

**A STUDY ON HUMAN RIGHTS ORGANIZATIONS' USE OF ONLINE ACTIVISM:
THE CASE OF EXTRA JUDICIAL KILLINGS**

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STUDENT'S DECLARATION

I, the undersigned, declare that this is my original work and has not been submitted to any university for academic credit

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DEDICATION

The study is dedicated to my, late dad Mr. Ombega and my dear mum Mrs. Grace Ombega, my brothers for their endless support and emotional support and encouragement towards the completion of this study. My lecturers and colleagues who gave me the love and support throughout my academic journey. I am still “keeping the fighting spirit a live” as my late dad would always say to me. Rest in peace.

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LIST OF ACRONYMS AND ABBREVIATIONS

AfriCoG –	Africa Centre for Open Governance
AI –	Amnesty International
AIK –	Amnesty International Kenya
CA –	Communications Authority
CoK –	Constitution of Kenya
EJK –	Extra Judicial Killings
HRW –	Human Rights Watch
ICC –	International Criminal Court
IG –	Inspector General
IJM –	International Justice Mission
IMLU –	Independent Medical Legal Unit
IPOA –	Independent policing oversight Authority
KEMSA –	Kenya Medical Supplies Agency
KHRC –	Kenya Human Rights Commission
KICA-	Kenya Information and Communication ACT
KNCHR –	Kenya National Commission on Human Rights
MP –	Member of Parliament
NCIC-	National Commission of Integration Commission
PRWG –	Police Reforms working Group
TJRC –	Truth Justice and Reconciliation Commission

ABSTRACT

This study addresses online activism particularly those organized by Human rights organizations against extra judicial killings in Kenya. These organizations tended to focus on litigation in defense of Human Rights abuses in the past but are increasingly turning to online for agitation. Curiously, besides engaging in law courts against extra judicial killings, they also mobilize for online protests some of which end up offline as was the case of #WilliKimani that started online and ended up with the human rights organizations demonstrating along the streets. The main objective of the study was to investigate the extent to which human rights organizations use online space for social activism in the campaign against extra judicial killings. The specific objectives of this study were (i) to establish to what extent human rights organizations in Kenya succeed in using online spaces to advance their agenda, (ii) to determine the factors that enable online protest on extra judicial killing to happen in spite of government surveillance, and (iii) to investigate the justification on why human rights organizations, engage in online activism on extra judicial killing instead of only using litigation. This study used agenda setting and the public sphere theories since online activism is carried out to push for an agenda in the public through a public space. The research utilized a qualitative method. The researcher targeted: Human Rights Organizations that are most active online in defending human rights abuses in Kenya and, have engaged in both online and offline activism. As this is a qualitative approach, the researcher used purposeful sampling. A total of 12 in-depth interviews were conducted but seven were used as they were deemed most responsive to the research objectives. For data analysis, the researcher transcribed the interviews and organized the responses according to their relevance to each study objective. The main study finding is that online media was faster and cheaper than litigation because of the advanced technology which saw information spreading at a click of a button by tagging, sharing or retweet; the information can be shared with little amount of subscribed data or WIFI unlike litigation which still follow long procedures; a lot of money would be needed to hire a lawyer and travel to the court; and lastly a times other cases go unattended to leading to delay in justice for the victims.

CHAPTER ONE: INTRODUCTION AND BACKGROUND OF THE STUDY

1.0 Overview

This chapter presents the study's problem statement, research objectives and questions, justification, rationale of the study, scope, limitation of the study and operational definitions.

1.1 Background of the Study

The media industry has ever over the years been at loggerheads with the government. In many countries the media either state-owned or privately owned have always been censored by the government for self-preservation or the elites and media owners for distinct reasons. This however has made the media not to be trusted in giving information as it were which their core role is hence forcing the masses to find an alternative information source. This has in turn led to increase in citizen journalism which with overtime has propelled the internet and its ever-changing applications. Researchers have shown that social media qualifies as mass media hence an essential tool to spread information. The invention of internet has brought major changes in online activism as the paradigm news recipients has shifted to news sources. These news sources and recipients have become more interactive in nature in the social media platforms or virtual world.

According to Libertarian theory (Siebert Et al., 1956), the mass media and its implementation conquered the mainstream media. It claimed that everybody has a right to be heard entirely in the media. Another agency will apply the 'marketing principle' if the media does not perform this function. Instead of replacing the traditional media, social media tools supplemented. Critical evaluations and a dimensional viewpoint are given for in social media (Mäkinen et al. 2008) and diversified public debate. Where there are limitations on mass

media and there are not many events and common views, digital media, also known as social media, provide opportunities to hear and communicate a range of voices. There are the rights of expression, right to learn, freedom of assembly and association linkages in social media connections. However these privileges were not absolute, since they had obligations. The laws or constitutions of most countries, just like Kenya, have these privileges. The freedom of the media here in Kenya was covered in accordance with Article 34 by the Constitution of Kenya, 2010, stating the freedom of but not extending to any speech provided for by Article 33, freedom of electronics, print and all other media.

Every citizen has the right to meet, demonstrate, picket and make petitions to the public authorities, peacefully and without weapons (Article 37). Freedom of speech is the right of each citizen and is generally accepted by the UN (UN). The Universal Declaration of Human Rights Article 19 explicitly states, therefore, that all individuals have right to freedom of speech and opinion; that right requires freedom to hold opinions without interference and to receive; Kenya is a Member of the UN General Assembly, therefore prescribes the Universal Declaration of Human Rights (UDHR). Kenya includes the General Assembly Resolution 217A. In particular, Article 20(1) describes pacific protest by making clear that all individuals have a right to freedom for peaceful assembly and cooperation as a matter usually practised during a peaceful protest: (UN). In Kenya, freedom of speech is safeguarded in Article 32 of the Charter of Rights.

Freedom of expression can however not be separated from right to know and receive information. Hence, the constitution of Kenya recognizes access to information and freedom of the media in Articles 33 and 34 respectively. It is important to state that every individual has a right to contribute to the nation's wellbeing according to the constitution and Article

21(1) of UNDR. Hence this right can be enjoyed through contributions made by individuals on social media. Social media has otherwise brought a new angle to challenge of freedom of expression and regulating it has become a challenge unlike the traditional media. Due to its growing importance and effectiveness as a tool that facilitates participation in social actions such as protests against government excesses; most governments have sought to control the manner in which social media is used. This is despite the fact that the same governments have turned to social media to communicate key messages such as health and education campaigns to reach out to the masses and even consensus building on key national issues such as participation referendums. Over time Social media has become powerful to an extent that even journalists and traditional media now consider them key sources and news outlets at the same time. They have also been recognized as key and powerful social networking forums that can unite groups to push for an agenda.

This is best exemplified by the Arab Spring where social protests were organized through social media tools such as YouTube, Facebook, and Instagram among others. These social media protests have finally toppled repressive regimes in Tunisia, Egypt among other countries in that region, some of which were forced to undertake far-reaching political reforms. This trend has however left many governments uncomfortable with social media with a number of them, Kenya included seeking to monitor and control use of social media through various surveillance mechanisms. However, despite these developments no logical studies have been undertaken to understand the effectiveness of social media as a tool for social mobilization. This study, therefore, seeks to explore the extent to which social media has helped escalate social protests in particular extra judicial killings.

Throughout history, mass movements in a number of countries happened at a time when so much of the population was alone, affected, by ruler and elite policies. The elitist guardians, whether local police, army, Militias, national forces or even other nation's military forces, were frequently faced with harsh, effective crackdown. The demonstrations in the social media have generally led to physical protests which had detrimental consequences and which tried to alter. Extra-judicial killings were committed in extreme situations, frequently with the approval of a government. The quality of social communication has not been held or edited to abolish disinformation, prose and ensure fairness in what has been written (Johnson & Kaye, 2004). Most website information on social media lacked editorial supervision and no reliable and impartial information was given by social or professional pressures. Furthermore, some bloggers used pseudonyms like @LordMutahi, @yulemsee, @DisembeDisembe, etc., making it difficult to judge the credibility of your website content.

Social media users discussed issues that traditional media had shied away from because they did hurt corporations and even the government. Social media platforms also run with stories from around the world that were unavailable or ignored by traditional media. Social media provided platform to vent among other social interactions hence this paper enumerated why it is wrong for the government to censor social media content. Social protests emerged because of social movements, according to Koopmans (2004), which by means of a number of forms of joint acts and protests on the streets, is one of the principal social channels through which collectively expresses their grievances and concerns about their rights, welfare, and well-being. Whereas there were other institutionalised, publicly less conspicuous venues where populations, particularly in democratic societies, expressed their grievances and concerns, social movements had long been a significant means of articulating and pressing

collectivity interests and claims. Social protests have shifted over time from street to virtual space through computer media (CMC).

Various discussions and uproars in social media started in the western world and later on we had globalized protests. Some notable examples of social protests fueled by social media platforms in Kenya that were escalated to protests and various mass actions included #MyDressMyChoice, #Mpigs, #form34B#, SomeoneTellCNN, had caused the Kenyan government to have the need to control the social media platforms. Other examples specific to extra judicial killing included #Blacklivesmatter #PoliceBrutalityKE #EndExtraJudicialkillings, #Williekimani among others. Based on that background, it was necessary to conduct a study focused on how human rights organizations used online activism to demand for justice for victims of extra judicial killing.

1.2 Problem Statement

Human rights organizations had to focus on litigation against extra judicial killings. But, curiously, besides being engaged in law courts against extra judicial killings, they also mobilized for online protests some of which ended up offline as was the case of #WillyKimani that started online and ended up with the human rights organizations demonstrating offline in a police station. Furthermore, in spite of many studies having been conducted on social protest using social media, little had been studied in Kenya on how human rights organizations used online platforms to mobilize people for online and offline social protests against human rights abuse especially by the State. Social media had revolutionized human rights online activism and given a global voice to the voiceless citizens. The mainstream media shied away from reporting controversial human rights issues objectively like corruption, extra judicial killings, human suffering, unemployment, nepotism

among others. Some of these issues that affected a common citizen did not comply with their in-house policies and what their largest income earners, advertisers did not consider objective news.

In Kenya, the constitution provided for Freedom of speech on one hand and monitored the speech by another arm. This portrayed the Government view that social media was a potential arena for social protests learning from the Arab uprising that started in social media and spiraled offline to the Tahir Square where millions of protesters met to push for the regime change of President Hosni Mubarak. The Arab Spring in 2014 was largely organized online. There was need to study how human rights organizations used online platforms to mount pressure on the government.

1.3 Objectives of the Study

1.3.1 General objective

To investigate the extent to which human rights organizations use online space for social activism in the campaign against extra judicial killings.

1.3.2 Specific objectives

- i. To establish to what extent human rights organizations in Kenya succeeded in using online spaces to advance their agenda.
- ii. To determine the factors that enabled online protest on extra judicial killing to happen in spite of government surveillance
- iii. To investigate the justification on why human rights organizations, engaged in online activism on extra judicial killing instead of only using litigation

1.4 Specific research questions

- i. How effective have online spaces in advancing agenda for human rights organizations in Kenya?
- ii. What factors contribute to successful online protest on extra judicial killing?
- iii. Why do human rights organizations, engage in online activism on extra judicial killing as opposed to other methods?

1.5 Scope of the Study

This study covered the online social protests in Kenya that had occurred on extra judicial killings. Additionally, this study covered the various protests in Kenya that were caused by social media since 2016 when campaigns against extra judicial killings were intense online and had since continued. This study also targeted human rights organizations that were involved in online activism. Such organizations included IMLU, KHRC, Amnesty, IJM, ICJ, and Defenders Coalition among others.

1.6 Limitations of The Study

The researchers expected the respondents to be hesitant to give information on extra judicial killings. However, the human rights defenders were often ready to give information that helped students and the general public understand better human rights and stand up for them. This therefore was not a challenge that cannot be surmounted. Furthermore, the researcher had a limit to the study and the processes of activism and did not delve into investigating the nature of crimes which might have attracted censorship.

1.7 Definition of Terms

Social protest: This is a type of political speech that seeks to bring about changes in social, political or governance by affecting the public or the policies of an organisation or institution's awareness, attitudes and behaviour change.

Social Media: Internet technologies and applications for social interaction.

User Generated Content: Forms of media material text, images, audio, video or a combination that is created and added and made available for online users by internet.

Web 2.0: This refers to a software platform that enabled technology advancement and usage.

Social networking sites: Internet sites for social interactions e.g. Facebook, Twitter, Instagram YouTube etc.

Admins: Administrator in social media accounts and WhatsApp groups.

Online activism: This is the use of electronic networking tools such as YouTube, Facebook, Twitter, E-mail, Instagram for different ways of online activism, allowing citizens' groups or any other community to connect more easily and more efficiently. The delivery of information to large and specific audiences as well as coordination. Internet technologies are used for cause-related, lobbying, fundraising, community building advocacy, and organizing. A digital activism campaign is "an organized public effort, making collective claims on a target authority, in which civic initiators or supporters use the digital media.

Human Rights Organizations: A human rights group, or human rights organization, is a non-governmental, non-profit organization supporting human rights through identification of their violation, collecting incident data, its analysis and publication, promotion of public awareness by training communities on human rights while conducting institutional advocacy, and lobbying.

Extra Judicial killings: Extrajudicial killing An extrajudicial killing is the assassination of an individual by any governmental authority without any judicial process or legal process being sanctioned. They often they do target politicians, trade unionist, dissident, activists , religious rights defenders and social figures.

CHAPTER TWO: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.0 Overview

This chapter introduced online activism as a form of social protest. It then covered social media as platforms of social protest, the types of protests that had been mounted online, the factors that enabled social media to thrive, the justifications for human rights engaging in online activism and ended with the theories that were used in this study. While governments had the ability to control, control or disperse open protests and, moreover, while they had the authority to manipulate mainstream media to blackout protests it deemed illegal, human rights organisations had nevertheless overcome the barriers to using online space to protest extra-judicial killings such as the case of Lawyer Willie Kimani and the late Carliton Maina shot.

Past studies have shown the potential of social media networks to promote civil interaction and collective action. The political uprisings in Tunisia, Libya and Egypt in 2011 are examples of this. This has seen rebels on Facebook and Twitter posting (Sharky, 2011). Other studies have shown that the internet has had a positive effect on social movement organisations' activities by increasing the speed, scope and quality of communication and mobilisation efforts (Opel & Ayers, 1999; Bennet, 2003; Eaton, 2010; Laer, 2010).

In addition, studies investigated how the internet was used to demonstrate how social media spaces were used as citizen journalism tools through mobile devices, enabled activists to bypass mainstream television coverage and directly recorded military violence on the ground for the international community (Khamis and Vaughan 2011). The authors also noted how social networking sites were instrumental in triggering mobilisation before in-person protests in Tahrir Square, as the Facebook page "We Are Khaled Said" enabled more than

50,000 protesters to organise their attendance to coordinate their participation (Penney & Dadas, 2013).

2.2 Social Media as Platforms for social protest

It was shown that the Internet was an inherently dialectical force that could not be viewed as a liberator or oppressor alone. A debate on the role of social media sites and networking as a mechanism for political mobilisation for social change was promoted by the Arab Spring Revolutions of 2011. Regime change, poor governance, violations of human rights and pro-democracy movements were the pressing social problems. Some academics and journalists have identified social media sites as an unstoppable force for the good, arguing that "democracy is just a tweet away." Wael Ghonim, the Egyptian Google executive, said "if you want to liberate a society, just give the internet to them." The internet has been celebrated as the weak voices' most powerful tool and disenfranchised against their authoritarian rulers. "The New York Times columnist Nicholas Kristof described the "quintessential confrontation of the 21st century" in which "one side of the government thugs fire bullets... and young demonstrators fire tweets on the other side. The thrill of the Arab Spring Revolution's success led to some assumptions about the role of social media and the web in mobilising the social revolution.

Social media network protest data sources were mainly from people as social media offered a fertile ground for ordinary citizens of citizen journalism on twitter, Facebook, online blogs, tube footage, and WhatsApp. These instruments had a purely socialising reputation for social networking and were used as sources of knowledge in contemporary political mobilisation. Malcolm Gladwell, a renowned cyber-utopian critic, pointed out that revolutions had taken place for centuries before Facebook was introduced by Mark Zuckerberg.

Nevertheless, there was empirical evidence that the first three months of 2011 saw what can only be described as a significant shift in the use of social media in the Arab world towards online social and civil mobilisation." It can be said that social media did not cause the 2011 revolutions, but played a crucial role in facilitating the "collection" of real-time information by facilitating weak ties.

In the 1990's, opposition movements used social media to promote their causes; it is worth remembering that most nation states had achieved their independence at the time, so demonstrations were more internal in nature. Protests have turned to having no clear boundaries or borders with globalisation and this is the world we live in today. Global anti-war movements started to emerge as major challenges to Bush administration policies against Iraq and the increasing threat of violence in late 2002 and early 2003 (Kahn & Kellner, 2004, p. 88). In developing nations, the adopters of Internet activism began and they built up from the conventional ways.

2.3 Public perception on social media regulation

A survey that was carried out by Pew Research Center in USA in 2014 found out that 40 per cent of the population approved of the government's collection of telephone and internet data as part of anti-terrorism efforts, while 53 per cent disapproved. In July, more Americans approved (50per cent) than disapproved (44per cent) of the program (<http://www.people-press.org>). Facebook said that there were 6.1 million Kenyans on Facebook (BAKE, 2016). In September 2016, the visit of Mark Zuckerberg, co-founder and CEO of Facebook, validated the growth of the platform in Kenya and the ICT sector as well. There are 2.2 million monthly active Kenyans on Twitter, according to Nendo14, a digital research firm. 1 million of them use Twitter on a regular basis. WhatsApp has an estimated 10 million users in Kenya, according to Nendo. It became a significant person-to-person contact

channel and became a generator of discussions on other social media sites as content was posted on Twitter and Facebook on WhatsApp.

Nendo also estimated that in Kenya, there are 3 million Instagram users and 1.5 million users of LinkedIn. For Kenyans, blogging sites and social media have become alternate sources of news. Moreover, mass media, time and time again, have either used the networks to first air their news or rely on them to collect news. It was used by the state to communicate and respond to critical problems. In general, Kenyans had mixed reactions on social media sites to government surveillance, with some people welcoming the change and others not supporting it.

2.4 Online Activism Review

Organizers of social protests turned to online activism for the internet had characteristics of reaching many people faster, easier and cheaply. This made it easier to organize for physical protests that turned from social platforms to physical spaces. A more modern concept associated with activism or protests is “internet activism”, which MacCaughey & Ayers (2003) described as “the use of electronic communication technologies such as twitter and Facebook to enable faster communication by citizen movements” (p.79). Social media platforms here included Facebook, Twitter, YouTube, Instagram, WhatsApp, Flickr among others which enabled faster transmission of information to large virtual audiences. Social media platforms had two main characteristics relevant to activism: reduced cost for creating, organizing and participating in activism; and a decreased need for people to be physically together. Activism according to Obar J. et al., (2012), was the action or policy of using vigorous campaigning to bring about social change. In that context, activism connotes non-violent forms of protest, including the writing of letters to the parties concerned, political

lobbying, economic forms such as boycotts, protests and street marches, and the use of social media to encourage public participation and collective action.

In 1997, the first internet activism was carried out when an artworked Multilateral Investment Agreement (MAI) was leaked into an online promotion agency. Trade between 29 OECD states was the focus of the Agreement but it was resisted by some advocacy organisations. Trade between 29 OECD countries. The uproar resulted in the shouting of the MAI for fear of the threat of systemic imperialism. The result was the first stop to the negotiations and the end of the talks (Kahn & Kellner, 2004, p. 87). In 1999 the Seattle War, in which a conference for the world trade organisation was prevented successfully by activist groups, also seen as an intersection of online and offline mobilisation, Carty, 2010 at Obar, Zube and Lampe, Germany was also an early example of (2012). A variety of online resources, including email, chat rooms and newsletters, were used for coordination. At the time of the incident, the independent media centre was founded by advocacy organisations (now referred to as Indy media or the IMC).

Activists have also used social networking sites to collect numbers in order to oblige the government to act. An online petition, for instance, was to be circulated in minutes and e-signatures obtained that pressured the government to intervene as frequently occurred in the West on a pressing social issue. #OccupywallStreet (OWS) was the name given to the protest movement that began on 11 September 2011 in Zuccoth Park in New York City's financial district of Wall Street. This was one of the online and offline protests that took place in the USA recently. The organisers are said to have copied the organisers of the 2011 Arab Spring. #OccupywallStreet's aim was to denounce the corporate effect on democracy, the absence of

legal consequences for all who led to the global monetary insolvency crisis and the increasing income disparity (Penney & Dadas, 2013).

The goal of the movement was to protest against social and economic inequality, covetousness, corruption and the perceived excessive control of corporations, especially in the financial services sector, on government. The slogan "we are the 99," which was widely used by OWS demonstrators, applied to income inequality and the distribution of wealth in the United States between the richest, one percent, and 99 percent of the rest of the population. #BringBackOurGirls was an online campaign that began after schoolgirls were abducted by Boko Haram in Nigeria. This campaign pressured the government of Nigeria to launch rescue operations for 270 abducted girls in April 2014 (Howard, 2014). McCaughey & Ayers (2003) showed how online activists not only incorporated emerging technologies as instruments of change, but also how they transformed the concept of protest, what culture meant, and how collective identity and democratic change were conceived. "They argued that activism implied any form of agitation that groups of people do as long as it is geared towards change and that if they were united in a common cause, any such group is a "community.

In the Guardian (2013), White claimed that digital or modern media such as social networking sites and email "were the city square of the twenty-first century." The Arab spring, for instance had come to global prominence not only because of Facebook and Twitter, but because protestors used text messages to engage each other on a virtual civic place. In Kenya social protests that had led the government to change its stand on issues include #MPigs in 2013 where Kenyans widely disputed the plan by the members of parliament to increase their salaries. This uproar was in effect to stop the president from signing the bill to law. In June 2013, activist Boniface Mwangi gathered Kenyans on Twitter and Facebook online to take to

the streets in a protest against lawmakers determined to grant themselves a heavy pay rise that was then born # OccupyParliament.

Rutledge (2014) argues that by promoting rather than decreasing advocacy, social media has redefined activism, thereby blending a "weak and unheard" voice to the here. Those who had not been able to engage in physical protests now had a way to add causes to their voices. Petray (2011) addressed the use of social media in Australia by Aboriginal activists and proposed using Web 2.0 technology to supplement offline activities and to facilitate collective activism. Edwards and Hoefer (2010) explored the usage of social media (or the lack of use by social work agencies).

2.5 The types of protests human rights organizations engage in online activism in Kenya

2.5.1 *Rights based protest*

The hash tag #MyDressMyChoice trended on twitter in kenya in November 2014 and Kenyans went to twitter to demand justice for the lady and to condemn the crime. This happened after a woman was publicly striped and robbed at a bus terminus for being 'indecently dressed'. Later on a face book group 'Kilimani Mums' organised for a protest that called for Kenyans especially women, who came out to advocate for respect and rights of women irrespective of dressing. Where women came out to protest in Nairobi (Mwendia, 2014). #DeportKoffiOlomide in 2016 trended after the Congoleese lingala maestro kicked one of his dancers just when he landed in Kenya in 2016 for a show. Kenyans went on social media platforms to lash at his actions and this made the authorities send him packing. His show was cancelled, and he later apologized to Kenyans.

2.5.2 Power based protest

Rotman (2011) compare the benefits and costs of engaging in activism through social media. In Kenya, various online forums for example had persuaded the government to pull its troops out of Somalia, to as some argued to stop Al-shabab from executing terror attacks in Kenya. Uproar in social media made President Uhuru Kenyatta and his entourage of 84 to cancel his trip to oversee swearing in of President General Muhammadu Buhari in 2015 instead the deputy president William Ruto went with a few staff. President Uhuru Kenyatta had also been seen to have deactivate his social media pages due to online pressure from Kenyans. This uproar was because Kenyans on Twitter felt that the entourage to Nigeria was going to be costly and a burden to taxpayers' money. In other instances, we see that bloggers, activists and various citizens had been arrested for speaking against the government.

Public protest as a means of political speech to bring about social and/or political change by affecting public knowledge, attitudes and behaviour or person or organisational policy. Protests frequently take the form of open public displays, marches and civil disobedience, but often clandestine actions like petitions, boycotts, lobby and other online activities (<http://www.oxfordbibliographies.com>). Social manifestations are ways for organisations to express concern about freedom, health and well-being, as well as concerns. Even though more institutionalised and less visible social fora are accessible to communities in particular in democratic societies, which articulate grievances and concerns, social movements have long been a significant means of articulating and pressing a community's interests and claims (Snow, Soule, & Kreisi, 2004).

Demonstrators took part in demonstration events focused both on individual incentives and group incentives (including various personal benefits and rewards) (benefits that were

realized by a large class of individuals that does not necessarily include the individual protester). The bulk of demonstrations express the common interests and concerns of the mainstream structures of political parties, coalitions or social movements. They serve a variety of important democratic roles, including giving people opportunities for engagement and speech and as a potential catalyst of social change for societies and nations. In promoting and supporting gestures, touch plays an integral role. A culture has been able, through contact, to coordinate, organise, incorporate and shape identities for their purposes, among others (Snow et al., 2004).

2.5.3 Violent protest

Protests over time had been done by groups of people in collective action either through representatives like workers' organizations, religious organizations or and other social groups. In ancient times protests were considered violent and effects of the protests were loss of property, vandalism, police harassment and brutality and even deaths. At times these protests were conducted by individuals or were brainchild of individuals who marshaled masses to achieve a goal. Most of the ancient protests were conducted during the First World War; they were military in nature as it was more of domination of weak states by powerful states. Traditional process of protests included mobilizing armed troops to enemy regions to fight for a cause without ceasing.

The winner took it all; in terms of domination by colonialists or invasion of a state by another. These protests took longer periods as retaliations could occur depending on strength of one's forces. The protests resisted revolutions that started in first world nations to the third world. Good examples are the French, American and Russian revolutions. In Africa such reforms had been seen since pre-colonial era; a good example are the Apartheid in South

Africa, 'Maji-Maji' rebellion in Tanzania, 'MauMau' Movement in Kenya etcetera. These protests were culminated by racial wars and blood births.

2.5.4 Nonviolent protests

After the Second World War, traditional protests become less violent as they occurred within nations and were more so labor and economic related hence practical activities like marches, chants, singing, shouting among others occurred. Some remarkable protests could be traced to religious groups and factions like the Christians reformations, the catholic and Anglican factions (married versus unmarried priests). These protests transformed over time from being violent in nature to being nonviolent like the likes conducted by Mohandas Gandhi (McGeary 1999; King, 1999). Gandhi viewed nonviolent protests as most practical way of wielding power while minimizing harm. He believed in principles of tolerance and dialogue between the ruled and rulers. According to Gandhi protesters had to be cool and nonviolent despite repression, this in essence would make the opponent look cruel and seek alternatives to solve grievances.

Gandhi believed that whatever the original grievance, retaliating or vindictive force provoked counterretaliation and he was thus determined to enlarge whatever areas of agreement were shared between opponents. He sought to solve conflicts through persuasion and minimizing of harm. He believed that "with God, truth and love conflicts could be solved (King, 1999). Gandhi's view of non-violent protests was adopted by Martin Luther King Jr., Cesar Chavez, Lech Walesa, Benigno Aquino Jr., and Nelson Mandela. Later on, social protests were done by activists and activist groups on matters from political to religious human rights issues, environment issues etcetera. Protests became more organized and could be traced to certain person or persons or groups. During the industrial revolution came the

birth of trade unions and their affiliates which represented rights of workers. It was during this period that protests groups grew in numbers and even in ideology as urbanization was manifested. Groups racism, economic exploitation, religious groups, environmental groups, women activist etcetera came up. Fast forward, the methods of mobilizations have changed from traditional word of mouth and use of mainstream media to popularize their activities.

2.5.5 *Public uproar/outcry*

Since then social media became a force to reckon with in Kenya because it had been the reason in a number of occasions that had led to policy makers and other actors to champion for a desired change in society. It had spoken of ill in society a good example is #JusticeForLiz a hash tag on twitter which trended in 2013 and exposed of corruption by government bodies, it had exposed evils in society by individuals and organizations Social media had also been used to show impunity by public and state officers. A good example is #OccupyParliament in which Kenyans opposed the plan by members of parliament in Kenya in 2013 from awarding themselves hefty pay increments at that time the economy was not doing well.

2.5.6 *Government Antagonism on Online Activism*

In the modern world of social media, Government surveillance has remained controversial in the eyesight of people's lives. On the side of Government, they instill the surveillance as safe tool for the citizens, and public security with a conjecture premise that activists or advocacy citizens are akin to criminals and engaging in criminal activities (Fuchs 2012). Government has been tracking, collecting and storing specific citizens' data with the argument of trying to maintain security and keep citizens safe off danger, however, it's the

Government's aim to instill manipulation and therefore, retaining power (Andrejevic 2007). In this regard, Governments utilize physical and virtual wording to aid collection of data.

The government has been using mobile phones and social mediate sites to mine relevant data for their surveillance activities for the last decade. With the backing of a legal justification, the Government has intensified collection, storage and processing or and analysis of surveillance information and communication from social media and portable devices. The resident communication networks have also been constrained therefore, enabling mass surveillance and monitoring of the social media platforms. This further, had the capability to enable the Government to collect both private and public information. Knowledge has remained one of the sources power as access to information has remained vital for the Government's push for the surveillance. Business entities also, have utilized the access to information for their performance and inclusive engagements with their clients. It therefore, explains the conjecture that the more access to information the more influential one gets, and enables in handling or pushing information asymmetry. The Government has had a unique instrument for establishing hegemony over the real worlds and virtual. This enabled for legislation of specific laws, policies and on how to access private information.

In this nature, it was outright to predict the outcome and perhaps the winner in such context. For instance, the reactions drawn from the Iranian Green Movement and UK disturbances, they remain one of the duo major evidences of government surveillance. With contextual examination, these are two different nations with differentiated ideologies and norms especially on the operationalization of policies and social media. Although as movements, the attitudes and main agenda were different. For instance, Iranian one was political against corruption spreading across the Iranian's cities.

In contrast to the Iranian movement, a local incident led to the UK riots following the death of Mark Duggan in Northern London. Violent clashes were witnessed following an escalation of the protests by attacks from the police. Both were considered the worst in the history of the UK and Iran although the Government tried to stop them by use of “iron fist” on censorship of social media.

2.5.7 Social Media Surveillance and Politics

For shaping, tracking, defending aspects of the modern day world, social media surveillance has remained significant policy tool (Fuchs et al. 2012). Politicians have remained at the forefront of constraining the operationalization of the internet and social media networks. Meikle and Young (2012) posited that government policy is critical in the operational of convergent media climate. Furthermore, Lyon explained that surveillance is any collection and processing of personal data, whether or not identifiable, for the purpose of influencing or regulating those whose data has been provided, adding that computer power is the most efficient means of surveillance (Lyon 2001).

Lyon, (2001) further posited that on the nature that government monitoring works through the interlinking of the internet and technology alongside culture. This has further led to the explanation of culture and technology for surveillance. Surveillance, according to Lyon, is an ordinary part of everyday life (2013). In reality, Marx believed that computerised surveillance was a significant form of modern surveillance that changed the nature of surveillance over time and across space (2002). Similarly, Andrejevic (2007) discusses that all our information is accumulated at various locations and in different workplaces and how the latest technologies are increasingly being used as methods of tracking and monitoring. He argued that hidden risks and potential threats accompanied the advantages of digital media

and that governments could track hidden information and manage demonstrators by monitoring protests (Andrejevic 2007). Fuchs (2014) argued that surveillance was an intrinsically related notion for dominance, aggression and abuse to the collection of data. He (2014) has discovered that power technologies are also freedom technologies. Communication and monitoring have gone hand in hand since ancient times.

Während Petersen's (2013) philosophical debate on surveillance was focused on the fact that surveillance was a division issue and was a more important item during protest, Boghosian (2013) argued that personal information was commodity in our emails, phone calls, the GPS movements and various social networking sites.

2.5.8 Fear and Intimidation

While IP addresses could be masked and government surveillance avoided, such as using proxy servers, there was no possibility of activism using online space. Depending on the success of a forum, monitoring someone who accessed the website of a protest group could be beyond the ability of certain security forces. But both could use a tool to reach the masses. Almost 40 leaders of the April 6 Movement were detained early in the protests in Egypt and this could have occurred by finding them through their internet activities in particular through their different facebook pages. they could have found them. Indeed after her arrest in Cairo, on 6 April 2008, in Egypt, one of the first leaders of the April 6 Movement became known as the 'Face Book Girl.' Kenya has had many high-level social media influencers, including Denis Itumbi and Cyprian Nyakundi. In Kenya, other citizens, including Boniface Mwangi, have also been widely used in protection of human rights without giving up fear and coercion from government.

2.6 Factors that enabled online protest on extra judicial killing to happen in spite of government surveillance

Access to online platforms: Twitter, Facebook, YouTube, Instagram. The growth of internet and social platforms such as Facebook, Twitter, WhatsApp, telegram, You Tube had changed ways that people created shared and exchanged information. This was also accelerated through virtual communities and networks. Just as social media had evolved and grown over decades, so had the impact on social protests. This had in turn brought the possibility of social media aiding in fueling for social protests thus having greater number, sensitization and bigger impacts. This had brought about internet activism which had global face thus changed the dynamics of online protest.

In addition to the capacity of their intelligence services, governments have built the capacity to track and combat social media. Social networks / new media sites had to reach some kind of agreement with the government of the day in order to get a licence in any country. This included links to user data, network sites and information in many countries. For example, Facebook profiles were a blessing for public intelligence collectors who used updates and images to locate the movements and activities and to identify links among different people, some of whom were suspected of different activities. Kenya had agreements with Internet service providers which permit the government to turn off the Internet or which made life harder for the sites and apps of Internet-based organisers when service providers are state-owned, for example Telkom Kenya (Sharky, 2011).

The detention of officials or members of their government on social media sites began in 2014 and to date there have been high figures in arrest and indictment under KICA Section 29. Section 13 of the Commission-created National Cohesion and Integration Act 2008

(NCIA) criminalises the use of hate speech and forbids the use of any medium, if they are intended to incite ethnic hate for threatened, abusive or offensive words or actions. It was too based on race, with the NCIC Act, but hate speech was beyond political or ethnic incitement. Talking regarding sex, religion, sexual orientations etc was hard to enforce since the Act there (IRIN, 2012). Whenever influential figures were connected to hate crimes events, their supporters were inclined to argue that the cases were more motivated by political affiliation than by individual actions.

On July 17, 2017, news broke that the Communication's Authority of Kenya (CA) had planned to regulate social media, including WhatsApp groups during 2017 election period. The organization said that it would hold group administrators liable for any form of hate speech posted in the groups. Both CA and NCIC had been mandated to protect consumer interests in telecommunications services and promoted national cohesion and integration respectively. It was revealed that the two bodies had sent out warnings to 21 group admins on the same. Looking at the guidelines, WhatsApp group admins fell under the category of "Social Media Platform Administrators", on similar social platforms-youtube, Twitter and Facebook-which regard them as account owners.

If a WhatsApp group administrators or an individual was found guilty of spreading hate speech, the guidelines clearly stated that the said person(s) will be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding three years or to both, according to the NCIC Act. The guidelines also stated that the person(s) shall also be penalized according to the Penal Code and "other relevant laws" (Maina, 2017). Kenyans could report any form of hate speech through chukuahatua@ca.go.ke. Commissioner Mute noted that the legal system of the country has a weak track record of keeping powerful

officials responsible, despite the strong names currently linked to hate speech via social platforms. Kenya's National Regulatory Communications Commission drafted guidelines to screen out inflammatory text messages from telecommunications providers. It was also banned from sending political texts during the time allocated for the campaign using any other language other than Swahili or English - the country's two official languages.

Audio recorders were provided for the police to track hate speech at public meetings. At least 176 personal social media accounts engaged in hate speech dissemination have been banned, the Kenya national Commission on Cohesion and Integration said. Francis Wangusi, NCIC President Francis ole Kaparo and the Kenya Communications Authority (CA), claimed that the social media site administrators are liable for any posts shared on their platforms. The aftermath of Kenya's 2007 disputed presidential elections saw eruption of violence across the country which forced the government to impose a ban on live media coverage by the then minister for internal security John Michuki. This led to citizens finding an alternative media outlet to share information and post status at the time for they felt that official reports were insufficient and underestimated the extent of violence. This led to several bloggers living in Kenya and abroad creating a website (<http://www.usahidi.com>) called 'usahidi' (Foth, Forlano, Satchell, & Martin, 2011).

2.7 Internet Penetration in Kenya

Over the years, the growth in internet penetration in Kenya has increased. This penetration as of 2019 is illustrated by the tables below. The fact that internet penetration in Kenya is strong, especially in urban areas where human rights organisations operate, such as Nairobi, means that online activism is possible. The Fourth Quarter of the Financial Year 2015-2016 (April-June 2016) Communications Statistics Report indicates that the

data/internet market reached 26.8 million during the year, while the total number of Internet users rose to 37.7 million during the time under review. According to the CA survey, mobile penetration in Kenya has increased from 89.2 per cent to 90 per cent. Yet a further rise is indicated by recent statistics. In Kenya, the total population stands at 51,58 million. Below is the proportion of the digital population in Kenya in 2019. From this page, the following tables are copied. <https://digital4africa.com/data/digital4africa.com>

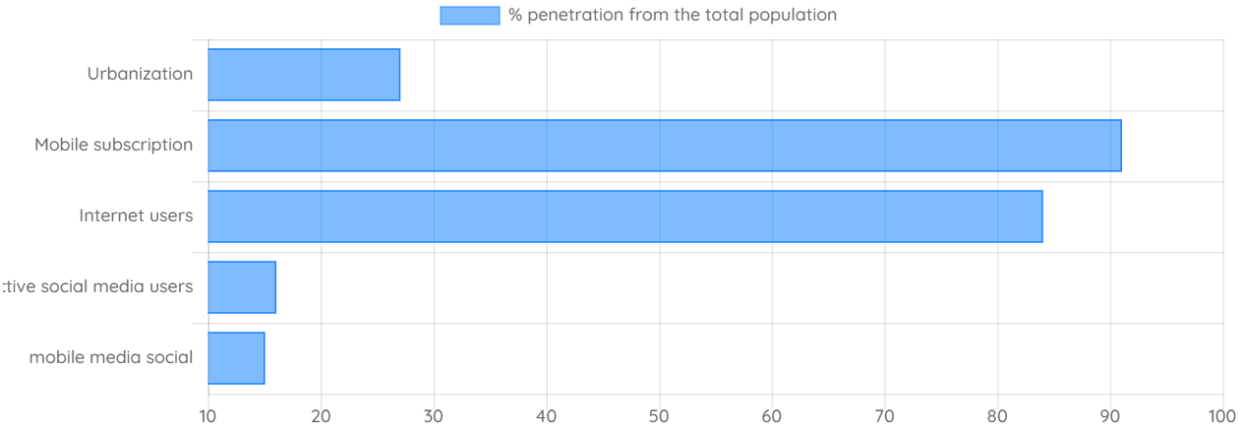


Figure 2. 1 The percentage from the population of the digital in Kenya in 2019

Source: Population: United nations, U.S Census Bureau. Mobile: GSMA Intelligence.

Internet: Internetworldstats; ITU; World Bank; CIA fact book, world-famous media reports;

EUROSTAT; Local Government Bodies and Regulatory Authorities; Mideastmedia.org.

The data shows how often Internet users for personal purposes accessed the internet.

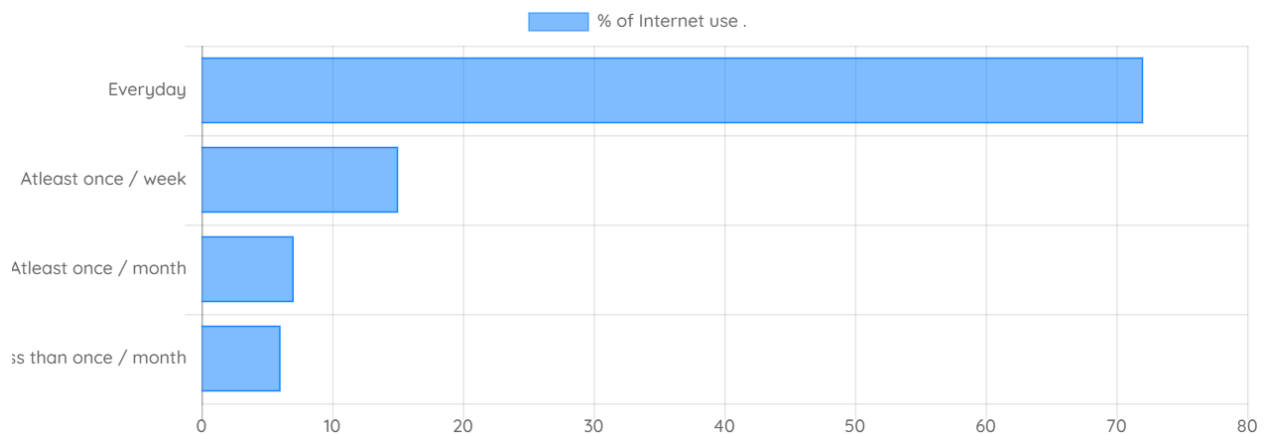


Figure 2. 2 Kenya's frequency of internet use

Source: Google consumer barometer (Collected January 2018).

2.8 Justifications of Why Human Rights Organizations Engaged in Online Activism

Article 33 (Kenya, 2010) of the Constitution endorsed freedom of expression, including a) the seeking, acquiring or conveying of information or ideas; (b) artistic imagination freedoms; and (c) academia freedom of academic scientific research. The same Constitution, however, warned that war propaganda, incitement to violence, hate speech or the promotion of hatred did not apply to the same freedom of expression; i) it constituted racial incitement, reviling and incitement to injure others, or ii) it was focused on any of the grounds for prejudice referred to in Article 27. It provided that on any grounds or other than race, sex, pregnancy, marital status, health condition, ethnic or social origin, colour, age, disability, religion, awareness, belief, culture, fabric, language or birth, the State shall not discriminate expressly or indirectly against anyone.

Article 33(2) is in line with Article 29 of human rights legislation, whereby all persons are subject only to the law's restrictions in respect of the right of recognition and the freedoms

of others and in respect of just morality standards, publicity and the rights of others, in the exercise of their rights and liberties. Typically, with respect to (1) explicitly the State, its security, (2) communities notably general and moral status, and (3) citizens, in particular private life, and (4) judicious means, the State has tampered with press releases. The press was morally responsible for serving the people, but also for the errors that it committed.

2.9 The Information Act

Independence on social media has come with a challenge in Kenya just as in other countries. The people's ability to share their views openly in the midst of citizen journalism was also punishable by sanctions. The Access to Information Act (2016) paved the way for Kenyans to seek information in a way not seen before from government agencies and private sector actors (Article 19, 2014). We observed hate speech in Kenya had already been the targets of many legislative provisions like Section 33(2) of the 2010 Constitution, Section 138 of the Penal Code and Sections 13 and 62 of the NCA for 2008, and more general provisions including the Kenya Knowledge Communications Act (amendment) (2013).

"Pictures or photographs of someone without his permission" or images of one individual without his consent" which substantially increased the danger of harm and violation to other persons" that significantly increased the risk of harm or violence to the other person "may trigger serious emotional pain or anxiousness to another person" who cause strong emotional harm or anxiety to another person, and increases the risk of harm or assault to any other person considerably;" The latter clauses seemed not to us to target just intimidation or coercion but could very easily include a labour syndicate organising an unlawful factory blockade (threatening an illegal act and creating distortions for the owners of the factory) (causing distress to the corrupt politician). The inability to defend rationality or public interest

meant that the proposed crime could easily be used for the prosecution of those people who were engaged in fully legal work.

Ethan Zuckerman, co-founder of Global Voices, said that public media tend to function best in relatively authoritarian systems, not so good in highly totalitarian nations, and only to a limited degree in countries that have little or little dictatorship (Zuckerman, 2007). Given that traditional media are still subject to a lot of government interference, it could therefore be inferred that social media are highly in demand in Kenya. And when Kenyans who felt excluded as people every day used these new services, they believe that there will be an increasing online interaction (Mäkinen & Kuira, 2008, p. 5).

2.10 Theoretical Framework

Social movements as social networks were built up by an initial core that was made up primarily of densely known clusters of strong links and mobilised weakly linked individuals (Granovetter, 1973; McAdam, 1986; Tarrow, 1998). To outrage the unemployed, this was an opposition movement against Mubarak, and he or she first had to accept that many other citizens shared the same grievances as thoughts, the same objectives and the same identity as Mubarak (Lim, 2012). As online advocacy was carried out to lobby for an agenda in the media via a public room, this study used schedule setting theory and public sphere theory. Human rights groups have used online spaces to set an agenda whether to raise awareness of human rights abuses or to advocate action against an abuser of human rights.

2.10.1 *Agenda Setting Theory (AST)*

Maxwell McCombs & David Shaw developed the theory in 1972. It proposed that the media did not tell us what they should think, nor what they should think of. We saw social media platforms as a type of media, so this studies have been used by larger masses of content

on social media sites. By giving these stories prominence, the media decided what was worth news. A popular subject in the news media has become public opinion more prominent. The media thus identified the subjects on the public agenda (McCombs & Shaw, 2012). According to this hypothesis, the same problems mattered when people were exposed to the same media. The Setting of Agenda Sets was according to Choffee and Bergeers, a good theory (1997) because it was why most people gave priority to the same issues as important. It predicted that people would encounter the same issues when they were exposed to the same media; it predicted that people would find the same issues and that it would be easy to understand if they were exposed to the same media.

McCombs and Shaw tried to clarify how they affected the audience as relevant when the media stressed a case. In their analysis of the general elections of 1968, the media stressed questions and how the electors of Chapel Hill, North Carolina, put these problems at the centre of focus. There has been considerable interest among many academics in the consequences of setting the media agenda. In their analysis of the impact Watergate news coverage was hypothesised by Weaver, McCombs, Spellman (1975), who indicated in the media which topics are to be used for the assessment of political actors. Lyengar and Kinder (1987), in the field of controlled experiments, supported their speculation. They related the TV agenda to the assessment of the US president who displayed what cognitive psychologists called priming. In describing Folarin's (2005) agenda setting process, the elements involved in the programme setting were described:

Quality of media news frequency, prominence of reporting, rivalry in reporting and accumulated media have determined the effects over time. In essence these contributed to the development and structuring of two other influential characteristics of the agenda. McCombs

and Shaw projected that the media affects the viewer to see if something is relevant when they highlight a special case. This was achieved by the newspapers. Framing was concerned with the display and premeditated arrangement of media material and messages. Entman (1993) noted framing, which chose and improved the communication of some elements of perceived fact in a way that facilitated the concept of a specific issue and causation of perception. The essence was summed up. Priming occurred when the facilitated communication exposure triggered similar ideas stored in an audience member's mind.

The content of the media messages activated previously-acquired ideas, emotions, learning or information relevant to the content of the message. This associated, linked and reinforced the content of messages through related thoughts and concepts after observing these contents or stimuli for a certain time. Priming was usually used to describe the effect on the perception of new knowledge in one's previous context (Fiske & Taylor, 1991). Priming means any mechanism stimulating or triggering those stored units of information (Higgins, 1996). Volnut (1997) said that a combination of initiation and the execution of the agenda had improved the theoretical foundation of the agenda by better grasping the mass media's views and ideas.

2.10.2 *The Public Sphere Theory*

The public sphere according to Habermas, (1989) was an area within social life where the public opinion was formed and such that was accessible to all. Proponents of the theory argued that in this realm, social class positions were irrelevant, and the connections between activities in the public were formed through a mutual will to take part in matters that cut across society. Habermas defined the public sphere as an imaginary society that did not occupy an identifiable place in a state. In Habermas's ideal world, the public sphere was a

“private people gathered together as a public to give voice to the needs of society within the state.” Through acts of assembly and dialogue, the public sphere generated opinions and attitudes which served and guided the affairs of state. In other words, the public sphere was the source of public opinion in democratic societies. (Calhoun, 1992).

Kellner (2000) and Johnson (2001) agreed with Habermas concept of public sphere as the convergence of institutions and practices between the private interests of everyday life in civil society and those that deal with the interests of state power. The traditional public sphere by Habermas (1989) was primarily face-to face interactions between actors. This was challenged by contemporary scholars. Thomson (1995) who argued that modern society was characterized by a new form of interaction that he called mediated “publicness,” whose main characteristics included de-spatialized not constrained by limits of time and space.

Accordingly, actors /people were able to see a wider range of things as they did not need to share the same physical location.

The modern society was non dialogical and non-directional. The internet and its applications, however, provided and allowed a bigger interactivity. Even though social media users could not interact in person, the use of symbols and emoticons often successfully convey intended reactions. A smiley face (was used to express joy for example). Principles of public sphere included disregard of status. It however, did not advocate for equality. Secondly, there was the concept of common concern. This was actually the key in public sphere. Such that what informed a gathering and brought people together according to Habermas is that “by” the public sphere. Hence public sphere was a realm of our social life and which something approached public opinion could be formed and accessed was guaranteed to all citizens (p. 223).

Inclusivity is the third principle “everyone has to be able to participate,” (P. 30) whenever the created public established itself. Institutionally as an enduring social group, the “group” became the mouthpiece of the individuals according to Kellner (2000). Habermas links democratization with political participation- which he identified as the core of a democratic society and as an essential element in individual development. One of the challenges of public sphere was the evolving of the space where common discourse happened. It moved from physical places over time such as outside parliaments and government buildings, markets, church grounds, restaurants etcetera to online spaces.

2.10.3 Application of the theories in the role of social media in fueling Social Protests

Agenda setting is possible online. In Kenya we had certain social media users considered as social media influencers for they had many followers and hence whatever they posted on social media platforms had wide readership and viewership, hence causing great impact. Good examples of these ranged from; organizations, government bodies and individuals who set the agenda through their timelines, hash tags and posts. In the past activists and activist organizations had usually been behind social protests. Today we see a shift whereby there are protests caused by individuals to whom some are not even social media influencers. Tweets from people like Robert Alai, Julie Gichuru, Mutahi Ngunyi, Miguna Miguna, tended to have a large followership and hence considered as social media influencers. Social media influencers were hence agenda setters for they, frame a message in a particular way and since they have many followers the messages were viewed, read or heard by many. These audiences shared the messages by forwarding, re-tweeting, or shared with other groups hence multiplicity of effects in terms of reaching more audiences. Whenever

audiences view these messages they were influenced to think in a particular manner and focus more on the topic.

The traditional public sphere by Habermas occurred primarily by face-to-face interactions between actors. This sphere had however been challenged by contemporary scholars; Thomson (1995) argued that the modern society is characterized by a new form of interaction that he called mediated “publicness” whose main characteristic included the limitless of time and space. Accordingly, people were able to see a wide range of things as they do not need to share the same physical location. The internet and its applications had been able to achieve interactivity amongst people. Online activism is used by human rights organizations because it brought with it the advantages of limitless access, reach to many near and far interest groups and allowed for a plurality of voices in championing for the rights of all people.

2.11 Gap in literature review

There had been storeys reflecting upon how activist organisations in particular used the Internet. Some research from the same perspective explored the degree to which social media was important for the work and interpretation and usage of social media as resources by advocacy organisations (Opel 2008; Watson 2008; bergan 2009; Shulman 2009; Carty 2010; Earl & Kimport 2011). Literature is accessible on how governments use the social media and how the people use social media for political ends (Trippi, 2004; Gulati & Williams, 2007; Hanson et. al, 2010; Hayes, 2008).

Social media literature based primarily on the West and Arab spring. Other literature focused on the campaigns of activist organisations and social media outlets. There was a lot of literature also on how social media is used. Networking sites were used only in a way which

propelled violence during the 2007/2008 post-election violence to help the political candidate for social media literature in Africa and Kenya. There has nevertheless been a lack of empirical research about how social media can be used in Kenya against online and offline extrajudicial killings.

CHAPTER THREE: RESEARCH METHODOLOGY

3.0 Overview

This chapter entailed methodology in research that guided the researcher on conducting the study. The chapter is divided into the following sections: research design, data collection techniques, sampling and sampling design, the population of the study (unit of analysis), data analysis, validity and reliability, ethical consideration and data analysis.

3.1 Research Design

The study deployed explanatory research design. (Yin 1994) noted that explanatory design is achieved through explaining information. This is because. I did investigate and find out the ‘how and why’ questions. That explored and understood in-depth research since this was not an area that’s well researched even as the world is moving digitally. My Explanatory study went beyond describing and has attempted to explain the reason behind online Activism in a more detailed manner and given better conclusions

3.2 Research Methods

This research has utilized only qualitative methods. While quantitative would have contributed to understanding a broader perspective of how Human Rights Organizations used online platforms to advocate for people’s human rights, the global lockdown that happened during the pandemic including in Kenya would have made the use of a mixed method approach difficult. Besides this global problem, qualitative method has given the research best offer on insights into the deeper meanings, values or gains Human Rights organizations look for in using online spaces for activism. Qualitative studies are best used for collecting information as opposed to frequencies (Kothari, 2004). This study sought to understand the

advantages and how the advantages are justified Human Rights Organizations find in using online activism when in fact they should option for litigation.

3.3 Study Population and Sampling

This study targeted Human Rights Organizations working in Nairobi. There are many organizations, but the research only selected those which are relevant to this study (see criterion below). According to Kothari (2004), sampling has been defined as the process of selecting part of a group to acquire data of the whole population to make inferences from the representation for purposes of interpretation and analysis. Similarly, Becker et al. (2012) defined sampling as a systematic process of choosing representative segments of the population under study or investigation. The researcher used purposive sampling. The sampling method was used to identify and target respondents who have privileged knowledge due to experience or position in society (Mugenda and Mugenda, 2003). Bryman (2008) observed that “purposeful sampling is more appropriate when it is essential to research with informants that have first-hand knowledge of the research topic (p. 375). The researcher targeted:

- i. Human Rights Organizations that have been seen to be most active online
- ii. Active in defending human rights abuses in Kenya
- iii. That; Have engaged both online and offline activism.

Whereas there are many Human Rights organization across every county, this research strictly worked with the Human Rights organizations within Nairobi county that were seen to be championing Online activism on #Extrajudicial killings. Using this criterion, the researcher arrived at the following organizations.

Table 3. 1 Target Population & Sample Size

Name of Human Rights Organizations	No of staff in each organization
Amnesty International Kenya	25
Kenya National Commission on Human Rights	122
Kenya Human Rights Commission	32
Independent Medical Legal Unit	25
Total	204

As this research was based on a qualitative approach, the researcher purposefully sampled one senior staff (the directors of the organizations) and two middle level staff who were interviewed. This means a total of eight in-depth interviews were conducted. Gender balance was observed. The latter group had the following characteristics:

- i. A staff who directly participated in online activism
- ii. A staff who participated in offline activism. This enabled the researcher to triangulate data of what happened during offline and online activism.
- iii. A staff who had a considerable grasp of human rights abuses in Kenya and globally who was able to discuss not just how content is uploaded online but the meanings that the recipients of such information make for them to move from online to offline protests or demonstrations.

3.5 Sampling Site, Research Instruments and Data Collection

The in-depth interviews were carried out in Nairobi County. The targeted organizations had offices in Nairobi. The researcher made appointments with prospective interviewees and went to their offices so that they were in a natural setting. Kothari (2004) says that qualitative research should, as much as possible, be carried in the natural setting of the respondent. The researcher used a semi-structured interview guide for the interviews. All

the interviews were recorded with the permission of the interviewees which made it easy to capture all answers. The researcher also worked with a research assistant who took notes during the interviews for a backup in case the recorder failed or power went out.

3.1.1 Reliability and Validity

The researcher did a pilot study which ensured the interview guide question elicits the responses that were directly relevant to the research objectives. Irrelevant questions or any other indication that the research designed were improved and were considered at this stage. The permission of the supervisor was also considered as increasing the validity and reliability of the study.

3.6 Research Ethics

Research authorization permit was obtained from the relevant authorities that allowed data collection. The prospective respondents were pre-visited to explain the intentions of the study which also cultivated a positive relationship between the researcher and the respondents. Respondents were also assured that the information collected from them was for the sole purpose of the current study. Confidentiality was guaranteed to the respondents.

3.7 Data Analysis

The researcher later transcribed the interviews and organized the responses according to their relevance to each study objective. Emerging themes were identified, interpreted and discussed. Each objective was responded to using direct quotes from the respondents. Inferences and meanings were deduced from the responses this enabled the drawing of conclusions. As Kombo and Tromp (2006) say, the research uses own judgement in drawing conclusions and recommendations.

CHAPTER FOUR: DATA ANALYSIS, INTERPRETATION AND PRESENTATION

4.0 Overview

This chapter presented analyzed data and findings of qualitative research which was analyzed through themes identification, coding and categorizing patterns that were found in the primary data (Byrne, 2001) ,from seven Human Rights Organizations staff including one senior staff and one middle staff from each organization in Nairobi County. The researcher analyzed objectives of this research like: to what extent Human Rights Organizations in Kenya succeed in using online spaces to advance their agenda, factors that enable online protest on extra judicial killing to happen in spite of government surveillance and justification on why human rights organizations, engage in online activism on extra judicial killing instead of only using litigation.

4.1 Data Analysis

4.1.1 Thematic analysis of interview data

Theoretical thematic analysis of interview data was the process of identifying patterns or themes within qualitative data. This research adapted Braun and Clarke (2006) six- phase guide which was a systematic, guide for analyzing the data collected from the respondents as seen in the table 4.1

Table 4. 1 Braun & Clarkes six steps for thematic analysis

Step 1: Familiarizations of the collected data	It entailed going through the transcribed data
Step 2: Generation of initial codes	Involved organizing data in a systematic way.
Step 3: Search for themes.	This pattern captured areas of significance in the data.
Step 4: Review themes.	This involved modification and development of the preliminary themes that were identified in step 3. by finding out whether they make sense. This involved the 'essence' of each theme by finding out if there were
Step 5: Define themes.	sub themes and their relevance.
Step 6: Write-up.	Reporting based on the objectives.

4.1.2 Codes and Themes Identification

Several codes and themes were identified from the data collected during the seven interviews of Human Rights Organization’s staff from a total of seven guiding questions.

.Only most relevant responses to the study were adopted for data analysis as seen in the table

4.2:

Table 4. 2 Codes and themes of the study

Summarized Notes	Coding	Theme
Human rights organization in Kenya has succeeded in the use of online platform since they can set an agenda online through the use of posters and invite panelist to discuss ,while audiences ask questions and it can also make news items thus mainstream media can pick its news item from there.	Use of online helps to set agenda for discussion.	Successful use of online platform.
There are quite a number of online protests on HR including Maskani conversations, red vest movement protests, Black lives matter, Machozi ya jana! Wako wapi? Housing as a human right # Panda miti campaigns, #StopevictionsKE,Will Kimani case, # Switch off KPLC	Online protests by the use of hash tag	Variety of online protests
lack of good will from the government to ensure that the officers involved in such are punished, there is also lack of competence on some officers to collect enough evidence to help with conviction hence opting for shortcuts, and some killings have been sanctioned by the state “Shoot to kill orders”	Lack of good will from the Government	Government has played a major role.
Kenyans rights and freedom to access media are indicated in the constitution of Kenya/ Bill of Rights. The sovereignty of the people rules.	Kenyans have a right of using social media	Sovereignty of the people
Online activism had been effective due to digitalization and social media platforms like Twitter, Webinars and zoom meetings, these online platforms enable organization to reach people globally for example A campaigns on #blacklivesmatter is a campaign that was done globally to seek justice for Floyd who was allegedly shot dead by a police.	Online activism has become effective in the digital era	Digitalization and social media
Online activism is cheaper, faster as the activist always tag the duty bearers and also reached many people compared to litigation	Reaching many people with hash tags	Hash tagging the duty bears

4.2 Research Findings

Findings were presented in terms of the following specific objectives of this research: to what extent human rights organizations in Kenya succeed in using online spaces to advance their agenda, factors that enable online protest on extra judicial killing to happen in spite of

government surveillance and justification on why human rights organizations engage in online activism on extra judicial killing instead of only using litigation in Nairobi County.

4.2.1 To what extent did human rights organizations in Kenya succeed in using online spaces to advance their agenda

Eight of 11 interviewed respondents suggested that in Kenya, the human rights organisation succeeded in using the online platform as they were able to create an on-line agenda using posters, and invited panellists to address different issues relating to the public, as public hearings also challenged on-line platforms. Partisan propaganda infiltrated online spaces in 2012, just prior to the elections. The previous year in Kenya human rights organisations saw no strategic path for the advancement of their agenda by the online spaces. It just came in before the tag of ‘Evil Culture.’ Civil society organizations were pursuing the ICC incitement of president Uhuru Kenyatta and deputy president William Ruto, and therefore became direct target of online government propaganda. Then, the civil society responded after the 2013 elections by setting up online spaces to take back the narrative. This included AfriCOG’s , the People’s Court, and Maskani Ya Taifa/Maskani Conversations which was directly intended to challenge the government propaganda.

“Success can be attributed to the hash tags, posters that Human Rights Organization came up with and strong teamwork that is normally seen online, the fact that some of the hashtags they do trend and are picked by mainstream media is quite something.” Respondent 2

Human rights organizations in Kenya succeeded in highlighting human rights abuse via online platforms like Facebook, twitter, WhatsApp groups etc and tapping into the bulging youth population who spent time on social media, this is because youth are conversant with technology and majority are also jobless. However, such topics only trend for a day or

two then Kenyans move on to other news, as compared to the United States of America (USA) during the #GeorgeFloyd activism.

In USA, the online presence as well as offline presence in terms of organized marches across various states was very significant. It is my belief that the two are synonymous so that the online and offline presence must go hand in hand.” Respondent 10

“Human rights are succeeding in online spaces not only on Extra judicial killings a lone, but also other jurisdictions, even if the killers are not always brought to book. The government had been seen to respond to some online pressure. Example was the recent case of Godbless Lema Tanzania MP due to online pressure they acted on his asylum case.” Respondent 11

Success of online space had been accelerated by increase in mobile phones, tablets, laptops, computers and use of internet and digital migration as well. This being 21st century, technology had been highly embraced and even it got mileage during COVID 19 pandemic.

“Online activism in Kenya had mostly been a success, whereby issues such as corruption at KEMSA, extra judicial killings caused by police or malicious citizens etc had mostly been brought to public debate and attention though online platforms.” Respondent 5

These results were in line with different researchers who suggested that the use of the internet had a positive effect on social movement organisations’ activities by increasing the speed, scope and quality of communication and mobilisation efforts (Opel & Ayers, 1999; Bennet, 2003; Eaton, 2010; Laer, 2010). Various network providers like Safaricom, Airtel and Telcom had made it easy for people to express their views online by giving bundles offer, and home WIFI at affordable rate, for instance currently Safaricom has an offer of 500 extra MB on any data purchase. Again the internet was used to demonstrate how social media was used as citizen journalism resources by mobile devices such as phones, iPads, tablets and laptops, enabling activists to circumvent conventional television coverage and directly track military activity on the ground for the international community (Khamis and Vaughan 2011).

For example, according to Facebook, there were 6.1 million Kenyans on Facebook (BAKE, 2016), and the visit of Mark Zuckerberg, Facebook's co-founder and CEO, in September 2016, validated the growth of the site in Kenya and also in the ICT market. Other researchers also supported this analysis. According to Nendo14, a digital research firm, as one million people use Twitter every day there were 2.2 million monthly active Kenyans on Twitter. In Kenya, WhatsApp had 10 million users with the ease of forming WhatsApp groups and sharing a connection for people to join, according to Nendo estimates. WhatsApp has become a big person-to-person contact medium and has become a generator of discussions on other social networking sites, allowing content from WhatsApp on Twitter and Facebook find its way. Without gatekeeping and protocol, all of these communication facilities allowed people to address issues.

Online spaces were also popular because online communication challenged conventional media outlets as the universal outlet setting the agenda (Meraz, 2009). It was the modern mass medium that became (Roberts, Wanta & Dzwo, 2002). The public, through bloggers and other social media, can shape the media agenda, according to Wallsten (2007). The Internet provided greater exposure and an incentive for direct interactions (Fortunati, Sarrica, O'Sullivan, Balcytiene, Harro-Loit, Macgregor, Roussou, Salaverría, deLuca, 2009). The theory of agenda setting also echoed these results. The theory of agenda setting, suggested by McCombs and Shaw (1972), presumed that there was a direct correlation between media coverage and public opinion. In social work, which stressed citizen journalism, this came out well.

The agenda-setting theory explained how the topics referred to in the media will become important to the public. In other words, what the media reported as more important

could be perceived by people at large. The media highlighted real problems such as extra-judicial killings and also invited panellists to share their views and gave the public the opportunity to write articles and make calls to comment on the same topic (Sheafer, 2007). The theory of the agenda setting indicated that the media did not tell us what to think, but what to think about. As long as someone owned a garget and had internet access, we had seen that social media platforms qualified as a type of media that is nowadays commonly used, therefore this theory matches this study because content on social media sites that had news values such as human interest such as dispute, oddity, sex and sexuality, paithos and baithos used to reach broader masses globally. By giving attention to certain storeys, the media decides what is newsworthy. In public opinion, a topic that is popular in news media is gaining popularity.

4.2.2 Factors that enable online protest on extra judicial killing to happen in spite of government surveillance

Government surveillance had been due to how the police ‘service’ was structured, both historically and currently despite a new constitution, and numerous police reforms initiatives. The police were structured along colonial thought processes from training to practice. Despite efforts to clean up the police, a lot more has remained, and police act as the enemy of the people because the government used police against peaceful protestors and against its perceived enemies. Though the basic conditions that enabled online protests was the transgression of people’s rights and oppressive systems as the root cause. This took shape in different forms ranging from extrajudicial killings, to runaway corruption, to livelihoods, to increasing inequality, and to oppressive policies. A hindrance to online protests and by and

large, laws such as the Kenya Information and Communications Act 2013 sought to muzzle freedom of expression by muffling digital spaces and seeking the reintroduction of criminal libel through the backdoor. In spite all those factors, six out of eleven respondents claimed that online protest on extra judicial killing happened despite the government surveillance because, Kenya had a right to be informed and speak through the media as indicated in 2010 Kenyan Constitution under the Bills of rights. As respondent put it, “The 2010 Constitution of Kenya is very clear in terms of freedom of expression and Bill of rights is a signatory of all this. Kenyans can stand up against autocracy/ repression.” Another respondent pointed that “Kenyans know their rights and thus makes it hard for the government to wake up one morning and choose to shut down the internet, incase such a thing ever happens then VPN will still be used.” (Respondent 11).

Regardless of government monitoring, there were quite a lot of demonstrations, including Maskani conversations, red vest movement protests, black lives matter, Machozi ya jana! Wapi wako? # Panda miti campaigns, #StopevictionsKE, Chris musando killing the human rights defender Caroline mwathatha in Mathare, Yasmin Moyo of Shauri Moyo, the student leader of Meru University killing, student leader of Leeds University, Carilton Maina, who was shot by a Kenyan police officer, stop femicide campaigns when Okoth Obado allegedly killed Sharon Otieno, DJ Evolve, allegedly shot by MP B.

The police, who were the arm of the government, were supposed to protect citizens, but in Kenya that was not the case. The extrajudicial killings were carried out by police in the informal settlements and other counties of Nairobi using disproportionate, unlawful force. Police were arresting unarmed citizens and then shooting them down, according to Otsieno Namwaya, Africa researcher at Human Rights Watch, "and neither the police service nor its

watchdog agency was doing much to stop it he said, adding that the authorities should investigate these cases promptly and keep any police officer responsible for the illegal use of force accountable. Justice is what Kenyans dream of, but many cases end up uninvestigated and leaving Kenyans with unanswered questions because of unfairness and corruption.

“Extra Judicial Killing was a war of class, between the rich and poor. The government belongs to the rich thus the poor tend to suffer more. And the government knows very well that most times the poor cannot be able to hold them accountable due to lack of resources, ignorance etc.” Respondent 6

“All these issues started as discussion online but were later shifted offline due to the wrath that Kenyans and defenders expressed that the IG needed to see them with placards, posters and banners when they were protesting over the killing of Lawyer Willy Kimani.” Respondent 1.

Eight out of eleven respondents agreed that many people came out to demonstrate about lawyer Willy Kimani’s killing until former Inspector General (IG) Joseph Boinnet zeroed in on the perpetrators and arrested them. The Machozi Ya Jana (Tears of Yesterday) movement against the extrajudicial killings of lawyer Willy Kimani, together with his client Josephat Mwenda and driver Joseph Muiruri, was coordinated by civil society organisations. In order to end the crisis, the online movement went offline in various parts of Nairobi until the end of the month to get the participants and law enforcers together for consultation. "The sentiments were echoed by PBI Kenya, who witnessed a peaceful demonstration organised by the Kenya Law Society as part of their week-long Purple Ribbon Campaign condemning security forces intimidation, harassment and extrajudicial killings, during which the following words resonated: "Yesterday’s tears cannot dry up, we will wipe away the tears with the celebration of justice (<https://pbi-kenya.org/news/2017-07/machozi-ya-jana>). These campaigns have shown how vulnerable Kenyan people are and how unsatisfied they are with

the country's stability. "They crossed the red line, they killed a defender meaning that the lives of people depending on the defenders were at risk." Respondent 3

"The most notable protest to have occurred as a result of online activism and extrajudicial killings is that of the killing of lawyer Willie Kimani, Josephat Mwenda and Joseph Muiruri who were abducted as they left Mavoko Law Courts. Their bodies would later be recovered in the Ol' Donyo Sabuk river." Respondent 8

These findings were in line with the background of this study which indicated that social media and its application had overtaken the mainstream media in accordance with Libertarian theory (Siebert et al., 1956), which states that everyone had a right to be fully heard in the media. If the media does not fulfill these functions another agency will enforce "marketplace concept". And that right has been emphasized in the constitution which are laws guiding the country forcing the government to sit back and watch various organizations and individuals express their woes. The findings were also echoed by the laws of the Universal Declaration of Human Rights (UDHR), specifically Resolution 217A of the General Assembly in Article 19, which claimed that everyone had the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to search, obtain and impart information and ideas through any media and regardless of borders.

Such results were reinforced by the theory of the public sphere, which according to Habermas (1989), was a field of social life where public opinion was shaped in a way that was open to everyone. In Habermas's ideal world, by acts of assembly and dialogue, the public sphere is "private people gathered together as a public to give voice to the needs of society within the state." This was seen in the human rights organization that, through the use of hash tags, sharing and liking buttons, had totally come out to mobilize people all over the world to firmly condemn extra-judicial killings.

4.2.3 Justification on why human rights organizations, engage in online activism on extra judicial killing instead of only using litigation

Civil society organizations engaged in online activism on matters of extrajudicial killings, because of awareness creation owing to the manner in which state agencies treat investigations on Extrajudicial Killings. The online awareness created a space for public discourse of the matter, tactically to pressure the government to take action on such officers. Litigation would suffice in the larger scale of events, perhaps a large-scale public interest litigation suit on the general conduct of police, including harassment, assault and killings; bringing together families and victims of extrajudicial killings and police brutality to challenge the systemic failure of public-centered policing.

Six out of eleven respondents said that online activism was cheaper because, no protocol was being followed and no cost of hiring lawyer. Online activism was also faster as the activist always tags the duty bearers .and also reached many people compared to litigation by enabling sharing and retweet icon. In online, you get more suggestions and diverse views from people of all calibre, ideas and come out clearly. Thus, the organization would be able to implement issues going forward. “The lack of faith in our institutions due to lack of access to justice or delayed justice which most of the time never comes, has made a lot of organization to opt for the naming and shaming through online activism because most of the litigation processes are tedious and bureaucratic.” Respondent 4. Another respondent pointed that “online activism is the fastest way to respond without doing anything. Litigation is too slow and complex due to management of evidence and protection of witnesses.” Respondent 10

Human rights organizations engage in online activism to create awareness among the public especially on matters of public interest. Litigation alone does not suffice, because the

legal jargon may put off so many people. “However, when the matter is brought online, so many are able to engage with the matter in the public court of Twitter or whatever social media platform” (Respondent 11). Online activism had been effective due to digitalization and social media platforms like Twitter, WhatsApp groups Webinars, face book ,Instagram and zoom meetings, these online platforms enable organization to reach people globally for example a campaigns on #blacklivesmatter was a campaign that was done globally to seek justice for Floyd who was allegedly shot dead by a police. Then the Truth Justice and Reconciliation Commission (TJRC) report’s discussions shifted from hotel to online spaces where the rights organizations could stir up conversation online , to brainstorm about the compensation of the victims thus, Member of Parliament (MPs) and even the president spoke about it ,and asked for forgiveness and promised compensation to the victims.

The Webinars and zoom meetings mostly replaced physical workshops during the Covid period. Photos of human rights abuses have also been used a lot. The photos was shared using social media which attracted public debate, and assert pressure on the authorities to take action. Respondent 5

Online activism by human rights organizations has helped bring rise to a more activated citizenry that questions and stands up to government. Currently, it is a central pillar to many human rights organizations, compounded by the COVID-19 pandemic. It has been instrumental in demanding for an end to extrajudicial killings, especially through exposing errant police, electoral theft, corruption and national debt.” Respondent 7

Online activism used social media platforms to highlight human rights issues locally, regionally and internationally. Indeed, online activism changed human rights campaign and brought it closer home, as many people across the world can now resonate and understand what was taking place in other states and also participate actively. The #Arab uprisings emanated from online activism before it went to the streets. In the recent past hashtags such as #George Floyd, #ENDSARS, #Endpolicebrutality, #BlackLivesMatter highlighted various human rights abuses across the globe in particular with reference to police brutality.

Human rights online activism is an incredibly important part of human rights work in Kenya as well as globally. #EndsSARS, #SomeoneTellCNN, were mobilized online. However, to achieve an optimum outcome, online and offline campaign and advocacy need to fuse. Respondent 8

These results were backed by different researchers who thought that online activism had been practised internationally, whereby previous research demonstrated how social media could promote civil participation and collective action. It was observed in Tunisia, Libya and Egypt during the 2011 civil uprising. By posting on Facebook and Twitter (Sharky, 2011), this saw rebels sharing themselves because it was the only forum that provided safe space.

MacCaughey & Ayers (2003) also endorsed these results, explaining "the use of electronic communication technologies such as social media and websites to allow citizens' movements to communicate more quickly" (p.79). And at one click of a button, contact was completed.

CHAPTER FIVE: SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Overview

This chapter comprised of a summary of the key findings from the interview of seven respondents as presented in chapter four, a conclusion of the research, recommendations which came up from the findings and suggestion for further studies. The study was guided by the main objective of this research which is: To investigate the extent to which human rights organizations use online space for social activism in the campaign against extra judicial killings and specific objectives:

- i. To establish to what extent human rights organizations in Kenya succeed in using online spaces to advance their agenda.
- ii. To determine the factors that enable online protest on extra judicial killing to happen in spite of government surveillance.
- iii. To investigate the Justification on why human rights organizations, engage in online activism on extra judicial killing instead of only using litigation.

5.2 Summary

5.2.1 To establish to what extent human rights organizations in Kenya succeed in using online spaces to advance their agenda.

Success of online space had been accelerated by increase in mobile phones, tablets, laptops, computers and use of internet and digital migration as well. This being 21st century, technology had been highly embraced and even it got mileage during COVID 19 pandemic. success, whereby issues such as corruption at KEMSA, extra judicial killings caused by police or malicious citizens etc had mostly been brought to public debate and attention though online

platforms. Human rights are succeeding in online spaces not only on Extra judicial killings, but also other jurisdictions, even if the killers are not always brought to book. The government has been seen to respond to some online pressure. Example is the recent case of Godbless Lema Tanzania MP due to online pressure they acted on his asylum case.

Although there have been other more institutionalised and publicly less conspicuous forums through which communities, especially in democratic societies, can express their grievances and concerns, social movements have long functioned as a significant medium for articulating and pressing the interests and claims of a group (Snow, Soule, & Kreisi, 2004). Protests were considered violent in ancient times and the consequences of the protests were loss of property, vandalism, police intimidation and violence and even deaths, particularly during physical protest, but it has now become difficult to shut down protesters because the government will receive media condemnation.

5.2.2 To determine the factors that enable online protest on extra judicial killing to happen in spite of government surveillance

Kenyans know their rights and thus makes it hard for the government to wake up one morning and choose to shut down the internet, incase such a thing ever happens then VPN would still be used. The 2010 Constitution of Kenya was very clear in terms of freedom of expression and Bill of rights was a signatory of all this. Kenyans could stand up against autocracy/ repression.

Despite government surveillance, human rights organisations are engaged in online activism since Article 33 of the Constitution of Kenya (Kenya, 2010) encourages freedom of speech, including a) searching, obtaining or imparting knowledge or ideas; (b) freedom of

creative creativity; and (c) academic freedom of scientific study. The same constitution, however, goes further to warn that the same freedom of expression does not apply to: war propaganda, incitement to violence, hate speech or promotion of hatred that I constitutes racial incitement, vilification of others or damage caused by incitement.

5.2.3 To investigate the Justification on why human rights organizations, engage in online activism on extra judicial killing instead of only using litigation

The lack of faith in our institutions due to lack of access to justice or delayed justice which most of the time never came, has made a lot of organization to opt for the naming and shaming through online activism because most of the litigation processes are tedious and bureaucratic. Online activism is the fastest way to respond without doing anything. Litigation is too slow and complex due to management of evidence and protection of witnesses. The growth of internet and social media platforms such as Facebook, Twitter, WhatsApp, telegram and You Tube among others has changed ways that people create, share and exchange information, thus easing the online protest on judicial killing to carry. This has also been accelerated through virtual communities and networks. Just as social media evolved and grown over decades, so as the impact on social protests.

Co-founder of Global voices Ethan Zuckerman pointed out that the media tends to function better in relatively oppressed nations rather than in highly authoritarian nations, and in countries with very little or no repression to a limited degree (Zuckerman, 2007). There is also a strong demand for social media in Kenya because traditional media are still faced with a great deal of government interference. And if Kenyans who could feel excluded as people are able to access these new services each day, we might expect to see increased online contacts (Mäkinen & Kuira, 2008).

5.3 Conclusions

The researcher concluded from the interview conducted on seven members of the online activist of human rights organisations that online activism was successful due to digitalization and social media platforms such as Twitter, WhatsApp groups, Facebook pages, webinars and zoom meetings, among others, these online platforms enabled organisations to reach individuals globally, such as #blacklivesmatter campaigns. In the same platform agenda could be set online through the use of posters and invite panelist to discuss, as audiences ask questions, and also share their views. Some hashtags which had trended includes Machozi ya jana! Wako wapi? # Panda mti campaigns, #StopevictionsKE, Willy Kimani case, # Switch off KPLC among others.

The study also found that online media was faster and cheaper than litigation because of the advanced technology that saw information spreading by tagging, sharing or retweeting at the click of a button, and also the information can be shared with little amount of subscribed data or wifi, unlike litigation that still follows long procedures, it would take a lot of money to hire a lawyer and travel. The study found that amid government surveillance, human rights groups have engaged in online advocacy in extrajudicial killings because individuals and organisations are aware of their rights and freedom of expression as supported in the survey (Constitution Kenya, 2010). Article 33 encouraged freedom of speech including a) knowledge or ideas to be sought, received or transmitted; (b) creative imagination freedom and (c) scientific scientific study academic freedom.

5.4 Recommendations

The study recommended that the Independent Policing and Oversight Authority (IPOA) should monitor and direct the police while they are intervening during peaceful demonstrations and maintenance of law and order. This is because there was lack of competence on some officers to collect enough evidence to help with conviction ,hence opting for shortcuts, as some killings had been sanctioned by the state “Shoot to kill orders,” so as to ensure full security and justice in the country. Also, the government through Director of Public Prosecution office should punish any person who would be involved in extrajudicial killings in the country.

The study also recommended that human rights organizations to do online activism with due diligence bearing in mind all the code of conduct like respect, accountability, responsibility, transparency and integrity, because even though the constitution give them right to speak, the same constitution does not allow incitement and abuse. Article 33(2) of the Constitution of Kenya is in line with Article 29 of the UDHR Act which states that everyone shall only be subject to any restrictions as determined by law, in the exercise of their rights and freedoms, with the sole aim of securing proper recognition and respect for other people's rights and rights, and of fulfilling equal moral requirements, of public order.

This study showed that human rights organisations, as well as their importance as research organisations, fostered knowledge and grassroots engagement. The use of multimodal, hash tags and the exchange of different information made it easier for all to express their opinions, and at the end of it to put pressure on violators by enforcing policies. The recommendation accepted the theory of the agenda. Since the media does not say what to think to tourists and readers, nor what to think about.

According to Habermas, the recommendation also endorsed public theory (1989), which was an environment of social life where public opinion was formed in such a way that it was open to everyone. The public sphere in Habermas's ideal world is "private individuals collected as a public to express the needs of society within the state."

5.5 Suggestion for Further Studies

A research to be conducted on impact of human rights organization's online activism on Kenyan government. A case of two third gender rule. This would assist to see on whether online activism came make a change to two third gender rule which is still work in progress. A research to be conducted on challenges experienced by human rights organizations' online activism and the way to improve in their activities.

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Appendix I: Introduction Letter

APPENDIX I: INTRODUCTION LETTER AND INTERVIEW GUIDE

Asenath Niva,
The University of Nairobi,
P O Box 13433-00800,
Nairobi.

August 2020.

Dear Respondent,

RE: REQUEST TO CONDUCT ACADEMIC RESEARCH ON A STUDY ON HUMAN RIGHTS ORGANIZATIONS' USE OF ONLINE ACTIVISM: THE CASE OF EXTRA JUDICIAL KILLINGS.

My name is Asenath Niva Ombega. A student at the University of Nairobi pursuing Master of Arts (MA) in Communication Studies at the School of Journalism. I am doing a research on use of online activism: the case of extra judicial killings.

I have purposively selected you to be my key informant in this study. This is based on my research objectives that require only those key respondents with specific knowledge and understanding of the subject I am researching on. I am kindly requesting You to respond to Key guided questions provided. Your responses will be treated with utmost confidentiality. The findings will be used strictly for accomplishing academic goals. Please note that there is no right or wrong answer. The information will be highly appreciated as they will contribute to my academic work.

Your honest response will be highly appreciated

Yours sincerely,

Aseanth Niva.

Appendix II: Interview guide questions

1. Discuss your understanding of online activism by human rights organizations in defense of human rights abuse in Kenya and also globally. Please explain whether this phenomenon (of online activism) is central to human rights campaign here in Kenya.
2. To what extent are human rights organizations in Kenya succeeding in using online spaces to advance their agenda? What do you attribute their success or failure in the use of the online platforms?
3. What types and levels of protests have been done by human rights organizations through online activism in Kenya? Which of these protests have succeeded to move from online to offline and for what reasons?
4. What factors have enabled extra judicial killings to happen in Kenya in spite of government surveillance?
5. Why do human rights organizations, engage in online activism on extra judicial killings instead of litigation? Will litigation not suffice?
6. What types of human rights offline protests have occurred as a result of extra judicial online activism? Please explain.
7. In view of the government's attempts to regulate social media use, what conditions have enabled online protest to happen as was the case in #LawyerWillyKimiani.