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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.

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

Interviewee: Hillary Fisher, investigator for Amnesty International, speaking as an individual and not as a representative of Amnesty international.

Location of interview: London; AI main office

Date of interview: July 2002

Note: BP =interviewer (Bob Press); HF = respondent/interviewee Hillary Fisher. The interview was tape recorded. Transcription includes bracketed research notes made by Bob Press.

BP changes in state repression – what caused the changes.

HF Well, we were finding that we were making statements about torture and while it was an acknowledgement that it was happening on one level, it wasn't very deep. And I thought it was an issue that it would be difficult for the external diplomatic community to say there are grays areas in this, 'cause there are... [unclear].

BP It was torture.

HF Yeah. So it was a good thing for them for not [unclear]...But it became...

BP Amnesty had a worldwide campaign against torture.

HF Yes. And we've just had another one. But in terms of the Kenya perspective, it seemed like something that could cover a whole range of issues and areas and, you know, they wouldn't torture criminals, they wouldn't torture, at that time, political prisoners and torture women and torture children. So we could cover quite a number of different groups, but trying to engage the local human rights group. '92 was the first time we got together in Kenya for some time. Martin will tell you all about the previous [unclear]. We had sent someone to attend a trial –

BP You'd been blocked out for –

HF Yeah. And Moi made several wonderful statements about 'If I find Amnesty International walking the streets of Nairobi, I'll have him arrested. There were some lovely cartoons....So we went out in '92 and that was the first election year people were campaigning. But it was also the beginning of when human rights activists or some of them were beginning to start their organizations of think about being able to have enough 'space' to start an organization. And by about '95, there were one or two who had set themselves up and were quietly doing effective work.

BP The Kenya Human Rights Commission among them.

[International rights groups encourage domestic coordination]

HF Yeah. So what I thought we needed to do was to develop an inroad into the medical community because if we're saying something internationally, it's really good if people are saying it nationally. And it's even better if you can have the medical profession saying that. But during the Koigi trial, if you recall, one of their doctors was arrested and held in prison for a weekend. There were cases of doctors having been intimidated and cases of falsifications of post mortems. And we've done two reports on this, so you should be able to get those. I met a couple of doctors and it was – the same year, just after there had been a medical strike [in Kenya]. The doctors had not succeeded in what they wanted to do. And of the things we were doing is look at other ways how they could get some of the things they wanted to do to [increase medical] professionalism. And the Kenya Medical Association [unclear] what could that association do for us.

[International impact: help Kenya doctors to spot torture]

When we went to meet them at that time they kept saying we just assume whatever Amnesty has said hasn't been proven [regarding torture]... And what I did was I talked to doctors and subsequently took two doctors with me because the doctors I met said two things: (1) how can we create a situation in which we would feel safe about what we are doing, and how can we – what shall we be looking for? We've seen instances of torture in an area near the Ugandan border. ...people allegedly had been involved in something and the police had arrested them and they said that they had been tortured. And some of the doctors had become aware of people coming and saying that's what happened. [unclear] people coming and saying we couldn't recognize the injuries. So what we did is we got two doctors – because we have a medical association – one from South Africa who gave, they did a lecture tour in five different cities. And the one from South Africa talked about what the South African doctors had done during apartheid and the strategies they've developed for their own protection. And another doctor from Germany whose role is to specifically identify and examine refugees who say they've been tortured, and to talk about [the kind of things that had been done to them??] Those are some of the things that we do. And we got a number of doctors directly in touch with other doctors in different parts of the world so they could link into medical profession and the things they were doing. And you don't see any reports which sent three doctors to do post mortem examinations following death in suspicious circumstances...to push the government. It's this issue of finding evidence and having actual evidence. In the first one, the report we did from the doctor – the examination was so bad it almost didn't result in anything we found at all...the last [report] got significantly better.

BP You're probably so busy doing this kind of thing, which is absolutely essential, that you don't necessarily have time to see if there's been any impact related to your [work]. Or have you had an off day where you say: now let's see; did they do anything as a result of ...

[Impact of international human rights work on torture]

HF Well, I think what we did on medical health and torture, coupled with the work we did with doctors has resulted in – well the Kenya Medical Association has a ...human rights group now [IMRI], and they go around and teach doctors about issues dealing with human rights. And there are a number of organizations that have developed focusing specifically on torture. I don't think Amnesty is responsible for all of that, but I think we made a contribution, a significant contribution to that.

[Reverse boomerang theory: local groups “supporting” international efforts.]

**I think the most effective impact is when you are working together with the local organizations so that we would say something publicly, internationally, and you'd get a medical doctor in the papers supporting you, in Kenya.** I mean that's very powerful.

[International group linking domestic groups to each other]

We've done quite a lot of work in terms of linking doctors and lawyers together in Kenya so that doctors can think about what they need to write about in medical reports and lawyers can get a better understanding of what medical reports are saying. Because with this issue of impunity, effective prosecutions are dependent on the good quality of evidence and investigation.

BP So you work with the local organizations. Was there a time at which, before these organizations developed that you were mostly doing your own field work and later when –

[Amnesty focus on Kenya pre 1997 election]

HF. Yeah. Mostly when Martin was involved, before they were allowed to come out publicly or even before many of them developed. We did a major campaign on Kenya in 1997. And we did a high-level mission [including Amnesty International's Secretary General–Pierre Sane]

BP It seemed like you were working with other human rights groups, too. There was a coalition making major statements, or else it was you guys making many statements.

HF We made a lot – we were in the press every single day.

BP What was the focus there, elections?

HF It was just before the elections. It was fantastic having the Secretary General of was African [from Senegal]...the election was going to be in December [1997] and what was happening was an increase – **you could see a pattern of what was happening after the 1992 election**, it got a bit easier. It was like the Russian Revolution between February [year??] and October. You could see it was getting a bit easier, and then, you developed a situations where –

BP You mean human rights groups?

HF Yeah. It was not easy; it was a little bit more relaxed, as long as you didn't step too far over the line.

BP People were talking.

[State tactic: allow 'middle class' complaints but not mass action]

[State tactics: urban freedom; rural repression]

HF Definitely; that was definitely happening. **And within 18 months of the next [1997] election, you began to see a closing down** of what was happening. We saw a progression. Kenyans are very good at allowing the middle class to talk to the middle class at cocktails and at conferences as long as they don't really engage the masses because the masses love more in depth. [...]"put this diplomatically.."]

So we were finding that people going out in rural areas were having trouble; that the more outspoken people were having trouble. And we felt if we do a major push now – and there were other things, of course: this issue of the political violence, whether that was going to start up again, what that was going to look like. So we had to come out, we felt, quite strongly about what we felt our concerns were around us.

BP Just trying to get it [the regime] to open up again, and also to spread it [the city freedoms] to the rural areas: make human rights more than an urban issue where everybody talks freely then went up country and got whacked.

HF So we went to Lodwar.

BP Wow. Now that's a place most investigators never get to.

HF What was so fantastic about that is that every time we discussed it, someone said: are you sure.? And I'd say, absolutely, we've got to go. We hired a plane. The two journalists who came with us we made them pay for their seats. And we invited a representative from the Kenya Human Rights Commission and a representative from FIDA [Federacion Internationale des Advocates ??] ...People were saying, are you going outside Nairobi? And we'd say, yes, we're going to this place that even you haven't been to and you've lived here two years, or five years...or all your life. So it was very important for that. But also we had a couple of extra-judicial executions cases that had happened in that area. [Amnesty International Secretary General] Pierre [Sane] had spoken to 300 people in a church. We tried it in town hall but we got stopped by ...and KANU [Youth wing]. But I have to say...they'd been given beer by the local MP [Member of Parliament from the ruling party KANU].

We also split and went to Nakuru at the same time. And what Pierre did was...he met all of the political parties. He met business leaders, he met the diplomatic community. We had a meeting with all the ambassadors. He did a public speech at the university for the students. He was interviewed all the time. And we were producing press [releases] – well, you see we had to because when the government said, OK, they'd meet us – because we had produced a memorandum to the government. We were wheeled in, and unfortunately there was this huge row of men. Unfortunately our party was all men except me. The Vice President who chaired the meeting [George Saitoti] made us wait till the cameras came. Cameras came. He took to the cameras in response to our memorandum saying how we were all wrong. Cameras left and then we had the discussion.

BP Those were state cameras.

HF Absolutely. So we had to have something that would mean that we would be in the Nation [newspaper] every day. It was the only way we could be sure we would be...and we were talking very strongly to the international press as well, making sure our message was getting out to the world. We met with the local NGOs and I insisted, and it was agreed, that we'd have a joint press conference, which wasn't common at the time, with them. The chair of the then – Maina Kia was there – it was the chair of their equivalent of the grouping of the NGOs, the chair of that... It was exhausting but it was very, very effective.

[Mentions Njeri Kababere of Kenya who was visiting AI office in London at the time of this interview]

BP How do you know it [the Kenya campaign] was effective?

HF It was very effective. Two things. One: we profiled what the local human rights organizations were doing, so the authorities had to take them seriously. So that was effective. The other thing that we did is when we talked to the other politicians, it was about – you can't just knock the opposition. What are you putting in its place. And you've got – at that point it looked like they were all going to be at war with each other. And one of our messages was: there has to be some dialogue; there has to be some discussion. It didn't go brilliantly.

BP So your message to the opposition really was: don't just bang on the government but talk to them. And the message to the government was the same. Trying to get a dialogue –

HF Yeah. And also the business people: you know, you've got responsibility here. And to the diplomatic community, you have a responsibility.

BP Did you find any responsiveness from the British?

HF Oh, well, the British reckon they do quite a lot behind the scenes.

BP Typical story except for one brief moment of November 1991 when they actually went public and froze funds.

HF What we've done, we don't call for the ending of funds. What we do is we produce documents at the time when people who are thinking about Kenya think about Kenya... We do say if you are planning to give funds, then give it wisely. So one of the things we did – I mean, I'll give you an example of effectiveness. When these doctors came to Kenya with me in 1994-1995?? One of the statements being made is that people were being taken out of the police station, taken to the forest and hung up and tortured in the forest. And the local NGO community was saying this was happening. We went up to Nakuru and we were aware of a group of three young men, four young men, who were being held in a hospital under police guard who had never gone to court because their injuries were so severe. And we managed to interview and examine and photograph [them].

BP Really. That's better than the journalists have done.

HF I can't tell you how or where. And the doctors were able to examine them. And we went from that to see the Attorney General [Amos Wako] and from the meeting with the attorney general we went to a meeting with Deputy Ambassador [??which country: Br?]. And they said, well, come on. You can't say, you know, we hear these stories, but they can't possibly be true, because they did sound far-fetched. I can't tell you there's nothing like having professionals in the room that can really say, well, obviously, we weren't there, so we can't say that those injuries happened in that way. But we can say they are injuries consistent with what they've said – one of them...they tortured them for an hour or so. They took them back to the police station thinking it would get better. He got gangrene – it permanently paralyzed him. It wasn't just the one case. We got to see one case.

International and domestic cooperation: Recursive human rights work: locals report case; Amnesty further documents and publicizes in a big way; local NGOs cite Amnesty. Full circle.

But it stopped. Because what we gave was concrete evidence to support what the local NGOs were saying. They were able to use what we were saying. We were able to push it to the wider outside.

[Impact claimed by Amnesty]

BP How do you know it stopped?

HF No, torture didn't stop, but that type of torture did stop....it didn't stop straight away.

BP The accusations of that type of torture stopped.

HF Yes (emphasis). The reports of that kind of torture happening stopped.

BP That's interesting. There were reports of that happening, then you went there, and then there weren't reports.

HF We said it is happening. There was a lot of press, a lot of publicity.

BP What did they do, tie people up between trees?

HF [yes; they were lifted off the ground] It was lack of circulation to the hands and the way they were hung up.

BP These were ordinary criminals, weren't they?

HF No, they weren't [emphasis]. Well, the particular group we were looking at was the group that – Mwangiki?? – they had the dreadlocks, very nationalist Kikuyu; but it was a big meeting, they didn't have a license.

BP What I mean is the Kenya Human Rights Commission – you guys have picked it up – they talk about police torture; these are ordinary folks; they're not like the start political opposition leaders.

HF But if you look at the pattern, if you look at the historical pattern...you can see from about '95 or '96, even slightly earlier you've got less cases of MPs [Members of Parliament] being arrested, but certainly '95 – '97 period you got far less cases of even prominent people...being tortured. Certainly it did improve. It depends on what you mean by torture. Physically hit – that was a situation where it was primarily criminals. You would have outside of that – I mean a Safina supporter on the Coast could be tortured. A) somebody who's being accused by the Ugandan border of being involved with opposition groups –

BP So you'd get an isolated case here and there, which wouldn't have –

HF Of the political people, but much more isolated by the late '90s. And you can see – and I would argue that's because we made such a fuss about it. [torture]. So that whenever any one of these people was being arrested, there was enough noise to be made. But you know if I'm a criminal in the street and I'm accused of [doing] something I shouldn't have done, nobody knows me.

BP So the focus went off the people who were well enough known to be focused on in reports, but the continuation of the abuses continued on people who are relatively unknown. At least you get some of the leaders out of torture.

Further impact claimed by Amnesty

HF The other thing I would argue that we do is produce enough evidence to persuade the Special Rapporteur to visit Kenya. I mean we weren't the only organization sending them information. That happened about September 1998??

BP Did he produce a report?

HF Oh he produced a report and [unclear]. Of course the Attorney General [Wako] has his background in the UN, so – and he found evidence while he was visiting of [torture]... You see its not necessarily the thing that you produce that automatically gets the result. But you can make a connection. I did something... where I could see, there was a report that international [unclear]. I think it was just before the 95 elections. And I said you could almost say, there was something about it – it was a statement that President Moi had made about the opposition [about something] that wasn't going to happen?? And about five or ten days later, Koigi was arrested. And you could almost see a direct line between the two [Moi's statements and the arrest].

[Negative impact from Amnesty's 1987 report]

HF The impact of the 1987 report was, we were saying – you are holding people longer than the 24 hours you're supposed to. They said, fine, OK, we'll hold them for two weeks. They increased the length. You know, that you could say was a direct result of Amnesty's report [laughs at the irony].

BP That's true, you're being factual. That's exactly what happened. And they extended it to two weeks from 24 hours.

HF But one of the things that it became very clear to us, the Kenyan government doesn't want publicity. So we spent a lot of time finding a torch and lifting the light up and shining the light, working quite hard with others. So we did a joint mission in '98 ?? with Human Rights Watch and International [unclear] because they'd done a lot of work on violence. There's a very good report by Binaifra [Nowrojee of HRW]. She great. [They also worked with Article 19] We did a joint mission because we wanted to something around ethnic violence, which was increasing and was getting a bit worrying; and this was picking up in Narkuru and Laikipia District. And we had a very good, broad focus on human rights violations in Kenya. Human Rights Watch had special knowledge on the violence. What Article 19 could do is [unclear] statements by politicians [unclear].

The other thing, since we'd had that huge trip the year before with Pierre, we thought, how can we persuade journalists to get in the room and do something on [unclear]. But the only way we could do something on human rights. The only way we could do it is if all three of use go at once. 'Cause it's the first joint mission of those three groups...

End of interview

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