What are the Alternatives to Jail?

Chebukati

*Community volunteer, a social justice advocate, and political organiser*

The book starts with an event that Maina can’t forget for a lifetime. The arrest of Maina and other political prisoners are learning manuals and memoirs of honour to the struggle. Not compromising his beliefs and political stand made Maina’s life hard and miserable for years, but that was a revolutionary decision.

Religious antagonism is evident when Maina is given a Bible and not communist material because he confessed to be a communist. This is illustrated by the fact that his own book which was confiscated by authorities during the house search conducted at his Kenyatta University premises wasn’t returned, and he was instead told to find solace within an imperialist book that aimed at making us captives of God and his son. How do they separate you from your own thoughts but tell you to live side by side with someone else’s thoughts? My great Maina found a new job for the new Bible.

The food the prisoners ate wasn’t satisfying and from Maina’s brave words their immune systems had significantly deteriorated… you remember him speaking about lost eye sight? Getting basic needs becomes problematic even in a government manned institution.

The Moi Era/Error

Moi coming to power in a country whose independence has just been betrayed by his predecessor and deciding to follow in his predecessors footsteps (nyayo) brings the nation to a state of bad governance and economic turmoil. Political activism subsequently starts in different spheres – the air force, universities, churches, civil society and other organizations.

The people start organizing the masses toward change and political education cells are created. The organizing happening terrifies the state and it uses the dreaded ‘special branch’ unit of the police to rein in those involved in political activism. Those found organizing or in possession of the education material are arrested and detained without trial - or tried in kangaroo courts that help the state incarcerate them for long periods.

The arrest of university students came at a period when the nation had just dropped the colonial employees and was in need of people with different knowledge and skills to help build a nation. The detention without trial of university lecturers and people who were collecting and trying to put the story of the Kenya Land and Freedom Army together was a retrogressive measure to the people, but productive to the neo-colonialist enterprise as it kept people in a state of fear.
The delaying tactics witnessed from the state then, and which is still prevalent with regard to judicial matters, is a culture raised to create room for the denial of justice. From Maina wa Kinyatti’s words, it is clear that this is why they were held for so long before a predetermined sentence was later announced.

The situation in our prisons and remand facilities has not improved to date. The meals are still half cooked, and for you to feed well you have to offer some form of bribe for extra food - enforcing notions of class and privilege even among inmates. The prisoners who serve as cooks or servers aren’t bothered with the lives and welfare of fellow inmates but with bettering their stay in prison and relationship with the wardens. Many wardens are mentally disturbed because to the ills the state forces them to inflict on innocent people for the benefit of the ruling class, aiding the killing of a possible revolution that could change even their lives.

Segregation of inmates from basic needs and even matrimonial duties is still prevalent. Though inmates are supposed to be given a bed, uniforms, sheets, towel, sandals and personal effects, that doesn’t happen - contributing to pathetic lifestyles within prison walls.

Despite prisons being overcrowded, the state has not invested adequate time and resources into alternative corrective mechanisms - probation [kifungo cha nje] for instance. Many inmates today are in jail for petty offences. It’s ironic for a government to jail someone because of a plant and give the corrupt top security catered for by taxpayers.