

MOI SHOULD APOLOGIZE TO KENYANS FOR HIS NYANG'AU TIRADE

By Ndung'u Wainaina

Retired President Daniel Toroitich Arap Moi is on the offensive. He and his long time diehard apologists are determined at whatever cost to continue rejecting and forestalling national rebirth. They killed, maimed, and detained gallant Kenyans fighting for freedom, justice and equality. Of course Moi was not the first president of the republic of Kenya but post colonial challenges followed him fourteen years after inheriting the presidency from Jomo Kenyatta. Among the reasons the first generation dictators could plead is the cold war but these problems aside these crop of leaders committed the worst forms of atrocities against their innocent and helpless populace.

In the untenable tact called African wisdom, Kenyans had legitimate expectation that one would not maliciously pursue the retired president for the mistakes and crimes he committed inadvertently. In fact President Mwai Kibaki in his 2002 inauguration speech alluded to this saying "One would have preferred to overlook some of the all too obvious human errors and forge ahead, but it would be unfair to Kenyans not to raise questions about certain deliberate actions or policies of the past that continue to have grave consequences on the present' .

President Kibaki acknowledged and indicted Moi's dictatorial edicts "Fellow Kenyans, I am inheriting a country which has been badly ravaged by years of misrule and ineptitude". Kenyans felt betrayed and agony crept in when the same Kibaki's administration not only demonstrated to the victims of Moi's miss governance that nothing serious happens and continue consulting him even when the subjects are living in abject poverty directly associated with Moi and his cronies who plundered the resources of this country, defiled the economy and seriously interfered with the environment.

The Ndung'u Report, the Goldenberg Report, the Kroll Report, the Mau Forest Report among others all are unanimous on the fact that Moi and his cronies are directly or otherwise culpable and little wonder they are now all united by those atrocities in the "NO" campaign against the Proposed Constitution. Kenyatta and Moi stand accused for defiling the current constitution by making amendments to entrench editorship and impunity.

One may ignore mega corruptions whose commissions of Inquiries have indicted Moi and his 24 year brigade but may not forget the actual impoverishment of people. This was carried in a systemic way. Families were in broad day light terrorized by armed militias. Those who legitimately resisted are now fossils as their families desperately still wait for justice! Indeed the Akiwumi Report unlike the Waki Report named the perpetrators of the politically instigated clashes and a clear pattern is discernible.

A good example if not a coincidence is a situation where District officers and police chiefs who were in tribal clash areas being transferred to other areas where such clashes would erupt. Akiwumi report called them generals of tribal clashes and names a "Mzee" who is alleged to have given instructions and who was being protected by the attackers.

It is agonizing to see that almost ten years after Moi left power he has not realized that he made mistakes. This is quite discernible from Moi's utterances and his continued use of the same language he used when in power. Recently Moi has resorted to calling proponents of the Proposed Constitution as "Nyang'au". Any reasonable person would expect Moi to thank Kenyans for their magnanimity that today he continues walking free when victims of his repressive regime are living in abject poverty while others are nursing incurable injures and diseases intentionally inflicted on them through repressive policies of his regime.

Moi's advisers had better advice him not to remind Kenyans of the unfortunate quarter century of lootocracy, torture, and overt disappearances and killings of opponents like Alexander Muge, Robert Ouko, Antony Kaiser, Titus Adungosi and many others. Instead of saluting and thanking Kenyans' magnanimity and goodwill, it is atrocious that Moi is going round calling them Nyang'aus. Moi must enjoy without hindrance his freedom of expression but must never abuse Kenyans' generosity to him.

Moi deserves to be held criminally liable for the 24 years of his horrendous rule and crimes. When a sitting president institutionalizes torture and builds a technical department for torture, the infamous Nyayo House torture chambers, a self imposed amnesty like the one that Moi assumed is only recognized by the ruling elite. The poor

mothers and daughters whose loved ones were wrecked by this torture are still bleeding with raw anger and craving for justice.

Indeed to them any meaningful transition from Moi's dictatorship would have been one from State House to Kamiti Maximum Prison. This is because there are convictable crimes that Moi and his cronies committed against Kenyans. By virtue of the fact that the High Court has ruled that the state abrogated its responsibility by torturing people AT Nyayo House, there is enough evidence to go for Moi. This is putting paid to the fact that old age unlike minority age is not a defense to criminal liability. I remind Moi that past dictators across the world are still being pursued for crimes.

A Moi's repressive policies survivor, the late assistant Minister for Internal Security, Mirugi Kariuki, God rest his soul in peace, once compared the fate of Africans dictators and their Asian Tiger counterparts. He compared the economies of those countries and tried to offer an explanation of the stark per capita income. Mirugi said that most of the dictators who plundered the economy of these countries were in jail while in Africa we continue begging for hand outs from the loot of a fallen dictator.

When the top political leadership continue to allow Moi to criss-cross Rift Valley saying "*Mkoa Huu sio kama Mikoa mingine*" he should be compelled to tell Kenyans what he means by that. It is a matter of public notoriety that the puns and coded language has been used in Rift Valley to whip the emotions of people against each other. Kenyans do not give Moi and his fellow emerging despots a chance.

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