



Will Nothing - Not Even a Deadly Virus - Stop the Police From Brutalising Kenyans?

By Rasna Warah



Every time there is a crisis in Kenya, the country's fault lines begin to show, whether it is inefficient or corrupt institutions or a leadership that is only interested in its own survival.

During the deeply polarised 2013 and 2017 elections, for example, Kenya's electoral body showed itself to be either unable or unwilling to conduct fair and transparent elections. Corruption scandals involving past and current electoral commissioners failed to get the commissioners removed, and questions about the validity of the tallying process have not yet been fully answered.

During the Moi regime, as the country's economy stagnated under the weight of corruption and economic mismanagement, the judiciary proved to be an enemy of the people, always siding with the corrupt. Kamlesh Pattni, one of the masterminds of the Goldenberg Scandal, which almost brought the country to its knees, remains a free man to this day.

After the Westgate Mall terrorist attack in September 2013, Kenyans were horrified to learn that instead of subduing the terrorists and helping hostages within the mall to escape, security officers, including the Kenya Defence Force, had gone on a looting spree in the mall, whose shops were emptied of nearly everything during the four-day siege.

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Under the debt-ridden Jubilee administration, Kenyans have watched their standard of living deteriorate considerably as the promised economic growth fails to reach the majority of the country's population and as mega scandals, including importation of contaminated food and daylight robbery in government institutions, continue unabated. President Uhuru Kenyatta's promise to bring corrupt individuals—including the “big fish”—to book has yet to result in convictions or to gain the trust of a cynical citizenry for whom corruption has become a way of life, thanks to the myriad bribes demanded every time they want a government service. With rising Chinese debt and now the coronavirus pandemic, Kenya's economic future looks even bleaker.

But no matter what the crisis, the Kenya Police is the one institution that consistently fails to live up to its promise and motto (*Utumishi kwa Wote* - Service to All), as was demonstrated on 27th March when a nationwide indefinite curfew was imposed from 7 p.m. to 5 a.m. in response to the global coronavirus pandemic. Images of Kenyans being badly beaten and humiliated by police officers minutes after 7 p.m. began surfacing on social media. “The curfew has worsened the security in the country. The police are part of the insecurity. Chaos ahead”, posted a Kenyan on Twitter.

As with all types of police brutality in the country, the victims were mostly the poor. Informal settlements in Nairobi and other cities bore the brunt of police brutality during the curfew. (The clueless officers who beat up people with batons seemed completely unaware that they were putting their own lives at risk by violating the “social distancing” directive.)

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The level of the violence against civilians has once again underscored how poorly trained Kenya's police “service” is and why it is the most dreaded institution in the country. While in other countries people run to the police for help, in Kenya, at least since the Daniel arap Moi “police state” days, most Kenyans, upon seeing a police officer, run the other way to avoid having to pay a bribe or being arrested on flimsy grounds. Stories of police officers actually assisting people in times of distress or during a crisis are few and far between. We hear of police reforms and “people-friendly” police uniforms, but we have yet to see their results. Police recruitment exercises are so riddled with corruption and rigging, it is not surprising that those who end up as police officers hardly qualify for the job.

Over the years, Kenyans have also become accustomed to riot police turning cities, and in particular low-income neighbourhoods, into battle zones. Officers who kill using live bullets are hardly ever prosecuted. Kenya is notorious for extrajudicial killings (mostly of young men in informal settlements) by the police, a fact that has also been highlighted by international human rights organisations. The Independent Police Oversight Authority—a body created by Kenya's new constitution to keep police excesses in check—appears to be impotent in the face of all these human rights violations, partly because it has no authority to prosecute.

Police stations in Kenya are known for bribe-taking, and there have been reports of victims of crime being jailed instead of their statements being taken. As always, the poor, those without legal representation and the most vulnerable, such as street children and women vegetable hawkers, end up in police cells.

Meanwhile, the response of the police to the public outcry against the brutality inflicted on Kenyans during the curfew has been contemptuous and insensitive. The police spokesperson and other government officials have essentially blamed Kenyans for bringing the violence upon themselves by disobeying the curfew. Charles Owino, the police spokesperson, derided a news anchor for daring to ask him what instructions the police had been given to enforce the curfew, even suggesting that Kenyans are like “children” who need to be “disciplined”—an attitude reminiscent of the British colonial administration.

The worst part is that the people who were attacked by the police were not deliberately defying the curfew; many were just caught up in the transport chaos and delays precipitated by the curfew and “social distancing” directives. Some using the Likoni ferry in Mombasa found themselves in an unusual situation where the ferries (which have proved to be a dangerous mode of transport in Kenya due to their age and state of dilapidation—another consequence of corruption) had been overwhelmed. A man using the ferry who was badly beaten by the police died from the injuries inflicted on him.

It again feels as if the country is in the midst of a civil war. In 2007-08, as the country was hurtling towards what appeared like a civil war, the police unleashed violence on innocent civilians simply because they could. Traumatized Kenyans who hoped that the presence of police officers and other security agents would protect them from the post-election violence that had engulfed many parts of the country were in for a shock: the police turned against them, shooting innocent people whose only fault was that they happened to be in the “wrong” neighbourhood. Who can forget the image of the young man who was shot and killed in January 2008 by anti-riot police in Kisumu? Or those of people in Kibera and Mathare being shot at and teargassed for no reason other than that they were protesting?

The Waki Commission and human rights reports found that a large number of the casualties during that period were the result of police or security officers’ bullets. When the nation is in a crisis, the police turns against civilians. During the last election, civilians, including children, were shot at randomly. One baby lost her life.

The reality on the ground

The government’s response to the coronavirus pandemic has so far been swift. The health ministry has kept citizens informed of the spread of the virus in the country and the steps taken to quarantine people arriving from abroad, though I am not sure about the value of a night-time curfew if people can mingle during the day. The closure of bars and restaurants, in my view, was sufficient to impose a curfew on those who are likely to spend their evenings outside the home socialising.

President Kenyatta also announced a raft of tax breaks for the poorest percentile, and reduced VAT on items. These are praiseworthy efforts, but like India, which imposed a nationwide lockdown, and has seen the mass exodus of informal workers from cities such as Mumbai and New Delhi (some of whom were sprayed with bleach by the authorities when they returned to their villages), the government has failed to factor in the reality of the majority of citizens’ lives. What does a tax exemption mean to a hawker or a construction worker whose earnings have dwindled to next to nothing as a result of the curfew and social distancing directive? What does working from home look like to someone whose house is a cramped shack in a slum? How does someone who does not own a fridge stock up for a week or more? What do the majority of people in the informal sector do to earn a living when their work is dependent on people not social distancing? How will small businesses where each customer counts survive?

This is not to say that Kenya is exceptional and should not learn from other countries facing the

same crisis. The United States and Italy were slow to respond to the pandemic, and as a result, are likely to see many casualties that could have been avoided. (In the interest of humanity, President Donald Trump should lift sanctions against Iran, which is facing a growing coronavirus crisis.) But any directive to handle the crisis must be made bearing in mind the reality on the ground. It would be a shame if more people in Kenya died, not because of the virus, but because they starved to death or because of a preventable illness. Already in India analysts are predicting that malnutrition and starvation levels are set to rise in the country, where more than 80 per cent of the workforce is informal. We must also not forget that there are other diseases in Africa that are likely to kill more people than COVID-19. About 400,000 people in Africa die from malaria each year.

There are things the government can do to take into account the reality of Kenyans' lives. For instance, instead of relying on an unreliable, corrupt and brutal police service, citizens should be encouraged to monitor their own communities and neighbourhoods. Kenyans willingly abided by the social distancing directive, so it is likely they will voluntarily obey a curfew. If the police is called in to enforce the curfew, it should be instructed not to use violence; those disobeying the instruction should be disciplined.

Secondly, if containment is a strategy to stop the spread of the virus, then people could easily be tested *in situ*. Mass testing has proved to be extremely effective in countries such as South Korea and Germany. Mobile clinics could go around cities and villages providing this service. Those found with the virus could be quarantined, while those free of it could be allowed to continue with their daily lives—but within certain limits.

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The United Nations and other international organisations are already mobilising funds for poor countries to help them deal with the crisis. Could these funds be used for mass testing in countries like Kenya? (On the other hand, in times of disaster UN and other donor funds have been known to be diverted to non-target groups, so this is something we should bear in mind. It would be a shame if funds sent to Kenya end up in the wrong hands, as they did when some funds meant for HIV/AIDS patients ended up being stolen by the funds' managers.)

There is no doubt that the crisis we are now facing is unprecedented. But it would be a double tragedy if the pandemic were to end up killing not just those who have the virus, but also those who cannot afford to eat because they have no source of income. President Kenyatta has said that he has set aside a kitty for poor and vulnerable groups. The question that is on everyone's mind is: How can we trust a government that has been notorious for stealing from the mouths of babes to implement any kind of cash transfer programme when those in charge might be tempted to steal some or all of it? And how will these vulnerable people be identified given that the country, including government departments, has virtually come to a halt?

At a time like this we should not be questioning our government, or the police. But because we live in Kenya, these questions appear normal in these abnormal times. Will Kenya rise to the occasion and finally fix all that is broken, starting with the police? Will the coronavirus pandemic offer us an opportunity to save us from ourselves?

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