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**Kenya Research project by Robert M. Press [see: Press, Robert M. (2006) *Peaceful Resistance: Advancing Human Rights and Civil Liberties*. Aldershot, U. K.: Ashgate.**

**Transmitted to LOC August 2009**

**Interview conducted by Robert M. Press ([bob.press@usm.edu](mailto:bob.press@usm.edu); [press.bob@gmail.com](mailto:press.bob@gmail.com))**

**Date of interview: August 13, 2002**

**Interviewee: Bedan Mbugua**

**Location of interviews:** Nairobi, Kenya, at the office of a hotel chain belonging to two-time Presidential candidate Kenneth Matiba, who distinguished himself in the late 1980s by resigning from the Moi Cabinet. Mbugua became one of his closest aides and at the time of the interview was the Special Political Counsel to Matiba.

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Bio: former journalist. Editor in Chief of People, a daily newspaper; former editor of *Beyond*, a magazine banned in 1988 after exposing government rigging in elections. BA in Communications; Diplomas in Pharmacy (3 years) and cross-cultural communications (2 years). In 1979-80, he studied human rights law on a six-month fellowship in Manila and Washington (American University) sponsored by the International Institute of Education in Washington

Lived in Nairobi 87-97

Kikuyu

Protestant (Anglican)

Party affiliation: FORD (helped create it) 90-92; FORD-Asili 92-96; Saba Saba Asili 96 to present

The first part of this transcript is by Bob Press. BP = Bob Press; BM = Bedan Mbugua. Notations by the interviewer are included along with tape counter numbers. HR refers to human rights. The second part, as noted below, was transcribed by another person. In that section, Bpress is the interviewer; Mr. X = Bedan Mbugua. The third (final) section was transcribed by Bob Press with same notations as in first section.

BP Starting in 1987, could you mention the things you did to try to promote human rights in Kenya.

BM Yes. In 1987 I was the editor and Chief of a publication called *Beyond*.

(sound check) I started in 1985.

BP Were you the editor from 1985.

BM Yes. And this publication was committed to raising people's awareness...concerning their rights as human beings. For instance, one important issue that we kept on raising was that this freedom of expression, freedom of association, these are not freedoms that are given by the government. The single party system like in Russia, made people to understand that these freedoms aren't given by the government. And even journalists would meet together, like I remember one meeting in '86 in Harrare, bringing all the

African top editors together, communicators. And I heard almost all of them saying: we must ask the government to give us more freedom. And my reaction in that meeting was that: hey, gentlemen and ladies, why don't we ask the government itself where they get freedom so that we can get it for ourselves instead of having government as intermediary. The concept was that these freedoms are God-given; they belong to us. It is their freedom that make us human beings. And therefore they are not 'given.'

And I decided when I came back from that meeting to promote very vigorously that idea where I would ask: where do you think the government got that freedom for expression...where does the government get...and the people would kind of get started. And I tell them: this freedom is God-given, it's part of our humanity. We cannot be human without communicating, without expressing ourselves.

**[HR TACTIC: Tell the truth. NCKK publication exposes 1988 election rigging]**  
**One of few examples of organizational human rights pre-91**

And so this publication [Beyond] – through this publication I promoted this vigorously. And I also lived up to it because I also lived up to it. Because I wrote articles like: Oh, I have all the freedom and that's why by 1988 we exposed the massive rigging of the General Elections.

[In February and March 1988, nation-wide elections were held for local councils and Parliament. For the February nomination elections among members of the ruling party KANU, the government used a system of queuing in which voters lined up behind the candidate of their choice and were counted. (The March runoffs were held using secret ballots). Kenya was then a one-party state but there was competition among candidates within the party. Beyond magazine reported what many Kenyans had seen for themselves, that the elections were blatantly rigged. What made this rigging different was that ordinary voters had seen with their own eyes how candidates with short lines, if favored by the government, won over candidates with longer lines in polling place after polling place.]

BP [Beyond reported rigging] in two districts, rights?

BM A number of districts; I think three districts. So we exposed massive rigging of elections and we did it without consideration what would happen to this or that?? And that was what- I mean it became like a bomb. And people could not believe that anybody could express ideas so boldly. And when we did that, of course, the sales of the publication was vast. Within hours 20,000 were bought in 15 minutes; another 20 [thousand] – by the time we were banned [sales were up to] 105,000 copies...no magazine has ever reached that level, even up to today [2002].

BP How soon were you banned after publication of the article.

BM I think it was the second- no it was the same day of the publication – in the afternoon.

BP Do you have that many printed ahead of time?

**[IMPACT of HR TACTIC of exposing rigging:**

**HR Public support of the truth: BEYOND sales soar with rigging results]**

BM By the time it came to be known we had sold like 20-40,000, so they kept on asking with the printer: how many copies [are ready?] When we got to 105,000...

BP So you kept on printing more during the day.

BM We kept on printing (emphasis) continuously because the demand was very high.

BP All day long?

BM Yeah. People were selling five times its normal price. People were still buying. And by the –toward the evening, like four [o'clock] I got the banning orders being brought to my office by the security people. But things could not be the same from that day. The society starting to realize that somebody can do it – and from that day, more and more people are doing it [speaking]; they were being banned until we got now – of course I was arrested...

BP Excuse me, someone can now it? You mean...

BM Can now express himself boldly.

**HR TACTIC: Use clergy to count queuing votes**

**Organized human rights**

BP Did you have good, solid evidence of the rigging?

BM Yes, we had very solid [evidence]. Nobody has ever disputed [the finding of rigging in 1988] up to today.

BP Could you briefly describe what evidence you have?

BM Yes, we had mobilized the local people; we chose clergy in those areas. [BEYOND was a publication of the National Council of Churches of Kenya]. We had a very famous method of voting, queuing, standing behind the candidate, which we had also opposed very strongly. So these pastors would be counting as the other officers were counting. Then they would design the queue of this person is so many persons, the queue of this person is so many. And so we had very, very solid evidence.

BP That the people with the shorter line – [government-favored] KANU candidates were the ones who won despite having [shorter lines].

BM Yeah. And that's why we wrote: "Those who won and those who lost." That was the title, you remember of [their expose]. And those who had a small queue were the ones winning. Because we had already – the District Commissioners who were the ones announcing who are the government civil servants, now they had announced the other ones who had short queues won. And our publication had different people who had won.

100

**\*\*SA-TACTIC: Ban the message; arrest the messenger of 'bad' news:**

**HR reaction: "...it was like the tide that you could not stop." Opposition grew. Mental shift?? Munene also points to the queuing crisis as the turning point toward pluralism.**

You can imagine the crisis in the country. So it was banned. Then I was arrested, soon after 15<sup>th</sup> of March, 1988.

**International reaction: Jimmy Carter, per Gitari book (p. 63) and some other internationally-respected figures called on the government to not ban Beyond: other international reaction. No effect, however.**

BP Was this a general election or a by-election?

BM It was a general election but it was also KANU elections which we had reported.

BP It [elections] are usually late in the year, around December.

BM It was a general election.

BP I'm not sure was March [as noted above it was in February, for nomination of candidates for KANU, and the General Election in March for runoffs. The runoffs were held using secret ballots, but the nomination was by queuing.

BM You know the President can call election anytime.

BP I'll check on that. What do you think the impact of that was on the state, on state behavior, on level of state repression, on the level of human rights.

BM I think first it was an agitated reaction. This is why I was arrested and the crackdown. But people were coming in numbers. Many were being arrested for carrying the BEYOND magazine. So it was a big, big – **the magazine created a very big crisis in the country. And with that reaction, it's like the tide that you could not stop was born.** And from that '88 it was now a very vigorous opposition to the government which was again helped by the falling apart of the Communist regimes. Was it '90?

BP 1989, the fall of the Berlin Wall.

BM That's when now, you see, that came after our strong opposition, and there was tide now, and this [the end of Communism] gave it momentum. And when that collapsed...

BP "This" meaning what – this publication?

BM No, I am referring to the collapse of the Communist block, gave great momentum to what now was born in '88 [opposition sentiment in Kenya]. There are more people now in – when the wall collapsed the media gave very high prominence to that story because it was relevant to our single party system and the clergy again, by seeing how rigging was done, clergy was on the front line and they took advantage of saying that could our regime now read the signs that are written on the wall. [Njoya made such a statement; Gitari or Okullu also made a similar one??] That the days now of a single system are over. They were preaching this message all over the country (emphasis).

BP Including [Bishop] Gitari.

BM Including Gitari.

BP He gave several lectures, sermons in 1987 [recorded in] Let the Bishop Speak [Gitari's book]. I haven't got it [I later bought it from then-Archbishop Gitari.]

BM In the New Year [Jan 1, 1990??, Dr. Rev. Njoya also gave a very powerful one [sermon calling for the end of the one-party system]. And our country had reached a point of no return.

BP That was the speech that got him in trouble.

BM Yeah, that was the speech that got him in trouble. Now, again, the same period, toward the end of '88-'89, that's when Kenneth Matiba and Charles Rubia also came out as the first powerful politicians, who were before Cabinet Ministers, and came, and, they had resigned from the government.

BP Rubia has also resigned?

BM Yeah, he did. I don't know what Rubia did but they both joined together and they demanded multi-party in Kenya.

[Note: a number of people claim credit for getting them to demand this. What does Bedan say?]

BP Two points I want to go back to; one is important for your own contribution, when you were jailed and all. You were arrested in '88 after Beyond, for that article. How long were you held?

BM I was held in custody for a week and then I was rushed to the court without anybody being warned. And I did not have even an advocate, or what you call attorney. So I was

secretly kind of taken to court. But God is great. When I was now outside now in the law court in a car, without any government mark, it had only ordinary plate numbers, and it was security, a white, Toyota car, I saw Dr. Oki-Ombaka ?? spelling, who died recently, coming from the law courts, then the head of Public Law Institute. I saw him passing and I just shouted and I said: Ombaka (emphasis). I am here; this is Bedan. He turned and he came toward me and I said: All these guys you see here are not my friends, they are security people in plain clothes.

BP The window was down?

BM Yeah, I put it down, quickly. And they [the security people] were shocked; they didn't do anything. [he continues his recalled remarks to Ombaka:] And I have no representation and I'm going to the court. And he said, OK, I'm going to stand for you. Then when they realized that, one of them went to the court and came back and said: Oh, your case will not be heard today. They are taking you back to Criminal Investigation Department [CID] cell – in Miliamani [section of Nairobi]. So they got me there then after 15 minutes they took me back to the courts because they know now the lawyer – they told the lawyer I would be brought the following day. So now there was no lawyer. So I was taken now to court quickly and then I was asked to plead guilty or not guilty, and I did not say a word. I just remembered – I've been quite religious – I just remembered when Jesus was being interrogated (laughs), he remained silent. And I remained silent. I said I have nothing to say. So now journalists were in that court, luckily, some were on video. Journalists knew there were many tricks [of the government??] Luckily they were there in the court and then they asked the judge: why didn't you give him bond. And then he said: he never asked. So I was taken to industrial area prison [in Nairobi]. And then, the following day, the news came in the newspaper headlines I had nobody to represent me and I did not ask for the bond. I...didn't speak. Then Ombaka and others [who??] went to court and asked for the bond: You say Bedan did not ask, now we are asking [for bond]. And then he allowed me to come out and I had bond. My case was dragged for almost three or four months, going in, out, for mention, that kind of thing. At the end of that case, somewhere in between, before the judgment, I was summoned to see the head of state. Mark Too and [Nicholas] Biwott [spelling??] [met him first]. The President was delayed. They asked me – they told me the President wanted to drop my case because they have seen that I'm not that bad but I was pushed by NCKC [National Council of Churches of Kenya] and CPK [Church of the Province of Kenya] to write - Gitari's church. You know government was really looking for a reason to fight these two institutions [NCKC and CPK]. They wanted me to write an apology to say: I'm sorry, I was pushed to write what I wrote by NCKC and CPK.

BP They [Too and Biwott spelling??] asked for an apology?

BM Yeah.

BP A written apology?

BM A written apology. And then my case would be dropped. But my response – they didn't expect any response- but I responded by asking them to give me one minute or two to say something. I said I was very happy to be invited to State House because not many Kenyans go to State House. And secondly, I said I was very patriotic, but patriotism, which is deep love for your country, also impelled one to speak about – to speak truth about the same country. That deep love for your country also placed on you a burden to speak truth about that country, because we love it. So I explained that. And then I said

that I must first tell you why I wrote what I wrote. That time I was kind of studying informally as to why we had many military governments in Africa. We had 24 military governments. And I said, I explained to them that at the time of independence, instruments for self-government were handed over to civilian governments by the colonial governments. So how come now we have military governments. And I explained that the major crime that was committed by the civilian governments was massive rigging of the elections. And I went further to explain the reason why it had tremendous impact was that when you do massive rigging of elections you lose the popular support – you lose the people. And when you lose people, masses, then you are propped up by the security military forces to keep you in power because you are holding the office against the will of the people. And one time when these forces realize – why should we have a civilian president and we are the ones propping him, we are the one keeping him in power. Why don't we have one of ours.

BP So you tied it directly to the rigging of elections. What did they say then?

BM They were kind of shocked (emphasis) and they realized that I was beyond help.

BP (laughs)

BM Biwott spelling?? said [paraphrasing a recollection that may not be exact, given the time span between this interview and the meeting at State House]: this man, I don't think he can be helped. We thought you could be help by your case being withdrawn, but I don't think you could be helped. Then I concluded that meeting by saying that the final point is that I was not pushed to write by the NCKK and CPK. I was the Editor-in-Chief. I made the decision. They had never seen anything like that. Anybody who goes there would [normally] comply [with the request to recant a position].

So I left there. Then I think it was the following Friday...there was my judgment. And this judge banged the table and said Bedan Mbugua, stand up. You have been found guilty of all three counts. Count one: nine months; count two, nine months; count three, nine months, to run concurrently. Because I remained very composed, very calm. And what was going on in my mind was that this is not God who is speaking, it's a human being. That was going on in my...I was very calm. In fact, if you look at the Nation and Standard, the headline was that the editor remained composed and calm as the judgment was being read. And then I was taken to prison and outside there, there were thousands of people. And it turned the whole court into a prayer place. Pray for me.

BP What?

BM There was a huge few thousands of people. So when I was now taken into the prison vehicle, they were there; they transformed the whole arena of our courts into a big prayer meeting. I was taken to the biggest prison, called Kamiti.

BP So you came out of the courtroom and there was a huge crowd of several thousand people, downtown at the Nairobi High Court?

BM They had come specifically for my judgment.

BP What happened when you walked out? Did they start saying "Hallelujah? Did they kneel down and prayed; how did you know they were praying?

BM Because now, first of all, you see now you are taken first to – it's under, like [a] dungeon, below the ground floor. And when I was in prison, many wardens knew it was not fair: I was not a criminal, so they would sneak cutting of newspapers and say: you can use that paper for your toilet paper. (laughs). Then I saw [in the clippings] there were huge, thousands of people – I knew there were people, of course.

BP Oh I see, you didn't go outside.

BM No I didn't go..

BP But they gave you news about it.

BM It was in the cutting of the newspapers. Of course when I came out finally I found that was the case.

BP So they took you downstairs and then you came out the back [of the courthouse]? But you later found out from the newspaper that there were a lot of people standing around outside.

BM Yeah. And the chairman of my Board of BEYOND, Mr. James Mageria, was the one conducting the prayer.

BP He had organized a support group, kind of?

BM Yeah. He's the one who was conducting this prayer with those people.

BP So they did pray outside?

BM They did (emphasis). The whole court area was a big prayer meeting; mass prayer, you know.

So I was now in there at Kamiti. And the most important thing that happened there was: they were asking me, the warden, to bring – to ask for some money, my wife to bring some money; then I bribe to that I get not too difficult work, labor, you know. And also that I can get a bit reasonable food. And they reminded me that this was prison and I could die just like that. At first I thought, that's not a big [amount]. They are only asking 1,500 [Kenya Shillings]. It's not much. And they said your wife can give to a warden who looks after prisoners who come to cut grass at State House [the President's office]. So they would tell the warden that my wife would go there to take the money.

BP And she did?

BM No. For a moment I thought it was a simple thing that could make my life a little bit comfortable. But something my conscience told me, you are here for greater issues of truth. Why would you yield because of those smaller issues. And I gathered courage and I said I am sorry but I will not yield to that temptation because I am here for standing for greater matters of truth. And you give me whatever food you give [others]

**(end of tape one, side one)**

**(begin tape one, side two)**

**The following section was transcribed by Maggie . BE SURE TO CHECK ALL NAME SPELLINGS AND GRAMMER IN THIS SECTION, WHICH TRANSCRIBER DID NOT DO...**

**(transcribed by Maggie)**

[note: counter numbers restart here]

0

BP So you didn't pay the bribe?

X I did not pay the bribe I decided not to.

/bp what are these greater issues you were standing for?

A stand for morality

IX Well telling the truth in the media. You know like now exposing rigging [of ]the election. Standing against that mode of election which was intimidating - the method of queuing.

Bp Truth is [not] AN important quality[for you] isn't it.

X it is an important quality.  
/bp where does that come from  
29

Motivation

Mother's lesson: "truth was not negotiable"

x It came my mother was a very, very committed Christian but in a very unique way because she was interested in simple matters of life to tell the truth about the simple matters which people will **normally** not care very much if a glass broke or a cup and you know she comes and asks who broke this cup or glass or something and in those days kids in our days like to pinch sugar and mothers used to be very cross. Sugar was not readily available as it is today and you when my mother asked myself [I] tended to just say – mother I am the one who broke the glass. You know . often when you told the truth you are not likely to be punished if you did not and she will discover finally she always discovered then you are punished thoroughly. So I knew truth was not negotiable as far as truth was concerned. She was a wonderful lady you know very caring but yet very strong against some of those things like lying so I had grown with that background.

**Side B continues**

(32)

**religious lesson: (same) truth not negotiable**

**Mr. X - 069** There is one passage I liked in the Galatians chapter two where Peter, There was a meeting some place and the Gentiles and Jews came. These two groups of Christians but they have not yet become homogenous and Peter was at once associating with the he was with the Gentiles, and then at one point when the Jews came, he was now with the Jews like pretending he was not now with the other group. And he was eating he eat with the other group. Paul saw falsehood in Peter and he rebuked him publicly of course{??period where] one of the Pastor I had in Nairobi Baptist Church was from Britain that time.

Bpress: 099 - Nairobi Baptist Church?

Mr. X – Ya . He was called Dr. Roy Clement. And he was a Chemist.

Bpress: And he was a Chemist and a Clergyman?

Mr. X – He was a PHD in physical Chemistry but he took divinity. We used to touch a lot of base because of my background in Pharmacy. We were close friends and he was preaching that sermon and that was like early 70s. And he said that truth was not negotiable. And he said truth is not like African market where you say this is fifty Bob and the other one says no, no, no it is fifteen shillings and maybe finally you settle for twenty five. Truth is not like that. Biblical truth is none negotiable is not like you can bargain and finally take half truth.

134 – Bpress : You remember the sermon.

Mr. X It is the one I am telling you.

Bpress: Up till this day you still remember.

Learning a sense of human dignity

Mr. X – I remember. And I remember of course my mother would hold me on her lap and tell me biblical stories like the one of Samuel when he was a young boy and God would speak to him and she said God can focus his attention even to a small boy you are important to God. That gave me a great sense of human dignity that I am so important you know. Of course they died during the Mau Mau struggle.

**150** Bpress: Who died.

151 – Mr. X - My parents. So I was left with those truths now you know and **those truths have guided me up to today.**

155: Bpress: Was your father an active Mau Mau fighter or just a victim?

156: Mr. X - They were like, you know we are Christians but they were very liberated.

**9.55 a.m**

**(75)155:** They understood the cause of Mau Mau. The Mau Mau came at night you know they want food or something we would give. So they became finally the victims.

**164: Mr. Bpress :** Even though they understood the purpose?

**Mr. X:** Ya. And the forces. You know . My place is where there is one of the battle between British forces and Mau Mau one of the fiercest took place.

**168: Bpress:** Just one second. It occurs to me when I checked something. What is your E-mail?

Mr. X beadambugua@Yahoo.com

Bpress: What is your mailing address

**Mr. X.** Box 48554, Nairobi

Bpress: and do you have a mobile phone:

Mr. X. Ya.

Bpress: Can I note that down?

Mr. X : 0722875853

Bpress: So you had that background? This is going back to the impact of **Beyond** .....as to

Mr. X : I was giving you background as to why what the truth is.

Individual vs. Organizational activism:

**He got org. help preparing the article that landed him in jail; but when it became a banned article, the NCKK head distanced himself, and the lawyer (later AG – Wako) also turned his back; though others did not in NCKK in Kenya or worldwide.**

Bpress: I want to ask you something though. There is a question here in the questionnaire and it is important and it shows basically whether if someone is acting as an individual or as organizational representation representing... When you did that article, you said to people at State House that in fact you were making the decision as an editor,

Mr. X – Yes

Bpress: Aaa did the NCKK help you in the publication of that article and distribution of that article?

200: Mr. X. The magazine? Yes Yes, I was employed by NCKK

202: Bpress: O. K

**9.45 (time)**

Mr. X The publication, though it was running independently so that it was a self accounting unit.

204: B Press: So, they provided for example in your job all these things, clerical, publicity, they didn't provide legal assistance

207:Mr. X They had actually a lawyer. Do you know who it is ?

Bpress: No.

Mr. X He is now the current Attorney General. Amos Wako.

Bpress: Haha - Wako, Really

Mr. X: But when we needed him at a critical hour,

Bpress: He was their Lawyer

Mr. X: Ya

Bpress: For NCKK

Mr. X Ya,

Bpress: O.K What happened at that critical hour? Because you went to court without anybody.

214: Mr. X At that critical hour, he was nowhere to be seen. I came to learn later he had instructed the secretaries not to pass the calls from eee Beyond. Now he claims, when I meet him informally he says hei we really suffered but anyway. Hahaha

223: Bpress: We? Or did you say, what do you mean by we right?

224: Mr. X Ya

Bpress: In fact he .....

Mr. X. He now claims he was the lawyer of the publication but he was never available let me conclude that.

227: Bpress: Did you get any physical protection in terms of aaa or you didn't really need it ?? in your office basically.

Mr. X ya, ya

**230 Bpress:** O.K Planning assistant said in that article. So in other words, yours is a very interesting case, you had institutional support, through the research stage, through the publication stage and then when the hell broke loose how much institutional support did you get from NCKK?

235: Mr. X - Eee I must say that the executive committee of NCKK which meets not as often majority of the members were in support but I must say the Chairman of NCKK Dr. Byrum Makhoha

Bpress: What about him?

Mr. X. He was the Chairman of the national Christian Council. National Council of Churches in Kenya

Mr. Bpress: National Christian Council

Mr. X National Council of Churches

Bpress: O.K then what did he do. Supported you or not.

**[NCCCK chair signs statement blaming Mbugua not NCCCK for the article.]**

Mr. X. No, no, he actually distanced himself and he tried to distance NCCCK from me. From us.

259: Bpress: How did he do that?

Mr. X. He said without even consulting the council he later said that he was - the security people went to his house in western Kenya and pressurized him to sign that statement. But that was after .....

267: Bpress: The statement saying what?

268: Mr. X That the NCCCK was not involved. That it was our independent decision in other words, just distancing. And now because when the council called for a meeting and members of the council were angry with him why did you do such a thing ?. That is to make the editor very vulnerable . And then he said; he gave that reason that these security people they came they said they would have the government ban the whole of NCCCK so he thought he was saving NCCCK from being banned. **So I was very distressed because I expected him to give me support** because many clergy who were at the NCCCK are the ones who assisted us in getting the information.

287: Bpress: so you were left out in the cold by the Chairman.

Mr. X – By the Chairman, but majority of the members were very strongly with me but Chairman moved to be with the Government. The one who was the General Secretary was a bit lukewarm.

**296: Bpress:** Who was that ?

**Mr. X.** Sam Kobia who is with World Council of Churches. You remember he was there.

**297 Bpress:** Lukewarm in what sense?

**Mr. X.** First when we were banned, the following day he gave us letters of dismissal which when I was sharing with one of the people in the Church, he said let me see that letter and he never gave me back, because they were feeling very ashamed.

**308 Bpress** You mean somebody else from the Council took it from you.

**309: Mr. X** I was just sharing like now can you imagine the General Secretary when we are under distress he wrote the letter to dismiss us. All the work

**312 Bpress:** You don't have a copy of that?

Mr. X. I don't have, because now this guy connived now to

**Bpress: Were you fired? – You were fired**

**Mr. X Ya, all of us in the magazine.**

Bpress: When you say all of you ..

Mr. X. All the workers

You know in a publication you have many workers, some are in the marketing, some are sub-editors,

317. Bpress: You were the Editor-in-Chief?

Mr. X In – Chief:

318: Bpress: How many other people were involved approximately? Four, five,

319: Mr. X I think we were like ten.

Bpress: O>K so you were all fired?

**Mr. X Ya.**

**Bpress: O.K so you were all fired? The next day.**

**Mr. X. The next day.**

**320: Bpress: Did any one else go to jail even on temporary**

**Mr. X No. they were focusing on the Editor.**

**323 – Bpress: When you served your nine months ? Was it nine months..**

**IMPACT: HR International reaction helps Mbugua avoid prison.**

**Mr. X** No I did not finish. That is the point. I did not finish that because **there was a lot of international pressure.** I understand this one, I cannot prove that the **chain letters written by the human right groups. They were so, so many.** I know like in Australia because it was leading. They had even a petition they presented in our Embassy the human right and church organization all over the world. United States, Committee of Protection of Journalists, and many other Amnesty International, American sign ?? They had these chain letters. Britain, Australia , so many countries and I was told that when they were picking letters for State house it was a whole van of letters. And when they were opening.

344: Bpress: The whole vehicle?

**Mr. X** The whole vehicle. They were opening must have been close to a million. They open every letter Release the Editor, To The President - Release the Editor.

**348: Bpress: That is Amnesty perhaps who did that.**

**Mr. X They were many groups including NCCK – world network.**

**Bpress Ya ya ya,** So their network went too even though they were distancing themselves from you.

Mr. X. These **were just the individuals and it was not the NCCK as an institution** it was just a general secretary and Chairman and these letters they were opened until they said that they have to draw the attention of the President because this was too much and I am told they looked and said you know the intelligence department did not tell me. That this person is known all over the world. So they decided that I learned they must now accept an appeal because they had refused an appeal

**365: Bpress** So did they embark on the appeal?

Mr. X : Now I had gotten a number of lawyers was a team of lawyers. They launched an appeal.

**368: Bpress:** You had a team of lawyers. Who were your lawyers?

Mr. X. **First the one who was leading was Fred Ojiambo [?? spelling] who became the Chairman of Law Society.**

[Note: Ojiambo [spelling??] was later criticized for not pushing human rights.]

378: He was Chairman of Law Society that time?

Mr. X Ya , No He became I think soon after. He was a lawyer with a company called Kaplan & Stratton. I think the one who was at that time is aaaaaaa

382: Bpress: Muthoga?

Mr. X Was it P Muthoga or GBM Kariuki. I think it was GBM Kariuki.

Bpress: Can You describe **GBM Kariuki** as one of the key activists in the terms of advancing human rights.

Mr. X I think at that time he was I don't know today but he was.

B Press: O.K

Mr. So all these people were there GBM Kariuki people like I don't know whether Paul Muite, Immanyara,

392 BPress You are not sure about Muite?

Mr. X eee the guy you interviewed Kariuki, though I think he was still in Nakuru, you know

Bpress: Mirugi Kariuki? He was there.

Mr. X He used to come now and then to support the group. **There were probably twenty lawyers who came.**

398: Bpress: Was Martha Karua one of them?

Mr. X Yes **Martha Karua was there.**

399: Bpress: I don't have any indication of who else was there I am sorry I cannot remember . Its hard to remember all these things I realize but Martha Karua also.

402: Mr. X They were very many of them.

Bpress: O.K

Mr. X They were very many of them.

Bpress: ?? How long had you served by the time ??

Mr. X: I had **served for three weeks** twenty one days. So they accepted me to be released on bond while appeal was being heard.

407: Bpress O.K

Mr. X: And it went to a very independent British Judge.

Bpress: Hancock?

Mr. X : NO **Frank Shields.**

Bpress: Yes

Mr. X: But they thought now they expected him to convict me then it will be justified. But he was very, very independent. He didn't care. I just remember one question he asked the prosecutor [Bernard] Chunga is that why did you decide to have Bedan prosecuted ? Who was complainant that he had committed crime?

418 – Bpress Good question

Mr. X Do you know he rambled for days and he could not answer that question and I could even myself see he was ridiculous. And at the end the judge ruled Bedan Mbugua had no case to answer.

426: Bpress: Had no What

**SA-TACTIC: banish judges giving decisions not favorable to govt.**

**Mr. X** : Case to answer. And the government was so angry after that judgment they were posting him now out of Nairobi to a remote place near Mt. Kenya called Meru.

**Bpress:** He was later fired. Wasn't he?

**Mr. X** He resigned.

**Bpress:** He resigned.

**431 : Mr. X** He resigned because he knew.

**432: Bpress:** Do you know where he is today?

**Mr. X** I think he is one of the Chief justice in one of the Caribbeans

**433: Bpress:** Today

**Mr. X:** I don't know but that is where he went.

**433: Bpress:** O.K

**Mr. X:** He was a big judge in one of these

**435: Bpress:** Do you know anyone around here who would know where he is today.

**Mr. X** I think I can ask .... I can check with Susan later or any other lawyer. You can check with other lawyers that you may ..

**440: Bpress** ?? You don't have anyone here you think might know

**441: Mr. X** There is one the daughter of Mr. Matiba but I don't know whether she knows. Anyway I'll check.

**442: Bpress:** Is she a lawyer?

**Mr. X** Ya

**Bpress:** She might know.

**Mr. X** Ya. So now I came out now there was now intensified campaign for multiparty and so fourth Mr. Matiba, Rubia, they were on it and I joined them we joined hands together,

**447: Bpress:** Who was it that who organized Matiba and Rubia's effort to present themselves to multiparty.

### **ACTIVISM of Bedan [?? Doing what, exactly. Follow up]**

**449: Mr. X** ee I myself was already working closely with Matiba even when that matter was going on we had already met and he realized that I was also a committed man I was fighting my own battle so he said let us join hands together. And so we were doing many, many things with churches with who networking people. I was helping where I could, networking with aa matatus and other groups of ordinary citizens, taxi drivers,

**460: Bpress:** Is that the effort Paul Muite had trying **to get some boycotts.**

**461: Mr. X** Yes we were with Muite now. We were working closely with Muite.

**463: Bpress:** there was a Boycott one time trying to get them go on strike

**Mr. X** Ya Ya ya We were working with Muite..

### **TACTIC Matatu strikes..**

**464 Bpress** Strikes in favor of what?

**Mr. X** To support the Multiparty.

**466: Bpress:** OK So this will be around 1990 then.

**Mr. X** Ya. I was busy busy busy. But now you see the break was now 89 towards the end. I think it was close to December when I went to receive that award. To take that award of a ...

**472: Bpress:** As a journalist?

Mr. X: yes

Bpress: You mentioned that earlier

Mr. X Yes

Bpress ???????

474 . Mr. X It is a human right but by an international institute of education based in Washington

475 Bpress: Of the fellowship.

475 Mr. X Of the fellowship. So now I had gone for that period of time I came back April 1990. I joined with the others.

479: Joined with who.

Mr. X with Paul Muita and all the other

481. Bpress: Imanyara

Mr. X: Imanyara, Kamau Kuria they were already in the U.S. Actually I found him when I went to do those courses in Harvard. He was there. So I said I must come quickly to help the others. So we worked together with Reverend Njoya,

**TACTIC: HR Small groups, then large ones to explain multi-party**

488: Bpress: What specific action did you take that at that time or around that time?

Mr. X We were organizing many in form of small groups in rooms like this to explain people then big gatherings like the one you are remembering,

492: Bpress: Start of Multiparty?

Mr. X Ya Multiparty

493: Bpress Then Kamukunji

Mr. X then Kamukunji then now people like Matiba now 92 came back Matiba came back from the hospital I was busy mobilizing people to come together to receive him here at the airport

497: Bpress: Was it ???? at All Saints Cathedral when he came in ??

Mr. X - Yes at All Saints Cathedral.

Bpress: Yes I was there then.

**Mr. X. I organized for that meeting at the Cathedral**

500: Bpress: That was a pretty good meeting

Mr. X. Yes I organized that meeting.

Bpress: O.K

501. So I was racing ?? with the Churches because I had already known everybody in the church when I was working with the NCCK. And momentum had gathered and now 92 you remember that is when government agreed that we can have multiparty

505: Bpress: December 91 actually at Kasarani. When Matiba came back ??

I remember then I wanted to go and interview him and someone who was familiar with him I don't remember whether it was you or someone else but he said okay he is ?? because he was still medically ill he was still recovering he wanted to make sure that it was going to be a reporter that is going to be respectful and you know listen and be balanced and so much for (*Christian Science Monitor* would be the best reporter, so I was asked and I asked at the same time to go see him and I went up to Banana Hill.

513: Mr. X Yes yes, I remember

Bpress: I think you might have been there

514 Mr. X I am the one who did

Bpress: Are you the one who arranged that?

515 Yes . you even sent me an article from Christian Science monitor.

Bpress: I remember that now. It has just come to me.

Mr. X : Yes I remember.

Bpress: Edith was sitting just a few feet away from him and I was very quiet

Mr. X: And you did a very very good article I remember

Bpress: By the way I would like to interview him again and I am serious. Can you arrange that?

**Mr .X I can arrange .**

521. Bpress : O>K As soon you can because I am sure as the time goes on it is going to get crazy with political campaigns ??

Mr. X Yes I will organize. You said you are here up to when?

523: Bpress I am here for a while but I want to do these interviews as soon as I can. Because of it is important to have continuity to be able to remember what one person says ??

526: Mr. X Since I have your number you leave me do you have a card which I can give to him.

528 – Bpress: What you don't have is my cellphone. I don't have a card.

529: Mr. X Just write something for him just name and contact.

531: Bpress: I'm gonna put EX Christian Science Monitor. Is it alright on a small piece of paper like this.

Mr. X Ya ya ya it is okay it good to have something.

534 Bpress - You know Michael Chege?

Mr. X Who is that?

Bpress: He is my Chairman – He is Kenyan

Mr. X O.K (his contact)

**537: Bpress ???**

**Mr. X Ya**

**Bpress:** He is very important to interview

**Mr. X** Ya ya ya

**538:** Again?

**Mr. X** ya

**Bpress:** ??

**Mr. X** I should say that when I was in the US doing human rights it introduced me also to human rights group and I am trying to remember this guy who was a... he later left but he was the president I think of Amnesty international around that time 89/90 and he is an American of Jewish origin.

**547:** Bpress: Sorry for the informality

**Mr. X** ya, ya ya

**Bpress:** ??

**Mr. X** ya ya ya

Bpress so I am picking up ?

Mr. X I will be able to arrange

Bpress : Thank you

549: Mr. X I am forgetting his name but he was the one president for Amnesty international that time and I remember he was a small boy during the concentration camp but he was an American of Jewish origin who was the head the president. But anyway it was arranged for me to meet him introduce me to some other smaller foundations and when I came back they gave me a little funding. You know I was working with Anglican Church of Kenya as in communication and documentation center. And I was given little fund to give to start documentation for human right.

**562 Bpress This is in the early '90s?**

[RENUMBERING BY MY COUNTER BEGINS HERE..NO BREAK IN

TRANSCRIPT. The following portion was transcribed by Bob Press]

419

[HR TACTIC: Early documentation of violations]

BM Yeah. Before now '92 when I left them to join Matiba on the political side. **We were the first one to do proper documentation of human rights violations here.** One of the funding came from – I'm forgetting that small group, but the one bigger was the Endowment for Democracy, you know the American – I think they are associated with, I think they get public funding. You can find it, it's an American; I think funded by the public.

[Ranking the variables: #1: international human rights groups]

BP If you had to assess whether or not the individual activism, or organizational activism, compared to, say, donors, what they did with their money, and these international organizations like Amnesty, which one of those would you say had the most influence on making the state giving more concessions in terms of human rights.

BM I think the number one, myself I tend to think, **credit goes more to the human rights [organizations] like Amnesty and the others because they had a strategy to pressurize the State Department and these other institutions like World Bank.** They are not the [ones] who acted, just like that. There were pressures coming from the other quarters-

BP Indirect pressure?

BM Indirect pressure on them because they themselves[the international financial institutions] would not have minded doing business with crooks [he alleged].

BP The World Bank?

[Groups pressured donors; Mbuga visited State Dept. to "tell the story of Kenya..."]

BM Yeah. But when pressure came from ordinary citizens who pay their money to them [??] and also this government – they were also pressurized by those many, many, many groups. Because I remember many times we went to see State Department in the U.S. Amnesty International, individuals, to tell the story of Kenya situation.

BP You personally went to the United States to meet with State Department?

BM Yes. When I was doing my human rights course they organized meetings with many, many people in the State Department to explain. So they were the major catalysts.  
BP Those individual groups, pressurizing State Department and World Bank.

[SA Reaction to funds cut]

BM Yeah. And the [financial??] institutions started to act, also. And when they started acting, then the government could understand more because this was the money we were to be given by the donor community; they are withholding because of human rights, so we had tremendous impact at the end.

BP There are other points which you did later, but I want to know what time it is because I don't want to overstay....it would be a short summary of activities you did after BEYOND magazine. Because maybe, Bedan, I'm putting too much emphasis on this, but it seems to me, looking back, that there were certain occurrences that were more important than others. Now I don't mean to diminish what you did since then because you have been consistently active. You went to see, for example, in the clashes area – you were arrested for walking into the area with [Dr. Rev. Njoya]. You were jailed, I think in 1994. What was that 1994 thing about? This is my recollection about it. Was that important in terms of the advancement of human rights?

506

[HR TACTIC – Not just use the media, but start a newspaper w/ human rights focus]

BM Let me, before I come to that, two stages. One is creation of the People Daily in 1993. Because BEYOND was now dead, as a forum for what we called alternative media. Because the mainstream, like Nation, Standard, their institutions are more profit-oriented. And there are times when they may not, at the critical time, the pressure is too much. Then there is nobody to speak. So we established a paper with Mr. Matiba.

BP It's a party newspaper

BM No, no, no. It is private. He's the one who funds it.

BP Matiba funds it.

BM Yeah. And we created –

BP Is there a distinction between he funding a...paper and one that say is a party paper, because he is (emphasis) FORD-Asili.

BM Yes. Because it does not – if you read, its just very rare occasions when it talks about Saba Saba [Saba Saba Asili is the party that Matiba headed after its formation in 1996].

BP So you described it as not a party paper.

BM No, it's not a party paper.

BP I always thought it was. So the point here is that you tried to get an alternative voice. And you were Editor-in Chief, still are.

BM We discussed together and we said you cannot do much without the media. And we were trying to make these papers [address] certain touchy issues and they would refuse to publish. The conclusion: let's have a publication. And we started People and with that idea that fair, frank, and fearless (laughs) to remind ourselves and when we started again with the same aggressive journalism that [was] independent, we met again with very strong resistance.

[HR TACTIC – Circumvent state registration with a quiet façade – at first. ('93)]

BP But you got registered, right?

BM You see we had quietly started with [names a Kenyan associated with the paper in the early stages]...who is not known for anything against the government. We registered without a lot of people knowing what was happening.

BP Registered quietly?

BM Quietly.

BP in 1993 you began?

BM Yes, February.

BP Your title then was officially Editor-in-Chief.

BM Still [although] I am not playing an active role. That is an important stage because...we were able now to have a tool and it would bring together all those human rights activists and record their stories, violations...

BP Was human rights a major focus of the paper?

[HR TACTIC – organize independent journalists]

BM Yes, it was. And then I organized journalists together and we formed what was called Association of Free, Independent Press. Now with key people like Gatabaki of Finance.

BP I have met him [in the past]. And I was too slow going to interview him because [now] he's in prison.

BM But probably he'll come out on bail.

[Note: Gatabaki was jailed, briefly in August 2002, for an article he wrote back in 1997 linking the government to ethnic massacres in Kenya in that year. The case was suddenly brought up and he found himself unrepresented by his attorney, human rights and political activist James Orendo, who offered no printed explanation for his absence. Gatabaki was denied bail and sent to prison but released in a few days by President Moi. One human rights attorney in Kenya suggested that the incident was meant as a signal in an election year that the media was not to make major charges against the government and to show that the President still had much power.]

BP Do you have a phone number for him?

BM I can get, not right now. I have it; I'll get it for you.

BP And Rubia, also.

BM Yes, Rubia I also have.

BP So that Association brought all the journalists who are interested in fighting for freedom of press together. [What about the Kenya Union of Journalists??].

BP It's an active group?

BM Now – its, when I was sent to the prison in 1994, I was like the most active driving force.

BP Tell me about this 1994; why were you arrested again.

BM It was the one [point] I was coming to now...

BP "Judicial lynching" was the phrase??

BM It was an article...in People. The staff writer was David Makali.

BP I should go see him. Would he be a good person to interview?

BM Yes

BP Where is his office?

BM Kargin ?? House.

BP So you [?? Or Makali under his editorship] wrote an article; what was the article about?

BM The dons ?? of the University [which??]- they wanted to register their welfare association... because their academic freedom had gone during the same period we are struggling.

**(end tape one, side two)**

**(begin tape two, side one)**

**0**

BM As he [??] was touring a place called Kirinyaga, he talked about the issue which was in the court. In going on, he said the professors have gone to court, but even if they go to court they will not be registered: I have said they will not be registered. Then the court of appeals, where the matter was now, ruled that it will not be registered. So we discussed with a lawyer, GBM Kariuki, and he did a little article for us, or he was interviewed [which??] about his analysis of the case. And he said it was a “judicial lynching” and that it was smelling of state interference.

BP Pretty direct

BM That is the article that now they-

BP He said it in an interview, then why were you arrested?

BM I don't know. I was arrested and the writer, I my role as Editor-in-Chief, [and] Makali, who was the writer, and the lawyer, who is the one interviewed [GBM Kariuki].

BP He [Kariuki] was also arrested?

BM He was arrested. But because we were also given bond, for a short time he would not say he ran away...but he ran away to Britain – GBM.

[Note: The Court of Appeals jailed Makali and Mbugua. Mbugua editor of The People, and reporter David Makali refuse to apologize to the court for an article that implied that the Court of Appeal had been guilty of “judicial lynching” and of letting itself be influenced by the executive in deciding a case against some officials of the unregistered University Academic Staff Union. This shows the lack of impartiality – the court they criticized penalizes them. Mbugua sent to jail for five months; Makali for three.]

**[THEME: State shifts TACTICS: Fool the donors. Let state institutions do the dirty work, not the State itself (at least not the Executive branch). This works in a system where the Executive's powers seriously outweigh those of the other branches.]**

BP Would you say that this was an important advancement or testing, or encouragement of human rights, or not as important as some of the other things that were happening.

23

BM I think it was very important.

BP Why? What was the importance?

BM Because **the state has changed tactics** in that now the offended party is the judiciary. In other words, the way the state was acting directly, it is not now – it had gone through the backdoor. So the judiciary is the one that is acting. So that the international community who accept judicial due process of law is a normal practice. So they will not suspect there is something malicious or bad happening.

BP So its importance here is as an example of how the state granted multi-party then, granted a certain amount of freedom of expression-that was implied in multi-party.

**\*\*\*[STATE learns: direct reprisals too “costly”** in terms of withheld donor funds, so state learns to achieve the same aims – maintenance of power and minimization of serious criticism – by indirect means, i.e., influencing the courts. Actually, despite Mbugua’s point here, the regime had consistently had influence over the courts. What is new here – and this is significant – is that the state now appeared to shift tactics from direct (Executive branch) interference, and left such measures up to the courts.]

BM Yeah. And **they found that direct reprisals [were] costly to the government** because donors, because foreign governments, because...[would penalize the Moi regime by withholding funds] So it was a very important milestone in that now they see what they are claiming, that one should have due process of law taking place. So that’s what is taking place.[?? case shows the opposite: no due process]

BP The bottom line was, you were criticizing the government; instead of rather just detaining you, or arresting you outright, with the state being the prosecutor, the court said you have violated the judiciary [??]

BM Now they [were] saying that it is content. We are bringing judiciary to...

BP So it’s a way of doing the same thing but indirect, more subtle.

BM Yeah. Because now days, the government – the President, is the one who appoints the judicial officers, the judges.

BP Do you have a copy of that new law that was passed just recently, also against the press.

BM I don’t have it, but it’s in the People

BP Where are your offices?

BM Union Towers...fifth floor. Corner of Moi Avenue and Mama Ngina.[??]

BP Who do I see there?

BM The managing editor is called Mugo.

BP So there was this change of tactics [by the state]

BM And it’s important because since that time they have been using the judiciary – to be the one [pressuring ] the journalists or the people involved in human rights.

**[Human Rights improved – but state still authoritarian in “indirect” ways.]**

BP How would you describe human rights in Kenya today.

BM It is far much better in terms of the [unclear]; not as many people

BP In terms of what?

BM Not as many people are incarcerated or killed. Back in those days – (pause). But there’s still – that indirect way is a very worrying factor, using the judiciary as the predator for all these freedoms, of creating laws like the laws you have [mentioned, about high bonds required for journalists and high libel fees in proven cases??]

BP Against dissent or criticism?

BM Yeah.

**\*\*\*[Kenya – the state has been forced to change because the people changed**

**THEME:** people forced change; state didn’t become “nice.”

BP Is it a democracy country?

BM I think what I can see is that the Kenyans themselves are getting liberal in terms of democracy. Look at the way in KANU there is all this debate and fight among themselves. [In the election year of 2002, several factions formed within KANU as many KANU members of Parliament criticized President Moi for campaigning for his preferred successor, Uhuru Kenyatta, son of Kenya's first President Jomo Kenyatta.] So I think it is not so much that government itself has been very nice. But **it's the people themselves who are changing to have within themselves democracy as an ideal. And the government itself is finding itself marginalized.**

BP I'm going to stop there and ask you if you could just jot down – that was a very interesting summary there, seeing why there has been change, because the people have been asking for it.

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**(end of interview; end of tape two, side one.)**