



# KWARE

## THE AFTERMATH

Mukuru's Darkest Hour



# MUKURU'S DARKEST HOUR

## Background

### About Mukuru

Mukuru Community Justice Center (MCJC) is a community based organization in Mukuru Slum. MCJC was started after a training by the Social Justice Working group in 2017. The organization has since then been at the forefront of struggles against injustices at community level. This has included a fight against forced evictions, land and housing rights in Mukuru slum, amongst others.

Mukuru is one of the largest slums in Nairobi, the capital city of Kenya. Like any typical urban slum, it is characterized by overpopulation and extreme poverty. The population of Mukuru lives in an area with dilapidated or non-existent basic social amenities. The lack of socio-economic opportunities has led many to lose hope with life because their livelihoods and homes are perennially destroyed by floods, frequent fires and forced evictions by the powers that be in Kenya.



Photo Credit: Sydney Mwangi Citizen Journalist (Thema Ukweli)

### About Kware

You might have heard about the many bodies that were found dumped in an abandoned quarry in Mukuru in July 2024. Mukuru Justice Center is the organisation that brought the country's attention to the dumped bodies. Apart from breaking the news, we also organized community members to help retrieve the bodies.

As you might imagine, the discovery and retrieval of the dead bodies without protective gear at the beginning has left the community - and especially the youth who volunteered to retrieve the bodies - traumatised. The extent of the trauma and psychological harm within the community, and within the ranks of our grassroots Human Rights Defenders(HRD's) is what has prompted us to issue this report.

As a grassroots community organisation, we are usually inundated with cases of injustice and human rights violations. We are used to the struggle for social justice and the intolerable hardships that come with it, but to experience the extensive effects that the retrieval of the bodies at Kware has had on our members is more than devastating, it's paralysing. This situation of psychological struggle has additionally been compounded by unceasing phone calls, harassment and threats from unknown people who we suspect to be the Kenya Police. This adds another layer of fear for the security of our members.



Photo Credit: Sydney Mwangi Citizen Journalist (Goma Ukweli)

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## How We Learnt About Dumped Bodies

On 12th July 2024, we received reports that there was a body that had been sighted in the Kware dumpsite pit in Mukuru Kwa Njenga at around 10am. Our team responded swiftly to confirm the reports and found out that it was true that there were an unconfirmed number of bodies dumped at the Kware dumpsite. The dumpsite is just a few meters from the police station, and it was surprising to us that the bodies were dumped there without the knowledge of the police. We subsequently raised an alarm through our X platform that caught the attention of the public including the Director of Public Prosecutions. The local authorities and police didn't seem to want much attention around the dismembered bodies that were dumped in Kware, and it caught them by surprise that the information was now all over social media.

## The Retrieval Process

Mukuru Community Justice Center organized a group of volunteers to retrieve the bodies in the dumpsite that was full of raw sewer, medical waste and industrial waste. We contributed some resources to buy face masks and surgical gloves. The process itself was traumatizing as we were retrieving bodies without proper protective gear.

The Director of Criminal Investigations (DCI) forensic team, meanwhile, was watching us waiting for the bodies to be retrieved instead of helping us. The bodies that we retrieved were wrapped up in the same patterns of papers, gunny bags and ropes.



After retrieving nine bodies on the first day, protest erupted in the community and police started to engage Mukuru residents in running battles. The cases of police brutality increased. As if finding bodies in the quarry was not traumatizing enough, fifteen people were shot by police officers from Kware Police station, the same police station near where the bodies were being retrieved. One person died from the injuries after he was assaulted by police.

The retrieval process went on for another two weeks before the DCI informed us that we needed to stop searching for more bodies for one week, as they were engaging the Nairobi County Government disaster management team.

During the period when the retrieval of bodies continued, we shared our organizations paybill on our social media platforms and well-wishers contributed to the tune of Ksh. 147,576. Apart from facilitating the volunteers who were retrieving the bodies, we also used the money to buy water, gloves, ropes, and other necessary equipment.



## Engagement With Local Government

The county government at the grassroots level reached out to Mukuru Community Justice Center with the aim of harmonizing community volunteers with the county disaster team. A meeting was organized with the county disaster team but they failed to attend. The Governor of Nairobi, Johnson Sakaja, responded through a statement stating that he recognized our efforts as community volunteers. He also stated that they would work closely with the National Police Service since it was a criminal matter. Governor Sakaja said that they were willing to support families of victims after they have been identified by their kin.

It is important to note that the county government did not show up with necessary equipment during the retrieval process considering the dumpsite was full of sewer and waste. Members of Mukuru Community Justice Center struggled to access dangerous parts of the dumpsite, risking their lives.

## Engagement With the National Government

Mukuru Community Justice Center was working closely with the national government's Director of Criminal Investigation(DCI) Forensics Team. The forensics team looked helpless in terms of their capacity and resources in regard to the retrieval process. They were blaming the county government disaster management team for not providing machinery and disaster experts to assist during the process. On the other hand, the county government claimed that it was waiting for a letter from the Director of Criminal Investigation so that it could deploy its experts on site. Kenya Red Cross deployed their volunteers to work with us as we continued to search for more bodies, and we had retrieved 18 bodies by 2nd August 2024

On 15th July 2024, Collins Jumaisi Khalusa was arrested, allegedly in connection with the killings and mutilation of the women bodies that were dumped in Kware. The DCI claimed that Collins had confessed of killing 42 women and dumped them in the Kware dumpsite. He was taken to court in Makadara Law Courts on 16<sup>th</sup> July and the court gave the DCI one month to conclude the investigations.

On 16 August three suspects were brought to court and were likely to be charged with killing six women - the six women being the only ones identified out of the 18 bodies recovered from the crime scene. The DCI subsequently recommended murder charges for Collins Khalusha, Amos Momanyi and Moses Ongembo in relation to the killing of women whose bodies were dumped in Kware, Embakasi, Nairobi.

Inspector Patrick Wachira of the DCI's Homicide Unit said they had already prepared six police files for the suspects who will be charged with murder contrary to section 203 as read with 204 of the Penal Code.

The women identified include Roseline Akoth whose phone was found with Momanyi. Momanyi led police to Ongembo who claims to have acquired it from Khalusha. Others also identified as victims of murders allegedly executed by the three include, Josephine Mûlongo, Christine Mwendu, Wilkister Ososo, Brenda Shatuma and Imelda Karenya.

**N.B. Mukuru Community Justice Center notes that the state has failed through their biometric data base to identify all victims and their families. This might explain why at the city mortuary, there are a lot of unidentified bodies.**

Inspector Wachira said investigations into the matter are still ongoing and he was seeking a court order to detain the three for an additional 21 days to conclude the investigations. Momanyi claimed that he bought Akoth's phone from Ongembo, who has been found with more than 160 mobile phones that are all under investigation.

Inspector Wachira claimed Ongembo's shop in Mukuru kwa Reuben slums, is an illegal business that was being used to dispose of mobile phones belonging to victims murdered by Khalusha. The mobile phones found on the suspects had been used to register 26 SIM cards that were illegally in use. The phones include one belonging to Josephine. Principal Magistrate Irene Gichobi directed that the suspects remain in custody for an additional seven days. They were to be taken back in court on August 26.

Collins Khalusa disappeared from Gigiri Police Station on 20<sup>th</sup> August 2024, six days before he was to be presented in court. It was alleged that the suspect escaped alongside 12 Eritreans. The police had not traced him by the time of drafting this report.

## **Engagement With CSOs**

After we raised an alarm about the mutilated bodies that were dumped at Kware dumpsite on 12<sup>th</sup> July, many national and international human rights Civil Society Organizations (CSO's) immediately arrived on site to get the facts of the situation. They issued a press statement the next day at Redeemed Gospel Church in Kware where they condemned the killings and issued demands to the government. The statement and their presence brought hope to us and the community on our journey to demand justice and accountability.

We continued with the retrieval process the next day, and were hoping that the said national and international human rights CSO would support us with necessary protective gear, equipment, or even buy some water for volunteers. This didn't happen. The said national and international human rights CSO's were camping at the Nairobi Funeral Home (City Mortuary), waiting for us, a grassroots organisation, to retrieve the bodies and take them to the mortuary for them. This was as they waited to provide oversight on autopsies and issue statements to the media.

The said national and international human rights organizations have never shown up in Mukuru slum since that day, even to stand in solidarity with the families of victims. We have made appeals in our funds drive to all the national and international human rights civil society organizations that were present, but only two of them have responded to our email.

## **Engagement with families of victims**

Mukuru Community Justice Center is in contact with the families of the victims. We are offering them counselling sessions at our office, and hope that justice will be served.



Photo Credit: Sydney Mwangi Citizen Journalist (Sema Ukweli)



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## **Conclusion and Recommendations**

This report and the recommendations therein are for purposes of documentation of what happened from the voices working and living in this grassroots community. A lot has been said and written about what transpired in Kware by outsiders, and we believe that it is important to capture first-hand accounts from active witnesses.

This report will remain a permanent remembrance in honour of the victims of these gruesome deaths and the volunteers who offered themselves to retrieve the bodies when the government failed them.

This report is additionally a reference resource for future activists/organisers/researchers working in slum communities.

Below is our list of recommendations that touch on different groups that were involved in the process in one way or the other:

### **1. Frontline workers**

As reported above, most of the retrieval of bodies was done by youths from the community who are not professionals in the job. The retrieval was also done without any protective gear in murky and contaminated water. The selfless acts of these youth makes them potential allies in the struggle for human rights and justice in Mukuru Slum. There ought to be an open invitation to these youths who volunteered to retrieve the bodies. Any services that can be extended to the youths by organisations such as Mukuru Community Justice Center should be highly encouraged.

### **2. HRD's of a grassroots collective(Mukuru Community Justice Centre)**

The psychological harm of the gruesome retrieval process of the Kware bodies came quick and fast on grassroots HRDs and activists from Mukuru slum. The mental health challenges faced by HRDs working for Mukuru Community Justice Center is something that requires urgent action by human rights organisations in Kenya. Beyond the immediate assistance that these HRDs need is the critical need to create a culture of care, especially in regard to mental health. A proactive approach to mental health should be a permanent feature when designing and implementing justice and human rights projects. Adequate funding for psychosocial support of grassroots HRDs should be a must have for grassroots initiatives.

### **3. The Mukuru Community**

Organisations such as Mukuru Community Justice Center should be supported to extend support to the larger Mukuru Slum community. What was the impact of the retrieval of the bodies on the general public in Mukuru slum? How will the trauma that the community experienced manifest itself in the community? Those are questions that only an organised collective like Mukuru Community Justice Center that was at the centre of these retrievals can be able to address. It is best placed to organise collective healing initiatives with community members within the community. Such initiatives are not possible without MCJC partnering with well-wishers and progressive organisations.



## **4. The Government**

Whatever happened to the victims of Kware, how they were killed and dumped metres from a police station, would not have happened if Kenya had a functional government. The retrieval of the bodies by youths from the slum without protective gear would not have happened if Kenya was governed by a pro-people government. The lives of the victims were neither protected when they were alive, nor their dignity protected as dumped bodies in a quarry. Going by how the government handled the whole matter, it is not clear if the victims will ever receive justice. With regard to the government, the appeal should be for active citizens to build institutions and do away with personality politics that give birth to such governments as we have in Kenya today.

## **5. Civil Society Organizations**

The Kware bodies exposed an ugly side of the NGO sector. Grassroots activists have complained for many years about justice and human rights civil society organisations and their conduct when engaging grassroots communities. In the case of the Kware bodies, we saw many civil society organisations parachute themselves to the scene of crime, hold press conferences, and helicopter out without any meaningful interaction with community based organisations in the area or those doing the actual job. There were no concerted efforts to bring together the grassroots organisations and CSO players from outside the community for a united approach to the crisis. The Kware bodies is a call to the CSO sector to weigh carefully between the people's agenda and the agenda of foreign donors. Moving forward, Kenyan CSOs need to create space for grassroots emergency initiatives.

## **6. Religious Institutions**

Mukuru Slum, like any other informal settlement, is mushrooming with churches. There are more churches than schools and hospitals combined in Mukuru. As a major stakeholder in a community such is found in Mukuru slum, the silence of the church was deafening. The church could have been at the forefront of offering counselling services or other psychosocial support but this did not happen. As a way forward, Mukuru Community Justice Center recommends the introduction of liberatory theology in the community. This will bring the community an alternative way of experiencing spirituality in the community and foster a culture of life over profit.

## **7. Kenyan Media**

The Kenyan mainstream media was a major fail, as usual. The number of times that they reported mis or dis-information in regard to the Kware bodies did not go unnoticed by the community and grassroots activists. There is a need for some form of humanitarian media practices. This would mean that media houses shelve any covert economic and political interests and focus on being helpful, if at all being human in their reporting is too much to ask. The alternative to mainstream media is strengthening citizen journalism initiatives and projects.

