

# Abandoned to Terror

Women and Violence  
at the Kenyan Coast



A Report by the Muslims for Human Rights and  
the Kenya Human Rights Commission

March 2001

# **Abandoned to Terror**

Women and Violence  
at the Kenyan Coast

MUHURI • KHRC  
March, 2001

## **Muhuri-Wa-Haki**

MUHURI-WA-HAKI, an acronym for Muslims for Human Rights (MUHURI) and its Kiswahili equivalent, Waislamu kwa Haki za Kibinadamu (WA-HAKI), is a lobby group founded in Mombasa, Kenya, in September 1997. In December 1997 MUHURI-WA-HAKI officially became an affiliate of the Kenya Human Rights Commission. With the Coast of Kenya as its central domain of work, MUHURI-WA-HAKI seeks to contribute to the broad and multifarious quest for a new Kenya without rights violations – whether committed by the state, communities or individuals – in all spheres of life and endeavour. Its specific objectives include:

To secure the protection and enjoyment of rights and liberties for all Kenyans, individually and collectively, in the political, economic, social and cultural arenas.

To stimulate the empowerment of individuals and communities to organise and advocate for the advancement of their political, economic, social and cultural rights

To promote awareness of both explicit and implicit forms of violation of the rights of women, children, the disabled and other historically marginalized minority groups, and to facilitate their empowerment in achieving full and equal protection and enjoyment of those rights

To galvanise Kenyan people of Islamic faith into a proactive shift from the margins to the centre of the struggle for a genuinely democratic and human rights culture

To foster collaborative links with individuals, community groups, national organisations and international agencies active in relevant areas of reform work in furtherance of the above objectives.

For more information contact:

The Co-ordinator

Muslims for Human Rights/Waislamu kwa Haki za Kibinadamu

PO Box 41380, Mombasa, Kenya

Telephone: 011-227782

E-mail: [muhuri@swiftmombasa.com](mailto:muhuri@swiftmombasa.com)

## **Kenya Human Rights Commission**

### **Mission Statement**

The Kenya Human Rights Commission (KHRC) is a non-governmental membership organization founded in 1992. It has an observer status with the African Commission on Human and People's Rights. KHRC is the 1998 winner of the MS International Award, bestowed in Denmark.

The mission of the Commission is to promote, protect and enhance the enjoyment of the human rights of Kenyans. It does this through monitoring, research and documentation of human rights violations. It organises activist events and undertakes public awareness campaigns on human rights. KHRC is committed to mainstreaming gender in all its programmes and initiatives.

KHRC is committed to the realization of human rights ideals in Kenya by strengthening the human rights movement. KHRC supports social, political, economic, and cultural change aimed at enhancing respect for the rule of law, the development of a society that upholds democratic values, a society aware of its rights and comes to their defense whenever threatened or attacked.

### **Strategic Objectives**

KHRC strategic objectives are to:

- Reduce human rights violations in Kenya
- Strengthen the human rights movement in Kenya
- Hold state, institutions and individuals accountable for human rights violations
- Raise awareness of human rights in Kenya
- Place Kenya on a truly democratic trajectory

Kenya Human Rights Commission • KHRC

Valley Arcade, Gitanga Road

PO Box 41079, Nairobi

Kenya

# **Acknowledgements**

This report has been authored by the Muslims for Human Rights (MUHURI). It has been jointly published by the Muslims for Human Rights (MUHURI) and the Kenya Human Rights Commission (KHRC). It has been edited by Peter Mwangi Kagwanja and benefited greatly from comments from KHRC staff, including Wambui Kimathi, Mikewa Ogada and Caleb Atemi. Kioko Kaindi designed the cover. Design and layout by Amany Wafula.

MUHURI wishes to acknowledge, with gratitude, the Swedish NGO Foundation for Human Rights (SNF) for its seed funding towards the establishment of a secretariat and its research funding for this project. MUHURI also wishes to thank the Kenya Human Rights Commission for its partnership and continued financial, logistical, moral and intellectual support, especially for supporting the publication of this report. There are also many individuals who have contributed to this report in various important ways and who, for reasons of security, have opted to remain anonymous. To all these we say, *Asanteni sana!*

# Contents

*Acknowledgements* ..... iv

Executive Summary ..... 1

Introduction ..... 3

Background ..... 5

Women During The Likoni Violence ..... 8

Women in the Aftermath of the Likoni Tragedy ..... 18

Conclusion ..... 27

Appendix A ..... 31

Appendix B ..... 41

## **Executive Summary**

**O**n August 13, 1997, the Likoni area of Mombasa and parts of Kwale District erupted in an orgy of violence that brought the long spell of peace in the Coast province of Kenya to a sudden end. Perpetrated by well-trained 'ethnic gangs' drawn overwhelmingly from the Digo sub-group of the Mijikenda community, the violence was seemingly targeted at Kenyans of non-coastal origin. The tragic event left hundreds of people dead or permanently maimed, thousands displaced and homeless, hundreds of kiosks, shops and residential houses burned down, and an economy that was severely undermined.

The violence was accompanied by serious human rights violations by both its perpetrators and the security forces charged with its containment. Reports of these tragic events by human rights organisations, academics and the media were curiously silent on the impact of the violence on women. However, women suffered explicit and implicit forms of violence and humiliation that were decidedly sexual. The predominantly male security officers, 'ethnic warriors' and opportunistic men abused, physically assaulted and raped women while some men abandoned their wives and children.

The violence was supposedly launched to 'liberate' indigenous coastal communities against what was perceived to be a state of "internal colonialism" by immigrants from up-country and, to a lesser extent, for cathartic reasons. Nonetheless, extensive research has linked this violence to state sponsorship as part of the wider design by the dominant elite to manipulate elections, undermine political pluralism and to hold on to power. In the final analysis, however, violence has only succeeded in breeding new forms of violence, some political, others social, and others still criminal and domestic. These types of violence have persistently affected women either directly or indirectly.

In the process, women have faced new challenges that have transformed their lives and gender relations in the affected areas in new ways. It is in some of these changes that we may discover the seeds of women's leadership in fostering peace and social justice. This report does not only narrate the ordeals of women, but also documents their views and suggestions on what need to be done to resolve the crisis created by the violence. It is a remarkable step by human rights organisations, including Muslims for Human Rights (MUHURI) and the Kenya Human Rights Commission (KHRC) to embrace a gender criterion in researching and monitoring violence.

# Introduction

The bloody violence of August 1997 in the Likoni-Kwale area of the Coast province of Kenya continues to haunt the collective conscience of Kenyans and to serve as a tragic reminder of the fragility of the nation's institutions and its post-colonial identity. On August 13, a large group of assailants, reportedly drawn from the local population of the Digo sub-group of the Mijikenda<sup>1</sup>, attacked Likoni police station, killed six police officers on duty, broke into the armoury and took away over thirty modern assault rifles and five thousand rounds of ammunition. It then proceeded to embark on an orgy of arson and senseless slaughter of innocent civilians, seemingly targeted at the so-called *watu wa bara* (Kenyans of up-country origin).

By the third day the violence had spread to some other parts of Mombasa, Kwale and Kilifi districts, increasingly threatening to engulf the entire coastal region. When it finally subsided in November 1997, hundreds of Kenyans had been killed or maimed for life, hundreds of thousands of others displaced from their homes and turned into internal refugees, and billions of shillings lost in property damage, revenue loss and general economic collapse.

Women and children comprised the large majority of those who sought refuge in the shelters at the Likoni Catholic Church and other sites on Mombasa Island. These shelters were unhygienic, overcrowded, and lacking in basic facilities. In the meantime, many ordinary coastal people were subjected to some of the most dehumanising forms of brutality by the predominantly upcountry members of the security forces entrusted with the responsibility of quelling the violence.

The long-held view of the Coast as a haven of peace that was accommodating to all was now shattered with explosive force. Almost overnight, neighbour turned against neighbour as leaflets were circulated threatening and warning *watu wa bara* against further stay at the Coast and urging them to return to their "ethnic homelands". People who had lived and co-existed for generations now found themselves in bloody conflict. The environment became polluted with hate crimes of various shades. Friendship and kinship ties forged over the years were torn asunder. Mar-

<sup>1</sup> The Mijikenda include the Chonyi, Digo, Duruma, Giriama, Jibana, Kambe, Kauma, Rabai and Ribe. The Coastal violence largely occurred in the areas inhabited by the Digo.



riage vows and contracts were hastily broken, and the trust upon which healthy and enduring bonds of neighbourliness, friendship and kinship thrive were destroyed overnight.

None of the reports that covered this tragic period of Likoni's postcolonial history, however, paid any particular attention to the place and plight of women in the violence. These include the two reports of the Kenya Human Rights Commission, *Kayas of Deprivation, Kayas of Blood: Violence, Ethnicity and the State in Coastal Kenya* (1997) and *Kayas Revisited: A Post-Election Balance Sheet* (1998), the African Rights' report, *Violence at the Coast: The Human Consequences of Kenya's Crumbling Political Institutions* (1997), and the report of the Law Society of Kenya, *A Report of the Massacre/Violence in Mombasa, Kwale and Kilifi Districts* (1997). To some extent, this omission is understandable: Much of the public interest at that time was concentrated on the violence itself – its perpetrators and its murdered and maimed victims – rather than on its wider consequences and implications. A few years later, however, it is now possible to reflect on the impact of violence and its aftermath specifically on women.

This subject matter is the primary focus of this small report. The research leading to the report was based on participant observation over a period of three months, between February and May, 2000, and open-ended interviews of a snowball sample of 107 residents (63 female and 44 male), ranging in age from 15 to over seventy years.

## Background

The area of greatest concentration of the so-called Coast violence for its entire duration was the Likoni Division of Mombasa and the adjacent Kwale District. According to statistical projections (based on figures provided in the 1989 Kenya National Census Report, Likoni and Kwale had a combined population of over half a million people at the time of the violence. Close to fifty percent of this population was described as economically active. Within this labour force women (especially from the upcountry) outnumbered men by a margin of almost 10 percent partly because the high unemployment rate in the area forced a substantial number of men to leave the district in search of work elsewhere.

Until the breakout of the violence, the local communities of the Digo and Duruma – with the Digo forming the disproportionate majority – constituted about 80 percent of the population. The upcountry community with the highest population presence in the area was the Kamba, coming especially from Machakos, Makueni and Kitui districts. The Kamba were followed, in order of numerical size, by the Luo, the Kikuyu and the Luhya, with each ethnic community being more concentrated in some locations than in others.

In the context of Kenya's ethnic based and, especially under the presidency of Daniel Arap Moi, Christocentric politics and economics, the upcountry presence has precipitated a growing local reaction along the dangerous axis of "we" (the insiders) versus "them" (the outsiders). Though both sides of the axis are ethnically heterogeneous, the developing polity has been regionally and religiously dual – predominantly Muslim *wapwani* (coastal people) versus predominantly Christian *wabara* (upcountry people). This duality, furthermore, has remained unmediated by other potentially neutralising forces. Dual settings, like the one that prevails in Likoni-Kwale, specifically, and at the Coast of Kenya, in general, can be potentially more volatile than more plural situations.

Kenyans have continued to ponder over the exact cause(s) of this sudden eruption of violence in Likoni-Kwale. Some of the evidence indicates that it was prompted by long-held, deep-seated grievances by the coastal people against exclusion by their up-country counterparts in respect to resource allocation, especially land, and to access to education, job and business opportunities, and to political, social

and religious participation. The land squatter problem, in particular, is perhaps more acute at the Coast, especially in the ten mile strip known to the locals as *Mwambao* (Coastal strip), than anywhere else in the republic. Over the years, the problem has been aggravated by rampant land grabbing which has extended to public facilities like parks, beaches and toilets, sacred sites and indigenous forests, including *kayas*<sup>2</sup>, exacerbating the already harsh economic realities in the area. The ironic tragedy of the violence, of course, was that after the dust had settled it was clear that the real land-grabbers (from both the Coast and upcountry) had emerged unscathed. It was the poor Kenyan struggling for basic survival that bore the brunt of the pain, suffering and loss precipitated by the violence.

There is, in addition, the problem of localised despotism, which is not a phenomenon of central governance alone. Local authorities too can replicate the coercive and tyrannical practices of the centre. In the Likoni-Kwale area, there continues to be recurrent complaints about the despotic rule of the district and divisional officers, of chiefs and sub-chiefs and, above all, of the predominantly upcountry members of the police force. The violence of 1997 was partly in reaction to this localised tyranny.

In addition to these structural and systemic imbalances that constituted the context of the violence, however, there was a good amount of circumstantial evidence suggesting, in part, that it was state sponsored. Aware of the volatility of the situation on the ground, functionaries of the state took advantage of the genuine grievances of the people to spark off the communal violence for political motives. In the words of a *Daily Nation* editorial, "What remains clear from the attack was that it was a carefully orchestrated outbreak of tribal violence for political purposes" (*Daily Nation*, August 14, 2000).

One such motive that has been alluded to repeatedly was to change the demographic profile of the region to favour the ruling party KANU and its presidential candidate, Daniel Arap Moi, in the December 1997 general election.<sup>3</sup> The relative

<sup>2</sup> In Digo language, the term *Kaya* has a dual meaning: In a literal sense, it refers to the traditional fortified villages that were usually constructed in thickly forested areas for security reasons. In a broader sense, it refers to the entire forest area, the burial sites of founding fathers or ancestors. *Kayas* have, therefore, served as sacred symbols of the Mijikenda culture, history and identity. See, *Kayas of Deprivation, Kayas of Blood...* pp. ii.

<sup>3</sup> *Killing the Vote: State-Sponsored Violence and Flawed Elections in Kenya*. Kenya Human Rights Commission, 1998; *Report on the 1997 General Elections in Kenya 29<sup>th</sup>-30<sup>th</sup> December* by Institute for Education in Democracy, Catholic Justice and Peace Commission and National Council of Churches of Kenya, 1998, pp. 64-65.

silence of the government, the seeming complicity of the security forces in charge of the operation to quell the uprising and the timing of the violence all lend credence to the possibility that the state was indeed implicated in the engineering of the tragedy. The cautionary police statement (Appendix A) attributed to the Honourable Karisa Maitha, the MP for Kisauni, further affirmed popular suspicions against the state. And Alamin Mazrui's letter to the Akiwumi Commission (Appendix B) – established by President Moi to investigate the so-called tribal clashes and whose report is yet to be released to the public over a year after it was handed over to Moi – raises questions about the role of the president himself in the violence at the Coast and elsewhere in the country.

## Women During The Likoni Violence

Whatever its causes and origins, the perpetration of the violence – all in the name of rights for all – turned out to be an entirely male affair. There is no evidence that women were involved or even consulted in the conception, planning and/or execution of the insurrection. No woman is known to have taken part as a raider. Even the *kinu* oath that bound the assailants to the mission was male in orientation and symbolism. A few women were arrested, of course, on suspicion that they aided the raiders by serving as cooks for them. Tabu Kibwana of Ng'ombeni claimed that her neighbour, for example,

*...alishikwa na polisi na kuwekwa seli kama wiki mbili akisingiziwa kwamba ndiye anayewapikia hao majambazi. Mama mwenyewe alikuwa ametoka tu Mombasa kununua samaki wa biashara. Wakamshika, wakamtesa kweli kweli, ati ni mpishi wa majambazi. Wakampokonya pesa zake na bangili zake za dhahabu. Wakamtesa mpaka mwishowe akasusia chakula – afe au wamtoe. Wakamwachilia. (Personal interview, May 18, 2000)*

...was arrested by the police and placed in a cell on false charges that she was the one that was cooking for the bandits. The woman had just returned from Mombasa to purchase some fish for her business. They arrested and tortured her severely, supposedly [because she was] cooking for the bandits. They robbed her of her money and her golden bangles. They tortured her until she decided to go on a hunger strike – either she dies or they let her go. They eventually released her.

As much as the security forces tried, they failed to link the insurrection with the women-folk. Where local women offered any assistance to the raiders at all, it was reportedly as a result of force and coercion.

The experience of Kibibi Mwinyi Mkuu was typical. A gang of about eleven armed men broke into her residential compound at about 10:30 p.m. on September 29 demanding to be fed, threatening to strip her naked and whip her if she failed to oblige. When she protested that she did not have enough in the house to feed the entire group, she was instructed to approach her neighbours in the dark of the night to get more provisions; the invaders also threatened to slaughter her two small children if she dared raise any alarm against them. In desperation she ran

out, knocking on one neighbour's door after another, getting more and more hysterical in the process, but to no avail. No one would respond. All the neighbours had either abandoned their homes or were simply too scared to open. Now in tears, Kibibi returned to her house to plead for the lives of her children: To her immense relief, the invaders had left, seemingly in a hurry, taking whatever little foodstuff there was in the house and the couple of chicken in the compound. Her kids were left on the ground, wailing but unharmed (Personal interview, May 31, 2000).

If women were excluded from playing any part in the insurrection, they suffered no less as its victims. While women experience violence daily in their normal lives, it is right to say that forms of violence against women often escalate in times of conflict. When the economy collapses as a result of conflict, some men survive by preying upon, stealing from and dispossessing women. When armed men kill women's male kin, women and children can be rendered destitute. High levels of social violence often hide the effects of gender-related violence, which predates conflict situations and continues in times of relative peace. Social violence can also render women passive in the aftermath of conflict. Most important to note, however, is that the violence inflicted on women is different from that to which men are subjected: The violence against women is usually both explicitly and implicitly sexual.

The most recurrent explicit form of sexual violence against women during the Likoni-Kwale tragedy was that of rape. Several of our interviewees claimed that there were numerous instances of rape, especially by members of the security forces. One female informant from Bwangu village in Kwale, for example, told us that she is still horrified by what she claimed to have witnessed with her own eyes: A young school girl being gang-raped by a band of security officers. But actual victims of rape who were willing to talk to us about their experiences were very few. One such incident involved the gang rape of a woman and her fifteen-year-old daughter. According to the mother:

*...walikuwa watano, waloingia. Lakini nilisikia sauti huko nje; wengine walikuwa nje. Wakaniuliza, "Bwana yako yuko wapi?" "Hayuko." "Yuko wapi?" Nika-waambia amekwenda kwao Tanzania, amefiliwa na babaake. "Na yule kijana wako?" "Kijana gani, sina kijana mimi." Sasa wakaanza kunichapa, mimi na binti yangu: Wanashikilia tuwaonyeshe bunduki zilipofichwa. (Personal interview, May 31, 2000).*

They stripped her naked. She continued struggling, calling me "Mama! Mama!" But I was held down so tightly that I couldn't move. They stripped her. Then they raped her. One. The second. Then the third. My face was held in the direction of the rape so that I could witness the violation of my daughter. My joints weakened. My heart exploded with my daughter's pain.

...They were five of them, the ones who entered the house. But I also heard some voices outside; others were outside. Then they asked me, "Where is your husband?" "He is not around." "Where is he?" I told them he had gone home to Tanzania; his father had passed away. "And what about your son?" "Which son, I don't have a son." Then they started whipping me and my daughter, insisting that we show them where the guns were hidden.

But neither of them knew anything about the alleged guns. The security officers then reportedly dragged them from one corner of the house to another, turning things over, opening some cupboards, kicking some items aside looking for hidden guns. Then one of them, seemingly the one in charge, called two of the others aside: In whispers, they exchanged some words. They then ordered the other two to hold the woman tightly, threatening to shoot her if she dared shout.

*Sasa wale watatu waliokuwa wakinong'onezana wakamwendea binti yangu, wakamshika, wakaanza kuzichanachana nguo zake. Naye akaanza kupiga makelele. Wakampiga makofi, wakampiga mateke, mmoja akamlenga bunduki: "Nyamaza au utakufa." Hanyamazi! Hanyamazi! Akampiga ngumi ya mdomo. Madamu! Lakini hawati makelele. Nami nikamsaidia; nami nikapigwa magumi yangu. Wamshika mdomo, wakamfunga lesu ilokuwako pale, sauti isitoke. Wakamvua nguo: Yeye apigana tu, huku aniita, "Mama, Mama!" Lakini ninashikwa siwezi kufurukuta. Wakamvua nguo. Wakamwingilia. Mmoja. Wa pili. Wa tatu. Uso wangu unshikwa kwa nguvu nitizame wamuharibuvyo mwanangu. Viungo vyote vinnivuindika nguvu. Moyo unnipasuka kwa maumivu ya mwanangu. (Personal interview, May 31, 2000)*

The three who had been whispering then approached my daughter. They grabbed her and started tearing off her clothes. She started screaming. They slapped her, kicked her, and one aimed his gun at her: "Shut up or you will die!" But she does not shut up! She refuses to be quiet! He punched her on the mouth. Blood! But she keeps on shouting. I then screamed with her, and I too was punched. They grabbed her face and gagged her with a *kanga* that was lying nearby. They stripped her naked. She continued struggling, calling me "Mama! Mama!" But I was held down so tightly that I couldn't move. They stripped her. Then they raped her. One. The second. Then the third. My face was held in the direction of the rape so that I could witness the violation of my daughter. My joints weakened. My heart exploded with my daughter's pain.

Leaving the girl almost unconscious, two of the three rapists now allegedly ap-



Clash  
victims at  
Masjid  
Ridhwan,  
Ukunda.

proached the mother. They held her and asked the other two officers to rape her. And so they did, as one of the remaining officers struggled to get the half-conscious daughter to watch the violation against her mother. It was a gun-shot from outside that suddenly ended the ordeal of the mother and her daughter as the officers hurriedly tried to set their uniforms in order and rush out of the house.

But if the security forces tended to target local Digo women, upcountry women sometimes fell prey to the sexual designs of local men. Two among those interviewed claimed to have been abducted and made to walk with their abductors at night to some unknown place where they were gang-raped and then abandoned to find their way through the wilderness. They eventually bumped into a small group of security officers pursuing the “bandits”. To these officers they narrated their ordeal. But far from getting any immediate assistance from the officers, they were subjected to yet another round of gang-rape, with some holding them and others standing aside, watching and making abusive remarks about the size of their breasts and shapes of their buttocks. The officers then “escorted” the two women to their place, threatening to come back and kill them if they ever reported the matter to anyone (personal interview, June 19, 2000).

But none was more indicative of the tragedy of the time than the rape of a thirty-two year old Kamba business woman who had lived and worked in Ukunda, having relocated from Shimba Hills some five years earlier. It was midnight of August 27. She was alone in the house, having sent her children away to a relative in Mari-



akani to shield them from the violence. There was a knock on the door. She jumped out of her bed, grabbed her machete, ready to defend herself to the last if she had to. Another knock. "Who is it?" "It is I, Saidi." She recognised him. "What do you want at this time of the night?" "I desperately need your help. I am in trouble" "Are you alone?" "No. I am with my friends, Kombo and Rama." She knew those ones too. All three were neighbours, young men in their early twenties. They sometimes helped her carry her merchandise to the road, and when hungry, they would occasionally come to her place and she would fix whatever quick meal she could for them. At times they would ask her for a little "cigarette cash," and she would give them. She knew them well as very nice, kind and helpful young men. Now they were in some kind of trouble. She had to help them.

Putting her machete aside, she went to open the door. They came in looking somewhat intoxicated. No sooner had they locked the door securely behind them than they pounced on the woman, trying to pin her down. She fought them fiercely, with everything she had. Then Kombo hit her on the head with something heavy; she could not tell what it was. She fell, unconscious. When she finally regained consciousness, she found herself naked, tied to a bed and gagged with a torn piece of her own dress. One of the men was lying besides her, while the other two were seated on the floor smoking what smelt like marijuana. She tried to make some vocal sounds, to plead with them to free her, but they paid no attention. They then turned her around, forcing her to lie on her stomach. Two of them then proceeded to sodomize her. All the while they were making remarks about how good it felt to "avenge" themselves against the upcountry people, about her body and about how nice she felt. After a while they left, leaving her gagged and still tied to the bed. After what appeared like an eternity of struggling and manoeuvring she managed to free herself. In the morning she quietly left Kwale never to return again. Even her belongings had to await collection by relatives much later after the violence had subsided. The pain of it all was just too much to bear. The HIV/AIDS consequences of these instances of rape are yet to be investigated.

'Lesser' forms of sexual violence, in which security officers on search operation would try to feel and fondle the private parts of women, were even more rampant. An account by a woman from Denyenye in Ng'ombeni location exemplifies the general trend throughout the period of the violence.

*Nilitahamaki mlango umevunjwa na GSU na AP. Sasa nikasikia sauti ya "Wapi bunduki?" na "Bwanako yuko wapi?"...Basi waliingia chumbani kwangu waki-toa kila kitu walichokiona, wakiitisha risiti zake. Askari waliongezeka na wakaan-*

*za kunishika na kunichokora katika sehemu za siri huku wakiuliza "wapi bunduki" kana kwamba nimeweka bunduki katika sehemu hizo. Nikawauliza, "Kwani huu uchi wangu uko na shimo la kuweza kuficha bunduki? Basi heri mniue kuliko kunitesa namna hivi. Mimi ni Mkenya. Nyinyi askari ni Wakenya. Kwa nini mnitese na serikali iko na uwezo wa kufanya uchunguzi wa hali ya juu kushika hao majambazi? Kwa nini mnazunguka mkitesa akina mama na vijana wadogo kama ambao wao ndio maadui zenu?" (Personal interview, May 17, 2000)*

"How large are my private parts to hide a gun? I'd rather you kill me than subject me to this kind of torture. I am a Kenyan. So are you all. So why should you torture me when the government has the capacity to determine who the bandits really are and arrest them accordingly? Why do you go around torturing women and children as if they are the ones who are your enemies?"

Before I realised what was happening, the General Service Unit and Administration Police officers had broken the door open. Then I heard voices: "Where are the guns?" and "Where is your husband?" Then they entered into my room, removing everything they saw and demanding a [purchase] receipt for it. More officers arrived and started holding me and putting their hands and fingers in my private parts, asking me "where are the guns" as if I had hidden guns in those parts. And I asked them, "How large are my private parts to hide a gun? I'd rather you kill me than subject me to this kind of torture. I am a Kenyan. So are you all. So why should you torture me when the government has the capacity to determine who the bandits really are and arrest them accordingly? Why do you go around torturing women and children as if they are the ones who are your enemies?"

In addition to these explicit forms of violence, there were many others that were more implicit. There is a wide array of experiences that fall under the umbrella of implicit violence, but the most recurrent during the Likoni-Kwale violence included the following:

#### **a) Rejection of Rape Victims**

The majority of women who were raped often chose not to disclose their ordeals. Those who talked about it often received a mixture of sympathy and Rejection. In the words of Saumu Banzi, a businesswoman in Ng'ombeni:

"Those who were raped are many. We know that. But they are afraid to come out openly and say it. They feel terribly ashamed even though they are the ones who have been violated. And will people believe them? And what will be the situation with their husbands, or their fathers, or their brothers once they know?" (personal interview, July 17, 2000).



Clash victims take a meal at Masjid Ridhwan, Ukunda.

And for those, like one rape victim that we talked to in Likoni, who decided to tell their male partners about their ordeals, the consequences were dire. Some faced divorced and end of their marital life due to the culture of patriarchy. Ultimately, rape must be understood as a socially constructed experience. And the intensity of the trauma and pain that follows it is partly dependent on the response of the society itself and those closely associated with the rape victim.

#### **b) Abandoned Women and Children**

Almost overnight women lost their husbands and partners: Some had disappeared without a word; some had been killed, hospitalised or arrested; others had simply chosen to escape from the violence to save their own lives without caring about the welfare of the rest of the family. For Mwanaidi Hamisi of Likoni, a young mother of three young children, her husband had left for work in Mombasa town on that fateful day of August 13 after a modest breakfast of the previous night's remains. That was the last she saw of him. All attempts to determine his fate have led to a dead end. Without any job skills, she has had to struggle to eke out a living, sometimes "in the most dishonourable ways" (personal interview, June 8, 2000). In such circumstances, tradition would demand that the in-laws step in to assist the family, but economic hardships in the area have made this tradition difficult to sustain.

Grace Oluoch, an elderly woman of four children who had lived in the Maweni

section of Likoni for several years, witnessed her husband being hacked to death by unknown assailants right before her eyes. As one bloody machete after another fell on his bleeding body, Grace tried, at the same time, to protect her children from the horrifying sight of their dying father. With the only provider in the house suddenly gone, she and the kids were left without any means of support. The little there was in the house was taken away by her greedy in-laws, in line with Luo death rites. With the help of friends she later relocated to “Kisumu Ndogo” in Changamwe where, in addition to the day-to-day struggle for basic survival, she continues to endure the pain and agony of her husband’s murder (Personal interview, July 2, 2000).

Hadija Beduni of Ukunda had been living with her husband, her ailing mother-in-law, her sixteen-year old son and fifteen-year old daughter. In mid-September 1997, both her husband and son were arrested and charged with crimes related to the violence in the region. They were later remanded at Shimo-la-Tewa prison for about a year. She struggled to keep what remained of the family going, but hungry and dejected, her daughter turned to commercial sex, adding insult to injury. When the two men of the house were finally released from remand prison, they discovered that the husband was permanently crippled allegedly as a result of the torture inflicted on him by the police following his arrest. Since then Hadija has had to head a household not only in need of basic subsistence but having, in addition, two adults requiring constant care and a son who, so consumed by the anger of his incarceration, is unwilling to “move on” with his life (personal interview, May 20, 2000).

These and many others are the kind-of stories of survival one kept hearing repeatedly – of how women were suddenly left behind and, without basic skills and resources, had to find creative ways of providing for their families and maintaining their cohesion. For instance, when Juma Rashidi Lombwi of Ukunda was shot dead by the police while playing a game of draughts with friends, his two widows managed to stick together and find mutual support in each other for their own welfare and that of their children (interview with neighbour, Aziza Mkunumbi, June 19, 2000).

### **c) Harassment and Intimidation of Women**

Both the raiders and the security forces women of supporting the other side and used the accusations as a pretext for further molestation. Particularly vulnerable were women who had married across ethnic lines: Digo women married to up-

country men (who were considered traitors to the cause by the raiders) or up-country women married to local men (whose allegiance to the government was automatically questioned by the predominantly upcountry security personnel). In both cases, the women received warnings and threats that unless they left their partners their lives would be in jeopardy. In some cases, these threats had the desired effect. James Kibubi, for example, had lived in Ukunda with his coastal wife for several years. When he arrived home one evening during the period of the violence, he discovered that she had disappeared with their two children. When he finally tracked her to her parents in Mariakani, she told him of the threats that she had been receiving and that it was no longer safe for them to be together. And to this day Kibubi has failed to persuade his wife to return to the matrimonial home (personal interview, July 17, 2000).

#### **d) Prey to opportunistic men**

In numerous instances women were robbed of their possessions, from food to radio sets, from money to jewellery (especially gold, which is considered a form of saving and potential capital by coastal Muslim women) by both the security officers and the raiders who entered into the homes. Several kiosks and *mitumba* (used clothes) stalls owned by women became targets of arson. But women were also preyed upon by such other criminal elements as rapists, robbers, and con men of various shades. These activities undermined women's trust of men and relations between the sexes.

This tide of criminal conduct against women was accompanied by increasing incidents of verbal abuse and disrespect, sometimes even from close members of the family. In the heat of the violence Musa Mwakirugo, an eighteen-year-old unemployed youth warned his mother against purchasing anything from upcountry businessmen and women. Yet she was still expected to find the food to feed the family, and the only safe place where she could do so was from her Kikuyu neighbour. One day, when Musa discovered her mother coming out of the house of the neighbour with a paper-bag in her hands, he snatched the bag, trampled on the cabbage that was in it with his foot, accused his mother of treachery and attacked her with the "nastiest imaginable abuses." Ironically, when he came home in the evening, Musa expected his mother to have his food ready! (interview with the mother, Saida Msumari, June 21, 2000).

What we see from many of the above descriptions, then, is how sexuality was

centrally located in male responses to the violence. Internalised conservatism, arising from cultural values, inhibited many women from addressing intimate issues pertaining to sexuality and sexual crimes. Yet the ability to confront the interconnectedness between communal violence and sexuality presupposes an atmosphere of open and unhindered discussion of the burning issues among women themselves and, subsequently, between women and the rest of society.

## Women in the Aftermath of the Likoni Tragedy

Interviews with some of the Likoni youth revealed that many held the view that the recourse to violence in 1997 was necessary and that it had a cathartic and liberating effect. At the very least, some believed that the government in power would be forced to reconsider its policies towards the local population. Some even cited the case of the Mau Mau anti-colonial movement that, though defeated, was indispensable in Kenya's progress towards de-colonisation. And if Mau Mau was instrumental in bringing external colonisation to an end, the Likoni uprising, triumphant or vanquished was expected to be the beginning in the elimination of what was perceived to be a state of internal colonialism. Internal colonialism was seen as a violation of the principle of peaceful co-existence. And the conclusion was believed to follow naturally from the popular Swahili saying that, "*Amani haiji ila kwa ncha ya upanga*" (peace does not come about except through the power of the sword).

For many, the violence was not just a means to an anticipated end of liberation, but an end in its own right. "*Damu ilikuwa lazima imwagike bwana,*" said the young Saidi Ali. "*Ndiyo kutoa uchungu wetu, ndiyo kuvuta pumzi kidogo*" (Blood had to spill. That was the way to release our pain/anger, to find some space to breathe a little).

But far from liberating the community and/or serving a cathartic function, the violence came to imprison the people in a more foundational manner, making it almost part of a new, growing tradition. The dog that had been unleashed against the "other" had now turned wild against its owner. Violence now came to inscribe itself in the daily lives of the people in a multiplicity of ways.

There is first the continuing spectre of violence resulting from the antagonism between the local people and local government bodies, especially the police, that has been aggravated in the aftermath of the Likoni-Kwale insurrection. The "Mosque Killings" in Ukunda in August 1999, almost exactly two years after the insurrection, is particularly instructive in this regard. A group of police officers were said to be looking for a suspect of assault, a certain Rama Athmani, who was supposed-



A protest march in Mombasa streets denouncing the clashes.

ly hiding within the precincts of the mosque. In the process, one of the police officers ended up in the mosque and in the ensuing confrontation, was hacked to death. Five Muslim faithfuls were shot dead by the police, including Mohamed Ali Mwatakucha, (the Imam of the mosque), Ali Mohamed Mwandino, Said Ali Mwajefa, Neru Bakari Marika and Rama Athmani. Conflicting reports have been presented on the precise circumstances that led to this bloodbath – some accusing the police of provoking the confrontation and others, the Ansar wing of the Muslim community of Ukunda. But, perhaps, the most important factor was the breakdown of trust and the mounting tension and mutual suspicion between the local community, on the one hand, and the predominantly upcountry members of the police force, on the other.

Even more reminiscent of the Likoni-Kwale violence were the twin-attacks carried out by ragged bands of marauders in Kisauni in October 1999 that left several people dead. There were disquieting parallels between these attacks and the Likoni-Kwale violence of 1997 that raised worries over whether another major bout of political violence was not about to explode. As in Likoni-Kwale, the Kisauni attacks were preceded by the mysterious distribution of leaflets that warned the upcountry people to pack up and go. The attackers wore red headbands and were armed with simis, rungas, and other crude weapons and, in their attacks, they specifically targeted people of upcountry origin. The view advanced by the Coast Provincial Commissioner, Samuel Limo, and the local police commander, Ezekiel Waitage (*Daily Nation*, August 15, 1999), was that the attacks were a simple case



of criminal thuggery. But the popular view is definitely inclined towards a more political interpretation.

The bottom line, is that partly as a result of the Likoni-Kwale attacks of 1997, certain members of the local community have become less restrained in resorting to political violence as a way of expressing their grievances. Several of the young men interviewed felt psychologically ready and justified to pick up arms “to liberate our coast” in spite of the suffering that the previous wave of violence had inflicted upon the local communities. For them, the Likoni-Kwale tragedy demonstrated not defeat and the futility of the militaristic option, but the potential to acquire arms, to galvanise “an army” of ready combatants and execute a plan of organised violence. And the need for violence as a form of political release continues to capture the imagination of a good number of the youth.

On the other hand, the wounds of the 1997 violence are still fresh in the minds of many upcountry people who decided to remain in or return to the area. Wary of the persistent danger of another eruption of violence, some are unwilling to be caught by it unawares. “We cannot allow ourselves to die just like that”, confided one upcountry resident of Likoni. “And if it comes to it, then I’d better die while killing my assassins”. From these sentiments one can infer that some members of this threatened community are now probably secretly arming themselves in readiness to defend their lives and properties. Will the situation get worse as the country approaches the 2002 General Election?

The inherent volatility of the situation and the continuing possibility that the Likoni-Kwale kind of violence may be rekindled afresh is a danger that has not been lost to the women of the area. In the words of Binti Saidi Vyombo of Diani, “We make the *tawasuli* prayer every week for God to protect us from any recurrence of this problem; because we always keep hearing some rumour or other” (personal interview, July 17, 2000). In addition to prayers, many women have come to appreciate the value of a source of income that they personally control. According to Binti Saidi, again:

*Mume wangu heshi kunambia niwate biashara yangu ya kuuza maandazi kwa sababu afya yangu si nzuri sana. Lakini namwambia ile kujua tu kuwa sina pato langu la kusaidia pale nyumbani litanizidishia maradhi. Mjinga ni yule aumwae na nyoka asifanye hadhari yoyote ya kujikinga! Aaa-a, hatuwati kuomba sitara; lakini na vibwobwe pia n’lazima tufunge. (Personal interview, July 17, 2000)*



Clash victims at the Catholic Church Cathedral Compound.

My husband always tells me to quit my *maandazi* business because my health is somewhat poor. But I keep telling him the very thought of not having a source of income to assist in the house would make my health condition even worse. A foolish person is the one who is bitten by a snake and then takes no precaution to protect her/himself. No, we certainly won't stop praying for protection from God; but we must also prepare to struggle.

Women have also come to appreciate the value of saving for the future. "*Mambo ya leo n'yetu, kesho ni n'ya Mngu, yashakwisha*" ("The attitude that today is ours, tomorrow is God's, is now gone"). Many realise that there is not enough for today and that, therefore, it is impossible to save for tomorrow. But the disposition and the impulse to save is now there. In the view of some, it features in the consciousness of the women in the community more so today than ever before. There is, in short, a new orientation among the women about their own economic future and that of their families, which may have long-term consequences for the development of the area.

In addition to the intermittent occurrences of political violence, however, there has also been an increase in criminal violence in the aftermath of the Likoni-Kwale raids. Over the last couple of years or so armed robbers have killed several Likoni residents. In one incident in April 2000, for example, "a five-man gang, armed with sharp *pangas* and other crude weapons, attacked four residents, killing two by slashing them. Two of them, escaped the wrath of the gangsters, who

were said to have been in full police uniform while carrying out their evil act” (*East African Standard*, April 7, 2000). Two weeks before that, there were two incidents of robbery and murder. And virtually everyone interviewed complained about the high crime rate involving arms and killings.

Women-headed households are particularly vulnerable to this wave of crime. We heard several reports of armed robbers breaking into houses, locking up women and their children or forcing them to lie on the ground as they robbed them of their most precious belongings. One woman described it as “a reign of criminal terrorism.” The robbers seem to have a free reign to do what they wish and get away with it. The police force is described as unconcerned and totally ineffective in dealing with these bands of criminals. Some households are learning to live with the basics, having decided to leave some of their belongings in the custody of relatives in other, seemingly more secure areas of the Coast.

The alleged complacency of the police and the fact that it has failed to contain the problem has naturally led to speculation that the armed robberies are political rather than criminal in nature. Some see the hand of politicians who wish to punish the local community for the 1997 raids. Others suspect that politicians and senior police officers and administrators have allies and surrogates among the criminals through whom they profit from the robberies. More defensible perhaps is the view that the political and economic conditions precipitated by the 1997 violence have now given rise to this new wave of criminal conduct. As reported in the Kenya Police *Report of the Committee on the State of Crime in Kenya, 1997 to 1998*, of course, crime rates have been rising throughout the country. But in Likoni-Kwale the rate of crime may have been compounded by conditions precipitated by the 1997 violence.

Whatever the case, the criminal violence has added to the tension between the police and the Likoni-Kwale residents. Some believe that the police are not only avoiding to deal with the real culprits, but are also taking advantage of the atmosphere of insecurity to go around harassing innocent people. Daily police rounds and raids against young men, in particular, are said to have multiplied and to be conducted with impunity. Resentment towards the police is rising, just as it had built up to a boiling point prior to the 1997 violence. In a sense, then, the residents feel trapped between the criminal violence of the robbers and the state violence of the police, between the threatening fangs of the lion and the hidden depths of the deep blue sea.

As a result of this situation of insecurity, a pattern of self-imposed curfew has grown in Likoni, with people trying to reach home before it is too dark. The *maskan* tradition where men would sit in groups, chew *miraa*, socialise and play cards and drafts after the *ishaa* prayers at night is now dying as men rush home to avoid being victimised by criminals and the police. Also affected by insecurity are night gatherings and activities of upcountry residents of the area. For some women, this possibility of having “their men” home early has turned out to be a blessing in disguise while for others it has added to their plight as victims of domestic violence.

Like other forms of violence, domestic violence and spousal abuse are believed to have escalated since the violence of 1997. For some of the men, the very necessity of returning home early as a result of fear, fear of the police, fear of bandits, is considered “emasculating.” The resentment and anger resulting from this perceived “*demasculinisation*” is sometimes turned outward into physical violence against women and children.

The feeling of emasculation has also affected a few of the men who were arrested, charged and detained in connection with the 1997 violence. The private parts of the suspects were as much a locus of the torture they experienced in police hands as other parts of their bodies. Many felt helpless and humiliated, and when they were finally released to return home after about a year they did so with a feeling that their manhood had been compromised. Domestic authoritarianism and violence now became their way of reasserting their manhood, forgetting how supportive the family units had been throughout the period of their confinement. Though a Muslim, Idi Makoti was long known to be particularly attached to his palm-wine. But according to his wife,

*...tangu atoke huko jela tumekuwa hatuna raha hata kidogo. Ulevi umezidi, kila akiingia huwa yu chakari, yu hoi kabisa, hajiwezi. Hapo tena makelele, ugomvi, rararara, rararara – mijineno yamtoka tu. Na huyo Halima maskini [binti yao wa miaka kumi] huwa heshi kutandikwa. Kila afanyalo silo; atafutiwa kisingizio hichi na hichi ampige tu bila sababu. Mola ndiye ajuaye mateso haya. (Personal interview, May 7, 2000)*

...since he came out of prison we no longer have any joy. His drinking has intensified, whenever he comes in he is totally drunk, totally helpless. That's when he begins shouting, quarrelling – a real diarrhoea of the mouth. And poor Halima [their daughter of ten] gets beaten all the time. Whatever she does is



Clash victims take a meal at Masjid Ridhwan, Ukunda.

wrong; he is constantly looking for an excuse just to beat her. Only God knows what this torture is all about.

But these are still incidents that women prefer to keep to themselves and within the confines of the family rather than seek redress from the law. And, in any case, the mistrust and hostility towards the police that abound in the community make it all the more difficult for women victims of domestic violence to solicit its support.

The more pervasive cause of the feeling of emasculation among men, however, is linked to the economic situation in the area and its effects on gender roles and responsibilities. Prior to the eruption of the violence, the more traditional role for men was that of the breadwinner while women managed the domestic space. As a result, parents have continued to give priority to boys over girls in such matters as education, inheritance and income generating. There are women, of course, who have always been working and helping in supporting the family: Nonetheless, the accepted norm was that of the man as the provider, an understanding that was justified both on cultural and, erroneously, religious terms. And as much as the economic hardships were forcing more and more women into the job market, the prevailing belief about gender roles remained relatively unchallenged.

This norm, began to crumble with the violence of 1997. Interestingly, women now had to be directly involved in finding ways of procuring a living for the family and, in the process, many became conscious of their need and capacity to be bread winners

in their own right. This trend was initially seen as temporary, limited to the duration of the violence after which things were expected to return to “normal”. The continuing effects of the violence on the economic situation long after its “conclusion”, however, might be having a more enduring influence on that trend.

Of greatest significance among the economic factors has been the deterioration of the tourist industry. Even though the local residents always complained that the industry favoured the employment of upcountry over local people, there is little doubt that it was the epicentre of economic life in the area. Through a variety of institutions indirectly tied to it, tourism provided numerous economic opportunities to the local people. Even the influx of upcountry people, attracted partly by the tourist industry, had some economic benefits for local residents. This sizeable population of employed immigrants was an important market for food and other commodities sold by local business people. The rental of rooms to these immigrants also became an important source of income for some. The upcountry residents of Likoni, on the other hand, were the main dealers in *mitumba* (used clothes) which provided some relief for a large proportion of local people who could not afford new clothes for themselves and children. In addition to whatever economic benefits that were tied to the tourist industry, a symbiotic economic relationship had developed between the locals and the immigrants, a symbiosis, which has now been severely undermined by the violence.

The fatal impact of the violence was, not limited to the period of the violence itself. Its ghosts have continued to stalk the tourist industry to this day and its face has probably changed irreversibly. Economist Robert Shaw believes that the violence,

...has been a disaster of immeasurable proportions. Coast tourism contributes to around half the Coastal economy. In 1996 and the first half of 1997, occupancy rates [in tourist hotels] were in the 75 percent range and the prospects for the 1997/1998 high season looked very good. Then came Likoni, and coast tourism and its prospects were shattered overnight (*Sunday Nation*, March 26, 2000).

The situation may now be aggravated by the increasing wave of criminal violence which, as demonstrated earlier, may also be partly linked to the 1997 violence.

Due to these changing economic fortunes, sources of income, both in the job market and the *jua kali* (informal) sector, have reduced considerably especially among men. As a result, more women have had to engage in a variety of income generating activities to supplement family resources. And because the new women entre-

preneurs concentrate on such essential commodities as food and clothing, they are beginning to be more successful than their male counterparts. In a number of cases, women inadvertently have become the main breadwinners in their homes.

But far from appreciating the fact that they have wives who could bring in an income at a time of great economic hardship, several men have begun to feel threatened by the situation. Some even try to argue that it is against tradition and against Islam to have women “rubbing shoulders with men” in business transactions or at the place of work. Many of the women, however, insist that there is no alternative and that the men must come to terms with the new reality. But this is exactly what many of the men are unable to deal with. They clearly feel insecure and under siege from what they perceive to be their diminishing role as *men*. And once again, domestic violence and spousal abuse have become men’s way of psychologically dealing with the new situation and seeking to reclaim their traditional status of authority and privilege.

## Conclusion

This report has attempted to describe some of the experiences of women during the Likoni-Kwale violence of 1997 and how that violence precipitated new forms of violence against women in its aftermath. The suffering that has resulted from these diverse forms of violence has included a range of traumas: pain, anguish, fear, loss, grief, and sometimes the destruction of a coherent and meaningful reality. In the process, women have been confronted with new challenges in their lives which, in meeting them, may have begun to change gender relations forever. The situation has, of course, been one of mixed results for women: locating them in new ways in the market place of goods and services but, in some cases, increasing their domestic burden and agony.

What is certain also is that the new socio-economic dynamics in the area are bound to raise issues of women's rights more prominently than before. The right of women to work is already firmly on the agenda, and other issues such as sexuality and reproduction, education and inheritance are likely to arise from it. The developments in the region, therefore, suggest new possibilities of women organising in creative ways around issues of great importance to their lives and to the welfare of their families.

On the other hand, everybody interviewed agreed that the economic impact of the violence on the area has been devastating, so, of course, has been its cost to human life and property. Some even went to the extent of arguing that the post-violence suffering in the area is Allah's "retribution against the local people for the harm and injustice they committed against their upcountry compatriots." Ustadh Mbalo of Matuga is engaged in a silent campaign to remind people that any ethnic-centred determination and action is against the teachings of Islam (personal interview, June 7, 2000). As a result of its severe consequences for the residents of the area, all of the interviewed women and the elderly dread any potential repeat of the 1997 tragedy. But that the violence occurred at all, continued for as long as it did, and its engineers and perpetrators have remained unpunished to this day, is further testament of the institutional collapse that abounds in the country.

Yet the spectre of such a replay is forever present primarily because people feel that none of their grievances have been addressed at all. Rumours abound about



the Zimbabwe type of invasions of farms owned by upcountry people and by all non-Digo. Indeed, one such farm, the Waitiki farm, owned by a certain Kamau Waitiki, has already been invaded by local farmers. The local Digo community is laying claim to Kamau's farm as the legitimate and collective inheritance from their forefathers. But Waitiki has filed a "mandamus" suit seeking to compel the government to evict the occupiers. When asked about the fate of Kamau who may have acquired the land through a legal and legitimate transaction, Mwandu responded sharply: "*Si ana kwao! Kwani sisi tulikwenda huko kwa kina Kamau kunyakua mashamba yao?!*" ("He has his own homeland! Did we ever go to his region to grab their land?!") (personal interview, July 22, 2000). The situation, in other words, continues to be a volatile one and threatens to explode once again as the country approaches the General Election scheduled for 2002 loaded with burning issues of political succession.

What, then, can be done to avoid such an eventuality with all the consequences that it implies for women, children and society at large? MUHURI and KHRC believe that relevant and effective recommendations can only come from the people who have lived the experience and who have been most directly affected by it, elicited through a process that is inclusive, democratic and empowering. The issues and suggestions raised in this conclusion are, therefore, drawn from the voices and views of the women who went through and endured the experiences of violence at the coast.

As some of the women we interviewed revealed, the empowerment of women at both the personal and family levels require strong participation in the economic processes, both production and marketing. Some, like Binti Saidi Vyombo of Diani have arrived at this conclusion and defy their spouses who would prefer her to stay at home rather than sell her *Maandazi*. Binti Saidi is clearly aware of the interconnectedness between the economic health and stability of her house that can come from trading in the informal sector and her own personal health. Such an undertaking, however, requires a stable and secure political and social environment.

Many of the women interviewed felt that women have a special role and responsibility to try and reduce the danger of violence in the area. Towards this end, they see the need for the formation of women's organisation(s) and coalition(s) with a dual mandate. First, there is need to launch a sustained campaign against political and other forms of violence. Second, it is imperative to advocate for the rights

of women and for the equitable and just redistribution of economic resources, opportunities and political power in ways that adequately address the grievances of the local population. Women view the two campaigns as intertwined and complementary.

Many of the women are aware that broad-based alliances are not easy to forge because of ethnic, regional, religious, ideological and class differences that divide them and undermine their mutual trust. They are confident that with the right kind of support, structures could be established from the micro level around specific local issues. These can be linked to each other in a broader network of alliances against violence and for peaceful co-existence on the basis of greater parity between different interest groups, genders and generations. It is now the responsibility of all relevant parties to act, individually and collectively, to create conditions that support the women of Likoni-Kwale, the women of Kenya and the women of Africa in general. Women may indeed be the ultimate custodians of a more peaceful and just order in Africa.

# Appendix A

**EXH. 79**

22/8/97

AT 3.15 AM

PCIO'S OFF.

CAUTIONARY STATEMENT UNDER INQUIRY OF EMMANUEL KARISA  
MAITHA

I Adiel Mate an Inspector of Police attached to C.I.D Urban doing Investigation duties am inquiring into the following offences :-

ONE :-

Unlawful Oath contrary to section 59 (b) of the Penal Code in that it is alleged that between 1st April, 1997 and 13th August, 1997 at Matuga within Kwale District of the Coast Province, jointly with some other people you took oath to commit an offence punishable by death which you were yet to be told on how to do it.

TWO :-

Robbery with violence contrary to section 296 (2) of the Penal Code in that on the 13th day of August, 1997 at Likoni Police station in Mombasa District within Coast Province, jointly with some other persons robbed NO. 39948 the late P.C. PETER MASIKA of 40 G3 Rifle, 1 Patchet, 1 Revolver 1216 - 7.62 MM, 260 - 9MM rounds of ammunitions, One Gas Gunner, One Pocket Phone and a V.H.F. set all to the total value of Kshs. 3,000,000/- and at or immediately before or immediately after the time of such robbery killed the said NO. 39948 the late PETER MASIKA.

THREE :-

Arson contrary to section 332 of the Penal Code in that on the night of 13th day of August, 1997 at Likoni Police station in Mombasa District of the Coast Province, jointly with some other persons you set fire

12

CAUTIONARY STATEMENT OF EMMANUEL KARISA MAITHA CONT.

to Likoni Police station and the Tourist Police booth value at a total of Kshs. 5,000,000/-.

I have reasons to believe that you EMMANUEL KARISA MAITHA you are connected with the said offences or you have some good informations which can assist me in my investigations.

Do you wish to say anything in answer to the allegations ? You are not abliged to say anything unless you wish to do so, but whatever you say will be taken down in writting and may be given in evidence.

R.O.C..... Signed .....  
( ADIEL MATE ) IP. (E.K. MAITHA )

The suspect having understood the nature of inquiry and the caution elects to state as follows :-

I, Emmanuel Karisa Maitha of P.O. Box 85784 Mombasa, Tel. 486320 Hse. wish to state as follows :-

That I am a male adult of 42 years having been born in the year 1954 Educated up to 'O' Levels whereby I trained as a Nurse between 1973 - 1975. And worked with the Ministry of Health Aga Khan Health Services, and Municipal Council of Mombasa. I reside at Utange-Majaoni Kisauni Division Mombasa District.

I am married with children and also I am a businessman, and a Politician. I became an elected Councillor for Bamburi Ward between 1979 - 1988 and also I contested for a Parliamentary seat in the year 1988 and the year 1992 on a KANU ticket which I lost. I am curenly the KANU secretary Kisauni Constituency Mombasa District and a hopeful contestant of Kisauni Parliamentary Constituency on a KANU ticket.

13

13

CAUTIONARY STATEMENT OF EMMANUEL K. MAITHA CONT.

I have been asked to comment on the above allegations of inquiring which I have the following to say :-

O A T H :-

I don't remember of any day between 1/4/97 and 13/8/97 where I travelled to any place in Kwale District for an oath or anyother business and therefore I have no knowledge of the said oath to have been taken as alleged. However, sometimes between the year 1996 - 1997 I read in the news that a Mr. Kizondo of National African Democratic Union (NADU ) was arrested by the police for administering oath to youths for the purpose of binding them together to fight up - country people, where I read he was charged and and was convicted by the court of Law for the offence. I have no relations x with MR. KIZONDO neither we have never had any dealings in Politics. I am a KANU member.

INVADING OF LIKONI POLICE STATION ON 13/8/97

I remember on the morning of 14th August, 1997 at 6.00 AM I received a call from MR. PAUL OLANDO the District Commissioner Mombasa who told me he had telephoned my house to aske for me but he was told I am in Nairobi and he was given the Hotel telephone number to call me.

The D.C. told me he was calling me to inform me that in the night of 13th and 14th August, 1997 some thugs invaded Likoni Police station where they killed Police men and also stole guns and ammunitions, the D.C. further said the Police station had been burnt and other items stolen at the station. He asked me if possible I come down to Mombasa so that I can help the District Security team to gather any useful information which could lead to the arrest of the calprits. The D.C. told me according to his early investiagtions he has received

14

CANTONARY STATEMENT OF E.K. MATTHIA CONTD.

reports that local boys from Likoni and other parts of Kwale and responsible of the invasion and there is a possibility I could be of a help.

The reason why the D.C. believed I can be of a help that I have been involved in organising youths in the past who have done organised operations which the State orders time to time, and these operations were always sanctioned by the District and Provincial Security Committees where money is paid by the State Agencies. I wish to elaborate further that sometimes in the year 1991 - 1992 during the I.P.K. Resurgency and disturbances at the Coast, I was called at State House in Nairobi where I was engaged to a talk of how the IPK activities would be suppressed within Mombasa and at the Coast. Those who had been given the Authority to talk to me and who assured me they had the blessings of the president, was MR. JOSHUA KULEI who is a Personal Assistant to the President and a MR. RICHARD SAJJAAD who is a nominated M.P.

The discussion covered on the training of Black Muslims Youths from Kwale District and parts of Mombasa so that they can raise against their Arab Muslims who were supporting the I.P.K.

I was convinced by the plan and because I am a supporter of K.A.N.U. and the President I volunteered to give logistic support on the issue by requesting MR. KULEI and MR. SAJJAAD to kindly allow me to appoint a MR. MOHAMED MASUMBURU who a Muslim to do most of the training of the Muslim Youths while I offer some other help whenever needed. This is because the operation was a Muslim affair and I am a Christian. I told them that I knew Mr. MASUMBURU who is a friend and I believe he could do the job well.

Arrangements were made to get MR. MASUMBURU and

CAUTIONARY STATEMENT OF E.K. MAITHA CONT.

eventually he agreed and he came back to Mombasa where he started training the Muslim youths under the name of 'UMUKE' (United Muslim of Kenya) where that name was changed to 'UMA' (United Muslim Association). Where officials of the Association was MR. MASUMBUKO as a leader and those responsible of recruiting youths were MR. KAMRAN and Ex- Airforce who lives at Ng'ombeni in Matuga Division Kwale and MR. SALIM (PAI DOG) who lives at Mtongwe in Likoni Mombasa District. In Kisauni A MR. MOHAMED MAGUVU was incharge of recruiting youths from the Island and the North Coast provided they were black muslims.

Though Mr. MASUMBUKO was very close to me we became 'SUSPECT FRIENDS' as I was not required to know the type of operation he is supposed to do neither my operations, as this was the instructions from our leaders who were at State House and other areas. MR. MASUMBUKO usually could visit the State House alone or I would be called to go to KULEI or SAJJAAD for payment of any operation needed by the State. The District and Provincial Security teams normally could be ordered to give us any help or even get logistic support from them. Despite of all these, I recall that MASUMBUKO managed to silence the I.P.K. by various operations which included Petrol bombing of targeted areas, fighting invention of Old Town, Hi-jacking of Khalid Balala and others.

I wish to state further that after the silencing of I.P.K., UMA was disbanded with the instructions from State House, where most of the youths and their leaders were paid or some were employed for the good jobs they had done.

I was approached again in the year 1993 where I was asked to now re- assemble the 'UMA' youths who were now already trained so that I could be ordered to do a further State Oeration when ordered. I assembled all the youths leaders and I changed the name from 'UMA' to C.P.G. (Coast Protective Group). I was under the paymaster of MR. KULEI and SAJJAAD. I remember the operations I have performed with these youths include :-



16

~~CAUTIONARY STATEMENT OF E?K. MAITHA CONT.~~

- (1) The flushing out of Mwangaza leader of PAUL MUIITE at Nyali Beach Hotel Mombasa where logistics were given to me by the District and Provincial Special Branch and the Kenya Broadcasting Co-operation where this even was recorded and televised.
- (2) The flushing out of Safina leader who had visited Mombasa at Out Rigger Hotel.
- (3) The stopping and disruption of opposition Political Rallies which were to be staged at the Coast.

Because of these activities Government officers like a D.C., PPO, PCIO or DSBO would always be introduced to me whenever handing over is done incase of a transfer. I could be called by both the District or Provincial Security teams incase they need any information which could help them establish anything they required to know if they feel they wanted at anytime.

And for this reasons I am convinced that the D.C. Mombasa telephoned me at my hotel SilverSprings in Nairobi to ask me to come to Mombasa and get any useful information to help him as he required.

I wish to state further that I came back to Mombasa on Friday of the 15th August, 1997 during mid-day and I proceeded to Likoni at the scene where I found a lot of people who were busy looking at what had happened at the Police station. This is when I met a boy who on I happened to remember where I decided to call him aside and in confidence I asked him to offer me any useful information on the incident the boy told me that the burning to the station was the work of thugs but led by local 'boys' which he said the Boys had some-times taken an oath to burn the station because they had a gradge on how the police station was terrorising the Likoni residents, arresting suspects, where they beat them and the boy talked of other disturbances the Policemen do to the area residents. He also talked of some of the names of boys whom I happen to remember

CAUTIONARY STATEMENT OF E.K. MAITHA CONT.

I used to see them at our operations like MWINYI MWIDAU and he said there were some he could not give their names.

As the boy was giving me a hearsay story he said he had four Navy Servicemen were drinking beer at JACKCITY Bar at Likoni and a fight ensued where one of the servicemen was arrested and taken to the Police station but the O.C.S. refused to release the serviceman even after the other 3 servicemen requested. The boy said the servicemen were all Digos by tribe they went to organise other youth whom they knew to invade the station and with the help of the other boys they managed to get a gun by killing an administration Police who later they took his gun and used it. I further questioned the boy on why the thugs decided to beat up-country people only but he said the boys were mixed with those of MR. CHIZONDO of NADU and who is calling for MAJIMBO and they were capitalizing on that after the invention of the Police station.

I remember to have called the D.C. and informed him of my findings. While at my house on 16th August, 1997 at around 10.00 AM Mr RASHID SAJJAD called my house and he informed me he required me to his office for some talk. I came to his office at Bawazir Glass Works, when he saw me he asked me to drive with him to the Provincial Police offices where we met the Provincial Security team. But before we reached the offices MR. SAJJAAD asked to tell him if I had any idea of what is happening at Likoni. I gave him the story of as above and he also confirmed the same by saying he was told the same by MR. HISHAM MWIDAU and other people. So when we reached the P.P.O.'s office we all gave the same story to the Provincial Security team. However, in the same evening I telephoned KABARNET house of H.E. the President, I informed him our meeting with Provincial Security team with SAJJAAD and he assured me he was also waiting for other information from other areas. On Monday the 18th August, 1997 I telephoned the PPO at his office who informed me that they had checked

48

CAUTIONARY STATEMENT OF E.K. MAITHA CONT.

my story and it was not a true story but hearsay he suggested I come to his offices so that he could brief me something. But when I went I was told I was under arrest and I should help the Police with investigations.

SETTING OF FIRE AT LIKONI 13/8/97 :-

As I have said above that I was away in Nairobi I would not tell who set the police station on fire. That is what I have to say.

Signed .....

( EMMANUEL KARISA MAITHA )

C E R T I F I C A T E :-

I hereby certify that I have obtained the above statement from the suspect who has volunteered to record in his own handwriting without use of force, threats, promise, inducement or intimidation of any kind. The statement was read over to him for any corrections or addition but he made none.

R.O.C.....

( A.MATE ) IP

Signed.....

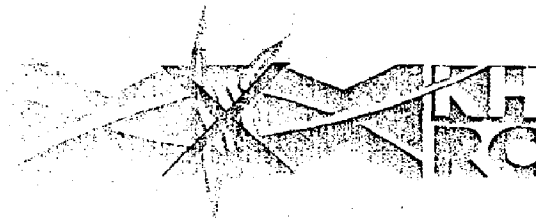
( E.K.MAITHA )

# **Appendix B**

Valley Arcade  
Gitanga Road  
P.O. Box 41079, Nairobi, Kenya  
Tel: 254-2-574998/574999/576066  
Fax: 254-2-574997  
E-mail Address: khrc@AfricaOnline.co.ke

**Board of Directors**

Makau wa Mutua, *Chair*  
Njeri Kabeberi  
Alamin Mazrui  
Mumbi Mathangani  
Maina Kiai  
Willy Mutunga, *Executive Director*



## KENYA HUMAN RIGHTS COMMISSION

February 10, 1999

The Hon. Mr. Justice Akilano M. Akiwumi  
Chairperson, Judicial Commission of Inquiry to inquire into Tribal Clashes  
NAIROBI

Your Lordship,

I refer to your summons of February 4, 1999 requiring me to attend the Judicial Commission of Inquiry at County Hall, Nakuru, on February 15, 1999. With due respect, Sir, I seek to be excused from participating in the proceedings of the Commission for reasons of conscience, as explained below.

As you are well aware, Your Lordship, the name of His Excellency, President Daniel Arap Moi, has appeared in several instances in connection with the bloody tragedies which have afflicted various parts of our beloved country since the reintroduction of the politics of pluralism – the nation's manifest destiny that was strongly opposed by the President. For example:

1. There is the now famous statement attributed to His Excellency and widely reported in the local press confidently predicting that a return to the multi-party system would result in an outbreak of "tribal" violence that would destroy the nation. To what extent did the President's statement contribute to setting the ideological climate for the waves of communal butchery that followed? In the context of Kenyan politics did he act responsibly as a President in making such a pronouncement even if it was inspired by nothing more than his predictive capacity? And, if not, what recourse do Kenyans have given the degree of mayhem that we have experienced in our midst?

2. On September 2, 1992, President Moi declared a "Security Operation Zone" in the Rift Valley encompassing Molo, Burnt Forest and Londiani, in a manner that is said to have contravened the provisions of Section 88 of the Constitution of Kenya. Since then, there has been the suspicion that the declaration was, in fact, intended to be a "cover up" rather than a genuine effort to quell the violence. According to a report of Human Rights/Africa Watch, far from bringing the massacres to a close, the President's move opened up a new chapter in human rights violations against the displaced, members of the press, church leaders and foreign observers who attempted

to visit the areas. The Security Operation Zone became an Iron Curtain, permitting little information to permeate to the rest of the world. Was this the intended effect of the Security Operation Zone? And to what extent should the President be held accountable for the abuses that seemingly resulted from his declaration?

3. On several occasions the press reported the President as laying the blame on the “opposition” for the outbreak of violence in different parts of the country. In February 1993, for example, he publicly accused the environmentalist, Professor Wangari Maathai, of fomenting the violence in the Rift Valley. In 1997 he reportedly made a similar accusation against Kijana Wamalwa with regard to the Marakwet/Pokot violence. And in the case of Likoni, he even claimed to have known the causes behind the violence, mentioning witchcraft as one of them. How much does the President really know about these tragedies that the rest of us do not know? Does he not owe it to Kenyans to divulge what he knows? And given what he claimed to have known, what action did he take prior to setting up this Commission of Inquiry?

4. According to a report of the Kenya Human Rights Commission, Emmanuel Karisa Maitha, Rashid Suleiman Shakombo and Hisham Mwidau – whose names have also been linked with the Likoni violence – each claimed to have had audience with the President when he visited the Coast at the height of the violence. How credible are these claims of the three Mombasa politicians? And if true, what was the nature of their discussions with the President? What went on behind the scenes, so to speak?

5. Some of those who admitted having served as raiders in the Likoni violence also claimed to have been informed, as they were being recruited, that they were to be part of *Mzee’s* security arrangements during the forthcoming elections. The term *Mzee* was clearly in reference to President Moi. How substantial are these claims? Did the President have a role in the violence, or was it merely his name being invoked by self-serving politicians?

6. The President’s name has also been associated with the notorious *Jeshi la Mzee* which unleashed terror in several parts of urban Kenya seemingly to undermine the political reform movement. Are the allegations true that this was the President’s personal “militia” that is not part of the officially recognised security system?

7. In one of its reports, the International Centre Against Censorship (Article 19) suggests that “President Moi’s response to animosity against Kikuyu ‘settlers’ in the Rift Valley has been endlessly to advise them to ‘dance to the tune of locals’ – a thinly veiled hint that there would be no problems if the ‘settlers’ supported the ruling party just as the ‘locals’ are said to do.” Does this not lend credence to the suspicion that the violence was politically motivated and sanctioned at the highest levels of the state?

Before us, then, are serious charges and many unanswered questions around the name and the person of the President that urgently need to be addressed by an independent body. Is it not only right, then, that Kenyans should expect the President himself to be a prime “witness” in any inquiry into the episodes of violence that have rocked this country since the return of multi-party politics?

Furthermore, several reports of international human rights organisations have implicated the state and the government in the violence. According to a 1993 Human Rights/Africa Watch report (entitled: *Divide and Rule: State-Sponsored Ethnic Violence in Kenya*), "...far from being the spontaneous result of a return to political pluralism, there is clear evidence that the government was involved in provoking this ethnic violence for political purposes and has taken no adequate steps to prevent it from spiralling out of control." More or less the same conclusion has been reached by the 1998 Amnesty International Report, *Kenya: Political Violence Spirals*, and the 1997 Article 19 report, *Deadly Marionettes: State-Sponsored Violence in Africa*.

Under the circumstances, Your Lordship, I consider it to be a gross travesty of justice that a person whose name has featured repeatedly in the material subject of your inquiry, and who heads a state which has itself been implicated in the violence in various reports, should be the one to establish a Judicial Commission of Inquiry to inquire into the Tribal Clashes! And it is the same President who will receive the final report of your Commission before it is released to the public, if it ever does! In my humble opinion, His Excellency the President has no moral authority to set up such a Commission and that he has done so is a travesty of justice and a terrible mockery of the thousands of innocent Kenyans whose lives have been ended brutally and prematurely at the altar of power politics. And that he has done so makes his motives particularly suspect! On what moral grounds, then, should I be required to participate in this exercise?

In a 1996 report the International Bar Association described the judiciary in Kenya in the following terms: "Whatever judicial independence there may be in Kenya, there certainly, with few exceptions, does not seem to be a proper degree of independence of the judiciary from the main executive arm." It then goes on to argue that some pronouncements by President Moi contravened the United Nations Basic Principles on the Independence of the Judiciary and that "Presidential utterances in breach of the sub-judice rule affect at least the perceived independence of the judiciary. The sub-judice rule has to be observed not only by all Kenyans but the President himself has to be exemplary in his treatment of the rule." If our President's record has been one of according little respect to the independence of the judiciary, what moral authority does he have to appoint a judicial commission that is required by the dictates of justice to act and be seen to act independently?

It is the totality of the factors detailed above, Your Lordship, that has led me to the position that it would be morally wrong for me to testify before your Commission, the personal and professional integrity of the commissioners themselves notwithstanding. To participate in this judicial exercise would be to legitimise a process that I believe is indefensible, on grounds of morality as well as of justice.

I am sure you will agree with me, Your Lordship, that Kenyans are yearning for the day when they can co-exist once again without being subjected to one orgy of communal bloodletting after another, sibling against sibling. But there is no good reason for us to believe that such a desire can be fulfilled within a structure and a process designed by President Moi and overseen by him and his government. The more appropriate step for the President to take, then, is to resign altogether, together with his government, with immediate effect. This will allow Kenyans to form a transitional government that will have the mandate to investigate the spiral of

informal violence that has bedevilled this nation over the last eight years or so, as part and parcel of a more comprehensive package of political and social reforms towards a New Kenya.

The Kenya Human Rights Commission has produced two reports on the violence in Likoni. These, I understand, are already among the exhibits before your Commission. In addition, the KHRC has all other relevant texts, in audio-tapes as well as in print, in its library in Nairobi. These are public records to which your commission is equally entitled. Beyond this, Sir, there is not much else that the KHRC can offer your Commission.

Finally, please permit me to comment on the name of your commission: *Judicial Commission of Inquiry to inquire into Tribal Clashes in Kenya*. Your Lordship, what transpired at the Coast and in the Rift Valley were not “tribal clashes.” They were cases of homicidal vigilante gangs out to brutalise, maim and murder innocent and unarmed civilians, all quite indiscriminately. That such criminal mass murder should be dubbed “tribal clashes” is, to say the least, a tragic perversion.

Yours sincerely,



Alamin M. Mazrui.

Cc: Dr. John M. Khaminwa, Nairobi  
The Law Society of Kenya, Nairobi  
Human Rights Network, Nairobi  
Amnesty International, London  
Human Rights Watch, New York  
International Centre Against Censorship, London  
The Press.



In 1997, the Coast of Kenya, for long held as a haven of peace, exploded into violence. Hundreds of people died and thousands were maimed and displaced by the violence, which was attributed to armed gangs of coastal origin that largely targeted Kenyan people from up-country. The violence has since been unveiled as state-sponsored for the purpose of manipulating elections and derailing political pluralism.

None of the reports that covered the tragic events that engulfed the Likoni areas of Mombasa and sections of Kwale district addressed the impact of violence on women. *Abandoned to Terror* carries us through the horrifying ordeals of women who were abused, assaulted, raped and violated by security forces, gangs and even spouses. It captures the voices of women articulating their views and resisting the culture of violence.

The report signifies the efforts of human rights organisations, including Muslims for Human Rights (MUHURI) and the Kenya Human Rights Commission (KHRC) to revisit and recast the violence from the gender lens.

“This is the darkest side of the 1997 Likoni violence that never captured the attention of the media or any human rights watchdog.”

– Caleb Atemi, Journalist

“The report acknowledges the plight of women as well as their agency in confronting state-sponsored violence that now stalks Kenya’s Political terrain.”

– Dr. Willy Mutunga, Executive Director, KHRC

ISBN: 9966-941-09-6

