

My Sons Are Dead: A Mother's Cry for Justice

It was around 2 pm, 9th August, a day after the 2017 general election. Bernard, 25, and Victor, 22, alighted from different matatus in Nairobi's Mathare neighbourhood. Bernard got off at stage number 10, while Victor, who was technically his younger brother, was dropped off *hapo kwa vitanda* (at the roadside kiosks), according to their mother's account. Born to sisters, Bernard's mother passed away when he was barely in his teens. He then moved in with his aunt, Mama Victor, who raised him alongside her three sons and daughter.

"They grew up together," Mama Victor told me when I met her in Mathare. "They were both my sons."

Bernard was back from Gikomba, where he worked as a tailor. Victor, a casual labourer, had come from his place of work in Westlands. They had voted in Mathare the previous morning, before reporting to work a little late than usual. On reporting to work on the 9th, they were both granted a day off, seeing that the country was on edge awaiting results of the hotly contested presidential election. Upon arriving in Mathare, the brothers found the roads blocked by protestors coming from as far as Dandora and Kayole, held back by a police cordon. That is why both Bernard and Victor disembarked from their matatus before arriving at their designated stage.

"When they got off the matatus," Mama Victor narrates, "they found huge crowds gathered in front of them."

After quickly reconnecting, Bernard and Victor looked around, recognizing familiar faces. Curious to know what the hullabaloo was all about, they walked over to their friends, asking what the matter was.

"They liked asking each other *Rada?Rada?*" Mama Victor tells me, Sheng for, *what's the plan?*

"They didn't even get too far into the crowd," Mama Victor recollects being told by witnesses what happened.

“Bernard was suddenly shot in the head, his brains blown out. Victor was shot in the stomach. I believe Victor was shot twice, though the medical report says he was shot once. His intestines spilled out. He had to hold them back using both his hands.”

“When Victor’s intestines fell out,” Mama Victor says and pauses, drifting away in thought...“You know there are those things which if they happen to you, your body suffers a huge shock. I think when both Victor and the policemen saw his intestines hanging, they were all terrified. So Victor tried holding his intestines back, as the policemen rushed to where he was, as if they had just realized whatever damage they had done.”

“He succumbed before getting to the local hospital,” she says, “where the police were rushing him to.”

Bernard, who Mama Victor says died instantly from the shot in the head, was left lying at the scene. There was nothing to salvage, with his skull shattered. A third young man, who Mama Victor says was called Paul Omena from Huruma area, and whose parents she hasn’t been able to locate to date, was also shot dead. A fourth, the luckier one of the lot, survived with a bullet wound.

Mathare had swallowed her sons alive

News reached Mama Victor at her Mathare Area 4A home that *kuna vijana wameangushwa* (Some young men have been shot dead). What no one told her was that two of those *vijanas* were her sons. At about 3 pm, a sympathetic eyewitness knocked on her door and broke the news. Her two sons were dead.

“I didn’t understand what they meant when they said my sons had been killed by the police,” Mama Victor remembers, “They had never had any run-ins with law enforcement. I even wondered why they had to kill them both. It didn’t make sense. Families in Mathare lost sons, but losing two sons at one go was strange.”

By the time she got to the scene, Bernard’s body had been taken away. There was heavy police presence at the scene, Mama Victor recollects. Mathare was uninhabitable and inconsolable.

Permission to Mourn

Amid the chaos that followed the August 8 general election (2017) - protests by

opposition supporters and police crackdowns in informal settlements like Mathare – Mama Victor had to find a way to hurriedly fundraise before transporting the bodies of Victor and Bernard to their rural home in Western Kenya for burial.

“I was lucky because at least the police allowed us to mourn my sons,” she says. “Others are not so lucky.”

One may wonder why anyone would need permission from the police to mourn their loved ones, usually shot dead by the police. But in Mathare’s stark reality, when young men are shot dead by the police, families have to negotiate with law enforcement for them to be allowed to either hold vigils, publicly fundraise or even erect a tent where mourners gather to condole with the family.

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“Here in Mathare,” Mama Victor explains, “if your son is killed and the police label him a criminal, they won’t allow you to mourn him. You can’t have any gatherings. They won’t allow it to happen and if you insist on going ahead with one anyway, they will walk in and arrest you. Everyone here knows that much”.

Besides the ‘privilege’ of mourning Victor and Bernard, neighbours warned Mama Victor that she had to transport the bodies of her sons out of Nairobi before the Supreme Court ruled on the validity of the August 8 presidential election. By this time, the opposition coalition was in the final stages of arguing its petition against what it considered an irregular presidential vote. Kenya continued to be on tenterhooks.

“There were fears in Mathare that whichever way the Supreme Court ruled,” Mama Victor remembers, “a fresh wave of protests and police killings would break out, meaning no one would risk coming out to help me with either fundraising or funeral arrangements. I had to move fast. I was mourning and simultaneously thinking on my feet. You carry the pain of unfair deaths in your heart, but still keep your head functioning.”

By this time, Victor and Bernard had already stayed in the morgue for close to a month, due to lack of money to transport their bodies home for burial. The meetings in Mathare could not raise a substantial amount of cash in good time, meaning they had to continue holding mini-fundraisings. In the end, Mama Victor made do with whatever little she had managed to raise, lest the Supreme Court ruling found her in Nairobi.

“It was a quick burial,” Mama Victor narrates. “By the time we got to Western Kenya, we found the graves had already been dug and went right ahead with the internment. My sons had overstayed at the morgue.”

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The Pursuit of Justice

There was no doubt in anyone’s mind in Mathare that Victor and Bernard were killed by the police. Hundreds of protestors witnessed their shooting. The police themselves went as far as attempting to save Victor’s life, seeing that he hadn’t died instantly. In an ideal scenario, the case should have been an open and shut matter, with the National Police Service owning up to its officer’s excesses. Even more encouraging was the fact that there now existed the Independent Policing Oversight Authority (IPOA), a civilian agency created by an Act of Parliament (2011), which is mandated with ensuring civilian oversight on police action.

However, to the surprise of Mathare residents who have been following the case, justice remains elusive.

“There are people here in Mathare who have video recordings of the police either summarily executing or beating someone to death,” Mama Victor tells me. “If you asked people to bring those video clips today, they’ll come forward. But what we have learnt is that no matter what amount of evidence you have, there are no guarantees that justice will be done. I have waited since 2017 for something to be done to get justice for my sons. To date, nothing has been done by either IPOA or

the numerous human rights organizations.”

After the shooting of her sons, the Mathare Social Justice Center (MSJC), one of the pioneer grassroots documenters of extrajudicial killings, reached out to Mama Victor. In a sense, MSJC has become the last line of defense for Mathare residents, where beyond just securing and preserving evidence in the form of detailed statements, young men have literally sought refuge at the center while being pursued by killer cops. However, for a community-based organization, MSJC, like other social justice centers across Nairobi’s informal settlements, has huge limitations, starting with budgetary and capacity constraints. MSJC therefore acts as a conveyor belt for IPOA and more established human rights organizations, to whom they hand over statements and evidence, with the expectation of an escalation of matters; prosecution and compensation.

MSJC was therefore Mama Victor’s first port of call, from where she was assisted to lodge her case with IPOA and a number of human rights organizations, whose mandate includes seeking legal redress in cases such as hers. Mama Victor must have been mistaken to imagine that her case would be given first priority, because of the available evidence and the enormity of her loss. The death of her two sons. To date, IPOA is yet to present her case to court over a year and a half later.

“A lot of times these women don’t even have bus fare,” Wangui Kimari of MSJC, tells me. “Yet we try to convince them to miss a day’s work for them to record statements with IPOA or attend follow up meetings. Sometimes we take their cases to human rights organizations with capacity to prosecute, but after going through the motions, they send us back to IPOA, citing one technicality or another. It gets extremely tiring and frustrating for these women. It starts to feel like justice is a mirage.”

“Being a witness in a case against the police can be difficult,” Mama Victor tells me. “You can be killed either before or after you testify. Yet if you go to IPOA, it doesn’t matter if you have video clips. They want witnesses, yet everyone is afraid. Why don’t they use other methods like examining bullets found in the bodies of victims and determining whose gun they originated from? People are totally afraid of testifying.”

If you asked anyone in Mathare to testify in a courtroom against a policeman, they

will most likely remind you of the case of Christopher Maina, where the lead witness was assassinated. Maina, a twenty-something year old who was picked up from Pirates base in Mathare just before the 2017 general election and shot dead by a plain clothes policeman. The summarily execution was witnessed by one of Maina's friends. In the course of justice for Maina, the friend became a voluntary witness, going as far as recording a statement with IPOA. It was not long before Maina's friend was murdered, a murder that Mathare residents attribute to a notorious killer cop.

"If they can kill an IPOA witness," a Mathare resident posed, "then who is safe to ever testify?"

Organizations such as the International Justice Mission (IJM) have taken up some cases involving police shootings, which complaints were originally with IPOA. However, there is discontentment in the manner the cases are selected. Mathare residents wonder, why some cases are seemingly more equal than others.

"We want the police prosecuted and our families compensated," Mama Victor offers. "That's all we want."

In the process of speaking to residents of Mathare, I learn that there are more families whose loved ones were shot during the 2017 general election. However, due to the amount of fear the police have instilled in Mathare, these aggrieved families have opted to suffer in silence than dare step up and speak up against police brutality. They won't even record statements, suffering from a mind numbing mix of fear and trauma.

"The other reason why some mothers and wives choose to live quietly with the pain is because they feel that even if they speak up, justice can never be done," Mama Victor says. "They can see the trouble some of us have gone through, yet to date, nothing has happened. Not even a mere court case has been opened."

"Some of those who are suffering the most are survivors of police shootings during the elections, from the campaign period," a resident who sought anonymity tells me. "We have some who can't even afford healthcare. They are rotting in their houses, straining their financially incapacitated families as they await death. Majority have become disabled. In fact there's one who is still living with a bullet. Doctors said if they remove it, he would die. He is traumatized because he knows death is only a matter of time. Another one was shot on the

shoulder. He was released from a moving police vehicle, and as he was running into his home when he got shot. We have all these cases in Mathare. But IPOA doesn't want to come and setbase here."

Mothers and Widows

United in grief, Mama Victor joined a number of women and widows whose sons and husbands were either killed or injured by police bullets during the 2017 general election. They formed an association, the Network of Mothers and Widows of Victims and Survivors, borrowing a leaf from the hundreds of mothers and widows across Nairobi's informal settlements, who have lost loved ones to extrajudicial killings over time.

"Currently, my network has mothers and widows of 35 survivors, 12 victims and 12 orphans," Mama Victor tells me. "The victims are the dead, survivors are those who were shot but didn't die. Some are disabled."

Mama Victor, who is the group's coordinator, tells me that after she met the mothers and widows inside the network she realized how dire things were for these women, not only for her who had lost two sons.

"The youngest widow in my group is an 18 year old," she says, "who lost her first husband to police bullets before she was 16. On turning 16, her second husband was shot during the 2017 general election. She's now raising a three year old without a job or anyone to fend for her. Her own mother is bed ridden. Imagine that."

Aside from Mama Victor, the group, which has representation from various informal settlements in Nairobi including Dandora, Kayole, Mukuru, Kiambio, Kibera, among others, has a 27 year old who is raising two sons, a 12 and 7 year old, as the oldest member. The median age of group members is below 25, with majority of their children aged under 5. This terrifying reality is a function of a poverty stricken environment, where early marriage becomes a way out of destitution for most young girls.

On the passing of Victor and Bernard, Mama Victor was left with two young widows to cater for.

"Both Bernard and Victor left a wife and a child" she says, "and so for the months

following their killing, I had to support the young wives as much as I could. But in the end, I couldn't manage to keep them afloat. Bernard's wife, who was an orphan, remarried. She now has a two month old baby from her new marriage. Victor's wife, who lost her mother, retreated to her village. They're both just trying to move on with life."

From time to time, women in Mama Victor's network have to make tough choices. One of the more common ones is the decision whether to work or pursue justice for their husbands and sons. But seeing that most women from Mathare work as domestic workers, it becomes difficult for their employers to allow them consecutive off days, especially when they need to interact with either human rights organizations or IPOA, in pursuit of their cases. Therefore a good number of the women end up either losing their jobs, or not earning enough to support their young families.

"I had to quit my job because I had to seek justice for my sons," Mama Victor says. "My employer couldn't allow me to keep missing work. It became difficult chasing two birds at one go. I had to let go of one."

Even for those willing to work, Mama Victor tells me of *kukaa kwa mawe* (Sitting on stone blocks), where women go looking for work, but because the economy is doing badly, they end up sitting on the roadside the whole day, waiting for families to call them in for menial work. When the jobs aren't forthcoming, it means families sleep hungry.

"I visit them and feel their pain," she says, "just to make them know we're in this together. Someone should come to the rescue of these women, even if they'll just take care of the kids. We're already well organized."

"I am sorry to say this," Mama Victor opens up, "but the most heartbreaking thing I have had to live with has been knowing that some young widows have had to turn to prostitution. As a mother, nothing hurts me more than seeing young women resort to selling their bodies for survival. It tells you they have reached the end of the road and given up. They come to me hoping I can offer them something, anything. But when they get to my house, they realize that I am also literally living hand to mouth. We are really suffering."

"My heart hurts deeply," Mama Victor tells me. "It's just that I can't always display my heartbreak."

Being Mama Victor

After telling and retelling her story, either to human rights organizations documenting extrajudicial killings or to investigators at IPOA, Mama Victor has gotten to a point where all she can afford in terms of emotional giveaways is to strike a forlorn look. She tells me she has run out of tears, to a point where she now speaks about her sons' deaths as if it were a distant occurrence from a faraway dream. She is a lonely spectator, burdened with nightmarish enduring memories.

Three weeks after burying her sons, Mama Victor was back in Mathare. She would have wanted to stay in the village longer, but things were a little complicated. Following Baba Victor's death in 2010, she had run into problems with her husband's family over her children's inheritance, land. A helpless widow, she lacked financial or other muscle to push back against errant family members. She surrendered to her fate.

"The entire village was on my side," Mama Victor tells me, "but at the end of the day, there's nothing they could do. The immediate family had the final say on the matter, and no one could overrule them. I lost out."

Mama Victor first came to Nairobi with the sole intention of pursuing her husband's pension. He worked as a civil servant, but on investigating what had happened to Baba Victor's retirement benefits, she was informed that the money had been disbursed to his bank account by the government, but that someone had mysteriously withdrawn the entire amount. There was no way she could be assisted, unless she pursued the matter with the police. Broke and dejected, Mama Victor retreated to a church in Eastleigh, where she was urged by a group of women congregants to start afresh, lest the weight of her tribulations overwhelmed and killed her.

"I started doing domestic work for families in Eastleigh," Mama Victor recalls, "earning 2,300 shillings per month. At the time, my children had moved in with my parents at their rural home in Busia. The money was so little. I felt stuck, unable to provide for my children in any meaningful way."

With the help of women from the church, who donated household items; a blanket here, a mattress there and a few *sufurias*, Mama Victor managed to start all over again. Her plan was to stabilize before bringing the children over, to join her in

Nairobi. With a meagre salary and chattel from the women, she rented a place.

“Rent was 1,300,” she says. “The deposit for the house was another 1,300. That means on the first month when I rented the place, I was left without a coin. In fact, I had to look for an extra 300 to clear the payment.”

In her little house in Mathare, Mama Victor lived with her daughter and four sons, among them Victor and Bernard. They were joined by two sons born to Mama Victor’s brother in-law. It was a full house in the literal sense, but Mama Victor had no complaints. They were all happy together. With time, the boys started getting work, marrying and moving out. Other than her youngest son, who is now 12, Victor was the youngest of the lot, much as he seemed older than everyone else due to his impressive height.

“He was handsome and tidy,” she says of Victor. “Everyone wanted to be like him, to imitate him. He loved cleanliness from the time he was a little boy. He always stood out. He was such a lovely boy.”

Mama Victor runs out of adjectives describing her son. There is no doubt that Victor was his mother’s pride.

“Bernard and Victor loved to fool around,” she says, “you can’t say they were violent. Bernard was talkative whenever he was with Victor, but wouldn’t talk much ordinarily. He used to stutter. They loved each other, but beyond that, they had so much love and respect for me. I wish you saw how they behaved around me. If they had passed here and seen me, they’d have come running, saying *mathe, mathe*, we hadn’t seen you. ”

Listening to Mama Victor talk, there is no doubt that something truly precious was brutally taken away from her. She speaks fondly, especially of Victor, as if he left with some unfulfilled promises, possibly to work hard and lift his mother out of the precarious existence of his birth. Despite her stoicism, one cannot miss the moments of frailty in Mama Victor’s voice. No one can bring Victor and Bernard back to life but they should at least be consensus that their deaths were unfair and unjustified.

“*Vitu zilienda mrama*,” she says, things went south.

“*Sijui nitafanyaaqe*.” I don’t know what to do now.

Tell Uhuru and Raila

On the day I am meeting Mama Victor, she has just come back from her last born son's school, where the 12 year old is facing a disciplinary case. The teachers have refused to allow him back in class, demanding a considerable sum of money as compensation for whatever damage the boy caused at school. Mama Victor doesn't have that kind of money, and therefore the headteacher turned her away, refusing to give her back her son's school bag or allow him anywhere near the school.

With her is Terry, Victor's three year old daughter, who keeps pulling at her dress, calling her *shosho*. After Victor's wife retreated to live with her father in the village, Mama Victor was left with the responsibility of raising her grandchild, who was pretty unwell at the time of our meeting. Looking at Mama Victor nursing Terry - holding her in her lap, giving her water as if breastfeeding and offering her a sole ten shillings coin to buy candy at a nearby kiosk when the little one got restless, one is extremely moved by the plight of a woman, who has had to bury her sons and now single handedly raise their little children.

"Sometimes I feel like I am going crazy," Mama Victor tells me. "Look at a day like today. I am coming from my son's school where the teachers are being unreasonable. Then I have to deal with Terry's health complications, keep pursuing justice for her father and uncle and still find a way to earn a living. Feeding these children is the toughest task because they can't understand that sometimes one lacks even a cent."

After our long chat, Mama Victor tells me she has a message for two individuals; former Prime Minister Raila Odinga and President Uhuru Kenyatta. According to her, Victor and Bernard, among tens of others - over 100 individuals according to the Kenya National Commission on Human Rights (KNCHR), including a six-month infant and a 9 year old - all died because the two men were fighting for Kenya's presidency. But after the dust settled, Uhuru and Raila made peace, and are now bosom buddies. Mama Victor's question is, were Victor and Bernard, and the many others, mere collateral damage in a game of political chess? She wonders how the country can ever heal yet the bearers of the nation's collective terminal pain and wounds have never spoken to it. Are they a sore reminder, to be erased and forgotten?

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“I want them to come here,” Mama Victor says. “We want nothing from them. We want to see them with our eyes, for them to see us and know that we exist. They need to know curses come in different forms. Our pain alone is a curse to them. We want absolutely nothing from them. But they must come here and see us.”

Are Mama Victor’s words a warning shot, a threat, a plea, or all of them rolled into one? Will the big men and their peace-architects listen, or will Mama Victor’s cries and those of others go unheeded? As Kenya’s Mama Victors get worn out by the load of a nation’s collective misdeeds in pursuit of political power, a day shall come when the Mama Victors will no longer be in a position to continue doing national duty as national trauma-bearers. That day, the chain holding Kenya together shall surely break.

Postscript: The network of mothers and widows of victims and survivors invited the Independent Policing Oversight Authority (IPOA) to the Mathare Social Justice Center (MSJC) on 04 July, to “reflect on case management, witness protection, advocacy and psychosocial support.” IPOA didn’t show up.

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