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

Interviewee: James Duko, investigator for the Kenya Human Rights Commission, a private, non-government organization based in Nairobi.

Location of interview: Nairobi, Kenya

Date of interview: 2002

Note: I =interviewer (Robert Press); R = respondent/interviewee James Duko; numbers refer to tape counter numbers; question marks indicate unclear phrase(s).

I So James Duko D-u-k-o

R Yes

I Can I ask you a little prove?

R Go ahead.

I Test your voice. Say halloo

R Hallow, hallow

I Ya

R So, infact, what was the impact of the campaign...? Ooh against police killings?

I I think one of them is, we managed to incr4ease the level of defiance from the public against the police killings and the fact that during the first actions, we were the people who were organising them. But eventually you saw people taking it up themselves and you read through the papers that there are people who demonstrated in Mombasa with the coffin of a person killed by police. You hear it in Nyeri ,you heard it in Isiolo

I And these were not all demonstrations that you organised?

R No, some if them. Eventually they were not demonstrations we organised, although we had organised demonstrations in those areas before but I think they took their own course that citizens could do it themselves without us having organised them

I Okay, Aah, so what infact happened..??009 was that people took up the action themselves, but did the government stop killing people?

R I think it didn't because

I It what?

R It did not

I Did not?

R Because this is something you'll expect some change of the policing system which a campaign of one year may have been too ambitious to, to achieve. It needed even a change of policy because in Kenya there is a situation where even when a police killing happens, unless there is a demand, aah a very, very particular demand, not even an inquest will be set up, Aah, ofcourse there were quite a number of request, aah, convened as a result of our advocacy, bit in terms of an empirical reduction of number of people of people killed, actually, I think the number have gone higher after 1997.

I Why?

R I guess it's the culture within the police force that hasn't changed. And the reliance of what we are saying are, archaic ways of controlling crime because if people in government were serious, if the police were serious, the statistics there maybe do not show any decrease in crime for example if they k9ill so many people, there's no evidence to indicate that the levels of crime go down. And from our reports you'll read Mission to repress, you'll notice that also quite a big number of victims of police killings were actually people you'd call innocent, although once they notice they have killed they will say they were dangerous criminals, they were wanted criminals, but its true that quite a big number of people who were killed were innocent people.

I Is it possible that the increase in the number of killings, extra tradition [,,,??031] killings actually reflects greater reporting rather than actual increase in the number of killings?

R One could say so, that is increased reporting. One would say so.

I Which is a good sign. I guess, extra effort to report?

R Yeah that's right.

I So they might not have actually been an actual number of increased killings but an actual number o f increased reporting. In other words, more people were watching, perhaps some went unreported before?

R I think, given that the commission started investigating and reporting on human rights violation in general, one can allude to, to, both aspects, because one can eeh make that quantification by referring to only the reports t hat the commission has, the commission has done. And for example, if you look at the statistics of the quarterly reports from the time the commission started publishing these reports in 19... I think in 1993 or 1994, one would see an increase in the number of cases. Because again the violence of these reports

has been what the media reports and also specific cases that are reported to the commission, that are reported. If you look at that period from 94, 95, 96 each year recorded from quarterly reports, each year recorded an increase in those, in those killings and even if we came to the period that we talking about now between the year 2000 and 2001, still you can see that increase in the number. Even when the sources of these reports remain the same, the 1st source being the human rights monitors, [think commissioners] throughout the country, the 2nd source being the print and the electronic media

I Let [050??]

R Yeah, okay, what I was saying is that eeh, aah, from the last two to three years when we started receiving reports of the Kenya police force, we've noticed that, eeh, there are statistics on the killings that their officers have committed is actually higher than we've been able to report and the explanation for this is eeh, our own limitations in terms of the reach of the human rights monitors that we have throughout the country, and given that this is our main source of information, together with the print and the electronic media and the individual cases that are reported, so I think our own mechanisms and the, and their own limitations make it difficult for us to get to know all the killings that have taken place in the country.

I That's a good one

R The, the, the police reports have recorded an increase , an annual increase in the cases of police killings themselves.

I Since 2000?

R Since 2001

I Who are these victims?

R I think in , in their language, the language of the media, they are suspected criminals. But when you take a cross-section of the fact findings missions we have had, and many of these are documented in our publication. Mission to Repress, you find that some of those cases were not warranted; and there was no evidence on the part of the police to warrant that these were suspected criminals. And if you look at some of the cases , they are quite suspect. And you know that, eeh , even if someone was, was a criminal per se , if , if we had , eeh , if we had a responsible policing system, you could see incidentals where either a few of them are disarmed or a few of them are shot to be , to be , to be mobilized. But when you see the kind of killings , some of them eeh , people are basically sprayed with , with bullets. Some people are killed after they surrendered. There are some people who are killed while fleeing. So I think aah , the , the , you can say these , aah, the practice where the police are whenever there is such an encounter , they have to shoot to kill.

I Okay, you documented the abuses, let us talk about the tactics. How well did those tactics, eeh, work ? What was the impact ?

R I think , one , one would imagine to demystify the police, and in the , in the public opinion , it became very clear that even citizens could call them to account through demonstrations , through petitions, through memoranda- the other thing that these tactics yielded is that they enhanced our demands for inquests to every police killing that happens. And it is true that quite a number of cases , eeh , quite a number a number of cases. So , inquests being convened. And as we are taking now, we know of , I think one case, that I know of , that has led to a conviction in the killing of a young man in Dandora estate in Nairobi. So I think the fact that there are other demands that follow it up, the office of the Attorney General orders an inquest into a particular killing , the inquest goes on in a fairly open way and at least, you say that some of the inquests yielded results in terms of conviction. I think that this is quite positive. So, street demonstrations , you had about 10 in Nairobi organised by KHRC.

I How many upcountry?

R I think up – country the.. I f we could just take a quick count.. I know we had one in Mombasa, we had one in Nakuru, Muranga, Nyeri. I think Kakamega, Siaya, these are about eight. Yeah, eight. Yeah

I During what period of time?

R I , I will still broadly say between 1996 and 1997. I don't have the specific..

I Late 1996 to

R Late 1996 to , to again late because the campaign against police killings. I think it was wound up , in , in , nineteen, late 1997

I But , but there were demonstrations for the constitutional amendments . How did you keep the two of them , you identified separately or didn't you?

R I think what we did is aah , because we again played a central role in the demonstrations for constitutional reforms

I Mmmh

R I think for police killings , we organised them depending on whether the killing has happened or.. or not. So there was no conflict in that. I should say that this is a very busy period for the commission , because there were the regular programmatic focus of the commission and then there was again a process that the commission had really played a big role in the constitution reform process. Where if you talk of the mass actions of that year

I Mmmh

R The skills of people at the commission were highly utilised in mobilising all those mass actions that were done in that period. So I think it was basically

saying that , yes, killings are going on and some of the action that the commission helped organise was around eeh, killings that happened during one of the saba saba. I think it was saba saba, the saba saba of 1997 where about 19 people were killed. So one of the things that the commission did was organise for direct action using the same , same tactics that it had used but this time I think it was eeh , because the turn out was big, the thing was organising a protest requiem mass at Uhuru [a park in downtown Nairobi. Uhuru is Swahili for “freedom”]– which I should say was quite well attended, not now for the families of the people who were killed but even pro-reform people , politicians

I Was it a licensed ...??114

R It wasn't

I Did the police try to break it up ?

R They did not , and the numbers were overwhelming

I When you say that, compared to what ? The recent rally at Rainbow/

R No, that .. that one is a little big. But we are talking of about .. If I remember Uhuru park then had more than , more than 4,000 people who had turned up for the occasion

I Mostly middle class?

R No, there were middle class, there were people from the poor settlements in Nairobi, there were politicians, you are higher up. I should say , it was a quite mixed crowd here

I What was the role of KHRC in mass demonstrations in 1997?

R One thing is that eeh , KHRC was and I should say still is , very good in street action. And one of the organs that the first national convention assembly created was a committee that was responsible for the organisation of mass action and this committee was bringing together activists into a kind of think-tank that was organising for these , for these activities and so on. It was strategic to have KHRC take a lead role in mobilisation materials and also using its own networks because the commission was already established in different parts of the country

I KHRC organised what ? Who is the name of it ?

R The

I The name of this think – tank?

R Eeh, it is a committee within the NCEC that was responsible for organising eeh , is it a mass action committee, but you can confirm this from these, to get the specific name so that we are not , we are not misreporting facts. But I

know that it is a committee that was responsible for organising for ... for ... mass

I KHRC helped organise it ?

R Yeah, members of the commission were part of that committee. Yeah

I What did it do ?

R I think reaching out to people , one to one mobilization and encouraging people to turn up , awareness raising to make people know why they should participate in the agitation for constitutional reforms- actually doing the logistics- organising the logistics of it . And eeh

I ..?? 141 Have street demonstrations ?

R Pardon?

I Logistics of street demonstrations

R Both street demonstrations and the main thing that mass action took the form of rallies. That is the main , eeh , the main thing. And the thing was – have a rally and then after the rally , there is a street demonstration

I Okay ..??144

R Yeah, and then there were the sub strategies of leaf letting , doing leaflets and distributing them

I Does this committee still exist ?

R It doesn't. It doesn't

I Doesn't exist

R I think eeh , when there was , when there was a reduction in mass action, I think , that that is after 1998, after 1997 elections. I think that is the time that you see the mass action strategy taking eeh , a low profile.

I Why?

R I think eeh , I think it is because the reform , the reform , the reform agenda had been deflated by the politicians through the IPPG reforms, and I think there was no momentum, there was no momentum, there was a lot of hope that change would come until the politicians came up with a compromise of IPPG. So that made it easy for Moi to rig himself back. And I think there Was a general disillusionment that the change that people sought in 1997 was not there. And then you remember that the talk after those elections was getting into the constitutional reform agenda , through the setting up of the committee and all that . So I think the whole struggle for constitutional reforms took a different tone, took a different mood which, mood was not very friendly for calls for mass action and I think people gave dialogue a chance.

Although I should say that this committee was not there, there was no organ that officially said that it should disband, I think it is the levels of its activities that became dormant and they have been dormant to date.

- I Eeh, who organised the demonstrations then or was this thing taken to the heart of the organisation, the demonstrations of 1997?
- R Ya. One thing you should know is that the NCEC had a secretariat to itself, it had staff at the secretariat, part of the work of the secretariat was to liaise with this committee to organise for mass action. And in organising for mass action, you clearly identify who you want to bring on board, you reach out to them, you ground work them, sometimes you hold meetings with them at night or during the day, basically applying multiple strategy to get people on board. And people will come and participate when they believe in what they are taking part in. And I think you can't really say there was one strategy that was used. Some people will reach them through letters for example, some people will call them up, some people will go there and hold meetings, form small organising committees in the neighbourhoods so you can meet often. For example, if the action is next month, you have a whole month to organise for it in between. So it really involves a lot of strategies, meetings and all that
- I What are the issues that bring people out in the streets?
- R I think people wanted a new constitution and the clarion call was No reforms, No elections. Because people had given up that we could have free and fair elections under the current constitution. All they were demanding for then is we need to go for elections under a new constitution. And I think that was the mood. I think people were, I guess were tired of Moi, they were tired of his excesses, they wanted the regime changed but the regime change could not come about without constitutional change that could level the ground that will see people participate freely in the elections. So I think that was the mood that there was, that people wanted change at that level, and that alone, people personalised that and they said we have to be at the centre of it.
- I But in 1992 there was talk about constitutional reform but no ...??188. But in 1997, there was a lot of action but not much reform, like the IPPG. 2000 again. The same three consecutive elections, the timing has been wrong for having constitutional change before the elections, time runs out, why?
- R The context of this should be understood in the interest of the Moi-Kanu regime in not having constitutional reforms. It has been in their interest that there is no constitutional change in this country. And given that, I should say, the Moi regime has been cunning, given that it is cunning, it promises reforms, it does very little to create an environment that is serious about reforms, it does not commit itself to reforms and in all these periods Moi has promised to grant those conditions for reforms, for his own survival, as a public relations thing. And so I think the fact that Moi has been in power himself with his apparatuses, and the fact that also Kanu or the opposition are, they are just breeds of the Moi - Kanu regime, I do not think that they themselves have been serious about reforms. What has happened instead in

1992, they were part of the euphoria of the multiparty system , they thought it was enough to repeal section 2A . In 1997, Moi bought time , despite his promising Kenyans that they will have a new constitution in the new year speech of 1995. He bought time , it was too close to elections , again he used the election card to scuttle the reform efforts that had started. The politicians abandoned the civil society led demands because all along they were with the civil society. But when Moi dangled the election card, they fell for it just because they needed to go back to parliament and they basically abandoned even some of the demands we were making through the clarion call of No reform , No elections . This year , you notice that there were all indications that Moi was going to frustrate the reform process , Kenyans gave the process a chance that it was going to work this time , but Moi knew what he was doing , he frustrated the reform process from within the commission, he frustrated it through the judiciary , people would anticipate that he was going to dissolve parliament and scuttle the review process. Aaah , the NCEC , from a very long long time ago , gave warnings that unless amendments were done in the review act by parliament , this commission is going to be scuttled like any other commission that has been created. Those calls were not heeded by politicians and the act was passed with all its flaws, even when constitutional experts pointed out those flaws out , all those things happening , happening. But the main thing has been Moi on his side does not want reforms , because if there are reforms will mean that there will naturally be regime change in the country. The politicians themselves are a breed, have been bred in the Moi-Kanu [the then ruling party] way of doing things, they are not resolutely committed themselves to constitutional review process and that is how come they could not do any pre-emptory measures to secure the constitutional reform process. This time they had an opportunity of gambling with the passing of the financial bill , the government could not function without that , and they knew the motion would be brought in parliament , they knew a vote would be taken , but many of them when they could get the two thirds majority as opposition were out campaigning. Many of them were in funerals and the government had a sail over that motion, which could have crippled it and today we could be talking about different things, maybe the conference could have been scuttled , because parliament could be intact to date. They are infected with the same virus that Moi and Kanu continue infecting Kenyans with.

I Okay, the question is how has the KHRC helped increase awareness of human rights outside the urban areas and has that had any effects?

R I think one thing I should say even without using the land example is that through reflection the commission thought there was a phase in the commission where I think we were acting as though we were a fire fighting department . Where if something happens in Lodwar we are running there to go and put it out through a protest and all that . But I think we did reflections and said , no , we needed a change of paradigms to adopt a project that would put people , that would put communities at the forefront of the human rights. And the aim of this was that there was no way 12 or 13 people working in Nairobi , staying in Nairobi could be relied on to develop , say an effective human rights movement in the country. Where people know their rights ,

where people have their ability to apply various tactics to demand ,to claim the promotion of their rights.

I When was this policy ...??254

R We did it in 1998. Y a, which might be outside the period that you are looking at

I It is okay

R And so what we did was , we said let us get some long term engagements across the country , engage them in dialogue, engage them in training to do the things which we think we can do so that they can do them themselves, they lead them, they manage them, they make responses to human rights violations as they come

I From fire fighters to trainers?

R No t trainers, basically it is facilitating a process that would see people do what we think they can do from here. Eeh, we did not say the commission would be a training organisation because there is only one program that does that , the Monitoring program remains intact, they are focussed , doing some of the things that the initial advocacy initiatives used to do. But the things we said is that we need a long term programmatic engagement with communities , so that through discussion with them, through collective learning , they can get to a point where they can

(interruption in recording)

R And that is what we have been doing since 199, since 1998 and it is true that one of the things we have seen happening is that people no longer keep calling us especially where we work because we are not working in every community, we don't have the capacity to do that. What we will work with is 6 communities, where we will design projects, programs with these people , learn together , develop strategies to react together, try to understand the human rights groups.

I You are developing human rights groups ?

R Not groups really but we are enabling members that the community has forwarded for training. So the aim is not ,if it upon the community form a human rights group, it is upon them but we ourselves are not saying that we will form groups. W e will go to community X , community X has structures within itself , community X there is no community that not in the struggle, people are in the struggle in one way or another. Either they are perceiving their struggle as welfarist , so the thing is bringing together the initiatives that there are in communities. T o solve problems and through reflection also try to say can we give the things you are struggling with a human rights perspective/ Maybe it is struggling with a local health centre that does not have drugs , because health is a right , ya ? So how can we use human rights paradigm. To

make these claims without expecting our local MP (member of parliament)to be the one to bring drugs? We can hold him accountable , but accountable not because it is him as a person who brings these drugs but there is a system , we pay taxes , we deserve this health care.

- I Is there any relationship between hard core political rights and these other economic and social rights you talking about?
- R There is because one thing is that there is international consensus now that that stratification and classification of rights is many many times meaningless in the real life experiences
- I Which one is meaningless?
- R When you start, for example for a long time , there was a lot of emphasis on civil and political rights, eeh , to the exclusion of economic and social rights, and you find many actors of human rights , civil society organisations , non governmental organisations , you find that their main emphasis was hard core civil and political rights , but later you notice that yes , people need them , but they also need to access other rights like the right to education , the right to health , which sometimes are influenced . Lack of those rights are influenced by lack of political , by the political environment
- I Hmmh
- R And so the strategy we are experimenting on is integrating, we do not say that now since 1993 , 1994 we were so much emphatic on social and political rights now let us start emphasising on economic and social rights but integrating the two and trying to see what the inter connections of for example political and civil rights violations, the interconnections between this
- I What are the connections , I mean how, the practical way did you try to win consensus from the state and ...???
- R Eeh, I think first of all if I could give an example , if you look at one of the very , very prevalent human rights violation in Nairobi , it is the question of arbitrary arrest.
- I Hmmh
- R When you do some analysis of who is likely to be arrested in Nairobi, you will not find a young person from Gitanga road, or from Lavington or from Muthaiga being arrested , even if he meets, she meets the police on patrol in one of these roads in Muthaiga. But look at Dandora, places like Kibera , places like Korogocho, and Kangemi, where you find these are the places , and this is where most young people , they are met at 7 pm and they are arrested. You try to question how come many many people in our cells today are poor people, you come to notice many of them could not afford a lawyer , the services of a lawyer, they maybe sentenced to hang on tramped up charges, they are likely to be arrested without a charge and charges planted on them.

These are the cases we deal with everyday. And then you come and do a analysis of why don't you find people in richer neighbourhoods of Nairobi facing the same problem or even in town , if am driving and I meet the police , maybe am walking from the cinema hall , they ask me where are you going , who are you , where is your ID ? You ask me where am coming from , am coming from a cinema and am going to my car. They will let me go. But that wont e the case with this young man who is walking from the Kenya National Theatre , to Kencom to pick a bus, or to pick a matatu home. He is highly likely to be locked in. So there is all that

I Why?

R Social economic profiling of human rights violations that sometimes you get to a point of thinking that poverty is criminalized in this country because even when you hear

I So they are picked up because they are less likely to complain , what do the police get out of that arrest ?

R I think one, one thing they surely get is bribes. If you go to Korogocho , most of the cases we are dealing with are from Korogocho. Young people are arrested, on the way being matched to the police station , the police are asking them for bribes. And so what are the copying mechanisms that poor people have established? There is one neighbourhood in Nairobi where there is a mother's union, it is just a name that is given to this union. There are mothers who have come together to form an association , they have merry go- rounds, to contribute money , keep it somewhere so that in case one of their sons is arrested , they have some money to bribe so that the son is released. Because who is this son ? This is a son who goes and works casual labour in Industrial area

I Yeah

R He is mostly arrested when he is walking home from his evening shift to go and sleep in Korogocho

I And tired ?

R Just because he doesn't have an employment card , just because he has been found he's been found outside his shack by police officers , it is enough to earn him a night in the cells. But this mother depends on him, from the casual work that he does in Industrial area , so I 'd rather give 500/= shillings to get 1000/= shillings from this boy. But you wont find such violations taking place in the richer neighbourhoods

I What is KHRC doing to that respect ?

R And I think that is why we are taking the community organising approach , an important approach because mostly you find poor people have accepted these conditions. They do not even think they have the potential of organising and

making certain demands for a change of policing system in their policies at the local government level, that suit the informal settlements. And because as it were, informal settlements in Kenya are equivalent to illegal cities, they are not even recognised in government policy, so trying to

I Ya, that is the kinder word for slums and shanties

R Oh, ya

I They are not even recognised in the government plans so even getting them to organise and telling them, eeh, we are here and you have to recognise us, you have to plan for us, and we don't only need policemen to come and harass us from you, we also need social services when we buy bread salt we are paying tax, when we buy bread we are paying tax, ya. And many of them by the way have a history of evictions from places like Highridge. You go to Highridge, there is an area called Highridge, the history is that the inhabitants of Highridge in Korogocho slum, are land owners of Highridge teachers college. Not long ago, maybe 30, 40 years ago. They were evicted from there

I That is where they came from?

R Yes

I What is KHRC doing about that?

R There is the whole question of possible reparations, but you know we can't do that in the current government and or if there can't be reparations, if they were evicted because of the city's expansion needs, they should be given alternative settlement where they can live as comfortably as they were. Because many of them can take you, B bob, come, let me take you where my house was in 1969, 1970. So it is trying to see how does the political environment affect the social economic well being of people, and how does the social economic well being of people influence their participation in the political process

I So human rights communities ..

R Ya

I Is it having any effect on the state?

R It has because we want people

I Give me some examples

R Ya, the thing that we are doing is that through the human rights community approach, we have a process where people engage with the problems as a community, where we are trying to break this culture where am violated and deal with it as my own problem, tomorrow any neighbours is violated. I keep

quiet , when am being violated they keep quiet so it is communalism one could say, it is just some collective reflection and action about some conditions that are facing all communities

I You can't break a culture of something , I didn't catch you

R It is basically a culture of individualism where my son is arrested and I go bribe they come out , tomorrow your son faces the same. We never meet to say this is a community problem let us come together and do what

I Bring the victims together , organise

R Ya. And basically the people who live in poor communities because you never know who will be the next victim

I Can you point any examples of actual impact ?

R Ya, the thing is that we are seeing an increase in collective action , in some of those communities , the ones that have really been able to get together an issue where for example the system does something , we don't say that it only did it to Bob. And especially when we are convinced that it was unjust , unjustified . So we take it up as a community , act on it and I know there are such places where communities have had repressive police officers either interdicted , transferred from those places. There are places where communities have forced local police to come and be discussing things about how people want to be policed

(high speed recording...??330)

I Looking at impact of KHRC between 1992 and 1997

R One thing that we did is the clear linkages that we helped the civil society create between human rights advocacy and the question of constitutional reforms. That our work would be futile if we do have constitutional reforms because the constitution as it is does not give ...??335

(High speed recording)

I How does that linkage work ? How does it , I mean people see other activists doing things and they say , hey , we can do that ?

R I guess the thing is how we influence each other. I could have a yearning to do something but it is slatted ..??342 in me but I see you doing it , and then I do it , you do it and you say oh yes , I can do it. So I think the question here is what drives people to take action , particularly action that seeks to bring certain changes in the lives of people

(high speed recording)

- I One two , three four, testing. OK, so you went to the community , you saw a fence around part of the market ?
- R Yes, so again I asked what the fence was for , and what these guys said was that the council , the local council had said that it was important to fence off the market place. So I asked them did you ask for it , they said no, we didn't ask for it , so I asked them suppose it is another , because that is what grabbers do , they first of all fence off the place , then they come with a title deed and tell you this is my land . So suppose this is another case of grabbing , so people said okay fine , I heard the rumours that were going around. I heard that actually it is not the council that put this fence , it is this and that leader. I heard that the plan is to drive us out . So why haven't you shared it with your colleagues , why dismissed it , so again they said that you know those buildings you were talking about this is how it began. First a fence , some concrete , some building blocks being brought , some sand and cement building materials. A foundation is being sank, we ask what is happening . There is a title deed but we have known we were born here , there are some people who are quite senior citizens and they said no , in this and that year, this land was set aside for the market place. And normally there are regulations where , whenever there is a bit of plot that is supposed to be used , there is a notice that the local council should give to the residents that this development is going to take place if you have objections please bring them within this and that period. So this is how it started, so I tell them so do you expect a different thing ? so we discussed that we discussed that and then they said okay, can the KHRC help us ? I asked them , how do you want us to help you , it your land , We don't own businesses here. We cant feel as pained as you are if this land is gone , so how do you want us to help you ?
- I Ya
- R So of course they came with all these , get us a lawyer , get us this and that
- I That you give them what ?
- R That we give them a lawyer. So I asked them who owns the courts ? Suppose they went and bribed the magistrate , what would you do ? And how long will it take to resolve this . So basically the thing that I was getting them to start thinking about was other legitimate non – legal actions that they'd take to safeguard their land. It is their land, it is nobody's land. So they didn't propose anything . I only teased them and asked them , so do you want the commission to bring you hammers and saws to bring down this fence ? I just asked that and left it out . The following day we had a meeting at the same venue , so when we went back the following day that fence wasn't there. What they had done is that they had uprooted it , they had coiled the barbed wire and heaped it in front of the office of the local council, and left some papers written, don't bring it back, we don't want it , you have started grabbing the other piece of land . So I agree
- I At the local government office ?
- R Yeah, the local government office. So I agree that there are those mental walls,

I Where was that

R It is in Siaya

I In the town of Siaya or ?

R No, it is small shopping centre called Sigomere

I How do you spell it ?

R S-I-G-O-M-E-R-E

I And which is in Siaya district ?

R Ya

I And is it that way now? They won the battle

R They haven't because the thing we said is this is not enough , we want you to get legally binding declaration from the council that this grabbing is not going to take place

I This was in October?

R This was in October, YA

I YA

R It was in October. So I think there is something they are designing around to safeguard that land, ofcourse now they will have their own strategies, from time to time they will call us to go and strategise

I Do they guard the land now ?

R Not guarding , but it is basically sending out clear signals that we wont tolerate this, it is not going to happen , you will not do it here , we wont let you do it

I What do you derive from that example ? What does the example say to you ?

R The thing is that people have the potential to safeguard their rights. But in an environment where they don't reflect together , they don't think together about these issues, yah , they don't get , they think that it is only happening to them . They don't hear stories about what has happened in other places and what people did

I Ya

- R Basically, they don't get themselves into a situation where they can analyse the situation and say what is it that we want
- I The Individuals
- R Yes, and at the end of the day you notice that maybe it takes a long time for a whole community , pained and angered by an oppressive act , but when they reflect and then they say actually who depends on this market, it is not the trader alone , it is not the person who comes and buys vegetables from this market, who is benefiting when the grabbing happens , say a few people who are rich , maybe some of them have a big business in Nairobi , so just want to add more places. So when people start analysing and then they generate this collective anger and reflection of an oppressive situation , and they are made to think that is it possible this is one person who wants to grasp this , can this person be so formidable that a community of more than 4,000 people cant resist this person. 4,000 people who directly rely on this market, is it impossible? So you start to say what their numbers can do if they come together and spoke together
- I So it shows an increase of awareness of human rights ?
- R Yes
- I Aah, I have actually got one question, we are still going
(*tape interruption*)
- R What we have done in our
- I The question is what linkage do you see between the simple rights that tended to change the behaviour, the entire behaviour of the state, the major issues and these whole sort of other range of human rights issues which seemed to come later ?
- R I think what we have done , in the initiatives that we have is trying to establish that how things work down here is by and large influenced by how things work at the national level. For example , if we took the example of the market , I was talking about , why does it happen ? It happens because we have a political system that tolerates land grabbing and disposition of land . So the moment you tackle this thing about land you don't have it there , you help these villagers establish why is it that even when they tried to make a lot of protest about the land that was grabbed , they did not go far. In their own wisdom they tried to go to court, but that case will never end. The last two years he has adjourned
(*interruption*)
- I So until there is apathy, in the population , this system you cant beat it . So the thing is helping them relate with what condition they are facing and the lack of clear mechanisms to protect their rights. Because again the other thing you find among many poor people is that they have a lot of faith in the system

because they haven't gotten to a level of reflecting and saying who controls this system, ya? Is the person who is controlling this system so different from the person who is grabbing this land? Don't they come from the same social economic class? If perhaps the same political clout within the community? So that people start reflecting and saying no, maybe what we need is systemic change and that way you are much able to connect their own struggles at that level, of people who are working for the macro system change out there. And you will seriously after the reflection talking 2, 3 hours to the realisation, oh, so this is why so and so is doing this, because they have heard of Kibwana, they have heard about the people who are at the forefront of the national reform movement. The next they are saying is okay, how can we do it ourselves and start reflecting that. At that level you are able to make those connections. Because if you look at it, we loosely call it the anatomy of oppression, it doesn't only operate at one level. If you can't analysis you will realise that the global governance system affects how for example Kenya treats its subjects. Or Moi's government behaves whether the villager is going to afford education for their children, is going to afford medication, or education for their children

I ...??425

R Yes, ya. So the thing is helping the bottom analyse their situation beyond that market, beyond their district, beyond their province and look at it that there is something wrong with the way things are done overall in the country. And also helping them to establish that we are not alone in this, there are people who are also facing the same and that is the role of an organisation like The Kenya Human Rights Commission, trying to gather case studies that you can help people really reflect and say, so this is not us alone. The people in Sigomere noticed that there is grabbing happening in Nyeri, they had not known about it, people have tried a, b, c, d, they failed or they succeeded. And they start saying no this people might not be so different from us because they are poor like we are, they struggled, can't we struggle. So that is the kind of thing that I see without exaggerating as the role of the organisations, basically trying people to link their struggles with other people's. And also continually working on how you bring them into a certain level where they are able to link that struggle and having it propelled now from what people are calling the grassroots to a level that eeh, for example to be scuttle the constitution reform process if there was a built up from the bottom. Where my grandmother, my mother are part of it, there is no way Moi could have the kind of things he has. And I think that is the kind of vision that we have, creating those interconnections

I So it is not there yet

R It is not there yet but people are really struggling

I And you see some optimistic trend here?

R Yes

- I Alright. You were talking about using a variety of strategies , like demonstrations ...??457
- R Ya. What am saying is that we can't pretend that there is only one strategy, eeh , human rights advocacy. Or bringing change through human rights advocacy. The challenge is how well positioned is an organisation like us , to bring together an interaction of approaches , an interaction of strategies to push forward the human rights agenda. And the thing is about reflecting and being very, very clear with the change that you know so that you are able to determine who the strategic partners are in terms of bringing this change about. If the reflection is that you will get the most change through street activism, then go it. If the reflection is that you need a respective parliamentary committee , then give them your strategy , convince them about your logic, lobby them to support and pass , present a motion aimed at getting a bill in parliament , go it .
- I Hmmmh
- R Sometimes the strategy is just writing a letter, and telling somebody there is this case that has been brought before us , we had a lot of respect for your office , we don't know if it happened , but if it happened , just ,an interaction of these strategies and I think there is a whole host of approaches because there no one single approach to
- I Hmmh
- I I don't think so. The only thing is that I think there is more opportunity, there is more room for manoeuvring in a non authoritarian state because the character of an authoritarian state is that it will want to minimize everything you do from a street demonstration to an innocent workshop. It will want to muzzle that. But I think in both cases one needs to apply a multi-dimensional strategy , be it authoritarian or not .
- I Thank you

END

