SCHOLARSHIPS THAT CHANGE LIVES: JUSTICE, EDUCATION, AND SECOND CHANCES

Host: Sultan Hassan
Guests: Hamisi Mzari, Morris Kaberia and William Okumu

Transcript: Podcast - Episode 2, Part 1 of 2

Sultan Hassan (Host):

Welcome to Law in Real Life.

Today's conversation is one I've been looking forward to for a very long time.

Justice Defenders believes that everyone deserves access to justice and education, whatever their circumstances. Working with people in prisons across Africa, it helps students study law, build practical legal skills and use that knowledge to change their own lives and support others. Through its partnership with the University of London Undergraduate Laws programme, many students can work towards an internationally recognised law degree.

At University of London Undergraduate Laws, we have the privilege of supporting Justice Defenders students throughout their academic journey. In the first of two linked episodes, I'm joined by Morris Kaberia, Hamisi Mzari and William Okumu. Their roots into the criminal justice system were very different.

Morris's journey brought him into the criminal justice system after he was convicted of robbery with violence, a conviction he has always maintained was wrongful.

Hamisi's journey brought him into the criminal justice system following a period of significant personal challenges that led to his involvement in fraud.

William's journey also brought him into the criminal justice system, following convictions for robbery with violence and handling stolen property.

In Part 1, they describe who they were before prison, the ambitions they held, and the emotional and psychological realities of imprisonment. We hear about the loss of identity, dignity and hope, and how the opportunity to study law first entered their lives.

This episode includes conversations about imprisonment, personal hardship and well-being. Please take care while listening. University of London students can access support through the University's specialist well-being services. I would also add that the views and opinions expressed in the podcast are those of the individual speaker.

This conversation was recorded remotely with me joining from the UK and our guests joining from Kenya and the United States. So, you may notice occasional changes in sound quality.

So, a warm welcome to the podcast and thank you so much for joining me today. It really is a privilege to have this conversation with you. So, I'd like to begin talking about life before prison,

before legal education, and before justice defenders, because each of you had ambitions and a sense of who you were long before any interaction with the justice system.

So Hamisi, let me start with you. Before prison, who were you? Tell us a bit about yourself. What interested you, and what kind of future did you imagine for yourself?

Hamisi Mzari (Guest):

Hamisi Mzari was a young passionate man full of life before incarceration. I was a young banker with a long, beautiful career ahead of me and I visioned myself one day sitting in one of the biggest banks in Kenya at the boardroom leading the bank.

My mind was sharp, alert and alive to details that pertain issues of banking and I was very enthusiastic about the work that I was doing. Having come from a very humble background, I knew that where the money was, was in the bank and therefore I felt that I was at the centre and the middle of money and I was seeing a beautiful life for my family, for my future.

Until one day, out of curiosity, I decided I could do more with a little knowledge or with a little wisdom that I had then and tampered with some figures and hell broke loose. Literally.

Sultan:

And I want to turn to William now. When you hear Hamisi describe that earlier version of himself, does any part of that resonate with your own life?

William Okumu (Guest):

I resonate with Hamisi so much because I was very ambitious by then and one of my dream was to was to be a priest. It was just a dream. So, I went into doing events and I was very ambitious and flamboyant at that time and actually I was looking for money to take myself to the university.

Sultan:

Morris, I'd love our listeners to get to know you as a person.

Morris Kaberia (Guest):

Let me take you back a little bit. As a child, I had a deep instinct to help others. I'll take food, hide it from my mother and give it to my friends who had none. I did not know the word justice then. I just knew that seeing someone go without while I had something felt wrong in my chest.

So in 1982, after the attempted coup in Kenya, something happened inside me. I witnessed lawyers, attorneys wearing white wigs and black gowns, stand in court and defend their clients. My father bought a newspaper every single day, so we did not have a television, but you'd sit down with him and follow those court proceedings word for word. I read every name, every argument, every judgement, and that is when I fell in love with the law. That is when I grew an appetite to become an attorney.

But life does not go straight for everyone. I did not perform well in high school and peer pressure hit my dreams. I watched other boys pass exams while I struggled. And I thought, maybe I'm not good enough. Maybe the law is not for someone like me. And so that's how I joined the police force.

I served in the Kenya Police Force for 12 years, from 1993 to 2005. I trained at Kiganjo. I carried a gun. I wore a uniform that made people fear me, and I thought that made me powerful.

But that is not where my story begins. I would speak up, I would argue, and that rubbed my bosses the wrong way. There was no prospect of growth unless you had connections or good education, and I had neither. I started losing faith in my dream of becoming someone who could bring positive change in our society. I did not know then that my journey would take me through to the very gates of hell, through prison, to finally become that person. But that is the thing about dreams. Sometimes they have to die completely before they get resurrected.

Sultan:

It's interesting in hearing the similarities and differences between your stories, but what comes through very clearly is that none of you began your life expecting prison to become part of your journey and then all of a sudden life changed dramatically, which you have touched on slightly.

William, you spent years in Kamiti Maximum Security Prison, including time under a death sentence. What was prison life like emotionally and mentally? Especially in those early years?

William:

When I was sentenced to suffer death, I normally say I was given an opportunity to die. That was in December 1st, 2009. I was very young. I was 22, 23 heading to 23 because I had just celebrated my birthday in the same same remand. So, like it was a shock for me. And actually I cried for three days. Remember, I was very young and I felt like my, my, my future was now like finished. I was a nobody.

I engaged myself with things like poetry and reading, reading a lot of books, old books. And I became also a person who could motivate others. So, I gave up with life. But I said instead of giving up with life, there's something which I can do with myself.

Sultan:

You describe an environment where hope itself could almost feel impossible.

And so Hamisi. When you hear William describe his experience, what resonates with you about how prison affects identity, dignity and even hope?

Hamisi:

Prison life is a very interesting life because you meet human beings who have been put in an environment that strips them off their humanity.

The first day when I went into prison as an incarcerated person was when I was told to remove all my civilian clothes and then walk around two to three to four metres and then go and receive the prison garp. This is the most dehumanising moment in my life because you are literally shedding of your humanity. You become naked, starck naked and become a completely different person. You are no longer considered as Hamisi, you are not considered as a prisoner. In some prisons, you are given a number and you are considered by that number, and that changes the way you start viewing things because the things which were ordinarily normal, they become extraordinary, abnormal.

You feel worthless and to an extent you feel like you do not deserve to be on this earth again. And that's the time now it hits you that actually, freedom is priceless, that freedom is a commodity that is so precious. And you can never know until that moment when you wear that prison cap and you become a prisoner.

Sultan:
And Morris, when you found yourself in prison, what was that experience like for you?

Morris:
Well, I was arrested in 2005 and taken to Kamiti Maximum Prison in Nairobi, Kenya, the biggest or largest prison in Kenya, the same place I used to take suspects when I was a police officer. Let me tell you what that feels like.

I had taken people to that prison for years, but I had never once looked inside those gates. I would stare at the entrance, smell that stench, a mixture of sweat, decay and hopelessness. And I would've turned away. I believed the people inside deserve to be there. I believed they deserved to die there. I did not think they were human.

And now, suddenly, I was one of them. The first night they stripped me of my uniform, they had me in dirty, zebra clothing full of lice. A stood there, a man who once carried a gun and a badge, now here in rags that have been worn by God knows who before me. I felt my power leave my body. I felt myself become invisible. They then took me to the ward.

Imagine a dark dingy room, floor smelling sweaty human beings squeezed together, no space to breathe. I was forced to sleep side by side with people I'd never met. Some were sick, some were mad. Some had not bathed in months. Some snored in ways I cannot describe. Others would put their mouth on my face as they turned in their sleep. Some would step on my hips as they stretched because there was simply no room.

I feel the bed bugs, I feel the ticks, I feel the skin diseases. I had never been close to a prisoner in my life and now I was lying on top of them and they on top of me on a tattered one inch, you know, full mattress or not, full of lice. And the worst part there were these were the very people I had brought this dungeon. They knew who I was. I was their enemy of course, now trapped in their own territory, and I deserved to be slaughtered in revenge. Or so I thought.

I had a wife married to me for only five years before my arrest. She was unemployed, she had no income and I was the only breadwinner. I had a nine year old daughter, a five year old second born and a month old baby, just one month old when I was taken away. I'm not here to cuss the system forever. I'm here to tell the truth.

Today, our prisons in Kenya are not what they were. The government and the prisons department of what had, conditions have improved, by the time I left prison, actually, we slept on mattresses, we had blankets. It was healthier, it was cleaner, it was less congested. There is more respect for human rights now, than in those dark days when no one, not the prison officer nor the inmate knew what human rights look like.

But in those early years it was traumatic, terrible, unbearable, the worst kind of life, especially for a well to do police officer who thought he owned the world. So, what kept me alive? Sometimes strange, something I think strange happened in that darkness. I realised that I was now experiencing exactly what the poor and marginalised that always told me about a system that could crush you, not because you are guilty, but because you had no one to speak for you.

And I made a decision. I said to myself, if I ever get out of here, I will spare every remaining day of my life, making sure no one else has to suffer what I have suffered.

Sultan:

No one can really understand what you've been through. But you describe everything so vividly that I can, I can somehow picture it right in front of me.

This seems to have given you a very direct understanding and you're conveying that of how frightening and confusing the justice system can feel for people, especially without legal knowledge or representation.

William, what was happening internally for you during your own time in prison? Did you feel your sense of identity was also changing?

William:

Actually, the moment you step into a prison compound, so much gets out of you. You're ripped off your identity because now there's a different name you're given. Just like Hamisi said, you are under command. You cannot do what you want. You know you cannot, you are denied a lot of things, of course, being in prison. So, you are denied a lot of things, Your dignity goes away, your family cannot come anytime they want, the visiting hours are also limited, among many other things.

And the wheels of justice now start moving very slowly, because there are some things you only wish to have. The kind of food you eat is not the choice that you have always wanted. The food you're given is to sustain you of course it's not the best of food of course. The water, it's not the kind of water that you like. There's no warm water. The way you sleep is not the place that you'll maybe want to sleep.

But despite all that, what good can come out of prison or what good can come out of Bethlehem is the question.

Sultan:

One thing you describe is not just imprisonment physically, but it's a sense of people kind of beginning to see you only through the lens of your conviction. And inside that environment, something then unexpected entered all of your lives. And that was education.

William, let me begin with you here. At what point did the opportunity to study law through the University of London Undergraduate Laws programme first enter your life?

And what did you think when that possibility was presented to you?

William:

Yes, me among eight others who were incarcerated. I remember when Alexander McLean, the founder of African Prisons Project, now Justice Defenders, when he came to prison, he told us guys, you can do something with your life, you know, and he told us that this this University of London, you can enrol for the programme there. And do your LLB and you don't know what would happen to it. And he only gave us hope.

Some of us never saw the reality that one day this will be a transformation of our lives. So we joined, but with a lot of pessimism from the environment. So I told, for example, I told Alexander, you see, I'm going to die, I'm on death row. What will be the use of this degree even if I get it because I'm going to die anyway.

But with the time, in 2013, we enrolled for the Diploma in Law, the Diploma in Common Law. And you know, we passed and then we're like, ah, this thing is doable. Now we started dreaming now the real dream, like one day you're going to become advocates from the bus to the bar.

And it became a reality after passing the diploma, of course. And we enrolled for the LLB and, you know, everybody around was like, can it happen? You know, can read this could be admitted to the bar and become advocates. So, we listened to a lot of criticism. We listened to a lot of it cannot happen now.

The motivation behind it was like, even if I die, I'll die a lawyer. If I go to heaven, I'm going to assist Jesus, do some things in heaven about law. And even if I go to hell, I think there's some job in hell also. So that was the motivation behind everything.

And with my colleagues, without mentioning names, but I like to remember Morris, Hamisi, among others, Dickson Munene. People joined and we made a team and we started paralegalism and we made the people access court and boom - it became a reality.

Sultan:

This was a rigorous University of London law degree being studied from inside the justice system itself.

And so Hamisi, how was you introduced to the Undergraduate Laws programme and what inspired you to take that path while still incarcerated?

Hamisi:

As I said, my life started as a young man with a sharp brain who chose to become too crafty, and the law caught up with me. So, when in prison, I came first hand encounter with young people who had been incarcerated for things they had done out of ignorance. Some of them because they are trying to fend for themselves or their families because they come from poor backgrounds.

But what really stood out is the way they conducted their cases. So I came across many of them who had been called to go do their appeals and they had actually received their appeal records, what we call proceedings, and they knew nothing or they didn't know what to do with those proceedings as they were awaiting for their appeal dates.

So, I used to go through those proceedings and out of curiosity, I could see inconsistencies in the testaments and testimonies of the witnesses that were presented in court by the prosecution. And I will take short notes and give them these notes to take to court.

Little did I know that what I was actually doing, I was giving them grounds of appeal and actually doing what is legally known as written submissions. And they started receiving positive results because one went to court, he came back, he had been acquitted, the appeal was successful, He had been acquitted, the other one and the other one.

And slowly my name now changed from a prisoner and people started calling me ‘wakili’, which is an advocate. And so, when I got out of prison, I felt that I needed to actualize that name of ‘wakili’ and become an advocate. And that's how I approached the African Prisons Project then, which was already running a programme in Kamiti, Naivasha, and Langata. And since I had already applied to study for that programme, I got released from prison just a few days before the programme began in August of 2014. I got released on July after a successful appeal in court and I was given an option of fine.

So this motivated me to volunteer with African Prisons Project and run this programme of the University of London Law programme. And that's how I happened to enrol in the programme and I got absorbed and I want to say that it was a great honour for me to be accepted by the prisons, that after incarceration they allowed me to still go back to the prison and study from there.

So I would go in the morning as a volunteer of African Prisons Project and at the same time as a student of law. And I will study alongside my former colleagues who are still in prison, William and the rest and the prison officers. And to me and to date, prisons community remain my home. It remains my school. And I didn't feel anything sad or absurd that I was going into prison and studying law from prison.

Even today, as I work with Justice Defenders, I know that my life was shaped by prison. I earn my living from prison, and my family is sustained by prison. So to me, prison has become my provider.

Sultan:

And Morris, how did education find you, and what did it feel like when you found it?

Morris:

I was deep in the darkness. Years had passed.

Let me tell you what years have passed really means. It means I had lost count of the days. It means I had stopped marking my birthday. It means I had stopped believing that tomorrow would be any different from today. I had been sentenced to death not once, but twice.

I'd given up completely. Absolutely. I was just existing, breathing, waiting, not for freedom, I stopped believing in freedom. I was waiting for the hangman or for death to come and rescue me from the eating. And then a knock on my cell door. Not a God, not a warden, not someone with keys or handcuffs or authority. A man like me, incarcerated, wearing the same tartar zebra uniform. But he was holding something I had not seen in years. A book. A law book. His name was William Okumu.

He was a Justice Defender then before me. He did not ask if I was guilty. He did not ask what I have done. He did not ask about my case, my crime, my sentence. He asked me one question that saved my life.

Do you want to learn? I stared at him. I thought he was joking, or maybe he was mad. Maybe prison had broken his mind that the way it was breaking mine. Me to study, study law. Everything about my presence screamed you are not worth it. I initially decided not to and told him it was my children who could go to school. I was going. I was, I was, you know, not believing that this would ever happen. But then something happened. I remembered. I remember the twelve-year-old boy who had caught proceedings in his father's newspaper. I remember sitting with my father every morning, following every word on the 1982 coup trials building on one day, wearing a wig, a gown and standing in a courtroom.

I remember the young police officer who wanted to defend the poor. Not arrest them, not punish them, but defend them. I remember that somewhere, buried deep under the shame, under the trauma, under the lice infested mat, under the zebra uniform, under the decade of waiting, there was still a person. A person who believed that justice could be beautiful. A person who believed that every human being, no matter how fallen, deserved a voice.

And I thought, maybe this is my second chance. Maybe the law can still save me even here. So I said yes. Not because I was confident, not because I believed I could succeed, not because I had a plan. I said yes because I had nothing left to lose, but everything to gain.

Sultan:

That brings us to the end of Part 1.

Morris, Hamisi, and William have described the people they were before prison, the realities of incarceration, and the moment legal education began to restore hope and purpose.

In Part 2, we explore how that education moved beyond the classroom, inside the prison system, in the courtroom, and in the wider pursuit of justice reform.

Thank you for listening to Law in Real Life.

Please join us for Part 2. From legal education to justice reform.