

Kayas of Deprivation, Kayas of Blood

VIOLENCE, ETHNICITY AND THE STATE IN COASTAL KENYA

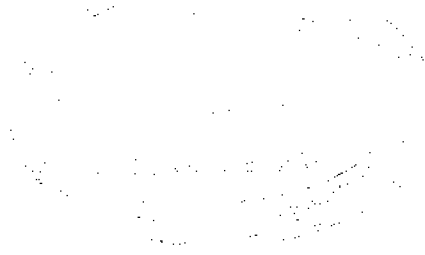


Kenya Human Rights Commission

1997

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Kenya Human Rights Commission (KHRC)

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To achieve this, it focuses its efforts and resources in advocacy and mobilisation efforts that seek to:

- secure the protection of these rights for all Kenyans;
- empower Kenyans to advocate and mobilize for their inherent rights; and
- articulate the frustrations, aspirations, and endeavours of Kenyans as they struggle to incorporate democracy, respect for human rights, and good governance in their lives.

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Prologue

A *kaya* is one of the most unique cultural features of the Mijikenda people. The word, as it appears in the title of this report, has a dual meaning in Kidigo and other languages of the Mijikenda. More literally, it refers to the traditional fortified villages that were usually constructed in thickly forested areas for security reasons. However, it also has a broader meaning that refers to the entire forest area after the village has been abandoned. In many of these *kayas* (or *makaya* in Kidigo) are burial grounds of founding fathers, with each grave marked with a post called *kigango*. A *kaya* in this extended sense comes to assume a sacred function and becomes symbolic of Mijikenda culture, history and identity. The term *kaya* in this report is used in both senses of the word.

The *kaya* in the Likoni-Kwale context discussed in this report represents the interplay between poverty and violence, between justice and peace as political constructs. It encapsulates a central finding of our investigations that, ultimately, the marginalisation and deprivation of the *kaya* (as homestead) can turn its forest into a violence-prone arena of politico-economic contestation. Whether the spark is generated internally or is ignited externally, the exploited *kaya* is ripe for a major explosion that almost overnight may turn its inhabitants from seemingly submissive peace-lovers to viciously aggressive warmongers.

Violence must be understood as a multifarious phenomenon. Some conditions precipitated by socio-economic deprivation and dispossession can also legitimately be regarded as forms of violence. Against this background, we must remember that the deprived and the wretched do not choose violence, for violence is in-built into their daily lives. The politically oppressed and underprivileged can only choose to be the object of violence or the subject of it. That the spark in the Likoni-Kwale violence may have been ignited from

without does not in any way invalidate this claim on the interplay between deprivation and violence. So, let us beware of the many deprived *kayas* in our midst, from Korogocho to Mathare, from Isiolo to Kwale.

Executive Summary

On August 13, 1997, the Likoni and Kwale areas of the Coast erupted in an orgy of violence seemingly targeted at Kenyans of upcountry origin. The organisation of this violence may have started as early as mid-May 1997, and the perpetrators included within their ranks Hutu refugees and other non-coastal Kenyans. When it finally subsided in November 1997, the violence had left hundreds of people dead or permanently maimed, thousands of Kenyans displaced and homeless, hundreds of kiosks and residential buildings destroyed by fire, and the economy severely undermined.

The violence was accompanied by serious human rights violations on the part of both the raiders and the security officers, including murder, looting and rape. In addition, the police and the General Service Unit (GSU) were accused of arbitrarily arresting and torturing the local people of the area, of ignoring basic procedures of criminal investigation, and of complacency in responding to reports of attacks. In addition, alleged interference from above is said to have prevented the police from seriously investigating several politicians whose names have been mentioned in connection with the violence.

The motives and causes of the violence are complex and many, and include ethno-regionalism, religious nationalism, personal factors, criminal interests, and local and national political agendas. The most disturbing of these comes from circumstantial and intelligence reports suggesting that the Likoni-Kwale tragedy was, in fact, an initial phase of a larger state-sponsored plan to undermine the constitutional reform movement and provide a reconfigured political space that would allow KANU to recapture the political initiative that it had lost to the National Convention Assembly (NCA) and its executive arm, the National Convention Executive Committee (NCEC) after Limuru I.

In conclusion, the report makes several policy recommendations intended to minimise the probability of the Likoni-Kwale kind of eruptions in Kenya. These include: constitutional reforms aimed at empowering women, and ethnic and religious minorities; replacement of local authorities with more democratic structures of governance; overhauling and retraining the police and other forces entrusted with the security of the civilian population; establishment of a Commission of Inquiry into the violence; and setting up a compensation programme for all the affected individuals, organisations and communities.

Introduction

On the night of August 13, 1997 a large gang of armed raiders – determined by various sources to range from about 100 to 500 people – invaded the Likoni Police Station where they murdered six police officers, opened the police cell and freed several inmates, and proceeded to the armoury where they stole, according to different estimates, from 30 to 50 guns and 3,000 to 5,000 rounds of live ammunition. The gang then set fire to the station together with the Likoni tourist police booth and the administration block housing the offices of the District Officer and the Chief of the location. Thereafter, they attacked civilians seemingly of non-coastal origin, killing several by shooting or slashing them on sight, and set ablaze some motor vehicles and a number of residential and business premises, including a fleet of kiosks. Within a couple of days, this orgy of violence had spread to other locations on the south coast and, for a brief period, on the north coast of Mombasa, resulting in a major exodus, estimated in hundreds of thousands, of frightened people seeking refuge and shelter elsewhere. Moreover, while the slow intervention by sections of the armed forces did eventually reduce the daily magnitude of the mayhem and arson, incidents of violence continued well into the month of November 1997.

Who were the engineers of this tragedy in this otherwise serene and peaceful community? And what were their motives, aims and objectives? How did they go about recruiting the raiders, and how was it possible for them to organise a succession of raids of such magnitude without the knowledge of the security forces? What has been the cost of the violence, and what are some of its short-term and long-term implications? These are some of the questions that this report of the Kenya Human Rights Commission seeks to address. Its specific objectives include:

1. Providing the national and local contexts within which the violence in Likoni and parts of Kwale district took place.
2. Highlighting some of the critical unanswered questions arising from eyewitness accounts of, and other sources of information on the raids
3. Discussing some of the probable causes of the violence – systemic, structural and otherwise
4. Documenting some of the human rights violations perpetrated by both the raiders and government forces in the period of the violence, and
5. Making some tentative policy recommendations which may, we hope, reduce the chances of similar tragedies occurring in the future.

However, given the limitations in human and material resources at the disposal of the Kenya Human Rights Commission only so much could be achieved in the short period of its investigations. More concerted efforts are required, therefore, to unravel the full scope of the Likoni-Kwale violence in all its dimensions and complexity.

The Interviews

Much of the information in this report was elicited directly through recorded interviews and discussions with a wide section of people at the Coast province and in Nairobi from August 16 to November 17, 1997. The audio-recorded texts are in the custody of the Kenya Human Rights Commission. The interviewees included:

- one senior special branch police officer in Nairobi;
- two senior provincial intelligence police officers in Mombasa;
- three CID police officers from Kwale district;
- three Christian clergymen;
- four Muslim clergymen;
- five politicians (three from Kwale and two well-placed ones in Nairobi);
- two medical doctors;
- two Red Cross health workers;
- two senior government officers of the Coast Province;
- Five ex-servicemen from the Kwale district;
- 21 prison remandees on charges related to the Likoni attack;
- Three recruited raiders who had defected; and
- scores of victims and eyewitnesses of the violence.

However, there is a substantial body of information based on more indirect methods of investigation akin to the participant-observation approaches in the social sciences. This was particu-

larly true with respect to some of the well-placed politicians, high ranking security personnel, and relatives and friends of some of the raiders.

People charged with crimes connected with the Likoni-Kwale violence were interviewed primarily by one of our directors, Alamin Mazrui, when – on the instructions of the Kwale DC – he was put under arrest on August 16, 1997 and shared a cell, in the offices of the Matuga DO, with about 25 other detained persons. Between August 20 and 22, Mazrui had an opportunity to talk to an even larger pool of prisoners at the court cells in Mombasa and later when he himself was at the Shimo-la-Tewa remand cells awaiting release on bond after being falsely charged with the offence of unlawful assembly under Section 79 of the Penal Code.

Some of the most critical, yet the most difficult interviewees to have direct access to were, of course, the perpetrators of the violence, be they the combatants on the ground or the organisers behind the scenes. After a long while we managed to establish contact with six recruits who had defected from the invading force, and arranged to interview them at different times and at different locations. It was, of course, easier to find defectors to interview because they were themselves in search of assistance to get out of a difficult situation, having violated both the law of the country and the code of conduct of the raiders. Unfortunately, three of the contacted recruits decided to flee to Tanzania before our arrival at the venue of the interview. Two of the remaining three were extremely agitated throughout our brief discussion, panicked right in the middle of it, and took off in utter desperation. When we tried to have a follow-up discussion with them a day later, we learnt that they too had left for Tanzania.

Until at least the end of October or so, our efforts to interview people in some of the most critical locations of the affected area were often frustrated by the police who denied us freedom of movement. As a result we sometimes lost the opportunity to get

immediate and first-hand information and reactions on certain important events and occurrences. Attempts to fill the gaps, therefore, had to rely heavily on corroborative information.

What we present below, then, is a synthesised description and analysis based on these varied approaches to the investigation and different accounts of the violence in Likoni-Kwale. As will be seen, more information is still needed to completely solve the tragic puzzle.

The National Context

The Kwale tragedy must first be seen, in part, against the background of the national scene in general, and developments in the politics of pluralism in the country in particular since the early years of this decade. A logical point of departure is 1990 when the regime of President Daniel Arap Moi began to come under increasing pressure from Kenyans and the international community to end the legally mandated one party system that came into existence in June 1982 with the enactment of Section 2A of the constitution. Within the country, the campaign for multipartism reached its most dramatic moment in July 1990 with the arrest and detention of Mr. Charles Rubia and Mr. Kenneth Matiba – under the provisions of the Preservation of Public Security Act – and the *Saba Saba* protest of July 7 which left over 20 people dead and more than 60 injured around the Nairobi metropolis.

A little over a year later, in August 1991, the late Mzee Jaramogi Oginga Odinga, Martin Shikuku, the late Masinde Muliro, George Nthenge, Philip Gachoka and Ahmed Bamahriz announced the formation of the Forum for the Restoration of Democracy (FORD) as a pressure group to intensify the popular momentum for political pluralism in Kenya.

Afraid that multipartism might bring an end to Moi's and KANU's political rule, and to all the attendant politico-economic benefits and privileges accruing to it for the select few, some KANU hawks launched the *majimbo* campaign to intimidate advocates of political pluralism and undermine their legitimate cause. In the forefront of this campaign were Kalenjin politicians who held public rallies in Kapsabet on September 8, 1991 and Kapkatet on September 21, 1991. The Kapsabet meeting resolved, among other things, to fight "anti-establishment figures" using all means at their disposal so as to protect the ruling

party, KANU. Leaders of the Kapkatet meeting, on the other hand, "banned" advocates of multipartism from setting foot in the Rift Valley Province and reportedly ordered the late Masinde Muliro, a founder member of FORD, to move out of his Trans Nzoia district.¹ In spite of these threats, however, the national and international pressure for political pluralism continued relentlessly until the Moi government was forced to repeal Section 2A of the Constitution on December 10, 1991, once again reverting Kenya to a multiparty state.

This historic constitutional change, however, did not deter the KANU hawks from pursuing their "ethnic cleansing" agenda, seeking to displace non-Kalenjins from the Rift Valley in a bid to consolidate it further as a "Moi-KANU zone." Within a few months of the repeal of Section 2A, therefore, the notorious bloody clashes erupted in Molo, combining murder and arson, and continued until August 1992. Again, Kenyans refused to be intimidated and kept pressing on for multiparty elections, which were eventually held in December 1992.

Given the popular sentiments in favour of a new leadership, many of the politicians in the opposition parties, under the illusion that the State House with its excessive executive powers was within their reach, went to the polls believing that they could defeat Moi and KANU under the provisions of the existing constitution. Predictably, they lost in an election that was heavily flawed. And it was only in the aftermath of these elections that opposition politicians began to appreciate the need for constitutional reforms to create a level playing field, leading eventually to their support of the National Convention Assembly and their participation in it during its First Plenary Session (Limuru I) on April 6, 1997.

The organisational success of NCA and its executive wing, the National Convention Executive Council (NCEC), the mass support that it enjoyed, and the national unity that it was able to forge, all left a Moi-KANU regime that felt threatened and in-

¹ See the 1992 *Kiliku Report* on ethnic clashes in Kenya, p. 9.

creasingly under siege. As Maina Kiai, the Executive Director of Kenya Human Rights Commission, rightly pointed out, "Six months ago, it was assumed that President Moi and his cronies in KANU had so much control that they would easily be swept back to power during the elections. Nevertheless (following the Limuru I Convention), we the people, raised our voices loudly for democracy and reform. And so loud and clear was that voice that even those 'friendly' politicians who were keener on power than on reforms, and who tried to derail NCEC in various ways, were unable to do so... And so strong was our courage and conviction that Moi's brutal police could not stop the NCEC... We exposed the cracks in Moi's government, cracks so large that Moi and KANU dare not face a genuinely fair election. Cracks so large that the very existence of KANU became sorely threatened."²

But rather than accept the popular will of the people, the Moi-KANU regime turned around like a cornered rat, and proceeded to unleash another wave of violence against Kenyans. By May 1997 the *Jeshi la Mzee* had come into existence, seemingly protected by the police as it implemented its mission of attacking opposition forces especially during pro-reform rallies.³ Soon other private armies, like *Jeshi la Mbeka*, began to emerge – all in the service of the political status quo⁴ while the opposition itself began to engage in acts of provocation and counter-violence. In the meantime the evil face of the gospel of *majimboism* reared its head once again as the likes of the Local Government Minister Francis Lotodo, urged non-Kalenjins to move out of the Rift Valley Province.⁵ Law and order increasingly gave way to anarchy, and the culture of violence began to take deeper and deeper root as more and more Kenyans began to regard violence as a legitimate method of conflict resolution. In the month of Sep-

² "The Choice is Ours." Keynote address presented at the Third Plenary Session of the National Convention Assembly, Ufungamano House, Nairobi, October 28, 1997.

³ *Daily Nation*, August 13, 1997.

⁴ *Daily Nation*, August 5, 1997.

⁵ *East African Standard*, August 1, 1997.

tember 1997 alone, for example, there were over a dozen sites of violent clashes with an underlying political motive, from Likoni to Igembe, from Mandera to Pokot.⁶

There is a sense, then, in which the outbreak of the violence in Likoni and its vicinity can be located on this larger national canvass that has partly been reconfigured by the politics of pluralism and reform in the country over the last five to six years. Whatever else lay behind the violence at the Coast, the tragedy was also encouraged and catalysed by the breakdown of law and order and the resort to violence for hidden and not-so-hidden political agendas nationally. And precisely because multiparty politics in Kenya have been so strongly influenced by ethnic considerations, political violence itself came to assume an ethnic face, giving it a vicious momentum that is often difficult to control and subdue.

⁶ *Expression Today*, No. 2, October 1997.

The Local Context

The area of greatest concentration of the so-called Coast violence for its entire duration was the Likoni Division of Mombasa and the adjacent District of Kwale. Kwale's divisions include Kubo, Kinango, Matuga and Msambweni, with the latter three also serving as names for political constituencies. Though administratively a part of Mombasa district, Likoni is, for all practical purposes, an extension of Kwale and shares with it many of the same socio-economic and political concerns and characteristics.

According to the statistical projection for 1996,⁷ Likoni and Kwale have a combined population of about 550,490 people, of which close to fifty percent can be described as economically active. Within this labour force women outnumber men by almost 10 percent partly because the high unemployment rate in the area forces a substantial number of men to leave the district to look for work elsewhere.

The estimated annual growth rate is about 4 percent, assuming a decline in both fertility and mortality rates. This decline, however, will be offset by the high rate of migration from other parts of Kenya. The local communities of the Digo and the Duruma – with the Digo forming a very large majority – constitute about 80 percent of the population. The up-country community with the highest population presence in the area, comprising close to 10% of the population, is the Kamba, coming especially from Machakos, Makueni and Kitui districts. The Kamba are followed, in order of numerical size, by the Luo, the

⁷ These and other demographic calculations are based on figures provided in the *1989 Kenya National Census Report*, the *Kwale District Development Plan, 1994—1996* and the *Mombasa District Development Plan, 1994—1996* (both produced by the Rural Planning Department of the Ministry of Planning and National Development).

Kikuyu and the Luhya, with each ethnic community being more concentrated in some locations than in others. In addition to this ethnic distribution, however, there is a sectarian dimension which is equally important in comprehending the demographic politics of the area: this is the divide between the predominantly Muslim Digo and Duruma, and the predominantly Christian upcountry population.

The Kamba – some of whose ancestors settled at the Coast from pre-colonial times – are found mostly in the Shimba Hills area of Kwale where they are mainly engaged in farming activities; but many are increasingly moving to the Ukunda area due to the employment opportunities in the beach hotel industry. The Kikuyu are more scattered; but many are business people and some own land in Ukunda, Kwale town, Mkongani and Likoni. The Luo are concentrated in the quarries and stone cutting industries, living in informal settlements, with little business or property ownership; a substantial proportion is also employed on the island of Mombasa.

Precisely because of the long distances that many of the upcountry people have to traverse to their “homes” they have tended to be long-term migrants at the Coast, with some becoming permanent settlers and, in time, legitimately regarding the Coast as home. Combined with the enterprising mind-set of a migrant worker, this is a migrant situation that encourages relatively high investment of labour and resources in the Likoni and Kwale areas by the upcountry workers. If these communities have been economically more successful than the local population, therefore, it has partly been due to the dynamics of long-term labour migration.

In the context of Kenya’s ethnocratic and, especially under the presidency of Daniel Arap Moi, Christocentric politics and economics, the upcountry presence at the Coast, in general, and in the Likoni-Kwale area, in particular, 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), and this duality has remained unmediated by other potentially neutralising forces. Dual settings, like the one that prevails at the Coast, can be potentially more volatile than more plural situations.

The migrant condition and its resulting polity configuration in the Likoni-Kwale area notwithstanding, however, it is a fact that the local people have many genuine grievances. As members of the wider Muslim community in Kenya, the locals have long felt politically marginalised, with no hope of getting any closer to the centre of political power. They have continued to serve as pawns rather than as players in other people’s political calculations. By early November interviewees in Likoni-Kwale were already echoing the sentiments of the Muslim Consultative Council about the lack of Muslim representation in the Electoral Commission as a clear reflection of domination by a “Christian fraternity” beyond the boundaries of political parties. Indeed, the entire constitutional reform movement is seen as an exercise intended to cater to ‘their’ interests to the exclusion of ‘ours’.

As part of these sectarian concerns within the local context has been the question of the Office of the District Commissioner which has not been filled by “one of our own” – a Digo, a Muslim – by someone who is sufficiently sensitised to the local culture and local sensibilities. Partly because the local administrative control is in the hands of upcountry people, there has been an easy mushrooming of bars and night-clubs with a culture of their own that is seen to be in total conflict with the religious predisposition of the local people. As one interviewee aptly put it symbolically, “*maboom-box sasa yashindana na miadhini*” (the loud music from the bars is now in stiff competition with the Islamic call to prayers). There were repeated claims that the predominantly

upcountry police personnel is not even sensitive enough to lift the ongoing but undeclared night curfew during the holy month of Ramadhan when many Muslims tend to socialise outside their homes until late into the night. There is, then, a serious conflict of cultures precipitated in part by a culturally insensitive administration from the ranks of upcountry Kenyans.

But more important than symbolic gestures like ministerial or administrative posts is the general well being of the local population and their offspring. The feeling abounds that the new multi-party Kenya has not meant a "kinder, gentler" Kenya for the local people of Likoni-Kwale and the Coast; that the Coastal people have not been treated fairly when they have applied for business licences, for jobs, or in the provision of educational and health facilities. How true, then, are these claims of discrimination in the political and socio-economic arenas?

Our investigations revealed that many are, in fact, quite genuine. Out of a random sample of 100 small-scale and large-scale businesses registered with the Kwale District Office, for example, over 80% belong to non-locals (including Asian, European and upcountry individuals or companies).⁸ Almost invariably, the relatively big businesses are in the hands of non-locals, from Kenneth Matiba to the late Mobutu Sese Seko. A great anomaly has thus developed in the commercial and business sector where over eighty percent of the population controls less than twenty percent of the industry, and, in big business, virtually none of it! And there is much anger that little, if any of the wealth generated by the lucrative tourist industry in the area is ever reinvested in the Likoni-Kwale district to uplift the welfare and socio-economic conditions of the local population.

Land distribution has been equally at issue. Much of the land in Likoni-Kwale is still designated as government, unregistered or

⁸ Information procured from the Kwale District Land Office during the month of October 1997.

trust land. Less than ten percent is categorised as freehold and registered. Land grabbing, especially of beach land, is rampant and has sometimes been well covered in the newspapers. But the local population has seemingly lost control of land in other areas as well. According to the 1994—1996 Kwale District Development Plan (of the Ministry of Planning and National Development), for example, the high in-migration into Likoni-Kwale from the upcountry is partly due to the pull of settlement schemes in the area. Like the Jomo Kenyatta (Mpeketoni) Settlement Scheme in Lamu District, a large number of land allottees in the Diani Complex, Diani Settlement Scheme, Shimoni Settlement Scheme, and Matuga Settlement Scheme are, in fact, non-locals – even when, through strategic manipulation by the Chiefs, a good number of the names that appear in the register are, in fact, local.⁹

Where upcountry people have privately owned land, many claimed to have bought their plots from local individuals on a willing-buyer-willing-seller basis; they could not, therefore, understand the land complaints of the local people. In the words of Steven Mwaura, an upcountry resident of Likoni: “...*chuki ilikoko ni watu wa bara waende kwao, na wamweza kujiweza manake wana bidii. Wakifanya biashara zao zikiimarika wanamnuu vitu zao, wanajenga manyumba zao, na watu wale wale ndio wenye kwanuzia maploti. Sasa wamefika kiwango ya kawaambia vijana yao sasa munaona mumenyang’anywa kila kitu; sasa jileteeni bawia watu watachukua ardhi yenu...na kumbe wao ndio wameza.*” (...the prevailing animosity is that the upcountry people should return to their home-regions, when in fact they owe their success to sheer hard work. When their business enterprises flourish, they buy their assets, they build their houses, and it is the same people – of the coast – who sell them the plots. Now they are telling their young ones ‘Can’t you see, you are being dispossessed of everything; so you better fight for your rights, otherwise these people will grab your

⁹ We wish to thank Mwajuma Saidi, a social worker in Kwale for some of this information.

land...’ when in fact they are the ones who sold (the plots) off).

There is, no doubt, a good deal of evidence of willing land transfers from local to upcountry hands. But our interviews with a few of the original land owners indicate that their decision to sell their pieces of land was based less on economic calculation than on sheer economic desperation. And the question has arisen whether this situation cannot, in fact, be likened, though to a lesser degree, to Palestine where well-to-do Jewish buyers took advantage of poor Palestinians in severe economic hardship to eventually replace them from their own land.

Significant disparities can also be seen in the employment sector although no comprehensive statistics are yet available. But an admittedly unreliable (quasi-random) sample of 203 locals and 113 upcountry people residing in Kwale, for example, revealed an unemployment rate of 39% for the former and 15% for the latter, a difference that is more than double. This is partly explained by the tendency of the upcountry business owners to recruit their own ethnic compatriots for most of the job opportunities. There is, therefore, a seemingly inverse ethnic equation between business ownership and the rate of unemployment to the great disadvantage of the local population.

Local unemployment is high, however, not only because the Digo and Duruma in the region do not control job opportunities, but also because of alleged upcountry attitudes towards local labour. Many local interviewees complained that their upcountry compatriots held rather negative opinions of them, regarding them as lazy and undisciplined and, therefore, undeserving of the economic opportunities existing in their own region. Asked why he had not employed any local people in his farm, for example, one businessman, who requested anonymity, responded; “Let us face it, these people are generally not active. As labourers, they are very slow and lazy in many cases. Even if such people were employed at the port as they are asking, would they be able to handle the work the way the upcountry tribes are handling it? I

doubt it!" The Digo ethic towards work was, of course, not easy for us to establish in a limited study of this nature. But there is a general feeling that just as the European invaders of our continent once accused Africans *in toto* of laziness and lethargy as a way of legitimising their politico-economic domination, many upcountry people now invoke similar stereotypes of locals for similar (internal) colonial ends. The upcountry attitude towards Coastal people, in other words, is seen as part of a wider ideological agenda of domination, unconscious as it may be to some.

Problems also abound in the provision of social services. The average population per health facility – i.e. hospitals, health centres, dispensaries etc. – is approximately 12,000 persons, and there are approximately 72 beds per 100,000 persons. These are ratios which are way below the national average and which, no doubt, contribute to the low health standards in the area. To many, the October-November rains demonstrated serious sanitation problems as well as the relative fragility of the average Digo home in comparison to what is perceived to be the home of the average upcountry person in the area. As one of our Luo contacts gave us a tour of the predominantly upcountry residential area of Shonda he pointed out to the stone houses and remarked; "*Hii ndiyo maendeleo tulikuwa tunaletoa watu ya hapa; lakini wao hawataki maendeleo*" (This is the kind of development we were introducing to the people of this area; but they obviously do not want any development). But is it, in fact, a *maendeleo* which the local people have yet to learn to appreciate, or one that is systemically designed to exclude them?

When we look at educational institutions, we continue to find an equally unsettling picture of underdevelopment. Most primary schools lack essential facilities, especially for the teaching of practical subjects: Over 90% of the schools, for example, do not have workshops and home science rooms. In many of the schools students have to sit on the floor due to lack of desks. Over 30% of the teachers are untrained, and in some of the

schools we visited virtually the entire administrative and teaching staff is from the upcountry which, though well-meaning, lacks the cultural skills and background to effectively guide Digo and Duruma students through the educational process. These serious inadequacies in schools have partly contributed to a very high dropout rate: as much as 72% for boys and nearly 80% for girls.

The larger part of the area also lacks adequate provisions of any source of safe drinking water, resulting in the heavy overutilisation of existing water facilities. There is a high incidence of hospitalisation resulting from anaemia and malnutrition. The infant mortality rate is one of the very highest in the country (139/1000, in contrast to the national rate of 74/1000).¹⁹ How responsive to their socio-economic plight, the locals ask, is the upcountry-dominated administration?

There is, in addition, the problem of localised despotism. Despotism is not a phenomenon of central governance alone. Local authorities too replicate the coercive and tyrannical practices of the centre. In the Likoni-Kwale area, there are recurrent complaints about the despotic rule of the District and Divisional officers, of Chiefs and sub-chiefs. The latter, though recruited from the ranks of the local people, are seen as mere functionaries of an oppressive regime in the service of upcountry interests. Grievances against a number of the chiefs and sub-chiefs in the area relate not only to their dictatorial and repressive leadership, but also to their seeming collusion with upcountry folk to dispossess the locals of their land and other economic opportunities.

It is this conjuncture of the factors described above that has led to an unusually high ethno-nationalist consciousness in the area that has sometimes been expressed in the desire for a *majimbo* (or federal) structure, the desire for the Digo and the coastal

¹⁹Ministry of Planning and National Development, *Kwale District Socio-Economic Profile, 1990*.

people in general to have control over their own socio-economic destiny. The feelings are very real and very strong. Yet, until very recently, they continued to be denied an institutional framework for their political expression and release as one after another coast-based political party was denied registration for the flimsiest and even ridiculous reasons.

Back in 1992 a significant section of the Digo population of Likoni-Kwale looked up to the newly formed National Democratic Union (NADU) for their liberation from "internal colonialism." Founded by its Secretary General, Ali Chizondo, NADU had a constitution with a prominent article advocating *majimbo*. But, in a letter from the Assistant Registrar of Societies dated August 19, 1992, NADU was denied registration because it appeared "to the Registrar that the interests of peace welfare and good order in Kenya would be likely to suffer prejudice by reasons of your registration as a society." But who is to say whether, in fact, in view of what transpired in Likoni-Kwale between August and November 1997, it was not the denial of NADU's registration by the KANU government that prejudiced the interests of peace and good order in the area? Without NADU, the local people were perhaps denied an important avenue for expressing their genuine concerns and grievances. Without NADU, perhaps pent-up anger and frustration built up to a point where it was ripe for a major explosion with a minimum of political spark. Let us now hope that the November 1997 launching of the new *majimboist* party, the Shirikisho Party of Kenya, will herald a new era in political pluralism for the people of the Coast.

Whatever the case, these local circumstances constitute an indispensable background, which must be taken into account as we seek to comprehend the Likoni-Kwale tragedy.

Anatomy of the Violence

The full truth and the specific details of what actually transpired in Likoni-Kwale, and how it came to so transpire, may remain clouded for quite a while to come. The situation is still tense, the security wanting, and as a result few are willing to provide sufficient information that can enable one to construct a more or less complete and comprehensive picture of the three months' long orgy of violence in the area. Nonetheless, the Kenya Human Rights Commission was able to gather a sufficiently large body of reliable information from a wide cross-section of individuals to allow for a reasonably authoritative representation of some of the important dimensions of the tragedy.

The Prelude

By all indications, preparation for the Likoni-Kwale raids may have started as early as May 1997. Several upcountry people remember threats from local individuals going back two to three months before the August 13 attack; but precisely because the threats came from people they knew – neighbours, customers, colleagues at work etc – most did not take them seriously. One Luo resident of Msambweni, for example, remembered being pre-warned that “*safari hii mtakwenda kupigia kura huko huko kwenu*” (This time you will go and vote in your own home-areas). Members of a Kisii family who were just completing the construction of their house in the Maweni area of Likoni in early June remember being taunted by a small group of local youths who told them, “*mmapoteza wakati na pesa zenu bure, na nyumba mtawacha hapa hapa*” (You are wasting your time and money for nothing, as you will end up leaving the house right here). These and other kinds of scary forewarnings of an impending attack were recalled by several upcountry as well as local interviewees.

More revealing, perhaps, are the letters of Mr. R. K. Pradhan (popularly known as Jimmy), owner of a commercial farm in the Kiteji-Ziwani area of Ng'ombeni location of Kwale district complaining about the security situation around his farm. His first letter, to the chief of the location is dated May 15, 1997 and complains of a problem "with the youth with bows and arrows running around with a pack of dogs under the pretence of hunting – which is illegal." In another letter to the OCPD of the Likoni Police Station, copied to the PCIO Mombasa, OCPD Diani, DO Matuga, DC Kwale, and the PC Coast Province, and dated August 4, 1997 Mr. Pradhan refers to his earlier correspondences on the "very dangerous security situation prevailing in the area."¹¹ He specifically referred to gangs of "15–20 men who have made a base at one boundary of my farm lying on the Mombasa-Kwale boundary. These men are armed with guns and other weapons... They gather there every Friday and terrorise the area over the weekend." In spite of these repeated reports, we understand there was not even a single attempt, by the police or the local administration, to investigate Mr. Pradhan's claims.

Evidence from one of the security intelligence officers (SIO) we interviewed concurs with the information provided by Mr. Pradhan. According to the SIO "At one of our security meetings a matter was raised concerning reports from an Asian named Jimmy who had indicated that there were movements of troops and sounds of gun-shots at night near his farm house and water well at the Kaya Bombo area. There were suggestions that a contingent of armed police be sent to the Asian's farm to keep vigil and report back. This was well before the 13th. August attack at the Likoni Police Station." But, according to the intelligence officer, no action was ever taken, and his boss merely said that the matter would be reconsidered later. The officer learnt later – and confirmed by our own subsequent visit – that Jimmy's farmhouse was invaded and destroyed by the raiders a few days after the attacks began.

¹¹Copies of the letters are in the files of the Kenya Human Rights Commission.

August 13, 1997. Masoud is said to have informed them that they were being recruited for military service; he then asked them to take no more than a couple of items of clothing as they proceeded for training, and gave them KShs. 500 each. They were then ferried in a white Nissan to Shimba Hills where they met a large and ethnically mixed congregation. Among them, our informants later came to learn, were Swahili-speaking Hutu refugees from Rwanda and a few Ugandans who, with others, served as their military trainers. They also learnt that several of the non-coastal members of the force came from another military unit based in Masai-Mara. Much of the training, the defectors said, centred on physical exercise and hand-to-hand combat, but only a minority received training in handling guns. Overall, the military part of the training sounded rudimentary.

It was during this period of training that an Asian looking gentleman, who upon enquiring from their colleagues the two recruits were allegedly informed was the Honourable Mr. Rashid Sajjad, visited the camp to confer with those in-charge. A few days later another gentleman whom one of them claimed to have recognised as Mr. Emmanuel Karisa Maitha turned up, and from then on, small bands of about twenty, mainly Digo combatants were taken to Kaya Bombo to take the *kinnu* oath. One of the brothers fell terribly sick before the trip to Kaya Bombo and was, surprisingly, allowed to return home to Ukunda.

The second brother proceeded to Kaya Bombo where he, with others, were informed by one of the commanders who identified himself simply as Athumani, that their mission was to introduce *majimbo* in Kenya, to rid their land of upcountry people and, in the process, reclaim their resources which had been expropriated by the settlers. They were assured that the government was fully behind them because it too espoused the *majimbo* cause and because, in any case, the upcountry people were essentially supporters of the opposition. Later they received the oath from a Mr. Ngome; but there are claims that other elders too, like Mzee Salehe, Mzee Juma and Mzee Rashidi, were ad-

ministering the *kimu* oath to the recruits.

The third defector, from Mweza village of Likoni, is a high-school dropout who had worked at the Kilindini port as a casual labourer for two years. He was informed about the recruitment exercise by a friend of his, Ali, barely a month before the attacks were launched. Ali told him that if he was interested he would take him to somebody who had earlier provided Ali's brother a job with the "force." A few days later Ali took him to "*huyu huyu mkubwa wetu, Bwana Masoud Mwachima*" (this leader of ours, Mr. Masoud Mwachima), sometimes pronouncing the last name as Mwaluma. After some conversation, Mwachima and the potential recruit proceeded to a Mr. Mwabora who gave him more details about the nature of the training he was expected to undergo as part of the security arrangement for *Mzee* (meaning the President) during the forthcoming General Elections. Thereafter Mwabora gave him KShs. 500, and a couple of days later Mwabora drove him in a pick-up to some place near Kaya Bombo forest where he found over a hundred people engaged in rigorous exercises. Mwabora introduced him to the "commander" and then left in his pick-up.

Though primarily based in Kaya Bombo, the recruit indicated that the trainees were moved from forest to forest, especially during the night. They were given a particularly intensive familiarisation tour of Kaya Waa and Similani caves. Their main means of transport during this period were two large trucks. The recruit also revealed that when he joined the group food used to be brought in a Toyota pick-up and a Nissan van, usually late in the evening and at dawn.

At the training camp the recruit realised that there were other trainers and trainees who were non-Digo, but he was unable to determine their ethnic backgrounds because they were known only by numbers and the language of communication was "strictly" Kiswahili. Everybody is said to have been under instruction not to disclose his identity. Unlike the information we

received from the other two defectors, and from other sources, this recruit claimed that there were no incidents of individual oathing; there was only one ceremony of collective oathing administered by two people brought in a pick-up.

The recruit recollected that about three weeks after his recruitment two people he was led to believe were Mr. Emmanuel Karisa Maitha and Mr. Omar Masumbuko, accompanied by Mr. Masoud Mwahima and Mwabora, visited the camp at about 9.00 p.m. to address them. The *mabosi* (or bosses), as he referred to them, assured the recruits that *Mzee* was very pleased with the progress at the training camp and that each one of them will be rewarded generously after the polls. Later that same night, another gentleman who, he understood, was Mr. Rashid Sajjad arrived in a Pajero or Trooper (he was not sure of the difference between the two). This late arrival did not address the recruits, but conferred privately with the other four visitors. There are also more indirect accounts that implicate Mr. Hisham Mwidau in the violence in spite of the fact that he was arrested for interrogation during the first week of the violence and released a day later.

With regard to armaments, the recruit reported that he already found *pangas*, bows, arrows and some guns by the time of his first arrival at Kaya Bombo. However, there was an evening when Mwabora, accompanied by two Somali men with long unkempt hair delivered some guns at night. According to the evidence of one of the intelligence police officers, one of the main suppliers of guns to the raiders, allegedly through Mr. Suleiman Shakombo and Mr. Rama Salim Hamisi, was a certain Muhammad Hassan. Hassan, a Somali refugee in Kenya, supposedly "escaped" from the Utange Refugee Camp a couple of years ago, and has been staying in Likoni and at times in Tononoka, from where he has been operating his gun-running business.

On the evening of August 13, one of the trucks that transported them from forest to forest came to Kaya Bombo. The "commander," who spoke "bad Kiswahili," asked most of them to

put on some black robes as they would make them even less conspicuous at night and board the awaiting truck, while the recruit and others were instructed to remain behind and guard the camp. Later that night the truck returned with his colleagues and it was then that he learnt about the Likoni attack. The commanding officer then informed them of a change of strategy, that they were now going to operate as a "mobile unit" as the police would be hunting for them, and that they were to remain in the forest areas during the daytime and attack, as instructed, specified targets by night. It was during one of these bloody nights that the recruit took the opportunity to escape from the force and, for a brief while, sought refuge in a mosque.

One of our sources claimed that there were a good number of Digo ex-servicemen in the force who, of course, were well-versed in matters of military combat. (Dissatisfaction with the trend of promotions within the armed forces that supposedly favoured upcountry over coastal people was repeatedly cited as the main reason for early retirement from service by officers from the coast. As a result, their ranks within the Digo civilian community have been increasing gradually, especially since the short-lived coup of 1982. As a demonstration of their regional grievances, it is claimed that Digo members of the armed forces constituted the highest proportion of coastal servicemen indicted for participation in the coup). It is these ex-servicemen who were apparently central in providing training to new recruits, even though they themselves were said to have undergone additional training in guerrilla war strategies.

By the end of July 1997, word had silently spread as far south as Lunga-Lunga and as far north as Vipingo and beyond, that oaths were being administered for a coastal *majimbo* cause. As a result, a number of young Mijikenda people outside the Likoni-Kwale area took interest in the movement and sought to be conscripted into it. One of our interviewees, a Mchonyi residing in Kongowea, for example, managed to find his way to Mzee Jumaa in Msambweni, where he took the oath after being charged KShs. 3,000 suppos-

edly to support the cause. The young man was then asked to return home and await further instructions which, by the end of September 1997 when we interviewed him, had not been received.

According to the original plan, the attack was reportedly to begin at about the end of August. But, first, many of the recruits were getting rather impatient and some even nervous about the security situation; and, later, unexpected word came from the *waganga*, the seers, urging "immediate" action. This was a day or so before the first attack on Likoni. The August 13 arrest and detention, at the Likoni Police Station, of an ex-naval officer who, reportedly unknown at that time, was a trainer in the raiding force, is also said to have contributed to the pre-mature launching of the attacks.

The Attacks

On the evening of August 13, 1997, a large contingent of what would turn out to be the raiders was seen being transported to the Kwale area in a lorry in the accompaniment of other vehicles, among which were, according to different accounts, one or more Pajeros, a Land Rover and a Nissan sedan. None of the eyewitnesses could remember the full plate numbers of the cars, and some insisted that some of the cars did not even have number-plates on them. The little that could be recollected by a few of the witnesses, and this with some uncertainty, included:

- a yellowish truck with registration number KXY 52?
- a pick-up with registration number KAB 3??
- a Nissan with registration number KAC 7??
- a Trooper that was seen in the area several times before and during the violence and which was identified by a traffic police officer as belonging to the Hon. Rashid Sajjad

With regard to one Nissan matatu, it was recognised by three unassociated witnesses as belonging to a certain Mr. Said Ali

Kinungu alias Mwabora. Evidence from both the recruits and intelligence officers suggests that Mwabora may have been a key supplier of food and arms to the raiders while they were still in Kaya Bombo before the initial attack. Furthermore, the description provided of the driver of one of the Pajeros (if there were indeed more than one) seems to fit Mr. Omar Masumbuko, the chairperson of the United Muslims of Africa.

Mr. Masumbuko's name kept featuring in many of our interviews, perhaps partly because of his political history. A very key and active Coast-based leader of the disbanded Youth for KANU '92, he founded the unregistered United Muslims of Africa (UMA) in 1993 supposedly with the objective of protecting and promoting the interests of Muslims of African origin. But its actions soon betrayed its primary agenda as one of undermining the radical Islamic Party of Kenya (IPK) through direct physical attack of its supporters and through a divisive racial propaganda – pitting the African-led (but actually KANU-led) UMA with the allegedly Arab dominated IPK. Its armed assault on innocent citizens on the island of Mombasa is believed to have taken place with the open complicity of the police. The general view in Likoni-Kwale, then, is that Masumbuko is at it once again, though the reasons and circumstances may be different.

The day to day happenings, beginning with the Likoni raid of the night of August 13, 1997, are well covered by the print media – especially the *Daily Nation* and the *East African Standard* – and need not be repeated here. But there are a number of issues and questions that remain unexplored. One of these has to do with the composition of the small bands of raiders – figures quoted ranged from five to hundreds. Many eyewitness accounts of the first few days of the raids alluded to the presence of a small proportion of non-Digos on the evidence of their physical appearance and their seemingly “broken” and non-coastal Kiswahili. In a number of cases, these supposed non-Coastals were said to have been in command and, invariably, wielding guns. Descriptions of raiders in attacks that took place later, in Ukunda

and other places, lacked this non-coastal dimension. If it is true that there were non-coastal people in the earlier phase what happened to them in later phases? Were they simply withdrawn and if so, why? Did their withdrawal have anything to do with the whistle blown by many Kenyans that some KANU hawks were involved in organising the violence?

Secondly, according to several of the accounts we received, the initial phase seemed relatively more co-ordinated and the raiders more disciplined than was the case with later phases. Incidents of looting by the raiders, for example, were said to have been minimal and usually discouraged by their “leaders” at the early stage of the violence. To what extent did the seeming reduction in co-ordination and discipline in the later phases, coincide with the probable withdrawal of non-coastal sections of the forces? Reports of raider robbery and looting, from food to money, were legion for the period beginning early September: Had the raiders’ source of supply been cut off by this time, requiring them to be more self-reliant?

Thirdly, there were mixed descriptions of the attire of the raiders. There were those who were bare-chested and had on only *kapuras* (short pants) and red headbands. Some wore short, black or dark blue *kaniki kangus* (cotton dresses) – colours usually associated with spirits and exorcism among the Mijikenda – with some of them allegedly having crescent and star symbols drawn on them. Others “*walikeswa wamevalia kinyasa*” (they were dressed Nyasa-style) by which we understood to mean shabbily dressed. But, in general, there was proportionately greater mention of raiders dressed “*kijeshi*” (army-style) and “*kipolisi*” (police-style) in the descriptions of the earlier phase than of later phases of the attacks. This disparity once again begs the question: Did the slight shift in the combination of attires have anything to do with the possible departure of non-local perpetrators of the violence?

Throughout the entire period of the violence, however, from

Likoni to Diani, there were descriptions of raiders who masked their faces in some way or another. The prevailing view is that these masked raiders were Digos from the particular sub-locations under invasion who feared recognition by the local residents. Even though none of the witnesses claimed to have recognised any of the raiders, there were constant reports that some of the assailants knew so well the geography of the shops, clubs, bars and some of the houses they ambushed that they could not have resided in sub-locations other than the ones under attack.

Much has been said about the weapons used by the raiders, ranging from rudimentary arms like clubs, pangas, axes, bows and arrows to more sophisticated items like rifles and machine-guns. But government statements have always created the impression that the guns in the possession of the raiders were the ones stolen from the Likoni Police Station on August 13, and that once these were retrieved there would be no more gun-fire. Two of the three police officers from the Kwale District, however, were certain that the raiders' arsenal included more Russian-made guns than the types usually used by the Kenyan police force. If this information is true, what was the source of the Russian-made guns? Was there a Somali connection, as suggested earlier, or were the guns brought in from elsewhere? And whatever the case, how is it that we do not hear of the retrieval of these other types of guns? Like the non-coastal participants, did the Russian-made guns also disappear at some stage of the tragic and bloody game?

As for the victims of the raiders, the emphasis has so far been on upcountry people. But there also seems to have been some *sub-majimbo* and religious considerations. For example, when the raiders invaded an Ukunda company, Tudor Tyres and Batteries Ltd., they asked the owner how many workers he had and what their ethnic affiliation was.

Nikawaambia ninao wawili, mmoja Mdiogo na mwengine Mgiriama.

Walivabi kuniuliza kama kulikuwa na mbara yeyote pale. Nikaivaeleza kuwa hakuna. Sasa walimwuliza wale maswali. Kama yule Mdigo walimwuliza kabila yako ni kabila gani. Akamweleza kama ni Mdigo, na akawabi kumwongelesha Kidigo, na huwakumpiga. Na huyu mwingine walimwuliza kama ni kabila gani. Akamweleza mimi ni Mgiirama wa kutoka Chonyi. Ndiyo walimpiga wakamkata sehemu ya mdomo kabisa. Ndiyo tukaenda hospitali pamoja tukashonwa.

I told them I had two, one Digo and the other a Giriama. They also asked me if there was any upcountry person working there. I told them there wasn't. Then they proceeded to interrogate them. For example, they asked the Digo what his ethnicity was. And he responded that he was a Digo; they even spoke to him in Digo language, and they did not harm him. They then inquired about the ethnicity of the other one. And he said he was a Giriama from Chonyi. Then they beat him and tore his lip completely. That's when we both rushed to hospital and got stitched.

There are other, perhaps less revealing reports of this kind of Digo *sub-majimboism* or ethno-nationalism.

The religious focus is partly evident in the targeting of bars and nightclubs, seemingly hubs of un-Islamic cultural practices, and perhaps in the burning of some churches. If it is true that the police found eleven shirts of the raiders with the words "There is no god but Allah" inscribed on them in Arabic¹² or that some of the dresses of the raiders featured star and crescent drawings,¹³ that is further evidence of an Islamic consciousness. In addition, however, there were some reports of the raiders discriminating between Muslims and non-Muslims in some of their attacks. For example, one eyewitness who was hiding behind the counters of a family business, and who requested anonymity, narrated how the raiders broke the door to the basement and

¹²*East African Standard*, November 3, 1997.

¹³*Daily Nation*, November 3, 1997.

discovered his father and elder brother hiding therein.

INTERVIEWER: What did they do to your elder brother and your father when they found them?

INTERVIEWEE: They ordered them to lie down and, as they were doing so, one of them shouted, "Kill them!" The other intervened saying "Leave them. They seem to be Muslims." So they were made to proclaim the *shahada* (the Islamic testimony that there is no God but Allah and that Muhammad is His messenger).

INTERVIEWER: Which they did?

INTERVIEWEE: They did, yes. And maybe for that reason they were spared. Otherwise, they could have been cut to pieces.

Such incidents with an Islamic dimension to them seem to have been particularly prevalent in the Diani-Ukunda area where, in the early part of 1997, there was a major confrontation between the local people and the police over the fate of a Diani mosque, *Masjid Jihad*, which was threatened with demolition by a hotelier who had reportedly purchased the land from the government.

Then there is the issue of the many people who lost their lives as a direct result of the violence. Many of the media reports on the Likoni-Kwale tragedy have tended to concentrate on the quantity of the dead victims to the exclusion of the manner of their demise. One eyewitness after another described the horror and mercilessness of the attacks, the mechanical brutality of the attackers and their seemingly "vengeful cruelty." The hospital record seems to confirm these eyewitness accounts. For the majority of victims the cause of death is described in terms of "multiples": multiple injuries, multiple stabs, multiple fractures, multiple head wounds, multiple cuts, multiple gunshot wounds, and so forth. The raiders seem to have wanted to maim in the very process of murdering. People who have lived with the Digo in the past and have had the opportunity to learn about their "gentle ways" find it difficult to believe that they could be ca-

pable of the kind of cruelty manifested in the attacks against upcountry people since mid-August.

There has also been a gross underestimation of the number of the dead, with most media sources placing it in the seventies. In our own estimation, however, the dead number well above one hundred. The records of the Coast General Hospital, Mombasa, alone provide a figure of over ninety dead victims of the violence by the end of October 1997, with some additional ones listed simply as unidentified. More people have, of course, died since then. Several of the dead were also taken to Pandya Hospital (Mombasa) and, like Aloice Juma and Kennedy Odongo, to the Msambweni District Hospital (Kwale), the other two health units with mortuary facilities in close proximity to the affected area. Unfortunately, we did not succeed in gaining access to the records of the two latter hospitals.

In addition, we are aware of several dead people among Digo and non-Digo civilians with Islamic affiliations who never made it to any hospital or mortuary at all due to Muslim antipathy towards post-mortem operations. These include, for example, Abdalla Haliba, a native of Kakamega and the husband of Zainabu Haliba, who was murdered in Mtongwe; Daudi, son of Mwanajuma Kikopa and Jumari Malau of Tiwi, who was allegedly killed by the GSU on August 21; Salim Mohamed Bwaya of Ukunda who was killed on September 11, and others. This is not to mention several people who are still allegedly missing, with relatives left wondering whether they have been arrested, killed, or joined the raiding gangs.

If there is any single upcountry ethnic group that seems to have suffered the most in terms of the relative loss of lives throughout this tragedy, it is perhaps the Luo community of Likoni-Kwale. Out of approximately every two upcountry people killed, one was probably a Luo. This seemingly disproportionate number of the Luo dead can perhaps be attributed to one or a combination of the following factors:

Demographic: In most of the areas that came under attack, the Luo constitute the largest percentage of upcountry ethnic-based communities. Though the Kamba outnumber the Luo by a large margin in Kwale, the majority of Kamba people are concentrated in the Shimba Hills, an area which was generally spared the attacks.

Political: For those who believe that the attacks were intended to attenuate the opposition base in Likoni-Kwale, it would make sense that Luos would become a specially targeted group, for it is their numerical strength more than that of any other upcountry community that allowed Ford-Kenya to win the Likoni parliamentary seat in the 1992 general elections.

Cultural: The coastal people seem to sense a greater (overt or covert) clash of cultures with members of the Luo community than with any other section of the upcountry population. In the event of ethno-cultural "cleansing" at the coast, therefore, Luos are likely to be among the first targets.

Which of the above factors is likely to have been more central than the others will, of course, depend on the final determination of the exact causes of the violence.

In the entire list of the dead at the Coast General Hospital, Mombasa, only one, Suleiman Mwinyi Hamisi, a 23-year-old male from the Likoni-Kwale area, was identified as a raider by the end of October 1997. The rest were either police officers or ordinary civilians. The hospital register, however, provides Hamisi's cause of death as "arrow to chest." How was this possible? Were the government security forces also using bows and arrows in their combat with the raiders? Or had the raiders turned on each other with their bows and arrows? Questions on the dead of Likoni-Kwale and the circumstances of their death continue to linger.

Media and other reports have also tended to ignore incidents of

rape perpetrated by the raiders, especially in the later phases of their attacks. According to Phoebe Namans, an ex-primary schoolteacher, "There is an old woman who remained in the house alone with her grandchildren because after everybody else had fled she had no place to go. Those people (the raiders) came around. They asked her whether she knew them. She said she did not. 'Then you will know us!' they said, and proceeded to rape her twelve year old granddaughter in her presence. The old lady pleaded with them to rape her in place of her grandchild, but her pleadings fell on deaf ears."

Mary Wangui, a twenty three year old resident of Ukunda reports being raped on October 27 by two men who were part of a larger group of raiders. The same happened to Jacinta Mwikali, a 26-year-old employee of a bar in Likoni. On the night of November 2, 1997, Jacinta and three other women house-mates were ambushed by a gang of over forty people:

...ambao walikuwa wamevaa nguo nyensi na wamefunga vitambaa zyekundu na nyensi kuziba uso, na nyekundu hapo kiimoni. Wakaniuliza kabila yangu, nikasema 'Mkamba.' Wakaniuliza kama nilisikia maneno gani, nikajibu sijasikia maneno yeyote. Wakaniambia 'Si muliambwa murudi kwenu. Kwa hivyo sasa tunawaonya tena na msipoondoka Likoni basi kundi kubwa litarudi na litaua yeyote ambaye hajaondoka. Na watu wasilauamu yeyote kwa sababu wameshaonywa. Kundi hilo litamaliza watu wote wa bara na wanajua nyumba zile ambazo zimeshaonywa.' Halafu tukaulizwa kama tumeshuona mama zetu wakiwa uchi kama siku walipozaliwa. Tukasema bado hatujaona, kwani tutaonaje? Wakatwambia hakuna anawezza kutusaidia; hata jeshi baliwezi. . . Mimi na wenzangu wote tukatolewa nje tukaambiwa tutembe bila viatu mvituni. Tukapelekwa mpaka babari ya Mtongwe. Njiani tukachapwa na visu kwa upande usio mkali. Tulipofika baharini nguo zetu zikapasuliwa, na kila mwanamke akaingiliwa na vijana wawili. Vijana walipoondoka wakaondoka na nguo zetu na tukawachwa uchi kama siku ya kuzaliwa. Tukaanza kutembea polepole kwenye mwa nyingi tukitafuta msaada.

...who were dressed in black, had masked their faces with red and black strips, and tied red bands around their waists. They asked me of my ethnic identity, and I told them Kamba. They then asked me if I had heard what was being said, and I said that I hadn't. Then they told me 'Weren't you told to go back to your homes. So we are now warning you once again, and if you don't leave the Likoni area an even larger group will come and kill whoever hasn't left. And people should not blame anyone because you have already been warned. That group will eliminate all the upcountry people, and they know precisely which houses have received the warning.' Then we were asked if we had seen our mothers as naked as the day they were born. We said we hadn't, for how could we have done so? They then told us that no one could help us, even the army could not... Then I and all my partners were taken out and asked to walk bare-feet through the forested area. We were taken all the way to the sea in Mtongwe. On the way, we were constantly beaten with the flat side of their knives. When we arrived at the beach, our clothes were torn, and every one of us was raped by two youths. When they left, they departed with our clothes, and we were left behind as naked as the day we were born. We then started walking slowly in heavy rain seeking for some assistance.

These and other more indirect accounts of the rape of women suggest that the crime was often committed as another violent form of ethnic retaliation.

Accompanying the murders and rape were the series of arson, wanton destruction of property, and acts of looting and plunder, from money to *mabati* (iron-sheets) from the roofs of houses belonging to upcountry people. But there were also a few houses of local people which were burnt. Our investigations have revealed that in both instances there were a few cases of individuals taking advantage of the state of confusion and terror to settle personal scores. To the ethno-political face of the tragedy, therefore, was added a personal dimension.

In addition to the Likoni-Kwale area, there were also attacks on upcountry people in various locations and sub-locations on the northern coast of Mombasa between August 16 and 17. These attacks fizzled out as suddenly as they began. By all indication, they were uncoordinated and less determined in pursuing their objectives. The evidence suggests that these were spontaneous copycat responses to the Likoni-Kwale bloodshed involving, in a few instances, people who had taken the oath. And when the Luo community in particular decided to take up arms in retaliation and self-defence, the attackers quickly ceased their offensive. The burning of over four hundred Kamba curio kiosks in the town of Malindi during this early period of the violence also belongs to this copycat phenomenon triggered by pre-existing anti-upcountry sentiments.

As an additional instrument of intimidation and terror, leaflets were used and distributed recurrently in the affected area. Some of these were typewritten and photocopied, and some written in a crude handwriting.¹⁴ One of the earliest ones to be released and which was most widely circulated was supposedly produced by the Association of Pwani Peoples (APP), and called on all Coastal people, including “*Mdigo, Mgiriama, Mribe, Mchonyi, Mkambe, Mduruma, Mrabai, Mkaumu, Mjibana, Mtaito, Mpokomo, pamoja na Wabajuni*” to rise up and demand their rights by any means necessary. “*Wakati umefika,*” exhorted the leaflet which was entitled “*Muamko Katika Pwani - Uprising in Coast*”, “*kwa sisi sote Wapwani kuungana kukomboa pwani yetu kutoka kwa Wabara wote. Tunaona jimbo letu limavamwiwa na watu wa bara hadi kufanya sisi watu wa pwani kukosa hata nafasi za kazi. Uchunguzi tumefanya na kuona asilimia 75% nafasi za kazi zimechukuliwa na watu wa bara hali vijana wetu wengi hawana kazi*” (The time has come for all of us coastal people to unite to liberate our coastal-land from all upcountry people. We see our province being invaded by upcountry people to a point where we now have no job opportunities. We have carried out some research and discovered that

¹⁴Copies of the leaflets are in the files of the Kenya Human Rights Commission.

75% of the jobs have been taken by upcountry people while many of our own children remain unemployed). Our findings are that the leafleteering exercise was primarily the work of enthusiastic supporters of the seeming objective of the raiders, of bringing about an end to the seeming upcountry domination and control of the Likoni-Kwale area. These kinds of written and non-written messages have existed before and will probably continue to exist long after the three months' old violence in Likoni-Kwale as long as there is no redress to the many grievances of the people of the area.

As a result of the widely-held view that Hon. Rashid Sajjad and other Asian businessmen were the financiers of the Likoni-Kwale violence, a counter-leaflet was released by *Mkombozi wa Wafrika* (The African Liberator) and distributed mainly on the island of Mombasa. The leaflet claimed that the central motive of the violence was to ruin upcoming African entrepreneurs in the area, "especially the aggressive upcountry people who are a threat to their economic and political survival." The leaflet then proceeded to warn the Asian community that "This trend cannot be allowed to continue, and we warn that from now henceforth for every African killed we shall kill 10 Asians; for every African shop burnt, we shall burn one Asian factory and 10 godowns. We shall target Asian children in schools and colleges country-wide." And for a brief while the Mombasa, Asian community was panic-stricken, and some families even prevented their children from attending school. The leaflets thus continued to add to the fears and tensions in the area with fresh threats of violence and counter-violence.

Response of the Security Forces

If there was one factor that disturbed the people most, it was the response of the security forces to the tragedy in Likoni-Kwale. In fact, for many observers of the area the conduct of the police and the GSU throughout the period of their operation was one of the most convincing signs of state complicity in the violence.

To begin with, and as indicated in the prelude section of the attacks, there were some early and sometimes strong signals of what was coming. The letters from the businessman, Jimmy, to the Chiefs and bosses of police units in the area, and alleged reports made to the police about threats on lives of individuals, are part of those early warnings. Yet, our information indicates that the police invariably ignored these fore-warnings or played down their urgency. Were the police bosses privy to something to which they were now playing blind; were they accomplices in the crimes; or was their response merely evidence of an incompetent police force?

Once the attacks began, eyewitness reports claim that it took hours for the security forces to arrive at the scenes of crime – often long after the raiders had committed their mayhem and departed. Indeed, we received numerous reports suggesting that the raiders committed these appalling atrocities and literally walked away with confidence and without any indication of fear of arrest or confrontation with government security units. When the raiders attacked the Kongowea area of Mombasa and the residents reported the matter to the Nyali Police Station, for example, they were allegedly chased away and told, “*hakuna usaidizi wowote mtapata hapa. Muende mkae makundi makundi!*” (You cannot get any assistance here. Just go and organise yourselves into groups). In the words of one eyewitness, the raiders “*walipiga na wakaua sisi, wakachoma-choma, wakaenda zao polepole, hata tukajinuliza ‘Kweli Kenya hii yetu kama polisi? Kweli kama usalama hapa?’*” (ambushed and killed us, burnt whatever was in sight, and departed without any rush; and we asked ourselves ‘Is there really a police force in this country of ours? Is there really any security here?’). For many victims of the attacks, the security forces committed an unforgivable act of betrayal against them.

According to Father Lombardo of the Likoni Catholic Church, on the other hand, the police were always very co-operative, but lacked the necessary communication equipment to respond adequately and quickly enough to situations that demanded their

urgent intervention. Apparently, in a number of cases, they had to rely on the telephone facilities of the Church. In the words of Father Lombardo, "The police is very badly equipped to react with any immediacy to the needs that arise. They need walkie-talkies which are efficient. They say yes, they do have them but they don't work. So that's the problem...If at the Likoni police station they have only one line which is always busy, you tell me how this information can reach them quickly." But, according to many eyewitness accounts, the police displayed total complacency even after they had received relatively early reports of attacks.

Another unanswered question has to do with the role of the navy and the army. Within a couple of days of the initial attack in Likoni, on August 15 specifically, the navy and the army were reported to have been enlisted to assist in the hunt for the raiders. A day later, on August 16, the army and navy personnel were recalled. Numerous eyewitness accounts from civilians as well as police personnel, confirm these reports in spite of the Deputy PC Mr Hassan Haji's denial,¹⁵ on August 19, that the navy and army were ever involved in combat against the raiders. The question then is why were the navy and army withdrawn?

The popular explanation was that the army and navy had virtually cornered the raiders and were on the verge of bringing the violence to a rapid end. This explanation implies that those responsible for recalling the army and navy sections of the armed forces did not want or were not ready to end the arson and bloodshed in Likoni-Kwale for reasons that were political. An alternative opinion offered by some members of the local administration is that the army and navy personnel had no experience in dealing with civilians, and their strategies were already alienating the local population. So, in spite of the alleged brutality of the police and the GSU, the administration's claim is that innocent civilians would have suffered far greater harm had the navy and the army continued to participate in the operation.

¹⁵Daily Nation, August 20, 1997.

The latter is a view that is disputed by the population around Mtongwe where the naval base is located, who claim a traditionally cordial and co-operative relationship with, especially, the low ranking officers of the navy.

Yet another mystery surrounding the security operation in the area was the September 8 reshuffling of senior police officers at the provincial and district levels in both Mombasa and Kwale districts. Again there are conflicting opinions about this government action at a time of escalating violence in the area. One view, advocated by those who believe that KANU was involved in the organisation of the violence, holds that the then Provincial Police Officer (PPO), Francis Gichuki, reportedly a fearless if tactless man, was making tremendous headway in serious pursuit of the raiders and in discovering some of the high-level perpetrators of the violence. Upset by the massacre of his men in Likoni for dubious political reasons, then, Gichuki was supposedly going to stop at nothing to unveil the truth. In fact, Gichuki is widely credited with what is regarded by some members of the police force in Mombasa as a courageous decision to arrest both Maitha and Masumbuko contrary to instructions from above. His and his team's transfer to other parts of the country, then, was presumably designed to be a cover-up of the bloody plot against innocent Kenyans.

A conflicting view is that Gichuki and his team were making little progress in arresting the raiders and that, in their operations, they were only succeeding in provoking the wrath of the very people they were supposed to protect. The Muslim Council of Imams and Preachers of Mombasa, for example, were reported to have had a serious confrontation with Gichuki over claims that his force was targeting and torturing innocent people. Adherents of this particular view believe, therefore, that the transfers were well intended to bring order and efficiency in the police operations in Likoni-Kwale. Whatever the case, precisely because the government itself has attempted to offer no explanation to the sudden reshuffle, speculations are bound to continue.

Where police personnel did finally turn up at a scene of attack, they have been repeatedly accused of bypassing basic procedures of investigation. A typical example, we came to learn, was that of George Onchara. A 22-year-old son of Alice and Thomas Onchara Onguti from Kisii and resident in the Shonda village of Kwale, George was attacked by raiders right in the compound of their home. One of the instruments used in his murder was a *simi* knife which one of the attackers inadvertently left behind probably in a rush to join his colleagues in ransacking the place. George's mother, Alice, was at home while this painful tragedy was befalling the family and had a good look at the raiders for the entire fifteen minutes or so of their seemingly relentless terror. When the police eventually came hours later to collect George's body, they never bothered to take the bloody instrument of murder for fingerprinting or to take a statement from Mrs. Onchara. Some two months later after their return from George's burial ceremony in Kisii the knife that ultimately took away the life of their beloved son was still lying in the precincts of their home. To this day Alice has not been asked to view an identification parade to see if she could recognise her son's assassins from the many people who have been arrested and charged with crimes related to the Likoni-Kwale violence. And because George's body was taken to Pandya Hospital rather than to the Coast General Hospital his name did not even appear in the government's list of the dead that was tabled in parliament on September 10, 1997. Sadly, George died without due recognition by his own government. With numerous reports of this kind how serious, people ask, were the police in finding the real culprits of the massacre?

On the other side of the coin, there have also been claims by police officers that their operations and investigations were being interfered with by authorities from above. Could this explain why so many of the people whose names have repeatedly been mentioned as key supporters of the violence have not been arraigned? Sajjad and Shakombo have not been picked-up at all

for interrogation. Mwidau, Mwachima and Mwabora were arrested and released just after a day. Maitha has been charged with bailable crimes, and even after the initial magistrate refused to release him on bond, we understand tremendous political pressure was exerted to secure his release subsequently. The only other person who was arrested and continues to be in remand prison (in Manyani) is Omar Masumbuko who, because he lacks any political constituency worth talking about, is perhaps regarded as “sacrificable” for the time-being

Innumerable eyewitness accounts also described how the police and GSU personnel entrusted with the responsibility of pursuing the raiders often avoided going to the places where they were more likely to find them. Isaac Otieno claimed, for example, that “*Hawa watu wanaambiwa waende kule Kaya Bombo, ndiko wale majambazi wako, lakini hao watu hawashughuliki kwenda huko. Wanatembea mabarabarani tu, hawashughuliki na hawa watu. Kuna maskani nyingine hapo, wanaambiwa hawa watu wako hapo Ujamaa, lakini hawaendi. Hawaendi kabisa!*” (These people are told to go to Kaya Bombo, that’s where the raiders are, but they don’t bother to go there. They just walk along the main roads, and don’t bother with them at all. There is this other place, and they are told the raiders are just there at Ujamaa, but they wouldn’t go. They wouldn’t go at all). Instead, the security officers acquired the reputation of going into the homes of local people, of arresting and harassing innocent civilians and demanding huge sums of money from them before letting them free. One poor family in Mweza village of Mtongwe location, for example, had such unwelcome visitors everyday for four consecutive days until its meagre financial resources were completely depleted. They are said to have robbed, and robbed, and robbed yet again – with amounts ranging from ten shillings to ten thousand shillings – without mercy, without any concern for the welfare of the poor, struggling people of the area. The whole operation appeared like one intended to further pauperise an already poor people. If the upcountry people were victims of looting by the raiders,

then, the local people now lived with the constant dread of being robbed by the predominantly upcountry security personnel.

Further victimisation of the local population of the Digo by members of the security forces also came in the form of arbitrary and discriminatory arrests. Digo identity became an even greater liability than it was already believed to be, and, unless one parted with a substantial amount of money, it was almost certain to lead to immediate arrest and probably arraignment on false charges. Juma Suleiman narrated how he was among a large group of people arrested by the GSU. Then the "leader" approached the group and asked each individual to state his ethnic affiliation. "*Nikamwambia mimi ni Mdigo, na mwingine akasema Mdigo, na mwingine Mdigo. Akafika kwa mwingine tena akasema Mjauo, akaambiwa ainuke aende zake. Watu wa makabila ya bara yakaachiliwa isipokuwa Mijikenda*" (So I told him I was a Digo, and another said he was a Digo, and another a Digo. When he turned to another person, he said he was a Luo, and he was told to get up and go. Upcountry people were released, but not those from the Mijikenda ethnic groups).

Sometimes no identitarian distinction was drawn between a Digo and a Muslim. "*Zilikuma ni hizi kabila tisa za Mijikenda ndizo zilikumwa zinachukuliwa sana*" claimed Hamisi Mwanavumo, "*kabila ya kumi iliyoongezwa ni ya Wataita. Kwa sababu walipoitisha vitambulisho, wakizangalia mtu wa bara wanamwacha; wale ambao majina yao ni ya Kiislamu wanachukuliwa ni watu wa kutoka hapa pwani, na hao wanachukuliwa*" (It was these nine Mijikenda groups that were mostly targeted for arrest. The tenth group that was added later was that of the Taita. Because when they asked for identity cards, if they see that the person is of upcountry origin they would release him; those with Islamic names are assumed to be coastal people, and they are arrested). People in the area seem to recollect that even though the Molo clashes were of much greater magnitude than the Likoni-Kwale ones, there were far fewer people, in absolute numbers, who were arrested for crimes related to the violence. Do their arrest in such huge numbers, they wonder, have

anything to do with their coastal-cum-Muslim identity?

Following these arrests was a process of physical and mental torture. From the very beginning the security people are said to have taken the liberty and the pleasure to whip the arrested with *bakora* (sticks), with electric wires, with tyre strips, and to batter them with *rungus* (clubs) and butts of their rifles. This cruel ordeal sometimes went on for hours and was repeated at virtually every spot, be it en route to a police station or within its cells, while boarding police vans or disembarking from them. Sometimes the arrested were made to walk on their knees for miles in the hot coastal weather. Broken limbs, bleeding sores, chopped backs, bandaged heads, broken skins and emaciated bodies – these were some of the sights we were repeatedly exposed to and which the injured and brutalised attributed to their cruel treatment in the hands of the police and GSU. In the police cells, they were often denied any food for as many as forty-eight hours or more. And for those who were charged and remanded at the Shimo-la-Tewa Prison there were reports of continued torture in the form of forced application of a corrosive chemical substance on and around the genitals, leading to fears of impotence. All the rights of an arrested person provided by the laws of Kenya, therefore, seem to have been violated with sheer impunity with regard to the Likoni-Kwale detainees.

While the Digo were the primary targets of police brutality, some upcountry people too are reported to have suffered the same fate, though to a much lesser extent, when President Daniel Arap Moi gave the ten days moratorium to the raiders to surrender their arms. According to Isaac Otieno, prior to that ten days' interval, the police "*kama ni mtu wa bara wanakuacha, kama ni Mdigo unachapwa. Lakini tangu waeke ile siku zao kumi walisema ati zilipeanwa watu wa bara wahame ngambo ile; sasa wakipata mtu wa bara kule pia wanapiga tu. Wanawaambia, 'Na nyinyi, kwa nini mumekaa hapa na watu wa bara wameambiwa watoke ng'ambo hii?' Wanapiga, wanapiga!*" (if you were an upcountry person, they would release you, if you were a Digo you would be beaten. But

since they announced that ten days of theirs, supposedly given to allow upcountry people to leave the area, they would beat even an upcountry person. They would tell him 'Why are you still around when upcountry folk have been told to leave this place?' They would just strike and strike again). In other words, the security forces were deliberately forcing upcountry people out of the Likoni-Kwale area, and the mass exodus that took place during this brief period was as much a product of fear of police-raider confrontation come D-day, as it was of deliberate acts of coercion and brute force. As a result of these incidents, there is a strong belief that the ten days period was, in fact, deliberately designed to augment and expedite the departure of people of upcountry origin from the Likoni-Kwale area in an attempt to weaken the opposition. This view is perhaps supported by efforts of police officers to have the Likoni Catholic Church tell the thousands of upcountry people who had sought refuge in its compound to leave, supposedly on the pretext that security had returned in the area. And once out of the camp, it was suspected, the police and GSU would have forced the refugees out of the Likoni-Kwale area.

Some of the arrested Digo who never made it to the police cells or remand prisons had even more terrifying experiences. After members of his group were severely beaten, narrated Juma Mwakitema:

Tulipelekwa mpaka sehemu nyingine inaitwa Magandia, karibu na kunnakotengenezwa chokaa. Tulienda kumwagwa msituni usiku huku bado tunaendelea kupigwa. Wengi walishindwa wakafariki huko. Mimi na wenzangu watatu ndio tulijivuta-vuta mpaka skuli ya Denyenye, tukaambia watu waende wakatazame kama wana maiti wao huko tulikolupwa.

We were taken to a certain place called Magandia, near the calcium manufacturing place. We were dumped in the forest at night while they continued beating us. Some collapsed and died right there. I and some of my comrades dragged our-

selves to the school at Denyenye, and told the people to go and see if they had any of their dead at the place where we were dumped.

These incidents of dumping the injured and dead at Magandia were reported by several victims that we interviewed. Unfortunately, we were repeatedly blocked by security personnel from visiting Magandia. And no government record is likely to exist of those who died under these inhuman circumstances.

But it is not only innocent Digo men who were victims of police brutality. Digo women too were not spared the terror. They became victims as mothers and as wives. The police and GSU often broke into their homes demanding to know the whereabouts of their husbands and sons. In the process, they beat them severely with rods, electric wires and *viboko*, reportedly aiming particularly at the thighs and buttocks. They would then go into their bedrooms, break into their closets and rob them of the little money they had. Upon leaving, they would make sure to carry away other valuable items, especially radio sets, on the pretext that they were not properly licensed. Again, these alleged incidents of police misconduct were reported severally by Digo women in a number of sub-locations in Likoni-Kwale.

Upcountry women who were suspected of having too close a relationship with Digo men were also, apparently, subjected to verbal and physical abuse. Ellen and her friend Maria, for example, both in their late twenties, grew up in the Likoni area since childhood and over the years, they became partially assimilated culturally into the Digo community. Perhaps aware of this fact, the police broke into their residence and "*walipoingia tu walianza kutuchapa, mpaka nikatoa ID yangu nikasema 'Mimi natoka sehemu za bara.' Ukweli kitambulisho changu kimeandikwa Ellen Julius, lakini sote tumechukulia Diani Location, sub-location ni Gombato. Wakaanza kututandika tena, wakisema, 'Hakuna kitu kama biyo. Nyinyi mmeolewa na Wadigo na mumekarwa watu wa huku. Wakazidi kutupiga'*" (the moment they walked in they started beating us,

until I produced my identity card and declared 'I am from the upcountry.' The truth is that the name appearing on my ID is Ellen Julius, but both of us took our identity cards from the Diani Location, Gombato sub-location. They started beating us again, saying, 'We don't want to hear that nonsense. You are married to Digo men and have become people of this place.' And they continued to beat us). The widespread African cultural principle that the wife became a member of the husband's family, therefore, now turned into a deadly liability for upcountry women married to local men.

We also received numerous reports of rape and other forms of sexual assault by the police and GSU personnel which, if true, are likely to have affected scores of Digo women. Overall, we heard of far more accounts, indirect as they may have been, of GSU-police rape than rape by the raiders. Among the very few Digo victims of this crime who were willing to tell their stories was Saada Mwinyi Bakari.

Waliingia, kama watu saba. Nilisikia wengine nje, garini. Nilikuwa nimebeba mtoto mgongoni, niko tayari kutoka. Wakamuliza 'Mume wako na watoto wako wako wapi?' Nikawaambia bwanangu ametoka, na mtoto wetu ni huyu mmoja tu mgongoni. Wakainama-inama kule mvunguni halafu wakaamama. Mmoja akaanza kumpiga mapajani, lakini yule mkubwa wake akamzulia. Yule aliyeonekana mkubwa akaniambia niweke mtoto chini; nikamwambia siwezi, mtoto analia. Akawaamrisha wanipokonye mtoto; nikapigana nao wakanishinda nguvu. Wakamtoa mwanangu wakambwaga chini. Halafu wakazirarua nguo wakanitupa kitandani. Sijui... Sijui... Nilisikia wengine wakisema 'Wacha tuonje mali ya pwani.' Nikapigana... Nikasikia kitu kizito kimenigonga kichwani... Giza, nikaona giza. Sijui... Niliingiliwa... Niliingiliwa na hawa wanyama... labda watano... labda zaidi... Nikajisikia nimekufa tu... Na kweli nimekufa....

They came in, about seven of them. I heard others outside, in a car. I was carrying a child on my back, just about to go out.

They asked me of the whereabouts of my husband and children. I told them my husband was out, and the only child we have was on my back. Then they stooped to look around under the beds and stood up again. One of them began striking me on the thighs, but his leader stopped him. The one who seemed like the leader then asked me to put down my child; I told him I couldn't, the child was crying. So he asked them to take the child from me by force; I fought them but they were too strong for me. They then took my child and dropped him on the floor. They proceeded to tear my clothes and throw me on the bed. I don't know...I don't know...I heard some saying 'Let us taste this coastal stuff.' I fought desperately...I felt a heavy thump on my head...Darkness, I saw nothing but darkness. I don't know...I was raped...I was raped by these animals...maybe five of them...maybe more...And I felt dead...And I am really dead....

Saada was thus violated and inflicted with severe pain and suffering seemingly intended to humiliate and punish her for just being a Digo.

The Aftermath

By the end of November 1997, calm seemed to have returned to Likoni-Kwale. Yet, the illusion could not have been greater. The moment one began to venture into the interior of the area, especially of the Likoni and Msambweni locations, one was likely to be met with the lingering smell of blood and death, and the thick aura of terror and fear. Entire communities seemed to be on the verge of collapse, struggling for dear life, crying out to be rescued.

The cost to the economy has now been estimated at billions of shillings, and there are expert projections that, between fleeing capital and demoralised labour, it would take a miracle to have a full economic recovery in the next five years. The monthly loss in revenue due to tourist hotel cancellations alone is approxi-

mately KShs. 650 million, and is expected to escalate to KShs. 1200 million per month between December 1997 and April 1998.¹⁶ The small business and other industries have equally suffered, and all this is bound to affect other sectors of the economy, from banking to transport.

The displacement of upcountry people especially has been immense, estimated at 75% to 100% in those areas directly hit by the violence. One of the most tragic cases is that of Lucy Nyambura, a victim of double displacement. Lucy was first displaced from Molo in 1992 after losing her infant, and sought refuge at the "peaceful" coast where she hoped she would have the opportunity to rebuild her life. Five years later, she has been displaced and rendered homeless yet again. Lucy has now been left wondering whether there is anywhere in this country where she could go to rediscover some security and stability for herself and her children. Some villages and sub-locations with predominantly upcountry settlers, like Shonda-Maweni, continued to look like ghost towns well into the end of November. And few of the refugees interviewed by mid-November had any plans to return to their Likoni-Kwale homes ever again. Insofar as the 1997 general elections are concerned, therefore, the displaced have been disenfranchised; they are a people whose vote has come to nought.

The violence has left a society bleeding and deeply bruised in its political psychology. All over, there is continuing anger and bitterness, continuing lack of trust and confidence. Both the local and upcountry people clearly hold the "government" responsible for their brutalisation. Yet, sadly, they regard each other as the direct cause of their plight. So tensions and suspicions continue to abound in this divided society, and like a simmering volcano, the situation threatens to explode once again, as we approach the election date of December 29, 1997.

¹⁶An unpublished communique from the Tourist Industry Forum, September 18, 1997.

The Causes

The central causes of the violence in Likoni-Kwale are probably more numerous than are covered in this report, and some of them may be related in rather complex ways. The national and local backgrounds to the violence discussed earlier in this report indirectly provide some of the answers. Other suggested causes are a product of more intensive investigation. And others still may remain unknown for some time to come.

The evidence we have been able to put together, however, suggests at least nine possible causes, some purely contextual:

- 1. Local politics:** The violence in Likoni-Kwale is widely regarded as state engineered in an attempt to “cleanse” the area of its upcountry population. The bloody strategy, according to this view, was intended to weaken the opposition at a time when the nation is preparing for the 1997 General Elections. The fact that there is a disproportionately large size of registered Luo voters in the Likoni constituency who were instrumental in the 1992 FORD-Kenya win, and that the members of the Likoni Luo community seem to have been especially targeted by the raiders, lend some credibility to this view on the motive of the violence.

The information we received, however, suggests that the demographic politics of Likoni-Kwale were of more immediate concern to the local KANU politicians than to their “godfathers” in Nairobi. There was too much at stake for the national leaders, both politically and economically, to engineer such an orgy of violence merely for the sake of one additional parliamentary seat in favour of KANU.

If the picture that has emerged is true that local KANU politicians from otherwise rival and even antagonistic factions were, ironically, involved at some level in perpetrating the

violence, then the most sensible conclusion is that they did so on the instructions of some "higher authorities." So what was the agenda of the "higher authorities"? This question brings us directly to a consideration of the national political dimension of the violence.

2. National Politics: Intelligence sources have suggested that the *Likoni-Kwale violence had a much grander agenda than the apparent transformation of the demographic equation in the area for the benefit of KANU candidates. This agenda is related to the "rise and fall" of the NCA/NCEC project. As the evidence presented earlier demonstrates, the organisation of the violence began within a month or so of Limuru I, a dramatic national event which sent strong shivers down the Moi-KANU spine, and made the regime feel it had lost the political initiative to the NCA-NCEC.*

In a desperate attempt to regain control of the political arena, therefore, some KANU hawks began to design, under the guise of ethnic clashes, a plan of violent eruptions in selected, seemingly violence-prone sites in the country. The attacks were to begin in Likoni-Kwale soon after the dissolution of the national assembly which, at that time, was anticipated to be around the end of August 1997. With this offensive, the hawks hoped to precipitate conditions of crisis which would justify a declaration of a state of emergency nation-wide under the provisions of Chapter 57 of the Laws of Kenya entitled "The Preservation of Public Security Act" before its recent review. One of the functions of the Act is "the prevention and suppression of rebellion, mutiny, violence, intimidation, disorder and crime and unlawful attempts and conspiracies to overthrow the government or the Constitution" (Section 2f).

When the President deems it necessary for the preservation of public security in the country, he may invoke the powers of the Act, which include:

- a) the detention of persons (a clause now repealed as part of the IPPG package);
- b) the registration, restriction of movement (into, out of or within Kenya), and compulsory movement of persons, including the imposition of curfews;
- c) the control of aliens, including the removal of diplomatic privileges;
- d) the censorship, control or prohibition of the communication of any information, or of any means of communicating or of recording ideas or information, including any publication or document, and the prevention of the dissemination of false reports; and
- e) the control or prohibition of any procession, assembly, meeting, association or society.

Under these conditions, elections would have been postponed indefinitely until the Moi-KANU regime felt once again securely in control of the political arena. By all indication, then, some political actors seem to have been prepared to drag the country into the politico-economic gutters than to relinquish control through a democratic process or as a result of the democratic will of the people of Kenya.

There were apparently two inter-related reasons for the choice of Likoni-Kwale as the initial spot of the state-engineered violence: (a) it provided a perfect motive given the well-known *majimboist* sentiments prevailing in the area amongst the local people, and (b) unlike the Molo situation, it was expected to distance the Kamatusa KANU hawks from direct public blame for this 1997 wave of pre-election state-sponsored violence.

But the grand plan was derailed for two reasons:

1. As already discussed earlier, the Likoni-Kwale wing of the violence erupted sooner than intended, and

2. Perhaps to everyone's consternation, the IPPG initiative allowed the Moi-KANU regime to recapture the political initiative from the NCA-NCEC sooner and more decisively than imagined possible, making the declaration of a state of emergency no longer desirable.

This combination of unforeseen developments created some confusion within the ranks of the KANU hawks on how best to respond to the violence and explains, to some extent, the seeming uncertainty in the government's own resolve to bring the tragedy to a quick end. It was only around mid-September, after the regime regained its confidence as a result of the seeming successes of the IPPG negotiations, that more definite steps were taken to end the violence.

But the decision to bring this violent chapter to a close had its own problems for the KANU hawks. First, it was in conflict with the local Likoni-Kwale KANU politicians who desired to see their constituency as a zone free of upcountry-people, at least until after the general elections. We understand some negotiations had to go on between the local KANU aspirants and national KANU power brokers on how to mediate these "conflicting" views. Secondly, many of the raiders who joined the "force" for purely *majimboist* ends felt betrayed. Sections of the force thus decided to go it alone and, in the absence of regular supplies of food and other resources, ended up combining their raids with acts of looting and robbery.

3. **Regionalism:** This is the *majimboist* call pitting coastal against upcountry people that seems to have been precipitated by the socio-economic disparities that are presumed to exist between the two communities at the Coast. The specific factors which may have contributed to these regionalist sentiments are discussed in the section on the local context of the violence. The victims of the raiders, of course, have been the upcountry poor seeking to make ends meet, while

the real looters and plunderers of Coastal resources are the upcountry and other non-African rich. Not a single member of the upper class, not a single tourist, not a single big business or tourist hotel, was targeted by the raiders. But this is the tragedy and irony of any form of nationalism, where the enemy, "the other", is so inclusively defined that the super-exploiters escape unscathed, and the main victims become precisely those common folk with whom we have the greatest social and geographical proximity. It is still true, perhaps, that ethnic consciousness is much stronger in Kenya than class-consciousness. Every other common Digo we met talked so passionately against exploitation by upcountry people; yet, ironically, the exploitation envisioned did not go beyond the vegetable kiosk in Likoni or the job opportunities for labourers at the Kilindini port and for waiters in the hotel industry.

4. **Ethno-nationalism:** This can be regarded as a *majimboist* sub-nationalism founded more exclusively on one or a few related ethnic groups. As a Digo-Duruma area, Likoni-Kwale has sometimes been seen as a field of invasion by all "outsiders", coastal and non-coastal people alike.
5. **Religious nationalism:** As indicated earlier, the Digo are predominantly Muslim in religious affiliation. The influx of upcountry people has had a major transformative effect on the cultural landscape of the area to a point where its Islamic face is getting gradually disfigured and even submerged. And precisely because a great majority of upcountry immigrants happen to be Christian, the local reaction has sometimes tended to assume an Islamic quality.
6. There were also the explicitly despotic tendencies of the local administration, from provincial commissioners to sub-chiefs, which exacerbated local frustrations and intensified both ethno-regional claims and ethno-regional tensions. As a result, some Chiefs in the Likoni-Kwale area themselves became

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targets of the raiding units.

7. Political Culture: In moving towards the democratic alternative there has been a strong inclination towards the politics of polarised confrontation between "we" versus "them", and a culture of violence and counter-violence has gradually eaten through the very fabric of our society. And the tendency towards the ethnicisation of politics has naturally led to the ethnicisation of violence. This situation probably served a catalytic function that contributed to the ignition of the violence in Likoni-Kwale.

8. Personal: There is also evidence that some individuals participated in the violence less because they espoused the sub-nationalist cause, but more because the violence would afford them the opportunity to settle some personal scores, or to undermine political opponents in some way or another as we approach the general elections.

9. Criminal: Before the violence began there were some criminal elements who are said to have assisted in recruitment and mobilisation in anticipation of lucrative opportunities to commit all sorts of crimes, from stealing to rape. During the attacks some of these criminals expectedly moved around and committed many atrocities under the cover of politically motivated raids.

It is against this background of confusion, conflicting interests within KANU, and breakdown in co-ordination, then, that the muddle in the security operations against the raiders must be partly understood.

Conclusion and Recommendations

The 1992 "ethnic clashes" in the Molo area are widely believed to have been a state-sponsored phenomenon intended to intimidate advocates of political pluralism and derail them from their cause just as we were gearing up towards the general elections. Five years later, once again around an election period, the Likoni-Kwale area erupts in an orgy of bloodshed and arson with an ethno-regional face. Circumstantial and intelligence reports suggest that the Likoni-Kwale tragedy was, in fact, an initial phase of a larger state-sponsored agenda to undermine the constitutional reform movement and provide a reconfigured political space that would allow KANU to recapture the political initiative and political control that it had lost to the National Convention Assembly (NCA) and its executive arm, the National Convention Executive Committee (NCEC). In both cases, hundreds of innocent Kenyans lost their lives as some became permanently maimed, property worth millions was destroyed, the local economy was virtually devastated, and hundreds of thousands were displaced and rendered refugees in their own country, all at the altar of party and power politics within an oppressive and exploitative political dispensation. The blood of innocent Kenyans meanders in the river of time: Is it the blood of a dying order groping for rescue? And is it the blood of a new Kenya being born in the maternity ward of state-civic relations? Only the future can tell.

For the time being, however, some provisional recommendations can be made with a view of minimising the chances of recurrence of the Likoni-Kwale type of tragedy. With this modest objective in mind, the Kenya Human Rights Commission recommends the following:

1. As suggested earlier, the tragedy in Likoni-Kwale has been catalysed, in part, by the inherent "tribalist" and ethnocentric

orientation of the successive regimes in power and, in part, by the growing culture of violence that has been precipitated by the government's own inclination to physical brutality and coercion, the failure in governance and the subsequent collapse of law and order. Over the years political conditions have emerged which stimulate the worst of ethno-regional claims and in which violence has increasingly come to be seen as a legitimate way of conflict resolution precisely at a time when the state seems no longer capable of guaranteeing the safety and security of its citizens.

At the same time, however, we must acknowledge that, for decades to come ethnicity, as a political force, will continue being prone to exploitation and manipulation by interest groups and political players of all shades for ends that are selfish and immediate. Even for those of us who do not espouse *mujimboism*, therefore, **there is an urgent need for a creative constitutional formula that will not only protect ethnic (and other) minorities against discrimination, but will also turn them from pawns to players in determining their own destinies and that of their resources. Such empowerment, we believe, will go a long way in minimising the exploitability of ethnicity in national and local politics in Kenya.**

2. There is a significantly large body of circumstantial evidence and eyewitness accounts suggesting that the perpetrators of the violence in Likoni-Kwale had, for a while, the backing and protection of some powerful politicians in the KANU establishment and, in some cases, the seeming complicity of the security forces through acts of omission and commission in spite of the fact, ironically, that some of the victims of the mayhem were themselves members of the police force. Some of these alleged political players in the violence have been named in this and other NGO reports. **It is now the responsibility of the government of the day to launch impartial and thorough investigations, complemented by**

an independent Commission of Inquiry, into the possible involvement of these and other highly-placed and/or well-connected politicians with a view to charging and persecuting all those implicated.

3. Our evidence indicates that the majority of those arrested and charged with crimes related to the Likoni-Kwale violence are, in fact, innocent victims of either an incompetent police force groping in the dark in its investigations of the whole affair, or of a deliberate use of scapegoats to cover-up the identity of the real culprits of the heinous crimes against some of the residents of the area. Furthermore, the entire operation to find the culprits was accompanied by physical torture of those arrested, looting, and humiliating forms of treatment and verbal abuse. The very manner in which the police and GSU operation was conducted, therefore, ended up provoking the rage of the local population and probably sowing seeds of yet another potential cycle of violence and counter-violence.

It is our recommendation, therefore, that the entire security force be retrained and reequipped to better deal with civil crises of the Likoni-Kwale type and better perform their responsibility of protecting, instead of victimising, the innocent members of the public. Political reforms must be accompanied by attitudinal reforms in various sectors of our society. And one critical sector that needs a major overhaul is the security area – from the police to the prisons.

4. There is little doubt that the Moi-KANU regime has been one of the most uncompromising in the whole continent of Africa. It has repeatedly taken advantage of the goodwill of Kenyans and tried their patience so much so that open confrontation, civil disobedience and even armed struggle have gained increasing appeal as the only options at our disposal for the attainment of a genuinely democratic Kenya.

But UNLESS and UNTIL the Kenyan public has been sufficiently prepared for the kind of violence for which the Moi-KANU regime has become notorious, **the opposition must exercise greater restraint and self-moderation in its choice of language and strategies of action. Otherwise it risks provoking the violent reaction of a regime that feels embattled, leading to the futile suffering of many innocent Kenyans.**

5. As indicated earlier, the local administration was a significant contributor to the conditions that generated feelings of marginalisation and frustration among the Digo and the state of latent tensions between the local population and the settlers from upcountry Kenya. In fact, the despotism of local authorities is a recurrent phenomenon that has created one set of problems or another in various parts of the nation. **It is one of our recommendations, therefore, that the entire system of local administration be reviewed with a view of replacing it completely with more democratic structures of governance that can unleash the full productivity potential of the citizens.** This colonial relic whose major purpose was to control and monitor the African population has no place in a society that is gearing itself up to the challenges of the 21st century.
6. Rape is a direct reflection and expression of unequal power relations between men and women in our societies across the globe. In times of factional conflicts and war rape becomes a diabolic weapon of terror by the aggressor, seeking to humiliate, intimidate and demoralise the “enemy”. **Our society, therefore, must move speedily to pressure the government to enact and implement laws which will promote equality between the sexes and ensure the empowerment of women.**
7. For all practical purposes, the violence turned Likoni-Kwale into a disaster area. **There is, then, an urgent need for a**

thorough estimation of the full cost of the disaster – in human life as well as in property, in politics and the economy, in cultural effects and social impact – on the basis of which a compensation programme, for affected individuals, organisations and communities, can be established. Such a programme will assist not only in the reconstruction of the area, but also in the process of reconciliation and healing as we approach the turn of the century.

The blood of innocent Kenyans continues to flow in the river of time. Is it the blood of a collapsing order gasping for breath as it crumbles into a state of anarchy? Or is it the blood of convulsive maternal pangs giving birth to a new and better Kenya? Let the choice be ours!

Related Reports

1. African Rights, *Violence at the Coast: The Human Consequences of Kenya's Crumbling Political Institutions*. *Witness*, Issue 2, October—November, 1997.
2. Article 19 (International Centre Against Censorship), *Deadly Marionettes: State-Sponsored Violence in Africa*. October 1997.
3. Law Society of Kenya, *A Report of the Massacre/Violence in Mombasa, Kwale and Kilifi Districts*. September 1997.
4. National Christian Council of Kenya (NCCCK), *Contemporary Report on the Politicised Land Clashes in Rift Valley, Nyanza and Western Provinces*. *The Cursed Arrow*, Volume 1, 1992.
5. National Council of NGOs, *Investigation Report on Violence in Mombasa, Kwale and Kilifi Districts*. September 1997.
6. *Report of the Parliamentary Select Committee to Investigate Ethnic Clashes in Western and Other Parts of Kenya (or The Kikuyu Report)*, 1992.

