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# Kenya's Prison-Industrial Complex: Check in Any Time You Like, but You Can Never Leave

By Arkanuddin Yasin



My abdomen clenched like a fist, my bladder tightened, I wretched and recoiled in disgust. I reflexively ducked out of the prison cell toilets.

I have grown up in boarding school, and had lived in the poor areas of Nairobi city, but nothing can prepare you for the three-foot-tall mound hill of human faeces that was slowly decomposing, two walls away from the office of the police officer in charge of Kilimani Police station. How did he survive here? How could he allow this in his police facility?

I fled back to my cell, barely three metres away. I realised how important it was that the cell had only bars where there had probably meant to be windows, otherwise the odour would have driven detainees to insanity.

I had never been incarcerated before; I had only heard about prison from reading and watching popular television shows and movies. But now my real-life journey through the so-called correctional system had begun.

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I instinctively hated school all my life. Now in the prison system I knew why. School, like prison, is

an instrument designed to break your will, to condition you to surrender. Not just your rights - to food, to dignity, to being treated like a human - but your free will itself, your right to choose.

In school, we were always asked, "Any questions?" But we knew the questions you could ask and the questions you couldn't ask, even when you were deviously encouraged and prodded with, "Ask any question." After many years of schooling, we intuitively self-censored. You knew that no teacher could actually entertain *any* question. When they asked if you had understood, you were supposed to say yes. The school rules, the syllabus, and the textbooks were your truth; they were all that was relevant. The truth was irrelevant.

Prison is kind of like school. I was in jail because I had distributed a leaflet containing thoughts and ideas that were outside "the approved syllabus" to the public. I had asked why young Muslim men were disappearing at the rate of four-a-week in Eastleigh, a predominantly Muslim area, and their tortured bodies turning up the Tsavo National Park. Others lost forever. I had asked why the leaders who purported to speak for Muslims were silent on the spate of state-sponsored killings but loud on pledges of allegiance and calls to voting during elections. I had read speeches endeavouring to wake my fellow citizens, my "school mates" in this school of life, up to the fraud being perpetrated upon us.

I had asked "Why?"

"Why?" to the tyrant is "terrorism". The tyrant feels terrorised. "Why" isn't just defiance, "why" is to challenge the basis of his order, the very foundation of his rule.

It is the one question you can never ask, either in school, or outside.

My odyssey was just beginning.

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I was shuttled between police station's cells, as my lawyer endeavoured to have me incarcerated in the Anti-Terror Police Unit's (ATPU) holding facility, explaining to the magistrate that the devilish intention of the arresting officers to hold me while innocent in police cells was to inflict mental torture, as they knew what a few weeks in their stinking decrepit infrastructure would do to a human being. The magistrate granted our appeal, but how could she follow-up and monitor implementation? Once you are out of the magistrate's court, the police do as they will.

Back to Kilimani Police Station. The cell I was in had a number of steel rings jutting out from the floor, two thirds of the circumference emerging from the floor, while the other third remained embedded in the cement floor. None of us in the cell could tell what purpose they served. They served no aesthetic or functional purpose we could think of.

Two days later, an apparent veteran of the prison system made his regular visit. He explained to us the rings were from the colonial times. Rebellious natives wouldn't just be locked in, they would be chained to the floors of the cells they were held in. It was horrifying to imagine. But what struck me the most is that the colonial penal infrastructure is still intact. There wasn't even a cosmetic makeover. The buildings are the exact same ones, the cells, even the cells doors are the very same ones the British imperialists built. At "independence" no one thought to rip up these degrading rings that held our grandfathers down like animals.

I was told Kilimani Police Station was the preferred holding facility where elites asked to be held when arrested. I was afraid to imagine what the rest were like.

I was transferred to Muthaiga Police Station over the weekend, after a week of interrogations about everything, except a possible crime or misdemeanour. Not once was I asked or told what crime I was being held for.

Three questions were repeated in different order and context: "Do you believe in jihad?", "Do you support Kenya Defence Force's war in Somalia?", and "Have you ever been to Somalia?"

It was odd, I thought, that they knew I had committed no criminal offence but they were content to persecute me. How did they live with this moral dilemma? How did the police go home everyday to their children and manage to find sleep knowing they had their fellow human beings locked up in inhuman conditions?

John Laurits writes in [this insightful article](#) that police training and institutions are designed to completely destroy a human being's moral agency. Moral agency is the ability to choose between right and wrong. The militaristic chain of command takes away individual officers' sense of moral responsibility and abstracts it all into the realm of bureaucracy. "The result is that nobody can be held responsible and the officer becomes an inanimate tool in the spooky hand of an unseen and unaccountable bureaucracy—the police officer becomes no more than a vessel for policies, totally devoid of agency and free of its consequences." To know this from reading, and to experience it first hand, were completely different phenomena. Was this the dissonance Nabii Yusuf suffered as his brothers lowered him into a hole in the wilderness?

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I was brought to Muthaiga Police Station on Friday evening. It was dark, dire and strangely very sparsely populated. I sighed with relief, but my comfort was to be short lived. "Ngoja uone," (wait and see), my cellmate warned ominously.

At approximately ten o'clock that night there was a loud bang, commotion outside, and shouts of, "Ndani!! ndani!!" (Move in!! move in!!). Over a hundred people flooded in and were crammed into the three cells, each about nine square metres. A few were stoned but the rest seemed like anyone you'd pass by on the street on any day of the week. And as it turns out, they were.

It was dark but we could make each other out in the light reflected from the yard outside. When one of them established eye contact I asked, "What is going on? Where are you all from? What are you all doing here?" He explained to me he was netted in an "operation", while on his way home from work. "How?" I asked incredulously. This world was new to me; his polite tone made me confident enough to ask him.

He explained that every Friday, the police would randomly cordon off different areas of public roads in Mathare, a nearby slum area, and sweep everyone caught in between into waiting police trucks. If it was your unlucky day, c'est la vie.

"What!? No!" This sounded preposterous; in my mind I thought there must be some legitimate reasons for these so-called "operations". They could not just be mass shakedowns, it was unfathomably malevolent, it was simply unbelievable. But quietly, he told me this happened every Friday.

We fell into silence, with the occasional scuffles and fights as the drunks were disciplined by their sober comrades, who in this space had little patience for shenanigans. It was so cramped that we had to lock into each other's thighs in squatting positions to settle in for the night and try and get some sleep. But the cramps and the freezing cold wouldn't let any of us sleep. Why on earth would they do this? Who on earth would do this to his fellow human beings? I knew the police to be

inhumane but again, to know and to experience is a world apart.

At Muthaiga Police Station, the outhouse — where one could relieve oneself — was literally outside the cellblock. We had to beg, bribe, grovel, hurl insults and vitriol at the on-duty office to let the desperate visit it. The corridor often ended being the temporary crapper.

At about 2 a.m. there was a loud shouting and banging on the doors. We could hardly see, the lights in the yard had been switched off. The police stormed the cells with torches and ordered everyone who heard their name to cross the floor where they stood armed with rifles and batons. Apparently it was roll call. I felt thankful for the rude interruption, the movement would allow us to walk and relieve the cramps.

Little did I know the open door was a gateway into another trial. As names were called out the police would randomly beat up detainees as they crossed the open space between them, roll call was running a gauntlet, literally.

Nights are long when out in the cold, but in Kenya's jail cells nights last forever. You become certain that death from cold will find you long before the dawn does. But our will to live is stronger than we often think, and dawn does come, even in hell for a believer. When morning arrives, you are served two slices of bread and hot tea and a chance to visit the lavatory. Then you are locked up again, to begin the wait.

"Wait for what?" you might naturally ask. Not for your sins to be read, not for redemption, not even for damnation — this is the Kenya Police Force, sorry, Police Service, not God. You wait for extortion; you wait for your ransom to be read.

The caricature of an OCS (Officer in Charge of Station) waddled into the yard outside our cellblock at 9 p.m. We were swept out of the cells double time. Everyone could tell by the obsequiousness of the constables that he was the King here; his word was law.

He held out a two-foot-long book like a scroll. He read out the names of about seven of us and we were escorted back to the cells, where we watched the proceedings through the elevated barred windows of our cellblock.

The list of approximately one hundred plus detainees was read out without pause. At the end, in the guttural voice of a terribly unhealthy 100kg+ bully, he announced that every single individual whose name he had called out was charged with being drunk and disorderly and would have to pay Ksh2,000 for their freedom. He cued the police constables to herd them all back into the cellblock.

"Why on earth would they do this?" I had wondered the previous night. Then it hit me; this was why the cells had been empty when I'd arrived, they'd been cleared for the herd that was to be brought in for the night!

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The one thing you have plenty of in jail is time. We all got to know each other. I sat next to the polite young man I had talked to the night before and we got talking. Sometimes I intentionally asked probing questions, looking for contradictions that would reveal deceit, but I found none.

John worked as a temporary worker at the Coca Cola bottling plant in Nairobi Industrial area and was on his way home from work, the same route he used everyday. He told me he didn't take alcohol, and I believed him. He had a homely, mommy's boy kinda feel to him, he struck me as the kind of guy who left work to go straight home to his wife every day, a decent human being in every

sense of the word. He told me it was not the first time he had gotten caught in these “operations”. His wife knew what to do; they had a process. He would call her from the Muthaiga Police Post jail cell — the police availed a cell phone for detainees to use to call their loved ones to come and bail them out. She would go to the drawer where he kept his ATM card, she’d withdraw some money and come and bail him out. Yes, they had kidnap insurance.

But as luck would have it, his wife’s phone had been stolen a few days before and he had lost his ATM card. Therefore even if he could reach her, she had no way to access the emergency fund quickly enough to bail him out in time to go and save his temporary job at the Coca Cola plant. He was going to lose his money for no reason other than extortion, he was also going to lose his job as he was not going to report to work the next day — Saturday — and possibly also on Monday. This absence would be without reason, as far as his employer would know.

During the rest of the Saturday and Sunday, all manner of people were brought in for one, sorry reason, or another. From traffic violations, domestic quarrels, exam cheats, business disputes... the list of problems that brought people in was endless, but the answer that led out was only one: cash. The correctional system was a revolving door with free entry but paid exit.

When I thought about it, it dawned on me, that it everyone was guilty of some offence. If you were driving and in motion, a traffic violation. If stationary, a potential parking violation. If not driving, just walking was potentially loitering. If standing, you were possibly trespassing. If resisting arrest, well, drunk and disorderly. If in business, tax violation, tripwires criss-crossed everywhere around you. Every single action a human being could possibly perform in public was laced with a potential felony or misdemeanour, in a system of menacing laws and by-laws, one that ensured we were always guilty of one crime or another.

All the police needed to do was walk out into the street and arrest anyone or everyone they could. It helps them that everyone has been “educated” to cooperate with the legalised oppressors, it costs less. Therefore ten policemen will easily herd a hundred innocent people like sheep into jail. Once at the station, they can and do charge you with anything.

The police, the judiciary, the prisons...are all one business, a large extraction industry.

The industry’s mine is the country, its minerals are the people. The entire territory is a large prison, with ever increasing tripwires and contracting walls configured as laws, by-laws and boundaries. The population works to earn money to pay taxes that will keep the walls from contracting on them or their family members, and to prevent the tripwires from triggering the leg-lock traps.

Kenya, the entire Westphalian nation-state-capitalist system with all its glitter and promise is just one large mine of slaves, run by over-glorified guards and taskmasters. The slaves work in different parts and different levels of the mine, in order to serve time in specific cells and cell blocks with different levels of comfort and space. It is a panopticon equipped with an intricate system of locks and permission levels, to control movement either horizontally or vertically within the cells and cell blocks.

For instance, the other six “terror suspects” I had been brought in with were Maasai herders from Tanzania. They had been picked up in Narok, a town in the southern part of Kenya, for failing to show ID. They didn’t have passports. How Maasai herding goats in the Rift Valley, something they have done for centuries, had become a “terror offence” was beyond me and beyond them, given they didn’t even know what “terror” or “terror suspect” meant, but here they were.

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Fortunately, there is nowhere angels sent cannot reach you, even in the darkest dungeons of Firaun. Mine was sent in the form of my Investigating Officer. The Muthaiga chapter of my odyssey ended early the following Monday morning.

That morning, my name alone was called. It immediately struck me as strange. I stepped out into the yard to find my Investigating Officer waiting for me. He had come to rescue me from my ordeal, I felt an overwhelming surge of fraternal affection for him. Now I understand Stockholm syndrome.

I walked out in slow uncertain steps. I was burdened with mixed feelings. Even as my heart soared in what it saw as my escape, it was weighed down by guilt. My fellow "terror suspect" detainees, the Maasai herdsmen who had suffered with me throughout the weekend, had looked at me with desperately hopeful eyes when my name was called out of the first light. "Wametukujia?" (have they come for us?), they asked desperately, hoping we would all be returned to the Terror Unit holding facility, with its working toilets and urine-free floors. I could hear them calling me, but I couldn't look back. I still can't. In hell, no man will care about his fellow man's plight. You can barely bear heat of your own fires, how can you bear someone else's?

I do not know if John lost his job at Coca-Cola, let alone if or when he was released.

I was at the Anti-Terror Police Unit holding facility for only a few more days before being promoted to full remand in Kamiti Maximum Security Prison's Solitary Confinement Block. To await either conviction and release into the general prison population of Kamiti Maximum Security Prison, or acquittal and release into the general prison population of Kenya.

This is *Hotel California*\*, "... you can check in any time you like, but you can never leave!"

\*"*Hotel California*" is the title track from the Eagles' album of the same name and was released as a single in February 1977.

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