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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 March 2009

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

.Location of interview: London at Amnesty International headquarters.

Date of interview: July 2002

Interviewee: Martin Hill, a former researcher for Amnesty International, speaking as an individual and not as a representative of Amnesty International. Mr. Hill authored a key report for Amnesty International in 1987 on Kenya that exposed government use of torture of political detainees

Note: BP =interviewer (Bob Press); MH = respondent/interviewee Martin Hill. The interview was tape recorded. Transcription includes bracketed research notes and occasional tape counter numbers made by Bob Press. The double ?? indicates something was not clear on the tape or uncertainty of spelling.

[picking up]

BP What impact do you think your works have had and is there any evidence of that?

MH First of all I should say that I have not been working on Kenya for over a decade, so my memory is not fresh on this.

BP We're going back to 1987-88, around in the late '80s.

MH So I'm making comments which are not considered, and it might not be fair to quote them but to use them as ideas – not to be quoted as Amnesty International, because my memory is not fresh. Let's use this as background – ID: Martin Hill, as a former researcher on Kenya, not speaking for AI

BP It's a difficult thing to know. You had a breakthrough report in 1987. Everyone regards it as a breakthrough on torture. And then you had a follow-up in November in 87 also, and you had seen some changes.

[Impact of international human rights reports hard to measure; depends on who follows up]

MH I'll try to answer your questions. It's always difficult to know what is the key factor in a particular human rights change; [what is a] positive development. And very many different factors – One thing would be documenting human rights violations, which we did in that quite substantial report. And another is how this is responded to by the government. In that case, the government did not reply, did not enter into a dialogue with Amnesty to say how can we – give us some more advice or help in taking forward your recommendations. There was zero. We regarded the government as hostile.

BP They regarded AI as hostile.

MH They regarded Amnesty International as hostile. They may have it biased, I don't recall the exact words.

BP I think they [Moi] said: 'go to hell.'

[Kenyan reaction to AI was hostile]

MH Yeah. And typically we've never had that kind of cooperation relationship with the Kenyan government, although we have tried and we've tried to maintain contact with some of those who would speak to us. The Attorney General [Amos Wako, who used to work on human rights for the United Nations]. These meetings with the Attorney General were not always very friendly, though, I should say. It also depends on how much the international community – that is the donors, the international financial institutions take up the issues in the report and these have been very weak on this at that time. And it also depends on the pressure from Kenyan civil society.

[Multiple national and international pressures]

Now at that time, because of the high level of repression on those who were involved in opposition politics, which were clandestine, or who were human rights activists within that very constrained environment, they had some impact, but it was not very great, partly because they could not operate openly. That time there was the beginning of the move towards democracy and human rights movement in Kenya. And the end of the Cold War is coming up; and demands for multi-party democracy is sweeping up countries – Anglophone and Francophone. And so **change was definitely coming and it was the coalescence of those changes which I think forced Moi to accept multi-party democracy**, extremely reluctantly. He started gearing it toward his own concept of that.

BP So you had several things working together. You had the end of the Cold War; you had the beginnings of a civil society coming out; you had multi-party. You really had three things in a dynamic sense, as background to all this.

[Mwakenya – “not...a serious armed opposition”]

MH Yes, and perhaps the way our report had impact with these different strands, it points out that the **Kenyan government was not facing a serious armed opposition**. It [AI's 87 report by Hill] pointed out that their reaction to it was disproportionate and involved serious human rights abuses and these ridiculous summary trials of which there have been 70 or 80.

[Impact – exposed kangaroo 'trials' of Mwakenya suspects]

One thing that report managed to document was the trial process because our delegate, our mission delegate, Professor David Weissbrodt [U of Law at Minn.; prominent human rights academic] had managed to attend two of those trials and report and give a verbatim report of them. And to me that was one of the most important parts of the report – breaking that silence on what went on in the trials run by the Magistrate Bernard Chunga??, who is now Chief Justice?? These were completely façade trials and nobody had managed to document it before. All one say in Kenya press, reports of the trial of Mwakenya violent dissident was sentenced to five to ten years, whatever.

BP How did he get in?

MH He just walked in and kept very quiet. I believe he was told not to take notes...and I think he wrote it up afterwards. He just crept in and kept a low profile. Because normally they restrict entry to the public gallery to relatives; they prevent relatives, no lawyers allowed, and the general public couldn't get in.

BP You go back to Mwakenya. What was Mwakenya then?

[Mwakenya history not yet written]

MH Mwakenya. Nobody has written a proper account of Mwakenya. And there's much exaggeration about the violence which they were planning. Ngugi wa Thiongo?? At one time called himself the external representative of Mwakenya and was talking about revolutionary violence, a guerilla campaign. Now that's never happened and the most violence which I think ever happened was that two students derailed or planned to derail a train.

BP There was a derailment of a train.

MH Yeah, in which nobody was injured. It was blamed on them. And I think I recall that was the only violence. I wouldn't be certain on that, Bob.

BP Was it big, was it small? What was the evidence.

[Mwakenya – never a serious threat]

MH ...The evidence was difficult to know. You'd have to ask people who were accused of it or those who were on the fringes and those who were sentenced. Whether it existed in the way that the government described. To our view, the answer to that was nothing of the extent which the government saw it as a threat, a serious security threat.

And they had never seemed to have assembled the revolutionary army or whatever which they claimed in some of the publications which were floating around. Some people accused of being linked to Mwakenya were definitely not. But it originated with some students and maybe academics or left wing intellectuals around the University [of Nairobi??] who were talking about grass roots socialism. And some of them clearly got caught up in some revolutionary fervor [See Wafula interview] involving armed resistance, ultimately, which never really transpired. Whether any of them actually went into training or were financed by other powers like Uganda government is not very clear.

[Mwakenya – Marxist]

BP Was it a Marxist group?

MH Yeah.

BP But pseudo-Marxist in the sense that they just talked or read a few things or was it hard-core Marxist planning kind of thing. Marxism was popular at that time in a lot of places.

[Kenya – “extreme capitalism”]

MH Yeah, it was very much repressed in Kenya, which was an example of fairly extreme capitalism as opposed to, say, what there was in existence in Tanzania across the border [i.e. socialism].

BP Going back to when that report came out [AI], beginning of '87 – I haven't looked at the details of your follow-up – but apparently there was some kind of change. It had some kind of effect that you could measure in some way, for the good, I suppose. Or one could say for the negative – they lengthened the period of detention because the reports were saying you keep people beyond the one day you are allowed [by law], so they lengthened it to two weeks. That could be a negative impact, I suppose.

[Impact of 87 report: few additional trials of Mwakenya suspects]

MH I don't think there were many [Mwakenya] trials after that, whereas they might have gone on otherwise. And I think that's the way we'd evaluate that. The repression and the search for victims and the torture [was] reduced after that. But it didn't go away. And it really couldn't continue after multi-party politics started to be openly on the agenda.

[Mwakenya's failed 'revolution' not needed after multi-partyism]

The promise of revolutionary violence obviously turned out to be disastrous from the point of view of positive change or human rights and completely counterproductive in effect because nothing happened. And there was not a situation then which probably deserved that kind of response.

[See Buke's interview on how Moi took the wind out of the sails of the underground movement by accepting multi-party]

BP But to put it in perspective...as you said, there wasn't much of a civil society operating openly at that time, so you didn't really have the normal kind of like today's sources in Kenya and many other countries of open human rights groups locally documenting and researching things on which you could rely. You had to rely on your own resources and go and produce a report which was kind of – the first of its kind.

MH ...totally.

[International pressure: AI report of 87 on torture, a "breakthrough"]

BP Is it, am I characterizing it [AI's 1987 report on the torture of detainees authored by Hill] correctly. Is it seen as a breakthrough report at that point...in the human right world?

MH Oh I think so.

BP It must be a little satisfying to see something like that. I got there in '87, in the middle of '87, and if I remember correctly the cases that were known of torture suddenly did stop.

[STATE response: reduced torture after AI report]

MH I doubt that they stopped; [maybe] reduced

BP Well maybe not all of them. The known cases.

[International press pushed the boundaries]

MH I think then the international press were able to report a bit – push the boundaries of reporting without risking getting thrown out or other forms of harassment.

BP [unclear] we were kind of on the edge at that time [laughs. The interviewer was a foreign correspondent based in Kenya at that time and though never expelled or intimidated, saw another correspondent fail to get his work permit renewed after numerous human rights stories. And the Washington Post correspondent who wrote the early 1987 story on torture in Kenya was nearly expelled, allowed to stay after intervention by the U.S. Embassy and agreement by the President.]

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MH And then foreign governments, donors, could somehow take up the issues. But I really can't say what the extent of that was.

[Multiple actors needed to bring change]

BP But you mentioned the importance of various elements coming together to be effective. You need journalists, you need donors, you need reporting from human rights groups, and you need the civil society. Now – speculating from your own experience, why do you think the government of Kenya began to reduce its level of repression.

[State forced to change]

MH Well, I think they couldn't any longer maintain that was such an extreme threat to the security of the state. That's one. Two, they had to go along with giving a voice to democratic, peaceful opposition. Three, they had to recognize that there were human rights issues were involved.

BP OK, they [the government of Kenya] had to recognize them [human rights issues] because people were putting them in front of their view.

MH Yes, and in contemporary terms you'd say that this was not terrorism but human rights. (pause). Human rights and democracy.

BP If you look a little bit beyond '87, '88, and go into the latter part of the period. You were active on Kenya I think until about July 1990. [MH. Yeah]. Well, 1989 and 1990 was kind of end of the Cold War, very beginnings of democracy movement in Africa, not necessarily in Kenya till late 89, 90. 90 was a big year. What I'm wondering – I'm trying to see it from the state point of view, the level of repression as it goes down. And it does continue to go down.

Well, that's another question. Let me divert for a moment. Do you count detainees? How do you know when things get better?

[Quantifying abuses of human rights]

MH Well, the Annual Report [on each country, including Kenya] is supposed to give that sort of perspective... You could look at the number of cases reported or highlighted. And there, quantification is rather difficult here. The number of political trials, yes. So if there were, say, 50 political trials involving torture in one year and 30 the next year, you'd note a change, unless there had been some other forms of repression took over. And the space for democracy expression – so if academics are no longer being detained without trial for something; if a lawyer is not detained for representing a detainee [BP Kuria] those sort of markers.

BP Do you have any quantification on this?

MH No, we don't do that sort of thing.

BP But its probably there somewhere?

MH I think you'd have to draw you own conclusions.

BP Maybe between [U. S.] State Department reports and Amnesty and Human Rights reports and then Freedom House, maybe I could come up with something. Because I really do – I'm asking your advice on this – I really do need to come up with some kind of quantification if I'm going to measure change.

[Quantifying abuse: Caution on State Department and Freedom House reports]

MH Well, I think you should take all these separately because we wouldn't necessarily consider State Department reports as independent and impartial as ours. In fact we're frequently quite critical of these in the late '80s, particularly on Kenya, which was very much in the U.S. area of claimed influence.

Freedom House likewise, we don't even asses that one. We used to assess the State Department report[s] and actual send a reply and the American section [of Amnesty] would put out criticism of some of them, I remember particularly –

BP Freedom House?

MH Freedom House – I think the measures they use were just not a way, not our approach. I think we would regard that as a sort of right-wing biased group. They've improved.

BP OK. It's a good caution. How would you suggest I set up a quantification ...?

[Quantifying abuse via AI's annual reports]

MH Again, internal turf; looking at the content. I mean our Annual Report is written in a kind of rather – I mean the agenda, Paragraph 1 is a summery of concerns. And they are extremely carefully written. I think this is the best answer to it. If you look at – taken an example [opens a copy of an annual report to the Kenya section.] Paragraph one, if you look at it in bold type is a summary of the key or main issues. After that you go into background, which would be constitutional changes, or in this case, ethnic clashes; constitutional reforms and legal changes, and then- it goes on to prisoners of political conscience. [BP It lists them] It appears there would be some kind of quantification, prisoners of conscience. Then it would go onto – other political prisoners...and behind that there is quantification and you'd have to do it year by year from the Annual Reports. After prisoners of conscience – you might note down these categories – there's other political prisoners, which means those who might be or were not prisoners of conscience. Arrests and detentions during the year. Then it would go onto torture and where it says numerous reports, numerous is obviously more than several; more than 100s. Several is sort of under 20. Otherwise we use 'dozens, scores, hundreds. Numerous is probably our...

Then it goes on to Torture and Ill treatment. Then it goes on to extrajudicial executions and death penalty. And here again you could count. – I mean 'scores' of people were killed unlawfully by the police in that year. In each year, by the way, we'd be looking at the previous year to see, to get the continuity about right.

Then there would be releases during the year, releases of prisoners of conscience, political prisoners. [BP That would be on the Plus side]. Yeah.

Something about refugees – I think I mentioned death penalty. Yeah, death penalty and refugees.

BP I'm just thinking of sort of the core of political rights, not economic and social -

[AI – only political rights examined]

MH That's right, we weren't into those. And then at the very end, Amnesty appeal, what Amnesty is appealing for – summarizing its work through the year, which is fairly standard. And then any international law questions like the Commission on Human Rights. International legal issues; ratification. And then the last one is Visits, Missions, and published reports. So that's the format and you could run your check through various years.

BP I might like to do that and then check back with you to see if it makes sense. I may like to tabulate them and see if it makes sense. I'm not that familiar with Freedom House – I appreciate the caution. State Department, obviously is very political depending on the whims of the time, and they were easy – we [journalists] were all saying that.

[U.S. bias in human rights reports]

MH Well, State Department reports, you know, were drafted by the political officer in the Embassy, sent back to State, and then – changed [laughs]. So if there was a person who was really human rights – oriented as the original drafter, you get a very different report than from somebody who is just not interested.

BP That's true. And they sometimes just read the [news]papers.

MH Yeah.

[AI human rights reports: less bias]

BP OK. That's good because I do need kind of quantify. To look at change you have to have a base to compare to, as crude as it may be. Although that [the series of AI annual reports] is a lot more specific, now that I realize.

MH Yeah. They're written by the researcher. They go back and forth between the researcher and other approvals and editors.

BP And you don't have a political polish person at the end of the line like an Embassy might have.

MH At various stages, it [AI annual reports] gets changed and then its improved sometimes, but always brought within Amnesty's mandate.

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BP How do you define human rights?

MH Well, our mandate is what we're talking about here. [looks it up in the annual report??]

BP Pretty much out of the Universal Declaration of Human Rights [of the United Nations]: core political rights. I'm picking certain ones, basic ones, but I think they are very, very much the same as what you are doing.

MH Well, I should go through it in detail.

BP I will. I may not end up using that one exactly because I [use] the Universal Declaration – but that in a sense is saying, well, a country has recognized it; a commonalty ...

MH Yeah, these are the rights which we support and take it forward. But Amnesty is also a democratic organization which has created its own mandate. And this has historically on or started off with political prisoners of conscience which you don't find anywhere else.

[Njeri Kababere comes into the office]

BP So I'll do a quantification. I maybe send it to you to see if I'm on the right track. [MH OK]. I do want to have something that will stand up to a lot of scrutiny because these kinds of things get a lot of scrutiny. [unclear].

OK – local NGOs. You started working with them in the late '80s as they began to emerge. Were they, do you think, effective in bringing any changes in human rights?

[Civil society threatened]

MH Yeah, but they were quite fiercely repressed, such as Release Political Prisoners [RPP], for example. And that resulted in more human rights violations. As soon as the human rights activists put their heads above the parapet, they got shot at. So these - and they got constantly shot at. And when Kenya Human Rights Commission was formed by Maina Kia from abroad and got settled in the country, they organized demonstrations which were beaten up every time. And they knew that. And they went to get beaten up. Eventually – there may have been some limits on it which were kind of – I don't know; they weren't actually killed. And it did increase the pressure, the tension and -. Did it make a difference? Ultimately, yes, of course. But when people got beaten up all the time, thrown into prison, finally dragged to court and then let go after some time. That went on for quite a long time before the government climbed down

[Domestic activists & international networks]

BP You say they made a difference. How do they make a difference?

MH Well, it became very visible to the international community, to tourists, to the business community and particularly at certain stages when they – when church people – when police invaded All Saints Cathedral and beat up [demonstrators] and used tear gas and beatings on clerics [1997; other years??]

BP OK. I see what you're saying then. That's an interesting point. They made a difference, in a sense, by, in a sense, sort of flushing something out. They flushed out a reaction from the state by trying to express their rights. They ran into trouble. That made the whole problem more visible. Is that what you're saying.

[State tactic: violence against peaceful demonstrators]

[Human rights tactic of non-violence attracts international support when met with State violence]

MH Yeah. And when they were finally allowed to demonstrate peacefully – all the demonstrations started out peacefully. They weren't out there to provoke violence. They weren't shooting at the police. And when the demonstrations were allowed, that was a great step forward. Now that didn't mean the demands would be met, but it certainly meant there would be less violations.

[Comment: But again in 1997 they were not allowed and repressed.]

[Tracking state violence, yearly]

BP When they began to allow demonstrations. So there was a gradual backing up, in a sense, or a lowering of the level of repression in Kenya, I think. Wouldn't you agree?

MH I think you'd have to look at it from year to year. I just couldn't recall when the demonstrations stopped getting [forcefully blocked].

BP Without looking at the years, but at the general trend, has been one of improvement, would you say?

MH Not steady. I mean even years later demonstrations were attacked violently by the police. Wangari Maathai's beating, for example – the women[s' strike in 1991].

BP I happened to be standing next to her when they were attacked; they threw a tear gas canister onto my head [laughs]. She [Maathai] broke her collar bone and all I get was a little bump on the head. [laughs]. My wife was standing there the whole time; she never moved [while taking photographs]. I don't know how she did it. I ran out [laughs]. But you're right; they did use violence. So it was sporadic. Sporadic.

[State actors: violence was their role. Torture]

MH It had its own momentum, like torture. Police were there. But that's what the riot police did. They knew they'd have to do it and bust heads. When people were taken to Nyayo House and you'd have the torture. And officers, particular officers – some of them named later, not by us but by other organizations who were in charge of it all. It was quite a system.

Was it out of control? No. It wasn't out of control but it had its own momentum and unspoken orders, of course.

BP Do you think there would be any credibility to the claim that the President didn't know that the torture was going on?

MH No

[International human rights watchdog role changing: more coalition work]

BP How closely does Amnesty or as you as a Kenyan researcher, how closely were you trying to work with other groups to sort of add to the momentum of pressure for change, or did you kind of it alone.

MH We do our research independently; we campaign independently. At that time we weren't so much building alliances or having joint platforms. We just used our organization as a means of campaigning. And that's what our organization is for.

BP Has that changed. Is there a modus operandum?? that says: work closer with other groups to have bigger impact? Yes, I think more now we're into coalition building and sometimes joint campaigning, when all the objectives and methods are agreed.

Same goals. Just working closer with other people to promote those goals?

MH Yeah. If we agree on the goals and the organizations are compatible and the groups are compatible

[Donors briefed on human rights by Amnesty]

BP The only other thing is the donors, and I don't know what relationship there is between a group such as yours and donors per se. You always send them copies of your reports; you hope they pick them up. But there's no real mechanism, organizational follow-up, or liaison or coordination with, encouragement of donor reaction in terms of leveraging for more human rights.

MH There are campaign targets; that means targets for distribution of Amnesty material; targets for lobbying, by the Secretariat or by the missions – we go around telling the Embassies, the political attachés; there are targets for lobbying by the Amnesty sections who lobby their own governments. For example the Dutch section would be asked to lobby the Dutch foreign ministry, the development ministry on human rights concerns. And in some countries like Britain, the United States, Amnesty gives private briefings to Ambassadors, out-going, new Ambassadors. And [Amnesty in] some countries participate of training of foreign office staff in human rights. We do that specifically on campaigns on Kenya. But throughout this period there was quite a lot of high-level 'invisible' campaigning by Amnesty sections, what we call coordination groups, and groups to whom we allocated individual prisoners' cases to work on. And these groups would be writing a steady stream of letters to all the Kenyan government, President down to any minister; Commissioner of Police, Prisons, Special Branch, CID [Central Intelligence Division?]. So that they would be under quite a lot of pressure through these letters. They might throw them away, or just file them, but we always hear that this is effective; in some degree an effective form of pressure. It can be resisted, ignored, sometimes listened to.

BP Do you ever have any examples of being able to follow up and say, well, actually this report or this case, or this particular blitz like in '97 – there was a blitz of a lot of attention on Kenya –has had an impact where you can actually relate something [done in the name of human rights by AI]? Well, we talked about your '87/'88 report. But any other examples of Amnesty actually having an impact?

[Impact of human rights groups hard to measure; 87 report (above may be an exception)]

MH Well, we always expect it to happen [an impact by an AI effort]. In terms of evaluating it and saying that A caused B, I think we're kind of not wanting to make exaggerated claims.

[Comment: contrast this modesty with the usual eagerness to claim credit expressed by those sponsoring human rights reports, as noted in the interview with Healy of the British Foreign Office)

We continue our work irrespective of achieving the goals. We obviously have a campaigning goals which – I mean our ultimate goal is the world, you know – no prisoners of conscience, no torture – it can go on forever; a perfect human rights record [slight laugh]. But we set limited goals along the road; obviously some achievements like less [fewer] prisoners of conscience or less torture. We're pretty absolutist, though. We don't sort of get satisfied with...

BP No, but there's a difference between being satisfied and actually seeing some progress.

MH Yes. And we don't – I mean we welcome release [of prisoners of conscience] – prisoners particularly.

[Impact measurable in AI annual reports?]

BP I guess no one actually – you're probably too busy gathering the information and providing it out to actually sit down and say, well, did anything happen afterwards. I mean in a sense you may actually have it there in your annual report.

MH Yeah. I think you'd have to draw it out.

BP It's probably there. Well, I'd be interested in drawing it out. Now you've got me intrigued about that. And I agree with you about the exaggerated claims. I don't mean to say that because Amnesty said torture is going on and...it decreased, that it was all Amnesty's – I mean, I know that. But you [AI] are a player; you're an actor.

[Raising awareness: building a culture of resistance]

MH Yeah, one – a constant goal is increasing awareness of human rights and building relations with human rights –oriented sectors of civil society. Now there are very open ended and I think we would say a lot of progress was made, just because of the fact that with reduced repression, Kenyan civil society pushed for a lot more space – and got it. Whereas before we've been – our contacts with them were usual confidential, extremely cautious. We could later have more open contacts and more often open sharing of information.

BP Let me try an hypothesis on you and see if it makes sense. [Bob diagrams his explanation of resistance in Kenya] This is the period you are familiar with. I think, and I'm not sure if this will pan out, but I think if you start about '88 or so and run it up to about '97, which is the period I'm studying, you'll find the level of state repression generally has gone down, but still unacceptably high. Activists is a very general term, but if you divide activists into individual and organizations I think what you find here is you find individual activists quite active say up to about 90 – 91- 92; and by individual I mean, they may, except for LSK and even then they may have been a member but not getting full group support. As you mentioned some of these groups are invisible, not formed, or not yet committed, ready to go public. But you do have the individual lawyers and others who stand up. Then I think what happens is as you get a little bit less of an individual role because somewhere around in here you get, as you mentioned, the emergence of civil society, organizations demanding more space. Their line goes up. Donors – I have yet to figure out what the pattern is because except for right here where they put a full stop in 91 and said 'do something,' and there was multi-party next week. That decision – there was a message there. And then you have other international agencies such as Amnesty and Human Rights Watch. A very important point. I'm not sure how you measure their level of activity; I'm not sure I know how to do that.

But would you agree that, and in fact from what you are familiar with, that individuals pretty much carry the ball until organizations get going?

[Individual activists praised]

MH Quite often these individuals were connected, but not openly and not organizationally. Behind the scenes they knew each other and they were all working to similar objectives. At risk. They wouldn't dare to form organizations. And they were fearful of being seen together. Now some of these were

clandestinely meeting, like some of the university people, through other organizations, through the University Staff Association. And they all got detained. And then there were secret contacts among some of them

[Comment: there were many government-paid spies at the time.]

BP Right up until the time when things began to open up, somewhere in that period.

MH Yeah, yeah. These existing probably through the '80s. It was the only way they could operate.

BP And I'm not pretending that history began in '88. I do need to pay more attention to that period because there's a history of that. And then does it make sense then that the organizations then seem to take on a more active role as they form and came open.

MH Yeah, quite a few of these individuals went into organizations. But not all of them. And some [like] Gibson Kamau Kuria, he stayed pretty independent because he's an academic as well and a private lawyer. And he's a constitutional lawyer as well.

BP One of the few that didn't go into the parties, too.

MH Yeah, that's right. And Mutunga. There are others who came in and out and Imanyara, with his Nairobi Law Review, was a very important early figure.

BP Imanyara, Gibson, Muite, Anyona.

MH Anyona, yes, **They are all very different individuals who took different paths, and have different credibilities, too.**

[Ask him to follow up this point]

[Motivations of activists]

BP What would you say if you were able to characterize the different kinds of motivations that are involved here. What are the various kinds of motivations of the different people [key activists]?

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MH **Well, most of them were very genuine human rights defenders, placing themselves at risk. And anything else they were getting out of it in the early stages – there weren't rewards; there were only risks, really.**

BP Well, its interesting that you say that, because that was my impression, too. I think this young lady [Kababere??] was an example of that. I don't think she was planning to get anything out of it.

MH **Later some went into politics; some were forming NGOs themselves and getting a living from it whereas before, they suffered. And this is very, very, very proper.** That's the way it should be. You need professional human rights workers. They [unclear] usually do better than the part-time volunteers who are voluntary people who

don't have the time or the resources and are at great risk. And their families, too. And their careers go down the drain, like Khaminwa's; John Khaminwa. He was the one who went to jail for [a case challenging the government's right to fire a senior civil servant?? Verify with Khaminwa interview tape]

End of side B, tape of Hill
(Fisher is on Side B of the same tape)
Start Side A of tape 2 of Hill
(Side B is blank)

Tape 2? Side A

MH "Either it's very simple or its not. I don't think 'boomerang' theory works in the way they suggest. They were trying to say that groups bring pressure on others to apply pressure themselves, and particularly if they would use Amnesty to bring pressure where they can't do it themselves.

BP Yeah. A local government isn't getting anywhere with their home government asks Amnesty for example to put pressure on the British government who would then put pressure on the Kenyan government.

MH I'm not sure if that's the way boomerangs work. [Laughs]. I think boomerangs are particularly a hunting weapon which is designed to bring the boomerang back to you, but on route to deliver a stunning blow. So the analogy doesn't go far. And they're extremely sophisticated instruments.

BP They may have chosen the wrong word; I never thought about that. Would you agree that this is how it works, which is sort of like a boomerang, or would you think the lines are different here, that – or maybe its in different phases, maybe it works in different ways.

MH I haven't gone into it in a great deal. **But the way it strikes me, its' simplistic.** It assumes the person being brought in as lobbyist is not doing the work themselves, that they are just being used. It assumes the Kenya human rights organization gets nowhere with the Kenyan government, so they give the material to Amnesty and ask Amnesty to bring the pressure which they can't do.

BP On the British government.

MH On the Kenyan government.

BP On the Kenyan government? Well see already you are suggesting a different –

MH It's just a sort of lobbying tactic. But it rather assumes the Kenyan government?? is doing all the work and the intermediary, Amnesty, isn't doing its own work, it just retails it. That does happen in the human rights world, but Amnesty also has its own independent research. It filters; it's not even filtered; it assesses what comes in from any other organization and takes its own independent decision.

BP And in some cases you actually didn't have that many organizations to work with anyway, in the late 80s.

MH That's right. Now where an organization is credible and has a good reputation, and you know it well and it's independent and impartial, committed to human rights, then you can take what they say as very likely taking up. But even so you still have to make decisions within your mandate and to take on the responsibility yourself, taking up that issue.

BP OK. In a sense what **you are saying, it's a different kind of diagram**. [My diagram indicates a line from the Kenyan NGO to Amnesty then instead of a line from Amnesty to the British Government and from there to the Kenyan government (Keck and Sikkink boomerang theory) the line goes from Amnesty directly to the Kenyan government. Also, as per Hillary Fisher of AI, lines go back and forth between Amnesty and the NGO, with Amnesty sometimes initiating a campaign and at other times supporting one by Kenyan groups. It is worth reviewing Risse, Ropp and Sikkink to see the extent to which they incorporate the Keck-Sikkink 'boomerang' theory into the "spiral" argument.]

MH But the local organization may have done a lot more work, because they're on the ground – provides very good information for the report. Amnesty uses third governments as well. You use all campaigning targets. For example, that's the way we use UN mechanisms. We make a submission to the UN Rapporteur on Torture. The UN Rapporteur on Torture has a function of returning that to the government for their reply. So that's the kind – another variant of it. This is not a simple political process where a constituent goes before a Member of Parliament to take up an issue and they write to the Minister because the constituent can't get through to the Minister. It's just a lobbying.

BP It's a lot more complicated than the diagram [shows]...Amnesty then targets the United Nations, targets the British Government, targets the Kenyan government,

MH –targets the World Bank, IMF, visiting delegation of Swedish MPs.

BP **So the boomerang theory doesn't really do it.**

MH **I think there's a lot more going on.**

BP The point of disagreement I have with Keck and Sikkink is not so much this – I'm more comfortable with that [Martin's version of mapping the process], but at some point, and it may have been just a point in passing – they say that the *prime* movers are what they call transnational advocacy [networks], basically lean and mean, computer-based NGOs which have no base of popular support can do a lot. And they may have a point in the sense of Jody Williams – remembers [she] won the Nobel Peace Prize against landmines, basically working off a computer from her home then going to conferences and things like that. So there was – there was no sort of massive, popular movement at any one location but there was a lot of pressure going on. Another social movement by Tarrow [takes the point of view that] unless you have a lot of people sort of popularly involved, it's hard to raise an issue, a political issue.

But from you said, if I were to put all that together I would say that Stage I is the sort of undercover activism, and then the overt activism stage. And that maybe over here, you have less of a popular movement and you don't even have the NGOs. You may just have the international movement as the main speakers.

MH Yes, and **there's all kinds of different pressure groups**; some are social movements, like Amnesty that has become more organized. Others are a bit more inchoate or political kind of coalescence of different strands. You can have human rights work which is no movement, no membership, and just raises its own funds from within, has foundation money and it has a specific purpose, particularly in pressing the U.S. government and puts out news releases and commissions reports. Ultimately they're doing exactly the same work as Amnesty, from a different base, from a different organizational base, different campaigning technique. Their different campaigning technique is mainly one of publicity and the book.

BP Whereas you're trying to get active lobbyists involved and energize them with information.

MH At all levels. And it's also about building the international, the global social movement of human rights from an international partnership down to local human rights or activism.

BP Well would you disagree or disagree then about the theory the Keck and Sikkink have that in fact these local NGOs become the prime movers for political change.[I have this backward; they argue that the prime movers are really the international advocate organizations.]

MH I don't think they put it as –

BP No, I'm pulling out a point they make, and I may be putting too much emphasis on the point. But they do that at a point where they are contrasting with the larger social movement that Tarrow and others talk about having sort of home-grown, popular support, mass meetings, mass rallies and they're contrasting that with a kind of slimmed down version which is saying, really, the direction in which NGOs in terms of political change are heading is that way. And the other guy will say, no, well, that works except that if you don't have the base at home, then you don't have the popular support that really is an important element in bringing about political change. So it's a contrast of style. In a sense it may be the same contrast between Amnesty and Human Rights Watch. [membership vs. non-membership organizations.]

[Another rebuttal to boomerang theory: local groups may be the prime mover]

MH There is the other one, that a local human rights group is the leader and the prime information gatherer. And that can be the major impact for change for say, bringing in an international organization who does just use it and maybe they don't have the resources to do the work, or its new work which they take up as well.

BP Well, Kenya is maybe an example. I would assume that given the fact that Kenyan human rights groups, at least some of them, seem to have a pretty solid working foundation and reputation that Amnesty can, with some confidence, look at their reports and say, this is for our fodder; it gives us some material to work with. Whereas when you were doing your thing that didn't exist.

MH That's right. I mean normally you look for an organization, clandestine or otherwise or help you with the information gathering say through [unclear] clandestine leaflets for political prisoners; that sort of thing. When they're allowed to go over ground to be officially registered and recognized human rights defenders, then you're in a different situation and you can discuss the research, work more closely with the[m]...and they can do the research more effectively, too. There are different stages.

BP There are different stages. I think that's what you're helping me realize here. And it's not just *a* stage; it depends on the stage of repression. And how do you verify some of this stuff? In stage one and stage two?

MH Well, again, it's not like you have to have five sources, or three sources of any statements. Even journalists talk about that but they don't keep to that. No, you have to assess the credibility of your performance and particularly build up a relationship with them until you know how well they gather and check facts, how independent and impartial they are. Now in a highly political group, you have to – in human rights work – filter out the politics.

BP In Kenya, did you sense that there was an ethnic element to the political opposition?

[Mwakenya, a “nationalist movement;” not an ethnic one, though most victims were Kikuyu]

MH (Pause) Well, ethnicity is quite a feature of Kenyan society and political life. But in the Mwakenya cases I think a lot of the opposition – a lot of the victims – were probably students who were Kikuyu in the majority, but I don't think they were influenced by any ethnic ideology. And some of the people were definitely Luos. I didn't see ethnicity as some factor there. Kikuyus were generally feeling marginalized in the post-Kenyatta era. There was quite a switch around and government was clearly [unclear]...but it wasn't for the purpose of advancing ethnicity or ethnic nationalism. Mwakenya was definitely a nationalist, considered themselves a nationalist, non-ethnic movement.

[Motivation of human rights activists (Mwakenya) – not ethnic]

BP So if one were to make the argument that the political opposition was using human rights human rights as a tool to get back into power, would you say that was a specious argument – in the period, actually beyond the period that you were [unclear]. There wasn't any multi-party until 1991 [December] And then when '91 came and the movement toward mass parties, two things: one, I think that I didn't see a lot of political opposition leaders talking about human leaders so much as the right to have political rallies, which is a right in a sense. But I'm wondering whether or not, in fact, human rights was subsumed under the political rhetoric of ethnicity –

MH I don't think so. I don't think it was ever, ever – in fact it was the opposite. Mwakenya was against ethnic divisions and divisiveness.

BP So at least in the early stages, before multi-party, you didn't see just a Kikuyu effort to try to hit the government on a weak spot, using human rights.

[Mwakenya – Marxist intellectuals; not ethnicity-focused]

MH No, no. These were intellectuals, and they were Marxists. So ethnicity played no part in that.

[Parties more ethnic-focused to get votes, \$]

But when it came to electoral politics, then the reality of electoral politics – and how a politician gets votes, gets money for the campaign. Obviously Kenya has some vast areas which are fairly mono-ethnic in terms of land ownership, geographically. That was an historical fact. And KPU had started off

predominantly Luo, but not exclusively. And none of the nationalist parties were exclusively one [ethnic group] or another, except maybe the Kambas because they were marginal to all [parties].

BP Yeah, they seem to be losing on every ground. Plus they have some of the driest ground in Kenya but they are good [emphasis] farmers. I've been down to their area; they're very good farmers.

I think I'll wrap it up here. In the post-multi-party era, where the ethnicity and the vote relationship is pretty clear, I'm wondering if one looks at human rights activists and issues, those pushing those issues, whether ethnicity plays a part in post-multi-party era, I mean in the multi-party era. It didn't [play much of a role] in the pre-multi-party era. After multi-party, given the ethnic, geographical [unclear], were there sort of a hard-core group pushing for human rights, regardless of ethnicity. Or did it get down to a Kikuyu movement; Kikuyu activists. Were there a lot of non-Kikuyu activists in the human rights movement after the multi-party era.

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MH I think so. Oh yeah. One time Raila was a human rights activist. And a victim. And [today] I think they're all trying to be multi-ethnic.

BP Martin, do you have anything to add along these themes.

MH I would like to see some of the activists of the period writing down biographies and writing about this. Koigi has written, of course – books. But on the other hand, you have to take those as propagating his side and concealing quite a lot of things. With politicians, that's what you expect. And you have to assess them [such works] on that. [George] Anyona, for example, going into closer relations with KANU than you'd ever expect. At one stage he was an independent and very risk-taking human rights defender.

BP And suffered a lot in jail; he was in and out many times.

MH And non-political about that except in the sense of pressing the human rights demands. And there were others, too. University lecturers who were detained; they were from different ethnic groups. And none of them was into ethnicity.

BP Well, I thank you.

End of interview.