

## **A draft report by Clifford Derrick, an investigative journalist to Justice Johann Kriegler the Chairman of the Independent Review Committee Commission IREC investigating the Kenyan Election Fraud and Post-Election violence**

A Narration of How Events Unfolded during the General and Presidential Elections in the Langata Constituency in Nairobi

### **Introduction**

**The following is an account of events which unfolded in Kenya following my decision to return to the country to cover the 2007 general and presidential elections. All the events recorded here are as close as possible to how I recollect them after becoming a victim of torture at the hands of the Kenyan police and the government-trained militia. I must hasten to say that for sometime following my departure from Kenya, I suffered from the effects of torture both psychologically and physically. Many doctors I visited in South Africa were not schooled in the effects of torture on the human body until I visited a Chinese doctor who has helped me recover the use of my limbs from a general state of disability to now when I can at least use them properly. I however continue to suffer from nightmares.**

### **Background**

My story begins with me in Johannesburg where I was studying. At that time, coverage of the Kenyan pre-election period seemed to need a bit of reinforcement as it was being said that the Kenyan media was being 'economical' with information on unfolding events.

Thus, I felt I had to go home and take part in the reporting of the pre-election period and be able to bring about more information about the election, election candidates and election processes into the public domain.

Opinion polls conducted by various Kenyan and international researchers were consistent in portraying the race for the presidential election as "tight" between Hon. Raila Odinga and President Mwai Kibaki. With time, it was clear that Odinga had a clear lead in the opinion polls surveys. It was during this time that news of possible election rigging by the government intensified following Kibaki's unilateral appointment of the Electoral Commissioners when he should have consulted the opposition, as agreed during the 1997 Inter-parliamentary Parties Group (IPPG).

Several protests by the civil society, the opposition and the international community failed to persuade Kibaki to rescind his decision causing more fears and anxiety among Kenyans. Then the issue of renewing the contracts of the Commissioners whose term had expired came up. Kibaki again opted not to renew the Commissioners who came from known opposition Orange Democratic Movement (ODM) regions like Nyanza, Western, Coast Part of Rift Valley and Nairobi regions, but he retained those that he seconded during the IPPG process.

A case in point was of Gabriel Mukele, the then Deputy Commissioner who hails from Western province. His contract was not renewed and had to retire from the

Kenya Electoral Commission yet that of Kihara Mutu – a Democratic Party appointee to the Commission by Kibaki in 1997 – was renewed. The current chairman of the Commission, Mr. Samuel Kivuitus' fate hung in the balance for close to three months sparking a lot of debate within the Kenyan political circles as to whether or not his term would be renewed.

The majority of the people, including the opposition, demanded that the chairman should remain in office to oversee the general election due to his experience. It was believed that replacing the entire Commission with newcomers who were unilaterally appointed by Kibaki would compromise the integrity of the commission and the electoral process. After a long and protracted debate, Kibaki re-appointed Kivuitu for a period of five years to oversee the general election. But the battle was not over, in fact, it had just begun.

When Mutu was sworn in as the deputy chairman of the commission, the suspicion loomed large that Kibaki and his team were at an advanced stage of rigging the election.

### **Vote Buying Allegations**

It started with the reports that government was buying voters' cards from the electorate. Then came the Anniversary Tower- 'gate' scandal where it was reported that the government had sponsored thugs to steal voter roll for four main constituencies represented by ODM top brass.

The opposition alleged that thugs broke inside the strong room of the Electoral Commission and stole the voters roll for Langata represented by Hon. Odinga; Sabatia represented by Hon. Musalia Mudavadi; and, Eldoret North, represented by Hon. William Ruto.

The government denied any involvement in these activities. Later, the ECK, when pressed hard by the opposition to explain the whereabouts of the rolls, said that the rolls were bought and that anybody has the right to buy them. It was widely suspected that the government was working on a project to block the four main Pentagon members from making it to parliament by manipulating and rigging them out.

These worries were further heightened one month later when the opposition received intelligence reports that the government had hired about 10 computer experts and data analysts who were busy manipulating the voter registers at the commissioner's officers. This report was again denied by the government, but members of the staff that leaked the said information to the opposition were later dismissed without benefits.

While I was in Johannesburg, there were reports of voter buying in certain constituencies mainly in Langata. The media did not investigate this matter, which enhanced my desire to go home and investigate the allegations.

## **Planning to return to Kenya**

I wondered why my media colleagues in the country could not seize the opportunity to expose and provide the public with a deeper understanding of how the alleged rigging was being planned, who the people behind it were, and how they wanted to execute their plans.

I wondered for a while if I could risk my life to fly back to the country – though at a risky time due to my history with the government – in order to do what I know best. I thought for a long time of the implication and the cost. But I came to a conclusion that it was the best thing I could do as a patriotic Kenyan and an ardent investigative journalist.

I then contacted my lawyers in Kenya, the Hon. Gitobu Imanyara and Mr. Ojwang Agina to find out if it was safe for me to travel into the country to do my investigations. However, both of them warned me that it would be highly dangerous for me to do that due to the sensitivity of my case and lawsuit against the First Lady, Lucy Kibaki, and the fragile political environment. However, they told me that as long as I was able to conduct my activities in a clandestine manner without exposing myself too much to the authorities, I should come to do what I know best. They also told me to make arrangements that I would get out of the country immediately after the swearing in of the elections winner because it was not safe for me regardless of the winner.

I also contacted my mentor and benefactor in South Africa, Professor Rok Ajulu whether going to Kenya to expose electoral malpractices was in order for me. He warned me without mincing his words that doing that would be “childish” because I alone cannot change the world. He said that if I had no issue with the Kenyan government, then it would have been fine but in my current war with them, I would rather watch things from a distance for my safety and future. He, however, left me to decide on what I wanted to do.

To find out if my former organization, the Kenya Television Network (KTN) would provide me a space to broadcast my investigations, I approached my former editor Farida Karoney, who agreed to my proposal, and asked me to make concrete arrangements with the KTN News Editor, Katua Nzile. I also spoke with John Bundotich, the Standard Group Managing Editor on how I could contribute investigative stories to their publication. Again, I got a favourable response from them.

The next step was to look for funding to get to Kenya and start my work. For this reason, I approached several friends of mine and told them the need for them to support my journey to Kenya to participate in the democratization process in the country.

I left for Kenya on the 20<sup>th</sup> of Dec 2007 arriving in the evening. I went straight into a series of meetings with some of my sources where I drew a list of stories that needed to be covered and that were mainly focused on the possible electoral fraud.

The following day, I went to meet an associate, Argwings Odera. We discussed major issues surrounding the election and how the Kenyan media was covering the election. We were both in agreement that the media had taken a leaning towards the government and that even those journalists seen to be pro-opposition were selective of what they were letting out. We also discussed possible areas where we needed to pay urgent attention in order to expose possible rigging by the government. We agreed to give ourselves some time to contact our networks and sources before we could embark on the investigative projects to be prioritized.

I proceeded to KTN to meet the editor and the news editor Karoney and Nzile. Our meeting did not last long due to editorial pressure and other matters. However, we agreed with Nzile that I would put my focus on Langata constituency, particularly Kibera. Nzile instructed that I be provided with the accreditation badge which I was given. I had conversations with selected reporters just to get a clue of how the coverage was like. But one thing I noticed immediately was the polarization in the newsroom. Reporters were divided between the government and the opposition. The situation was so bad that I remember witnessing one of the ugliest incidents I have ever come across inside the newsroom. Save it for another day. From KTN, I proceeded to the Standard but I did not manage to see news editor John Bundotich because he was in an editorial meeting.

### **Processes Towards Rigging**

I established from my sources about some areas where the government was getting their campaign funds, for example the Bamburi and Portland cement saga in which we were reliably informed that the government was slashing 3kilograms out of the 50kilograms in every bag of cement. In this saga, we calculated that the government was making nearly Kshs. 2million in a day depending on the daily production of the two companies. We had some evidence but we wanted to consolidate the case and to link the evidence to specific people within the government.

This story, however, was not directly linked to the threat of nationwide rigging plans so we placed it aside. The second story concerned allegations that Stanley Livondo, the government-sponsored Langata constituency aspirant was not a Kenyan and that his national identity card was stolen from a woman in Western Kenya. We thought that the revelation of this story by securing Livondo's record from the registrar and tracking the woman in Western whose ID Livondo was using could help ODM put a case to block Livondo from standing in Langata to avoid a possible clash that the government apparently was planning to cause in Langata.

The third story was to try and locate people who had been bribed in exchange for their voter's cards in Langata constituency. Informants told us that government officials were using various cohesive means to obtain voter's cards from most of the residents in Kibera. A source indicated that some people were threatened with dire consequences if they refused to hand over their cards in exchange for money.

They were told that President Kibaki would still remain the president and that those who refused to co-operate would be dealt with accordingly. With these kinds of threats, many of the people surrendered their cards in exchange for between 200 and 400 Kenyan Shillings (KSHs). My plan was to identify the people who had been intimidated to surrender their cards and record their allegations on camera. To secure solid evidence, I intended to work with a legal practitioner to help these victims swear an affidavit indicating that they had been forced to sale their voting rights. In addition, I wanted to track and record the suspects who were responsible in buying voter's cards from people in Langata. I had done this kind of work before and it was not going to be impossible for me to use the victims to identify the suspects. I would then proceed to reveal the main reasons for the voter buying whether these votes were being destroyed or were to be given to other imported outsiders to vote against Mr. Odinga.

To me, the two last stories were close to my heart because, in the event that the local media declined to publicise them due to their sensitivity, I was prepared to approach the international media with the story. I was convinced that if the stories were to be broadcast before the elections, there would be an immediate impact because, the ECK would have been compelled to investigate the motive of the perpetrators before going to the election. I was convinced beyond reasonable doubt that this evidence would have been very useful in a court case should that matter ever come before a court of law.

We organized a meeting with Argwings where he provided me with a more detailed understanding of what was going on in Kibera. From the 23<sup>rd</sup> to the 25<sup>th</sup> December, we spent our time in and outside Kibera interviewing the local youths and community leaders. Most of these people revealed to us how the government was determined to rig out Odinga by all means.

“Raila will win nationally but I can assure you this time he will not get the Langata sit. These people are determined to lock him out of here..”, said one of the youth. The more we visited Kibera, the more we were introduced to people with crucial information and plans of the details of how government was planning to lock out Odinga.

### **The Militia**

We decided to secretly record a conversation with one of the youths inside Argwings' vehicle, I sat back-left with my video camera recording the conversation between Argwings and the youth. It was around 12 midnight and Argwings decided to drive slowly within the slums as the youth poured more and more information on how the government wanted to lock out Odinga. He explained:

“What is happening here is that these people have several plans to block this guy. We know that youths were recruited here mainly from the Nubian, Luhya and Kikuyu's Mungiki. They have been undergoing training in different parts of the country”, he said. According to our source, there was one white man who was providing training to the government-backed militia and the paramilitary police at the Embakasi Administration Police headquarters in Nairobi.

At this time, we had not established the exact name of the man, but Argwings suspected that he could be the same man that he knew was the government mercenary. We later confirmed that indeed it was the same person. A retired British policeman, Bob Johnson, was performing clandestine militia training activities in Kenya and owned three houses in the Kenya's posh estates. Argwings had had an encounter with the man and was suspicious of his activities.

The militia and the police were to perform different operations in different locations before and after the election. The task of those to be deployed in Langata was to take advantage of the supposed rowdiness of the Luos, especially during the voting time to create chaos. The source explained:

This is how this plan will go. During voting time, militia, donned in ODM T-shirts and covered with jacket inside would be in at least four main polling stations within Kibera. During voting time, some of the militia would line to vote and once their names will not be found within the voters register, they will start chaos by demanding that they must vote. In the process, the other militia would remove their jackets and remain with ODM T-shirts confusing people that they are ODM supporters. These militia backed by the paramilitary police in ODM colours will wreak havoc beating and chasing people out of the polling stations.

This would then provide the police and the General Service Unit (GSU) with a chance to move inside the polling station with teargas and buttons in pretext of quelling chaos. With their lorries driven inside the polling stations, the already marked ballot boxes were to be taken and replaced with some of the ballot boxes inside the voting halls.

An imaginary stand-off between the security forces and the militia would be blamed on ODM and the ECK would seize the opportunity to nullify the Langata parliamentary elections. These acts were to serve two purposes. One, to block Odinga from being sworn in as a president in the likely event that he won the popular vote. There was to be a huge constitutional crisis in Kenya.

With this information, we set out plans to establish how to expose areas where these militia were receiving training. It was not easy but our source indicated to us that he will provide us with finer details later. Meanwhile, Argwings and I decided to closely monitor the activities of the Bob Johnson to enable us establish how the militia will make their way into Langata, and particularly to Olympic Primary School polling station to execute their plan.

We lacked the resources and we needed the assurance from the media, KTN that the story would be aired once we had tried everything. I proceeded to KTN and discussed the story with Kiswahili news producer and Nzile. I was warned by both that the story is extremely dangerous and that it will be difficult for the station to support my efforts. Meanwhile, I needed a contact of a police officer who had confessed to KTN about the government's clandestine activities in training "special" police unit whose roles were allegedly to help the government intimidate and rig the election. The reporter, Mohamed, refused to give me the contacts referring me to the editor, Kizito (Kiswahili editor). Kizito told me that it was not possible to get the police contact

because the contact now feared for his life and may not want to be interviewed any more.

Two of the reporters, Alan Namu and Peter Moss offered to provide me with other contacts of the Administration police officers that were also part of the training that was going on in Embakasi. When Peter called him and requested that I wanted to talk to him, he refused and in fact seemed freaked out as he switched off his phone.

I sought the help of some of my contacts within the police force and the intelligence. Thankfully, they were more than willing to assist me with information. I was told to be on standby and that they will contact me when some of the government-trained militia when being relocated near to their operation zone. I called Argwings and we met. Incidentally, Argwings also came up with further worrying information about Bob Johnson, which at the time he declined to share with me until much later.

We found out that Bob Johnson was hooked on cocaine and that he used several street smart people to obtain it for him.

On the morning of Saturday 26<sup>th</sup> of December I set out prepared to do my final touches on the militia-training story so that if possible, we could air it at KTN before the election the following day. At around 10:00 pm, I received a call from a source with information regarding where some ODM T-shirts were being printed in down town Nairobi. The source claimed that some suspicious people were printing more than one thousand pieces of ODM T-shirts at Judi Thandee house in Luthuli Avenue in Nairobi. This information obviously linked to the other information earlier provided with our Kibera source regarding how the government-sponsored militia would wear ODM T-shirts during their operation in Langata constituency. The source however warned that it was very risky for the media to get inside the room where the printing of such T-shirts was taking place. I informed Argwings at around 11:00pm about the new information and we agreed to meet in the next hour somewhere in town. Meanwhile, I organized with my source to keep an eye on the building and those who were entering the room. We later met with Argwings but by that time, the source informed me that the printing is over and that the T-shirts have been packed and removed to an unknown destination. We were definitely not in a position to establish the destination but one issue remained disturbing. Why would ODM members print T-shirts at that time when the campaigns were over? We inquired these information from the ODM secretariat in Orange house. I spoke specifically to Miguna Miguna, one of the chief strategists, Prof. Wanyande Prof. Wanyande and Dr. Isahakia but all of them expressed shock at what could have been going on. They denied any knowledge of such activities within any ODM fraternity.

Our main task and story of the day of course was to establish the link between Rob Johnson and the training of both paramilitary police and other government sponsored militia. So having confirmed from the ODM that they had nothing to do with the printing of orange T-shirts, we embarked on planning on how we would track Johnson. This assignment was purely driven by Argwings because he knew more

about the said assailant having even met him face to face. So when Argwings received information from his source that Johnson had been located somewhere in Westlands, he shared the information with me and we agreed that I should inform my news desk of yet other activities of mercenary a kin to the Atur brothers witnessed in Kenya early 2006. At around 5:15pm, I proceeded to KTN news room to discuss the issues of militia trainings and the issues surrounding what my source in Kibera had told us regarding the possible chaos in Langata the following day during the elections. I spoke to Nzile, Farida and Aura. They could not pay much attention because of the pressure of deadline. But all the same, they appeared not very keen to listen to the stories because of the risks that were involved. Just at the same time, something suddenly happened that changed our original plan of action and approach regarding tracking of Johnson the alleged government-sponsored militia trainer.

Patrick Mugo, the KTN researcher called me to his desk and said: “Clifford, there is a very serious information from one of my friends and colleague. He has called me here several times in the last two hours now. He says that militia is being transported to one of the hotels in South C. The hotel is called Red Court next to Red Cross offices.” Immediately, I linked the story of our sources in Kibera, the one of Argwings, that of my special branch sources and the printing of the ODM T-shirts. I asked Mugo how much he trusted the guy or could it have just been a rumour. Then Mugo searched for his number and called him. Unfortunately he could not be reached on his phone. Immediately as I was still trying to establish the authenticity of this story, Mugo received a phone call from the same guy. He spoke to him and I could see from Mugo’s face that the guy was anxious that the media has not gone there. Mugo assured him that he was sending me immediately.

I then asked Mugo to provide me with the contact of the source so that I could call him and meet with him somewhere near that place to get a briefing of what is going on and what has made him come up with a conclusion that these guys were militia planning to wreak havoc in Kibera. Mugo declined to give me the number at first, arguing that he should consult with the source first if he should give me his number. Fortunately, the guy agreed for me to be given his number.

### **Fear intimidation and lack of resources at the KTN**

I inquired from Mugo whether the desk knew of the story. But he told me that the source says he has informed almost all the editors of all media in Kenya but he is shocked no one has responded. Indeed, I went back to Farida, Nzile and Aura and asked them whether they had heard of the story and if, so, what they thought of it. Farida said that it is very risky at this time to pursue such a story. “KTN reporters are marked by Party of National Unity (PNU) supporters and government, we have a letter threatening to take us to court right at my desk, I don’t know, speak to Nzile and find out what he thinks,” said Farida. I proceeded to Nzile and asked him about the story, he said that yes, that person has been calling for close to an hour now but the organisation could not take the risk. “Try if you can but we can not give you any KTN equipment, and you better be very careful especially you, this is not the best time for you to go for such stories Go to Aura and see if he can organise transport for you,” he

said. I proceeded to Aura who simply told me that it was a very bad time for me to ask for a vehicle.

With that, I took off and went to look for Argwings where he had gone to book for dinner before embarking on our night assignment. It was now approaching past 6:15 pm in the evening. I called Argwings and informed him that we have new information and that we have to change the plan immediately. When we met at the hotel, I informed him of what was happening and that we needed to get to the Red Court Hotel with haste. As I spoke to Argwings, I received a phone call from Dr. Charles Otieno, a researcher and one of the African Election observers residing in South C estate next to the Red Court Hotel.

He asked me where I was and pleaded with me to make a plan to get to the hotel as soon as possible. “You won’t believe it my friend, this will be the story of the year. They are bringing people here with many City Hopa (a bus company belonging to one of the then PNU parliamentary aspirant and now MP). You make it here fast because otherwise you won’t find me. I need to get to my house and I have been waiting for the media to come here for nearly two hours,” he lamented.

Argwings readily agreed with me on the urgency of the matter and the change of priority, but he insisted that the food was ready and it would be dangerous to get to that kind of a risky assignment without eating. “Listen Clifford; some times do heed my advice, *Chiem Omera, chieme, gini osechiek to pok wachiemo chakre nyoro. Kik wadhi kuno gi iwa nono*,”...(Let’s eat my brother, the food is ready and we haven’t had a good meal from yesterday. Let’s not get to this assignment with an empty stomach. We did not eat and set to embark on the assignment without eating the chicken and we never ate the meal at all.)

### **Red Court Hotel**

At around 6:30pm, Argwings called a taxi driver and we proceeded to South C where we met Dr. Charles Otieno, a researcher, lecturer and an election observer with African Union team, outside a petrol station. He jumped inside the car and he directed us to the Red Court Hotel, the venue of the clandestine meeting of the government sponsored militia. Red Court is a four-star hotel where some African Union observers of the general and presidential election were present. The hotel was officially opened sometime around April 2007 by President Kibaki.

As we drove towards the hotel, where Dr. Otieno gave us a first hand account of what was going on in that area and how he found out that the meeting was organised by the government to stop Odinga by all means from securing the Langata seat and that of presidency. Dr. Otieno said that his two colleagues who were residing at the hotel and whom they were working with as election observers called him to the hotel after they saw suspicious groups of many people arriving in fleets of **buses**.

“These people started arriving here as from 3:00 pm aboard City Hopa buses amounting to ten that my colleagues saw. Indeed by the time I arrived here, I also witnessed a number of City Hopa buses ferrying people here. We suspected them because they were all men and no woman within the group”, he said. In addition, Dr. Otieno informed us that their suspicion was heightened further when they saw one

Stanley Livondo – the parliamentary candidate for PNU who was vying for the Langata constituency seat against Raila Odinga and whom he believed to have booked the conference facilities on behalf of the government - entering the hotel with a group of senior government officials and detailed security backup. Also in attendance to the clandestine meeting was Kimani Rugendo, the PNU supporter and well-known gun-runner. Commandant for AP, Kinuthia Mbugua was also involved though he was stationed at the Administration Police Training School in Embakasi. There was also Cyrus Gituai, the then permanent secretary for security in this group of senior Mwai Kibaki officials. These four key Kibaki officials were running the operation of deployment of the militia in the area.

Dr. Otieno said that Livondo then met with some few people who were part of the gang inside in one of the rooms in the hotel. He promised to provide us with more damning details of what he knew about what was going on in the two separate meetings at the hotel.

We made a hurried plan on how we were going to approach the entire project. I suggested that we should go inside there the three of us so that in case they turn against us, we can find how to confuse them and run to the main hotel. Argwings suggested that he rather remain outside monitoring the situation. Dr. Otieno agreed to accompany me inside the plenary where the meeting was taking place. He carried my microphone and I placed my three cameras inside my bag.

### **Inside the conference room with the militia**

Once inside, I was shocked to see a huge crowd in the room. Some were standing some were seated and others seemed really tired and emaciated. The hall was packed with men between the ages of 23-40. Some had bags that had protruding weapons like the rungu/knobkerrie and metal bars. There were other weapons that looked like shot pangas with black handles. The hall smelt funny with a mixture of smoke and bang (marijuana). Some were chewing mira (intoxicant) which made their eyes red.

At the far end of the hall, two people were speaking to the congregation using two different languages - Kiswahili while the other translated in English. Guys from behind seemed to have been straining to pay attention to the speakers. As far as I can remember, these were some of the words “Once you are inside there, there will be no playing with anyone, no laughing with anyone. The moment you hear and see the signal, you must move into action and who ever will be on the wrong side must be swept aside...” one of the speakers said. With this statement, I was forced to remove my camera to record the rest of the statements and orders that were to follow. I was shocked however to realise that Dr. Otieno was no longer behind me. I felt scared but not moved. I switched the camera on and knowing very well that I was going to expose myself to a possible danger by recording the meeting, I decided to build a rapport with one of the guys who was standing next to me. I inquired from him what the meeting was all about and if it would be ok or fine to record the proceeding. He asked me where I was coming from and who told me that there was a meeting there. I pleaded with him to cool down and advise me instead of exposing me. I told him that I was sent by KTN and that somebody had told the station that there was a meeting

going on there so we just wanted to establish the nature of the meeting. I also told him that we are doing it as a routine to find out the last efforts that each party were making before the Election Day. He consulted one of his friends and he warned me that “you do not know what you are playing with, you are totally in the wrong place.”.

He advised me that I should leave immediately to save my life. But as I was making my way out, his colleague grabbed me from behind and told me that he would help me with the information that I wanted if I can assure him that I will not put his life in danger. He allowed me to record secretly the meeting for two minutes at most then he talked to me. I discreetly took images that could describe the place as chaotic and militarised. My informant then told me that I will only record his voice and not the face. I agreed. He started telling me that “we are here for a meeting in preparation for the Kibera operation as from midnight tonight but these people do not want to pay us as we had agreed earlier”, he complained. He hardly finished his statement when Kimani Rugendo and three other people arrived from the back door where we were recording. Kimani blocked his face with the white paper that he was carrying and shouted. “Who are you, who invited you here? What are you doing here”? With that, he made a quick turn and within less than two minutes, as I was trying to place my camera inside the bag, three people walked in and forcefully removed me out of the room. I saw a group of between 15 to 18 heavily built men waiting for me outside.

## **Drama**

I found myself on the ground with these people grabbing my camera from my hand which I could not let go without a fight. Eventually I succumbed and the camera was taken after my right hand sustained multiple injuries. They ransacked all my pockets, took my bag, phone, press card, money and everything that was in my possession. Meanwhile they inquired to know my name and who sent me there. “Who are you”, they asked. I told them that I am Clifford. “Who sent you here”? They demanded to know, I told them that I am a reporter working for KTN which sent me there. They insisted that I was lying and that I was sent by the opposition ODM. I told them to confirm with my press card and the ECK accreditation badge. At this moment, one group of these assailants disappeared with my things while the rest, numbering about 10, embarked on beating me as they dragged me towards a hidden place. I remember screaming with Argwings name for help as I was being beaten like a thief. I called on Argwings “..Argii, Argiii Argiii, where are you, they are killing me...Argiii save me pleaseee.” The assailants warned me to stop making noise or they will kill me immediately. I continued making noise amid beating all over the body from the head to the ribs to my thighs, hands leg, everywhere. They decided to block my mouth with a cloth. I was unable to breathe properly. All along, the guys would not ask me anything but it was beating and asking me to stop talking.

I couldn't remember the time but it was dark though I could see some electricity lights. The group that went with my equipment returned and they ordered a stop to my beating and demanded that I be taken out of that place to an undisclosed destination to answer certain questions regarding what they have gathered from my cameras and documents. At this point, the cloth and was used to block my mouth was removed so that I could answer their questions. I refused to get out of that place to

another place because I knew that I would be dead if this was to happen. I told them I am innocent and that I would fully cooperate to answer all those questions that I know. One of them ordered me to *kaa kama mabusu* ('be like a detainee') and stop talking. He gave me a hard kick on the left side of my stomach. They decided that they will carry me to the vehicle and it was at this time when I started making loud noise saying that I am "Clifford Derrick I work for KTN, I just came for an assignment but these people want to kill me by taking me to an undisclosed location...please save my life, I am an investigative journalist," I screamed.

With that, one of the commanders –whom a later established was a Administration police officer and the personal assistant to Livondo - stepped in and ordered those people to stop dragging and beating me first. He ordered to be given things that were taken from me then he started interrogating me.

**The commander:** what is your name?

**Me:** My name is Clifford Derrick.

**C:** The one of Lucy?

**Me:** What doe you mean sir?

**Somebody:** Answer the question bastard are you not the one who slapped the First Lady then ended up trying to drag her to the court? We must call State House now. This is a big catch.

I was given serious blows in my head, back neck, jaw and several beating in the rest of my body. Then the interrogation continued.

**C:** So you are Clifford who slapped the First Lady?

**Me:** No, I am Clifford who was assaulted by the First Lady

I received a lot of beating from this statement with other people suggesting that I deserve to be killed because I am proving to be tough. The commander continued to interrogate me.

**C:** Tell us how you found out about this place and this meeting?

**Me:** A man called Charles called us and told us that there was a meeting here.

**C:** Who was that person where is his number?

**Me:** I did not see him but I have his number on my phone.

**C:** Where is your phone, can you give us his number?

**Other voices:** *Toa number haraka shenzy wewe* (Remove the number faster, you stupid).

**Me:** I don't have my phone with me, these people took it away together with other things.

At this point somebody produced my phone and asked me. "Is it this one"? I said "yes".

The phone had been switched off so they demanded I give them the pin number. It was at this point when the real torture set in.

I could not provide the pin number because I honestly did not have it. The phone belonged to my wife and she did not provide me with the pin number. For the five days that I had been in the country, the phone had not gone off so I did not have to know or remember the pin number. But the torturers would not listen to that at all and instead, they believed I had vital information and contacts that I was trying to hide from them.

**C:** Give us the pin number Clifford.

**Me:** I don't know it.

**C:** Ok, you will provide it by other means.

With that, he left and promised to return back shortly. The rest of the group embarked on what they called "systematic". I was stripped half-naked. Some heavily built men blocked me from the direct light. I was held to the ground by some six strong men. I couldn't make even a single move. Some people went on my knees elbows, fingers and toes and repeatedly heat them with metal rods. The pain was indescribable. I managed to turn to the left exposing my right to further injuries. Some people could come and jump on my ribs with hard kicks. I had no energy; I was running out of water. I felt dehydrated and my voice was dry. I requested for water but they laughed.

All a long, they were asking for the number which I could not give because I did not have it. When I could not stand the beating any longer, I told them to stop and that I had an idea how we could I give them the number. They warned me that if I play with them, they will kill me this time around.

**Me:** Ok, we can get that number, if I can give you the number for my mother. You call her and ask her to give you the contacts of my cousin Eva. Eva may have the contact of my wife's sister called Faith.

**Voice:** You think we are children, you will pay dearly for this kind of joke. You will now give the number. *Nyorosha kabisa sasa* (Now disable him completely).

Somebody pointed a gun at me threatening to blow my head off. I pleaded with him to spare me. He threatened again and hit my right ear with the gun. I was held tight on the ground, stripped half naked. They went straight to my genitals squeezing my testicles together hard and repeatedly. They seemed to enjoy it as I wept with frustration and pain. I wished I had the pin number. I blamed myself for not having the pin number. No word that I know can explain the pain that appeared to be affecting my lower abdomen and head yet it was my testicles that were being

squeezed. The torturers then started making fun of my uncircumcised penis. Holding it hard and pulling me up with it. It was painful. They threatened to circumcise me because I was a *kehe* (uncircumcised male).

I was frustrated without any hope that I will make it out of that place alive. The torturers turned around and accused me of being an ODM agents sent to spy on them. They demanded to know if I was sent by ODM to which I told them no.

A voice: No you were sent by ODM tell us the truth. You were sent by ODM. Why do you *bembeleza* (please) this spy here? We are going to kill you today. Your people have already killed six of our men in Nyanza. Guys, there is nothing we are wasting time with this guy here.

**Another voice:** Let somebody go buy the petrol he must pay for the blood of those six people.

**Another voice:** We are taking him to the State House. Let's go *amka amka amka amka*. (Stand up stand up stand up).

They started dragging me towards the vehicles that were waiting away from the lights. I knew that my time for dying had arrived yet I also knew that God could still save me. I decided to pray for God's mercy to save my dear life. As they descended on me with kicks and blows while being dragged towards the waiting vehicle. I resisted making loud noise once again about my name just to leave a record to whoever will hear that I was killed by these people.

Luckily, I once again told them that I have remembered something that I want to tell their commander before I go to where they were taking me. I requested them to do me that one last favour to call the commander. They refused and I made loud noise calling the commander. By God's luck, he emerged seeing the way those people were beating me like a snake and dragging me toward the vehicle. With him was Dr. Otieno who was being beaten and dragged towards my side. As I lay on the ground helplessly, the commander asked me whether I knew Dr. Otieno and if he was the one who informed us the media about the event at the hotel but I denied. I could see a sigh of relief on Dr. Otieno's face. On that note, the commander told me that I have no chance but to accompany those people to where they wanted me to go with them. Meanwhile Dr. Otieno was beaten and roughed up towards the main hotel where I later realized that he was detained in a store for the whole night. Realising that my chances were running out, I jumped and clung onto the commander's waist and belt insisting that if I was to go to the unknown place for further questioning, I had to go with him or else "If I die, my blood will be on you because you know I am innocent just doing my professional work but you are not stopping your team from killing me". He ordered the team to stop and let him talk to me first.

He asked me a question that "are you sure you are Clifford Derrick, the investigative journalist"? I told him yes. He then asked me if it was true I was working with KTN. I said yes of course. He then decided to call one of his friends and my colleagues at the *Standard*, the sister company to KTN. He warned me that that was his last attempt to save me. He said that if he can not reach the guy or if the guy says I don't work for KTN, then I should pray for my angels to welcome me in heaven or hell soon.

He called Ken Kwama, feature writer with the *Standard*. Kwama told him on the loud speaker that “Yes Clifford Derrick went to South Africa in exile but I understand that he recently returned to cover the elections and was sent by KTN to cover an incident somewhere in South C”. I breathed a sigh of relief and thanked God for the miracle. He told his people that “gentlemen, I have messed up now. There is nothing much we can do to him because now his colleague has the information that he is here. We will not escape if we kill him.

This statement elicited furious reactions from the torturers who were determined to kill me. Some of them asked “what are we going to explain to the State House”? The commander was at the verge of loosing his grip with other group deciding to overrule his command by embarking on dragging me to the vehicle. He tried in vain to stop them but within a short time, Kwama was inside the hotel and went straight to talk to the commander. Then four police officers in uniform appeared. By this time, the attackers who were seemingly recognised by some of these police continued kicking me on the ground.

Kwama told me to accompany him to the vehicle but the police in uniform insisted that I accompany them to the police station to record a statement. The commander called me to give me back my phone and leaned on my ears with a warning that “You should know that you are an enemy of the state. I have saved you and going to police will complicate your issue. Go into hiding immediately but not anywhere near the police,” he said.

The police insisted that I had to record a statement but I also insisted that I was not a criminal and I was the one who was offended and therefore I could record the statement any time at my pleasure. They refused to believe me, arguing that they had been sent there to take me to the police station. Kwama moved in and told them that we will follow them in our own car. With that, we entered the vehicle and sped towards town where I went to KTN offices.

I was in pain limping with great pain. My ear was bleeding with lots of pain. The jaws were swollen and heavy. I entered the offices in tattered cloths full of blood and I told Farida, Nzile and Aura what had happened and told them that I urgently needed to get to hospital because I was in great pain. The three did nothing for a bout 15 minutes to assist me. Instead, they engaged on whether or not to broadcast my ordeal in their 9: pm. bulletin. Peter Opondo, one of the editors argued that already, news has reached Kibera that I have been kidnapped by the government-sponsored militia whom I had gone to expose. He said that “Residents of Kibera have barricaded the roads and are inspecting everybody to avoid the suspected government militia from accessing the constituency after the story of Clifford’s kidnap filtered to them.” I decided to proceed to the *Standard* offices where I found Kwendo Oponga the then Group Editorial Director. I told him what had happened and he was shocked and ordered that John Bundotich the then *Standard* Editorial director to arrange how I could get to the hospital. Meanwhile, he ordered for my pictures to be taken with a brief story for the web because the newspaper had already gone on the press. *Standard* senior photographer Jacob Otieno took several of my pictures.

Bundotich returned with Kshs 2500 and gave them to me and said they were looking for a vehicle to take me to the nearest hospital. Luckily, Argwings came inside the *Standard* and offered to take me to the hospital. I gave him the money that I had been given and we were on our way to the hospital when we spotted some vehicle trailing us. He made several turns and corners and finally we were at Guru Nanak Hospital where I was provided some treatment. But due to lack of money, and proper equipment in that hospital and also due to the fear of being picked from the hospital by the state security, we decided to get out of that place. I never completed my dose because of lack of money.

Meanwhile, Argwings informed me that he had informed the Kibera residents what had happened to me and why. He informed them to be vigilant and provide tight security to wade of the militia. This information bore fruits as explained here in the report.

Argwings took me to my place where I stayed for the night. Because of the fear of the security, one of my uncles would pick me to stay in his house for a day or night before returning me to my place. My wife had a hectic time massaging me most of the time.

### **The Election Day**

The following day, during election, there were two significant events to what we were investigating. In the first place in the morning, Hon. Odinga could not cast his vote at the Olympic poling centre where he had cast his vote since 1992. The polling agents claimed that his name was conspicuously missing in the list. The situation almost generated chaos when his supporters saw a mischief by the ECK. Raila was told to check if his name could have been transferred to Nyayo stadium. He checked there but nothing was appearing. He then returned to Olympic and gave the ECK one hour with a promise that he was to return to cast his vote.

Luckily, when he returned, his name had been rectified and he was allowed to cast his vote. But the point here was that, this is what I missed in my investigation. I later learned through my inside sources that the government and the ECK had deliberately removed Raila's name from the voters role to trigger chaos which were to be fueled and hijacked by the trained militia. The printing of the ODM T-shirts were to be used by the same militia who were camping at the Red Court Hotel and who were to descend to Langata constituency, Olympics polling centre at night and mingle with the locals in preparations to cause mayhem after the missing of Raila's name in the voters roll.

So, my sources were right on these three issues; training of militia who later camped at the Red Court hotel; printing of ODM T-shirts which were to be used by the same militia to disrupt the election process in pretext that they are protesting over the missing of Raila's name thereby nullifying Langata constituency elections. Indeed, in the evening of the same 27<sup>th</sup> December 2007, hours before voting was closed, three people who were heading to vote were shot dead and two survived with serious bullet wounds in Kibera's Langata constituency. Survivors and witnesses said that the assailants emerged from the bush and were targeting people who were heading to vote. This may explain the frustrations of the failed militia's operations after Kibera

residents barricaded all the roads leading to the estate with thorough inspection of every person, and vehicle that were entering the estate just before the voting started and throughout the voting and counting process.

### **The Media Effect**

Though I was in pain, I was shocked that my story never appeared anywhere. Later, The *Standard* editors allegedly denied they knew me at all according Tom Rhodes of Community to Protect Journalists (CPJ). After gaining some strength, I proceeded to KTN and the Standard just to establish that it is true they denied any knowledge of me and that assignment that almost caused me my life.

Both Bundotich and Douglas Okwach of Standard refuted any statement that they had disowned me. Okwach commented “ let them ask me personally as the editor who was in charge during that time of your incident and I will tell them that I know you were tortured in the course of your professional duty those that you had gone to expose.” On their part, Karoney and Nzile of KTN said nobody had contacted them over my case and that they could not have disowned me. I wonder then who were these other editors who were misleading the CPJ and other organisations about my case. To make matters worse, I found out later that the pictures that were taken by *Standard* senior photographer had been destroyed.

Otieno informed me that his hard-disk crashed with my photos. And with that, the documented evidence in terms of photos was intentionally destroyed. I wondered under whose instructions. This reminded me that during my incident with Lucy Kibaki, had I not managed to escape with the footage, no media would have done a story of my attack and it would have been reduced to a rumour, only whispered in the newsrooms. Indeed, it is also true that most of the Kenyan media organisations, both broadcasting and print were forced by the government to crash all their election results data out of their systems.

My sources both from the Nation and KTN informed me that in Nation in particular, the CEO himself instructed the Information Technology (IT) department to crash the results of the election beginning with the presidential. The CEO was there in person to ensure that the records were trashed. This incident took place on the 30<sup>th</sup> of December 2007.

Same incident took place in KTN and the Standard though without the blessings of senior Standard and KTN top managers namely Kwendo Panga, Kiptanui Koech and Karoney. It is widely believed that when Oponga refused to soften his stand, he was forced to resign after he refused to be cowed to be part of the conspiracy to burry the truth of the ECK fraudulent election results.

I was also disturbed by the events that followed after the elections. The local media were obviously biased in their reports. The public, especially my friends, had more information than the media. The media, it appeared pursued a government agenda of misleading the populace and the international community that all was well in the country.

When the post-election violence erupted on the 30<sup>th</sup> December 2007, after the disputed announcement and swearing in of the president Kibaki, I was disturbed that the media were not proactive and open in their reporting. I believed that the world was not provided with the real situation on the ground. Most of my sources would inform me of violence in most parts of the country and mainly in Nairobi yet, we were seeing business as usual in the media. Our local media were full of entertainment news and not real news of the situation in the country.

Coupled with my need for money for my upkeep, I decided to get back to KTN after the second week in my bed. I approached Farida and Nzile and discussed with them the possibility of getting real pictures of the violence which were not reported in the media. I also wanted to reveal the faces behind the violence and to find out their arguments for the support of violence other than the mere election rigging.

My main intention was first to set my foot in and investigate and reveal the guys who were behind my torture and to come with proper evidence and statements regarding their connection to the government. I knew this was going to be risky and needed careful planning and tactics.

Indeed I established that Stanley Livondo was directly involved in my torture because those who tortured me were mostly part of his security details. Livondo was acting for and on behalf of the government which was determined to lock Odinga out of Langata and therefore to prevent him from being sworn in as a president in the likely event that Odinga was to win.

The second interest was to begin with a project to produce investigative stories like my former program called the *Inside Story*. I had intended to name the first episode the “meaning of rigging elections”. In this episode, I wanted to look at the financial side of the election and how much was spent in the electoral process right from voter education, maintaining the ECK, campaigning, voter registration, ballot papers, boxes, transport, actual voting, counting, declaration and swearing of the winner. I posed a question that if one person could alter the wishes of the majority by offering their certificate to the highest bidder, then what is the point of spending billions of money on such a fruitless process? Can’t this money be used to build infrastructure and to improve the lives of the majority poor? If the highest office in the country is obtained by fraudulent means, what stops the National Examination Council bodies from altering the results of the best candidates to the highest bidders as well? Indeed, the next casualty was the Kenya National Examination Council (KNEC) which was embroiled in the case of two separate results.

The KTN managers appeared satisfied with my ideas but warned that I should not put myself again in the kind of danger that almost killed me. KTN gave me a camera to use in covering post-election violence. When I needed to interview people for the first episode of the meaning of election rigging elections, the chief photographer even provided me with a much better camera and supporting staff to assist me. The moment I was done with my story and asked for a date and space, I was told that the story is just too sensitive for that time and can put the station in problem with the government. It was just spiked.

## **Police Brutality**

I embarked on working on the news and current affairs stories revolving around the violence and its impact on the ordinary people. I went to Kibera, Methare and Dandora to cover the violence. In Kibera, I was not shocked to see the kind of destruction that was caused by the violence. Part of the militants took me around allowing me to take pictures wherever I liked. In the course of my work, violence erupted again with militants bringing down and burning more buildings. I had exclusive pictures for KTN but I was shocked that despite the fact that the KTN never did my stories even after reckoning that I had fantastic footage and good interviews. The second day I was again in Kibera the whole day where the effects of the post-election violence resulted to famine among the Kibera residents.

I came across women with children who had invaded a vegetable plantation of some victims who had fled the unrest. The women were plucking the stems of the vegetable to prepare for their meals. I had interviews with these women who said that they have no regret of the unrest that was going on as long as the winner of the just concluded elections could be given his right to lead the country. Some of them however decried the ongoing violence and talked about their ordeal in the hands of the militia including rape and brutality. Amazingly, KTN refused to run the story claiming that we could preserve them for future use. I was running out of my patience and said that I needed to find out what was going on in the organisation.

On my third day, I was back in Kibera where I found the militants plucking the Nairobi Kisumu Railway line in protest that they were blocked from attending the scheduled rally at Uhuru Park. I also had pictures of victims of violence who claimed they had been tortured by the police. KTN only gave 2 seconds to my story of the railway destruction. One of the new anchors in the station sympathised with me and actually whispered to me that “orders have come from the above – Moi himself – has warned the management against allowing any ugly pictures especially from opposition strong hold,” the anchor told me. It was a total black out.

I decided enough was enough because I was wasting my time. On my fourth day in Kibera, after covering the chaos that marred the relief distribution for the Internally Displaced (IDP) people in Kibera, I called KTN and told them the pictures that I had. I received a response that was not positive enough and on that note, I requested one of the Red Cross employees to provide me with contacts of Aljazeera if she could get them. The lady called me same day in the evening with the contact of Aljazeera.

I made contact with Gladys Njoroge of Aljazeera and we agreed to meet the following day. I met with both Njoroge and Andrew Simmons, the African Bureau Chief. After a successful meeting, we signed a contract detailing my security and other details because of what I had gone through before. I went back to Kibera and managed to get a telling story on chaos that marred the distribution of relief food once again. Many women were beaten with majority coming out of that camp empty handed. Aljazeera was happy with my initial work and they allowed me to keep the equipment.

My contacts that stretched in some of the deadliest slums helped in getting exclusive violent pictures in Mathare, Kibera ,Dandora and other slums which bore the full brunt of violence in Nairobi.

When the violence broke for the second time in Kibera, I had the opportunity to capture exclusive pictures of the battles between the police and the militants. Local media were either too afraid to send their crew or deliberately decided to avoid Kibera as ordered by the powers that wanted to lie to the world that Kenya was not on fire. Having provided exclusive pictures for about four days to Aljazeera, I was shocked to see some of my pictures being shown in KTN and Nation. This, I presumed was to avoid the shame of the international beating the locals in their own field.

On one of my assignments in Kibera which lasted the whole day from early in the morning to late in the evening. I compiled a report that illustrated police brutality towards the militants that ended up claiming the lives of over sixteen people including three primary school going girls. I followed the seriously injured victims to Masaba hospital, the only hospital that could provide treatment to victims of violence in Langata. I captured on camera one of the doctors crying for lack of blood to save the lives of those who had lost blood completely due to over bleeding.

I also captured pictures of police brutality towards the women and children whose houses were bombed with deadly teargas. I had footage of wailing children and mothers who could not understand why the police were treating them with such high-handedness. I captured police torture of arrested militants. In more than three occasions, the police warned me from taking pictures of their brutality. One of them told me that “*Sioni kama utafika jioni leo*” (‘I don’t see you making it this evening’). I was scared but determined to work. Most journalists, both local and international, had been barred from accompanying the police inside the slums. I went and complained to the commandant about what that police had told me. He told me to identify that police but I could not. In the second instance, another police covered his face with the shield and attempted to take my camera. My security, who was also a trained soldier, helped me from this police attempt. Andrew , praised me for the fantastic pictures that I did for that day.

He offered to pay me extra for the story of that day and commented that “You made my day Clifford, you are a talented journalist. I haven’t come a cross such good pictures that tell a whole and complete story in a long time”, he commented. He also wondered how I managed to operate both within the militants and the police without fear. Andrew told me that my story had elicited the biggest international reactions than ever. He promised to ensure he submit the story for the Roy Perker awards on my behalf.

Inside Mathare slums, I worked mainly with the militants supporting the change process. I remember the high volatility and tension that existed between the two warring groups – those supporting the government of Kibaki (who were mainly Kikuyu), and those supporting Odinga (comprising of Luos, Luhyas, Kisii Kalenjin, people from the coast and Somalis).

There were four different territories within the larger Mathare Valley slums which was a demarcation to separate the main warring groups. The first one was called

Othaya (representing Kibaki's home district, then Nyanza and Rift Valley and Western (representing Raila, Omingo Magara, Ruto and Mudavadi). But the whole demarcation was reduced into two main groups separating pro-Kibaki - Othaya and Pro-Raila Nyanza. In these two areas, any suspected Kikuyu, Luo, Luhya, Kalenjin that could be found on the wrong side was mercilessly hacked to death.

I witnessed and captured on camera from on top of a building people being hacked to death from both sides of the divide. In one very traumatizing incident, which happened right in front of my eyes was a case where a young man believed to be a Kikuyu was ordered to run towards the militants. He obliged and was ordered to kneel down before he was ransacked and robbed of his wallet and mobile phone. Then something sudden happened. They found him with a short sharp panga hidden inside his clothes. To make it worse, the man's ID was found to be from the enemy side. With this, the fate of the young man was sealed. He was ordered to stand and walk away, but as he made the first step, militants removed pangas from their cloths and landed the sharp blades on the man's head, shoulder sending him on the ground. I witnessed with disbelief the man being mercilessly hacked to death. In less than 20 minutes, he was dead.

At some time, I felt my body could not cope with hard work anymore because of the injuries that I suffered. In most cases, when I was in the field, I could loose my breath and rest for a moment before embarking on walking. I had problem with climbing the stairs and hills that are so much in Kibera and Mathare slums. I requested Aljazeera to allow me to rest and see how my body would respond. I took a week off which I spent in my house.

During this period, I received a phone call from Argwings who said that he needed to meet with me urgently. Argwings informed me that there were plans by the government to use Bob Johnson to kill Odinga during the mass action that was scheduled to take place on a Friday. According to Argwings, the government was planning to sponsor Mungiki and other trained militia to confront ODM during their Friday scheduled rally in town. Whereas the police were to continue barricading the Uhuru Park, Argwings argued that his sources told him that other police forces would be withdrawn leading to a confrontation between the ODM supporters and the PNU supporters.

The mungiki supporters were to be provided with crude weapons including guns and pangas. Argwings told me that the would-be killers wanted to infiltrate Odinga's security by pretending to be his supporters. During the chaos, these killers had orders to descend on Odinga and his other Pentagon members and cut them into pieces after shooting their security details.

This Argwings said that would be blamed on the civil strife and not government involvement. I found this information very scary and one that needed urgent intervention. One of the solution was to provide evidence so that this evidence could be used to expose the governments plan and also to make the ODM suspend the rally at that time.

We decided to approach the media -Aljazeera - so that we could get equipment to cover the story especially the hotels that were over booked and other secret meetings

in town. We also wanted to track the weapons and the source of the pangas that were suspected to have come from China. We wondered how we could cover the story but we realized that first I was sick then secondly, that Aljazeera would like to cover but the gate keepers in that office may not let it through. Besides, it was going to be extremely difficult and time-consuming to complete the story.

I decided to approach one of my confidants to discuss with her about the development. She accepted to meet us and we went straight to the meeting. Argwings explained to her the details then she said that they had similar information through their network but not in the finer detail of Argwings. She decided to provide some support so that we could do whatever was within our reach to prevent the ugly event from happening.

I made it clear that I was not feeling well after my torture on the 26<sup>th</sup> of December. We agreed that Argwings should pursue the issue and be in contact with her. Argwings worked with some reporters from Reuters and provided the information to the confidant and also informed the ODM. The rally was subsequently called off and pushed for another date and I believe that other than other reasons for the calling of, our investigations contributed immensely towards this decision.

Meanwhile, during the same meeting, I remember recommending to the confidant that they needed to prepare a joint body that will rescue whistle blowers and human right defenders who will be targeted both by PNU and ODM because this was bound to happen sooner or later. The confidant assured me that it was a good idea and that they would consider that point urgently. Later, the confidant called and told me that they had established that joint body that is central and which was dealing properly with questions of relocating those in danger.

After sometime, when the country turned chaotic for the third time, Aljazeera inquired whether I could work or my health was still in bad shape. I decided to get back to work although I was still not fully fit. Two days in to work and I received information that members of my community, the Luhyas and the Kalenjin were facing hardship in Kikuyu and that members of the Kikuyu tribes were baying for their blood in the camps where they were.

### **Visiting Kikuyu**

I informed Aljazeera of the development and they told me it was fine if I could get the story. They offered to pay for my security as usual, but warned that I be very careful in that territory. I picked two of my Kikuyu friends. One of whom I had earlier done a story on his suffering which changed his fortune and that of his entire family. He had not only received a scholarship and job offer after the completion of his studies, their families were provided with a proper house from the shacks in the Dandora dumping site slums. Eric Waweru, together with his friend, accompanied me and two of my other security details to Kikuyu. In the car was also Ann Honks, a freelance journalist who requested to accompany me to Kikuyu to cover the violence.

In Kikuyu, at one of the police stations, the Internally Displaced Persons (IDP's) totaling about 3000 people appeared confused, scared and tired. They said they had been in that place for one week without food. They were chased out of their houses

without anything. They blamed the opposition leaders for not taking care of them. They claimed even the media were not focusing on their plight. They were scared that one more night in that camp will cost them their lives as the militia could be seen baying for their blood outside the police station. The station had few police officers numbering about three women and two men. 500 meters from the police station were marauding militia threatening to burn the IDPs inside the police station. One police lorry with about five police officers separated the militia from the IDPs.

Then something strange happened. One of the IDPs was addressing his colleagues in a loud tone as if he was preaching. As people gathered to hear his words, we saw a police lorry moving inside the police station. I turned my camera towards the police lorry. The police launched two teargas canisters towards the IDPs. The incident caused a major stampede with people running helter-skelter like headless chickens. I turned the camera to capture the effects of the teargas and the stampede caused. There was a boy whose right hand-side was seriously injured by the teargas. He was wailing helplessly and no one could help stop the overwhelming blood flow that was streaming from his eyes. I followed him to one of the buildings but some people and police did not want the pictures taken.

Suddenly, we were told that there was more violence in Kenya Forestry Research Institute (KEFRI). We decided to request protection from some police who were providing protection of the IDPs being transported from KEFRI to the police station where we were. They accepted but after inspecting my press card. Little did I know that I was giving myself up to the authorities.

We were provided protection up to KEFRI. Our vehicle was in the middle, with the bus in front and the police van behind us. Moments after arriving at KEFRI, the bus stopped and parked facing ahead. Our driver thought it was the end of the journey and parked his car facing the gate. The police vehicle was backed behind facing the gate. Suddenly, the bus sped off and immediately followed by the police van leaving us behind with marauding youth.

The militia moved slowly in on us and started confronting us. One of the leaders answered a phone call and spoke for a short time before he returned to his colleagues. The next thing we heard was “which media station are you presenting? We don’t want KTN, *Nation*, *Standard* or any other media other than Kenya Broadcasting Corporation, *Citizen* and K24”, they said.

The leader of this group came to me and ordered that for my safety I had to leave or I will be killed immediately. “You are in the wrong place my friend and if want to save your life get inside the car and save the rest of your colleagues”, he said.

As he was speaking to me, the group was surging and saying that *oyo ne mujaruo* (‘this one is a luo’). I was stuck in the middle of nowhere contemplating the consequences of getting inside the car with that huge crowd that had mobbed it. I decided to ask one of the officials to allow us to get inside the gate with our car until the police could return. She replied to me “we cannot allow *a mujarua* (a luo) to get inside here, die your own death”, she said.

My two Kikuyu friends came to me and told me that those people were planning to burn the car and kill us. They were blamed of being *watiaji* (informers) by walking with us. But they defended me arguing that I was a friend of their family who saved them through the story that I did for them. The seemingly intoxicated militia could not hear these arguments. They were told by their leaders to allow us to go immediately and by good chance, they unblocked the way for the driver who started driving as we had planned that we catch up with him on the way so that we could confuse the militia.

As the driver left, we followed him slowly as the youth demanded our cameras. The situation came worse when they started pelting stones at the vehicle along side the road forcing the driver to speed off leaving us quite a distance to cover. We were forced to run for our dear life chasing the car as we were being pursued by the militia. By a stroke of good luck, I managed to get to the car though I had stretched myself so much rekindling the pain that I had earlier suffered from the torture.

We were terrified with the incident but we managed to get to Nairobi. On the way to Nairobi, I made appeals to humanitarian organizations in Kenya and some of my colleagues in South Africa by informing them about the urgent need to evacuate communities trapped in Kikuyu.

I also called Raila Odinga and spoke with his body guard who told me to give him information that he will pass it to him once he was out of a meeting. After ten minutes, the body guard called me and told me that Odinga appreciated the information and requested that I talk to Edwin Nyaseda, the ODM head of presidential security. I spoke with Nyaseda who took the details from me and promised that my information has helped them establish exactly which area the people were and the rough idea of the number of buses that they needed to send to pick the IDPs. The evacuation of these people took place late in the evening and the following day. I was happy our efforts helped save innocent lives of Kenyans.

I went to the house where I started feeling pain in my lower abdomen, my genitals, ribs, ear, jaw and the head. I had difficulties passing urine and I vomited seriously that night. My wife decided not to go to work that night because of my condition and spent the whole night taking care of me. The next morning one of my friends drove me to Masaba hospital where the doctors examined me and said I needed to do some special tests to establish if my kidney was damaged during the torture. They also recommended that I do an MSC test to establish a post-trauma urethra stricture. I went back the following day for check up and for some tests which did not take place because of lack of money.

My pain continued but I was relying solely on the pain killers because it was impossible to get cure for an undiagnosed illness. I called my confidant to inform her of what I was going through and she advised that I should place my complaint with the Kenya National Commission on Human Rights (KNCHR) before she could take any action. I was reluctant to report to the commission because the commission and the police to me appeared to be the same group.

During my troubles with Lucy Kibaki, police failed to protect me and instead they were used to frustrate and threaten my life. The KNCHR, through its director Maina

Kiai, failed to fight for me and never protected me at all. Several distress calls that I made to them were not acted on forcing me to feel that I had no protection at all from the media, police and the KNCHR. I had no faith and I still have no faith and confidence on the Commission as presently constituted. All in all, I reported my statement with one Otieno, who was in charge of the complaints.

I also recorded the statement with Amnesty International several days later. One day, as I was sleeping in my house, Linda Ochiel (KNCHR) called me and wondered why I never recorded the statement with the police. I told answered her that I did not want to engage myself in a cosmetic exercise that could be traced back to 2005 May 2<sup>nd</sup> when Lucy Kibaki attacked me in front of the police. Yet my case was dismissed on the ground that I had not given the police enough time to investigate a crime that they aided and abetted.

I reminded Linda that I was beaten by the police who were part of the militia and therefore I could not waste my time to report them to themselves. Linda asked me when and where the incident took place. I told her that it was the evening of 26<sup>th</sup> December 2007 at Red Court Hotel in South C. With that she exclaimed “What, so that was you! We were called on the same day, same time same venue. *Haki pole* (surely I am sorry) Clifford. Now I understand why you could not report the case to the police”, she said. She also assured me that “I will answer all these questions accordingly don’t worry”, she said.

## **Conclusion**

In conclusion, I would like to say that this account is not the end of what happened in the attempt to rig the general elections. It is a beginning of the efforts that we need to bring to the understanding of how elections are being conducted in Africa as some dictators resist democratization. This is an account which I hope will lead to a deeper, though not necessarily a complete understanding of what transpired during the Kenyan 2007 elections. It is also an account which I hope will lead to a greater understanding of the desire of the ordinary Kenyan to have credible elections which properly represent the will of the citizens. It is also an account which helps the reader understand the connivance of dominant media organizations in the theft of the people’s will as expressed through the ballot box.

End.