts are long gone; screen captions can be accessed here: <http://citizentv.co.ke/news/lawyer-wants-mutahi-ngunyi-prosecuted-over-hate-speech-98871/>

The gist of his tirade was that Luo political commitment to Raila is the source of their economic development woes. The issue, it seems, is that members of the Luo community did not like the idea that they were poor. The lone tweet below, which does not make reference to Raila Odinga and his complicity in the underdevelopment of 'Luoland', appears to be the one that caused most offense, and is all that remains in the series and is followed by the apology made days later:

Are Luos poor? No idea. They should tell us. Are there poverty stricken Luos? Yes. Statistics: 82% of people in Bondo live below poverty line (MutahiNgunyi, 2015).

I apologize to the Luo Nation unreservedly. No harm intended. I am a product of Luo scholars whom I respect immensely. I eat the (sic) humble pie⁴ (MutahiNgunyi, 2015).

Given the context of all his other commentary, where everyone in the political class and Kenyans as a whole and in their individual ethnic groupings, are fair game, Mutahi Ngunyi seems to see himself as above the fray. He was probably surprised that others viewed him as

⁴⁴ Ngunyi is often remarking about his desire to retire in Homa Bay (Luo country) so that he can have intellectual conversations in his old age. I suppose this is what is called a 'positive stereotype'.

holding a bias. His *Twitter* feed, @MutahiNgunyi, and his regular contributions to the *Daily Nation* newspaper are worth a read.

It so happened that those cases were the *amuse bouche* before the real deal, which allows them to serve as comparison. Jubilee MP Moses Kuria, former Nairobi mayor George Aladwa and Governor of Kiambu County, William Kabogo—these characters’ public comments have prompted furore on *Twitter* and led to the DPP and IG to releases individual statements warning against inflammatory language. Moses Kuria is often caught telling people to arm themselves in readiness to defend Uhuru. Most recently he said that he had proof that a group of Kikuyu leaders, himself included met after the PEV (post-election violence) and formulated a plan to frame Deputy President Ruto, current political leader of the Kalenjin, for the attacks on Kikuyus in Rift Valley.

By the time George Alwadwa found himself with something inappropriate to say, the IG had had enough. Boinnet sent police to arrest him, rather than politely asking him to present himself for questioning.

Kuria wasn't arrested he was kindly requested. I hear Alwada was on toes⁵. The scores are jubilee 1-2 cord (Kurua, Muthama and Alwada) (Irihcum_sal, 2015)

Fury of law enforcers: George Aladwa now locked up at Kamukunji Police Station after being interrogated at Kilimani and CID HQs #HateSpeech (ConsumerKE, 2015)

The arrest and #ArrestAladwa movement on *Twitter*, were in reaction to his statement that there would be bloodshed if next year’s election is rigged against Raila Odinga. His denial of the statement was somewhat humorous:

"I didn't mean Kenyans will die if 2017 elections are rigged, I meant wakenya Watakufa Na Furaha [Kenyans will die of joy] if Raila wins"-Goerge (sic) Aladwa #ArrestAladwa (modern corps, 2015)

A week ago, Governor Kabogo discussed his distaste for Raila and Luo men in general as associated with the fact they are uncircumcised. He knew he was likely to face prosecution so he was quick to add that he did not care as he had enough money to get himself through the courts. A video taken of his speech at Thika stadium went viral a week later, and DPP Tobiko found himself writing yet another summons.

If *Twitter* is any indicator, Kenyans have a low tolerance for speech deemed in keeping with ‘negative ethnicity’ (which to be honest is a term that I have only heard in Kenya).

⁵ “On toes” referring to him being held on either side and hoisted in the air by his arms.

So Aladwa was arrested by flying squad over the hatespeech case, good, this should also have been the case for the rest like Mutahi, Kuria (Kinyanboy, 2015)

Foul language everywhere! Dangerous words. Words of war. It was Kuria, then Muthama, now Aladwa! Who else? #stopwartalk #talkpeace (HonFranklinBett)

Let's not forget however that these utterances were made before crowds who roared with glee. Hopefully they were enthused about the general tenor of the speeches and not their content.

It might be tempting to view the reactions of various parties as falling along tribal/political divides but it is much more complicated than that. Although, Moses Kuria and Governor Kabogo are Kikuyu and in the Jubilee party, it is well known that there is no love lost between them and Uhuru Kenyatta, which perhaps explains their sycophancy. The government is currently trying to have Ruto's case thrown out of the ICC; Moses Kuria might be trying to get into his party leadership's good graces by suggesting that he coached witnesses to lie about Ruto's involvement, even if it creates animus between communities on the ground. Similarly for Alwada, he is not exactly high on the CORD totem pole, his outburst was in essence brownnosing and has placed him in the spotlight.

RT @Salomelugard Alwada cannot sack a tea girl at CORDs offices. Please focus on issues (IkeOjuok, 2015)

I am emitting a rueful sigh: the run up to next year's elections is likely to provide much to report on.

Security Services on Social Media

Social media users are increasingly using platforms to report crimes directly to authorities. In the past the official police twitter feed has resisted becoming a conduit for reporting crimes. Preferring, it seems, to be a customer service and information portal.

The other step after or before tweeting is to report this to the nearest police station @SafeWayRightWay @Ma3Route @DrCarrieM @ntsa_kenya (NPSOfficial_KE, 2015)

Report to the nearest police station for assistance. Thanks. @mauricewanjiku @Ma3Route (NPSOfficial_KE, 2015)

Hi @Githusos @Ma3Route @stananaserian emergencies of this nature calls for us all to use our emergency lines for ease of follow up (NPSOfficial_KE, 2015)

Over these last few weeks, NPSOfficial_KE has appeared to give in. As illustrated by its handling of warnings and complaints about insecurity at a section of the Southern Bypass, a new Chinese built road that connects Kikuyu (rural area) to Mombasa Road (industrial area) via Karen (wealthy suburb). The Southern Bypass has become notorious for robbery with frequent reports on social media of motorists being accosted night and day by robbers who are said to emerge from Kibera (slum), making their way through the middle-class housing estates that lie between them and the highway.

Daylight gun robbery just happened on the Southern Bypass outside NHC. Thugs appeared brandishing guns and stopped a saloon car at gun point (suemc_phee, 2015)

Cont..they then proceeded to steal from the helpless driver. An oncoming lorry suffered the same fate. Robbed clean (suemc_phee, 2015)

Cont..later the thugs jumped into the other side of the road and did the same number in a vehicle driving towards Kikuyu (suemc_phee, 2015)

After plundering to their satisfaction they ran back towards Kibera using the dirt path btwn NHC & Jonathan Ng'eno estates (suemc_phee, 2015)

Reports of people being robbed at gunpoint on the southern bypass and I wanted to use it tomorrow in case the comrades⁶ invade Langata road (Ma3Route, 2015)

Tagging the accounts of those in charge of security seems to be a worthwhile strategy:

Southern bypass is now a den of thieves avoid it!@Ma3Route @JBoinnet @JoeNkaissery @NPSOfficial_KE @Jackie_Arkle (Jgitaum, 2015)

Southern Bypass has become too dangerous. Bumps at NHC make matters worse. No go zone esp. at night. @NPSOfficial_KE

Dear @UKenyatta @WilliamsRuto this has been going on on the Langata bypass for a while... See this personal account (suemc_phee,2015)

The National Police Service *Twitter* account responded and it appears that some action was taken:

Kindly note that we have notified OCS Lang'ata Police Station for increased patrols, no need to avoid this section @Jackie_Arkle @JBoinnet (NPSOfficial_KE, 2015)

Hi @motoristsoffice patrols have been intensified and a suspect is in custody awaiting to be charged. @JBoinnet (NPSOfficial_KE, 2015)

#KOT Police arrest highway robber terrorising motorists along Nairobi's southern bypass <http://bit.ly/1Gx8Uxy> via @NiMarttoKim (Ma3Route, 2015)

⁶ University of Nairobi students had announced a planned demonstration

But when warnings about the literal highway robbery kept coming in, the police *Twitter* account lost its cool.

Motorists, plz avoid the Southern Bypass. Daylight robberies on going unabated @suemc_phee via @okindata (Ma3Route, 2015)

Why create fear and tension whereas you communicated this to us and we immediately fixed this? @Ma3Route @suemc_phee @okindata (NPSOfficial_KE, 2015)

There is a general sentiment amongst the KOT that *Twitter* offers an opportunity to be heard. It is the fastest and best way to gather individuals to your cause, especially if you do not personally “know somebody”. If you are lucky, and you do rally enough supporters, you are also likely to get a result from relevant authorities.

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