

AN OPEN LETTER TO SAMUEL KIVUITU, CHAIR OF THE ELECTORAL COMMISSION OF KENYA

Mr. Kivuitu,

We've never met. It's unlikely we ever will. But, like every other Kenyan, I will remember you for the rest of my life. The nausea I feel at the mention of your name may recede. The bitterness and grief will not.

You had a mandate, Mr. Kivuitu. To deliver a free, fair and transparent election to the people of Kenya. You and your commission had 5 years to prepare. You had a tremendous pool of resources, skills, technical support, to draw on, including the experience and advice of your peers in the field - leaders and experts in governance, human rights, electoral process and constitutional law. You had the trust of 37 million Kenyans.

We believed it was going to happen. On December 27th, a record 65% of registered Kenyan voters rose as early as 4am to vote. Stood in lines for up to 10 hours, in the sun, without food, drink, toilet facilities. As the results came in, we cheered when minister after powerful minister lost their parliamentary seats. When the voters of Rift Valley categorically rejected the three sons of Daniel Arap Moi, the despot who looted Kenya for 24 years. The country spoke through the ballot, en masse, against the mind-blowing greed, corruption, human rights abuses, callous dismissal of Kenya's poor, that have characterised the Kibaki administration.

But Kibaki wasn't going to go. When it became clear that you were announcing vote tallies that differed from those counted and confirmed in the constituencies, there was a sudden power blackout at the Kenyatta International Conference Centre, where the returns were being announced. Hundreds of GSU (General Service Unit) paramilitaries suddenly marched in. Ejected all media except the government mouthpiece Kenya Broadcasting Corporation.

Fifteen minutes later, we watched, dumbfounded, as you declared Kibaki the winner. 30 minutes later, we watched in sickened disbelief and outrage, as you handed the announcement to Kibaki on the lawns of State House. Where the Chief Justice, strangely enough, had already arrived. Was waiting, fully robed, to hurriedly swear him in.

You betrayed us. Perhaps we'll never know when, or why, you made that decision. One rumour claims you were threatened with the execution of your entire family if you did not name Kibaki as presidential victor. When I heard it, I hoped it was true. Because at least then I could understand why you chose instead to plunge our country into civil war.

I don't believe that rumor any more. Not since you appeared on TV, looking tormented, sounding confused, contradicting yourself. Saying, among other things, that you did not resign because you "did not want the country to call me a coward", but you "cannot state with certainty that Kibaki won the election". Following that with the baffling statement "there are those around him [Kibaki] who should never have been born." The camera operator had a sense of irony - the camera shifted several times to the scroll on your wall that read: "Help Me, Jesus."

As the Kenya Chapter of the International Commission of Jurists rescinds the Jurist of the Year award they bestowed on you, as the Law Society of Kenya strikes you from their Roll of Honour and disbars you, I wonder what goes through your mind these days.

Do you think of the 300,000 Kenyans displaced from their homes, their lives? Of the thousands still trapped in police stations, churches, any refuge they can find, across the country? Without food, water, toilets, blankets? Of fields ready for harvest, razed to the ground? Of granaries filled with rotting grain, because no one can get to them? Of the Nairobi slum residents of Kibera, Mathare, Huruma, Dandora, ringed by GSU and police, denied exit, or access to medical treatment and emergency relief, for the crime of being poor in Kenya?

I bet you haven't made it to Jamhuri Park yet. But I'm sure you saw the news pictures of poor Americans, packed like battery chickens into their stadiums, when Hurricane Katrina hit Louisiana. Imagine that here in Nairobi, Mr. Kivuitu. 75,000 Kenyans, crammed into a giant makeshift refugee camp. Our own Hurricane Kivuitu-Kibaki, driven by fire, rather than floods. By organized militia rather than crumbling levees. But the same root cause - the deep, colossal contempt of a tiny ruling class for the rest of humanity. Over 60% of our internal refugees are children. The human collateral damage of your decision.

And now, imagine grief, Mr. Kivuitu. Grief so fierce, so deep, it shreds the muscle fibres of your heart. Violation so terrible, it grinds down the very organs of your body, forces the remnants through your kidneys, for you to piss out in red water. Multiply that feeling by every Kenyan who has watched a loved one slashed to death in the past week. Every parent whose child lies, killed by police bullets, in the mortuaries of Nairobi, Kisumu, Eldoret. Everyone who has run sobbing from a burning home or church, hearing the screams of those left behind. Every woman, girl, gang-raped.

Do you sleep well these days, Mr. Kivuitu? I don't. I have nightmares. I wake with my heart pounding, slow tears trickling from the corners of my eyes, random phrases running through my head:

Remember how we felt in 2002

<<http://shailja.com/news/newsletterblog/2003/01/regime-change-in-kenya.html>> ?

<<http://shailja.com/news/newsletterblog/2003/01/regime-change-in-kenya.html>> *It's all gone.* (Muthoni Wanyeki, ED of Kenya Human Rights Commission, on the night of December 30th, 2007, after Kibaki was illegally sworn in as president).

There is a crime here that goes beyond recrimination. There is a sorrow here that weeping cannot symbolise. (John Steinbeck, American writer, on the betrayal of internally displaced Americans, in *The Grapes of Wrath*)

Haki iwe ngao na mlinzi....kila siku tuwe na shukrani ("Justice be our shield and defender....every day filled with thanksgiving"
Lines from Kenya's national anthem)

I soothe myself back to patchy sleep with my mantra in these terrible days, as our country burns and disintegrates around us:

Courage. Courage comes. Courage comes from cultivating. Courage comes from cultivating the habit. Courage comes from cultivating the habit of refusing. Courage comes from cultivating the habit of refusing to let fear dictate one's actions. (Aung San Suu Kyi, Burmese Nobel Peace Prize winner).

I wake with a sense of unbearable sadness. *Please let it not be true.....*

Meanwhile, the man you named President cowers in the State House, surrounded by a cabal of hardline power brokers, and a bevy of sycophantic unseated Ministers and MPs, who jostle for position and succession. Who fuel the fires by any means they can, to keep themselves important, powerful, necessary. The smoke continues to rise from the torched swathes of Rift Valley, the gutted city of Kisumu, the slums of Nairobi and Mombasa. The Red Cross warns of an imminent cholera epidemic in Nyanza and Western Kenya, deprived for days now of electricity and water. Containers pile up at the Port of Mombasa, as ships, unable to unload cargo, leave still loaded. Uganda, Rwanda, Burundi, Southern Sudan, the DRC, all dependent on Kenyan transit for fuel and vital supplies, grind to a halt.

A repressive regime rolls out its panoply of oppression against legitimate dissent. Who knew our police force had so many sleek, muscled, excellently-trained horses, to mow down protestors? Who guessed that in a city of perennial water shortages, we had high-powered water cannons to terrorize Kenyans off the streets?

I am among the most fortunate of the fortunate. Not only am I still whole, alive, healthy, mobile; not only do I have food, shelter, transport, the safety of those I love; I have the gift of work. I have the privilege to be in the company of the most brilliant, principled, brave, resilient Kenyans of my generation. To contribute whatever I can as we organize, strategize, mobilize, draw on everything we know and can do, to save our country. I marvel at the sheer collective volume of trained intelligence, of skill, expertise, experience, in our meetings. At the ability to rise above personal tragedy - families still hostage in war zones, friends killed, homes overflowing with displaced relatives - to focus on the larger picture and envisage a solution. I listen to lawyers, economists, youth activists, humanitarians; experts on conflict, human rights, governance, disaster relief; to Kenyans across every sector and ethnicity, and I think:

Is this what we have trained all our lives for? To confront this epic catastrophe, caused by a group of old men who have already sucked everything they possibly can out of Kenya, yet will cling until they die to their absolute power?

You know these people too, Mr. Kivuitu. The principled, brave, resilient, brilliant Kenyans. The idealists who took seriously the

words we sang as schoolchildren, about building the nation. Some of them worked closely with you, right through the election. Some called you friend. You don't even have the excuse that Kibaki, or his henchmen, might offer - that of inhabiting a world so removed from ours that they cannot fathom the reality of ordinary Kenyans. You know of the decades of struggle, bloodshed, faith and suffering that went into creating this fragile beautiful thing we called the "democratic space in Kenya." So you can imagine the ways in which we engage with the unimaginable. We coin new similes:

lie low like a 16A (the electoral tally form returned by each constituency, many of which were altered or missing in the final count)

We joke about *the Kivuitu effect* - which turns internationalists, pan-Africanists, fervent advocates for the dissolution of borders, into nationalists who cry at the first verse of the national anthem <<http://statehousekenya.go.ke/anthem.htm>> .

Ee Mungu nguvu yetu
Ilete baraka kwetu
Haki iwe ngao na mlinzi
Natukae na undugu
Amani na uhuru
Raha tupate na ustawi.
O God of all creation
Bless this our land and nation
Justice be our shield and defender
May we dwell in unity
Peace and liberty
Plenty be found within our borders.

Rarely do we allow ourselves pauses, to absorb the enormity of our country shattered, in 7 days. We cry, I think, in private. At least I do. In public, we mourn through irony, persistent humour, and action. Through the exercise of patience, stamina, fortitude, generosity, that humble me to witness. Through the fierce relentless focus of our best energies towards challenges of stomach-churning magnitude. We tell the stories that aren't making it into the press: the retired general in Rift Valley sheltering 200 displaced families on his farm, the Muslim Medical Professionals offering free treatment to anyone injured in political protest. We challenge, over and over again, with increasing weariness, the international media coverage that presents this as "tribal warfare", "ethnic conflict", for an audience that visualises Africa through Hollywood: Hotel Rwanda, The Last King of Scotland, Blood Diamond.

I wish you'd thought of those people, when you made the choice to betray them. I wish you'd drawn on their courage, their integrity, their clarity, when your own failed you. I wish you'd had the imagination to enter into the lives, the dreams, of 37 million Kenyans.

But, as you've probably guessed by now, Mr. Kivuitu, this isn't really a letter to you at all. This is an attempt to put words to what cannot be expressed in words. To mourn what is too immense to mourn. A clumsy groping for something beyond the word 'heartbreak'. A futile attempt to communicate what can only be lived, moment by moment. This is a howl of anguish and rage. This is a love letter to a nation. This is a long low keening for my country.

Shailja Patel