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

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

**Location of interview: Nairobi, Kenya; in law office of interviewee**

**Date of interview: 2002.**

**Interviewee: Rumba Kinuthia: human rights attorney and activist in Kenya; detained and tortured by the government; worked with *Nairobi Law Monthly*, a critical publication in Kenya.**

**Note: BP =interviewer (Bob Press); RK = interviewee: Rumba Kinuthia. The interview was tape recorded; it was transcribed by an assistant.**

BP Mr Kinuthia, what were the specific actions that you took to try to advance human rights, between, say, 87 and 97?

RK I specifically was involved in the struggles to bring to an end the one party dictatorship which was actually at its height at around this time; that is between, around 1982 and 1988. This is the time when the government was persecuting people on the basis of an imaginary – what we believed was an imaginary movement which was supposed to be planning to topple the government, the regime of President Moi. And I was specifically involved in the defense of the so-called ‘Mwakenya’ prisoners who were being arrested all the time, and being incarcerated in the torture chambers at Nyayo House basement. And I defended more than – about 25 victims of this ‘Mwakenya’ crackdown, between, around 1984 and around 1988. I was deeply involved in the defense of these people, most of who were jailed, but there was a group of 8 who were actually released at Thika, but all the rest were convicted and jailed for lengthy periods of time. I was also involved with other pro democracy activists. There were not many of us at that time. People were quite scared of defending these people who were perceived to be anti government, because it was at the height of the one party dictatorship, as I said earlier. And we had seen examples of people, of lawyers being victimized because of representing clients who were unpopular with the government of the day, and some of them being detained like Dr. Khaminwa, Dr. Gibson Kamau Kuria. These were lawyers who were actually detained for defending people who were unpopular, or who perceived to be enemies of the regime. Yes. We worked hand in hand with all these pro democracy activists; and mainly, most of them were lawyers at the time.

BP When you were involved with this were you in any threatened or harassed during that period of 84/ 88?

RK Yes, I was personally harassed and I was – from around 1988, after the infamous queue-voting fiasco I was arrested, briefly. I was detained for about 5 days

when we protested vehemently against that queue-voting system. In which I was a victim because I was a parliamentary aspirant for my local Naivasha parliamentary seat, which I was rigged out in open daylight. But after that incarceration the only harassment which I went through was, did not involve being locked up. It was being followed. I was being followed by the Special Branch policemen at all times. They would follow me to meetings, to social gatherings, and they would not even hide the fact that they were following me. I would walk into a restaurant and they would park their car, you know, beside mine and walk in and sit at the next table. So I was under surveillance for virtually 24 hours. They would actually follow me up to my house and only go away after I had gone into the house.

BP During what length of time?

RK That was for a period of about 2 years. From around 1988, mid 1988 to mid 1990.

BP During that period were you involved with anything which the government was not happy?

RK I was involved in several court cases, including one case involving members of a group called The Tent of the Living God, which was a traditionalist worship group.

BP Yeah, my wife has photographed them.

RK Oh, I see. I was defending them in court and the magistrate made it very clear that the government was not happy with the (dumb??) being represented by a lawyer, and actually compelled me to – he conducted the trial in such a manner that I had to withdraw from representing them to save them from imminent jail terms. I withdrew and tried to get them another lawyer, but in between this second lawyer coming in and the time I left, which was a matter of a couple of hours, they managed to jail them.

BP On what charge?

RK It was a charge of unlawful assembly.

BP Why were they upset with them? I can't remember.

RK It was a group which was advocating the end of the regime, the Moi regime due to his dictatorial nature. *(pause)*

BP I forgot to ask you a couple of biographical questions. Your profession, I guess is an Attorney.

RK Yes, I'm an Attorney.

BP Your highest level of education?

RK University level.

BP Which was the Bachelors degree?

RK Bachelors degree.

BP In?

RK In Law, in Makerere University.

BP In Makerere?

RK Yeah.

BP My wife is in Uganda today.

RK I see. (*laughter*)

BP Just arrived (??)

RK I see. I was a student in Makerere. I was also a student at Nairobi earlier, Nairobi University. Then I went to Makerere after being kicked out of Nairobi University.

BP Why were you kicked out?

RK I was the Chairman of the students' association, that time called NUSO, Nairobi University Students Association. I was the President of the Association and after\_\_\_\_\_

BP You were President of the? What's it called?

RK Nairobi University Students' Organization. That is N-U-S-O, NUSO.

BP What year was that? Do you recall?

RK That was in 1978 to 1979.

BP Why, what was the reason for your being expelled?

RK In 1979 there was a general election. And the KANU government which was now newly – it was soon after Kenyatta's death. The KANU government decided to bar certain people including the late Jaramogi Oginga Odinga and Mr. George Anyona from contesting for parliamentary seats. So I organized a huge demonstration of the students in the streets of Nairobi. There were about 4,000 students. And we were opposing that KANU decision. You know KANU and government were virtually the same thing at that time. So the University was closed and I was expelled from the University, and locked up for 38 days.

BP (How much??)

RK I was locked up for 38 days at Nairobi Area Traffic Headquarters which was then the Special Branch \_\_\_\_\_

BP Were you mistreated?

RK I was mistreated very badly. For 38 days I was denied food. And, you know, kept in a water clogged (*voice slightly shaky*) cell, and forced to do some funny exercises, and beaten up physically. In fact by the time I came out my clothes were all blood, and I was never allowed to bathe for the 38 days I was locked up. And nobody knew – and they kept me incommunicado for all that period. My relatives thought I had been killed. They made sure nobody knew where I was. (*short pause*)

BP This was '79?

RK That was 1979, October.

BP 8 days or 38 days? I didn't \_\_\_\_

RK 38 days.

BP 38 days. Water up to?

RK About sss...it's about 8 to 10 [inches], it's about 1 foot.

BP About how many days were you kept in the water?

RK They would keep me in the water for about 3 days, and then remove me and take me to a dry cell. And then I'd stay there for a few days, go for interrogation and then I'll be taken back.

BP Interrogation involving just questions?

RK Questions and beatings.

BP With what?

RK With whips(ss). Whips, and wooden planks(ss). And belts(ss). (*N.b. hissing at end of these words*)

BP Were you clothed at the time.

RK No. I would be naked. Stark naked. (*"Stark naked" barely audible*).

BP And then taken back to the dry cell?

RK And then I would be taken back to the dry cell for about 2 days. And then I would be taken back there. It's only during the last week of incarceration that I was not taken to the water clogged cell. (*pause*) This was to be repeated much later in 1990. Then I was arrested and locked up, now at Nyayo House. This one actually covers, now, your period very well – but the experiences were very similar.

BP You were from 1990 to 1993 \_\_\_\_

RK Yes.

BP \_\_\_in detention. About 3 years. During that period were you mistreated?

RK Very badly. First of all I was locked up at Nyayo House after being locked up in various police stations. I was taken, now to the Nyayo House basement. In 1979 Nyayo House had not been built; that's why I was locked up at the Nairobi Traffic headquarters. That's where they were operating from. But in 1990 \_\_\_\_

BP I didn't realize they had water-filled cells. Where was that building?

RK At the Nairobi Area Traffic headquarters.

BP I went there once to get my car, I think.

RK Uh-huh? They had underground cells during those (??). I don't know if they're still there, but they were there at that time.

BP Have you ever been back there?

RK No. (*slight pause*) It was too traumatic to \_\_\_\_

BP I can understand that.

RK \_\_\_\_to revisit.

BP In 1990, why were you arrested in 1990?

RK In 1990 \_\_\_\_

BP I know you were calling for multiparty government.

RK Yeah.

BP At that time.

RK Yes, that's when we were \_\_\_\_

BP You were also with **Nairobi Law Monthly** for a while, weren't you?

RK Yes. I was an assistant manager, uh, an assistant editor.

BP During what period of time?

RK It was from around 1987, mid '87.

BP When they started?

RK Yes.

BP From the start?

RK Almost from the start through to the time that I was arrested which was October \_\_\_\_

BP October of 1990.

RK Yes. (*Longish pause*)

BP Why were you arrested that time?

RK I was involved in the agitation for multiparty (??) multiparty politics.

BP Could you explain what exactly you were doing to try to get multiparty politics, you know, not you alone, but what was your personal participation in the activities aimed at \_\_\_\_?

RK OK, I was \_\_\_\_

BP Excuse me, I keep getting distracted because your story is so compelling, but between – this is just the end of the biographical notations – between 1987 and 97 except, well, you're in Nairobi, you're in detention, but were you living in Nairobi the whole time?

RK Yes, all that time.

BP And including 3 years in detention.

RK Yes.

BP Your ethnicity is what?

RK Kikuyu.

BP And your religion, if any ?

RK Umm, none at the moment. (*little laughter*).

BP During this period of 87 to 97 \_\_\_\_

RK I was a Catholic. I was a practicing Catholic. But I became skeptical about the religion after all this suffering. So...

BP I can understand that. (*Slight pause*). In political affiliation, between 1992 and when it began, multiparty \_\_\_\_

RK Between '92?

BP And the present... and '97.

RK '92 and '97. From 1992 I was still in detention. In 1993, then I was released. It was soon after the General Election. And they made sure that they did not release us to participate in the elections of that year. So I did not have any political affiliation for some time, but I was a supporter of **Safina**, which was struggling to get registered. And it was not registered; so I was party-less for a long time, until it was registered, shortly before the 97 General Elections.

BP (??) your affiliation?

RK (??)

BP Did you run as a candidate in '97?

RK I did.

BP What happened then?

RK There was massive (*emphasis on "massive"*) rigging. (*pause*)

BP And you lost?

RK Yes, I lost. But I'm not \_\_\_\_

BP Is there evidence of that rigging?

RK There is. There's evidence of rigging \_\_\_\_

BP Which constituency was that in?

RK it was in Naivasha.

BP Naivasha. (*pause*) Did you lose to a KANU candidate?

RK Yes. No, no, no. It was to a DP candidate. But there was rigging which was meant to ensure that I did not go through, personally. It was rigging against me.

BP In terms of, you were not allowed to present your papers or (??)

RK I was allowed to: I actually ran for the elections, \_\_\_\_

BP What kind of evidence is it to the rigging.

RK There was the loss of huge bundles of my votes which were smuggled out of the counting hall at Naivasha. (*Pause*)

BP Who is the candidate that beat you?

RK It was somebody called Kihara.

BP Kihara? Do you know the first name?

RK I think he is called P.S. Kihara.

BP Is he currently the MP(??)

RK Yes, he's still the MP.

BP Was there any reporting on this in terms of documentation of that (??)

RK I have the documentation, but I decided not to petition.

BP Why not?

RK The money involved; you know, I didn't have the financial resources to mount a petition.

BP So what was the specific going back to 1990, then? The specific actions that you taking in terms of multiparty that you think got you in trouble.

RK I was involved in the Saba Saba.

BP The planning?

RK The planning of the Saba Saba and the actual – I was at the meeting, yes, on the actual day of the Saba Saba. In fact I escaped arrest very narrowly. I was actually hidden by a policeman. An armed CID man is the one who hid me away from the fellows who had been sent to arrest me.

BP You mean he came to your house just minutes before the arrest, or what?

RK No. After the rally I was at Pangani with friends in a restaurant. And this person knew me, and he knew there were policemen who had been detailed to come and arrest me.

BP OK, so he took you off?

RK So he came and he took me through a back door, and sent somebody to drive my car round the block.

BP (??) as a decoy.

RK To pick me up on the other side.

BP You mean it was literally just minutes before you were going to be arrested at that restaurant?

RK Yes, that's right.

BP Was anybody else arrested at that restaurant, at that time?

RK No, but they stormed in soon after I left.

BP You mean there was more than one person?

RK There were more than 10.

BP CID or Special Branch?

RK These were special Branch people. They stormed immediately I left through the back door.

BP Isn't that a few minutes only?

RK A few minutes.

BP Very quickly.

RK Very quickly, but by that time I had already left. (*Short pause*)

BP But it didn't help you much because you were detained 3 months later.

RK 3 months later I was detained.

BP Why then, I mean why did you (??) I'm trying to figure out what the government's point of view was as to why they had detained you at various points, and why they did not detain you – they missed you in July, why did they wait until October? (*short laugh from RK*)

RK I went into hiding.

BP Oh OK.

RK In the US or \_\_\_\_

BP No, locally. I was here. I was hiding \_\_\_\_

BP Until October?

RK No, until mid September. What surprised me was why they didn't pick me earlier, that is after the 15<sup>th</sup> of September.

BP I don't think there's always logic in those things.

RK Yeah. It took them about, more than 3 weeks.

BP You were picked up in October, I think.

RK Yeah, in October.

BP So go back to Saba Saba planning then. This was a pretty important event. 1990, July 7<sup>th</sup>. It was the attempted platform by Matiba and Rubia up front to present multiparty option at Kamukunji. Did you help plan that, (or anything??)

RK I was involved with other participants who were involved in the planning of this \_\_\_\_

BP Who were the planners, to give credit where it's due. Who were the other planners?

RK You could put in people like Imanyara. These were people who were actively involved.

BP Muite? (*Pause as RK is distracted by call*), and there were other people who were \_\_\_\_

BP Well, Matiba and Rubia for sure.

RK Rubia, Matiba, these were the main (brokers??), and unfortunately they were arrested before the actual rally but we went ahead.

BP One of the things I'm hoping to clarify in the examination of that period is whether people were acting primarily as individuals, activists, or whether they were acting sort of with the support and help of an organization. Would you describe your participation, say in the planning of that very important event as something that you did as an individual or as a representative of LSK or some other (??)

RK These were individual initiatives. There was no organized group. Because as you know, at that point, even holding a meeting, for people who were marked like us, was a very risky affair. So these were things which were being done by small groups of individuals. People like me, Gitobu Imanyara and a few other people who can not be said to have been prominent in the group would meet regularly and organize with – even this Tent of the Living God. There was Ngonywa wa Gakonya, the leader of the group.

BP Yes, I remember that name.

RK Ngonywa wa Gakonya was one of the people who we encouraged to mobilize his people because he had a large following.

BP He could mobilize people and bring them out.

RK And they came out in full force on 1<sup>st</sup> and 7<sup>th</sup> of July. And these people, being their lawyer and having been defending them for quite some time, were willing to listen to me so we were bringing people we perceived as courageous at that time, to come up and show the regime that not everybody was happy with the dictatorship.

BP And the impact of that one event was probably pretty big, because if I remember correctly there were demonstrations or riots, whatever you want to call

them in at least 3 towns, I think Nakuru, somewhere around Western Kenya, I think, one of the towns also was involved.

RK There was Nakuru, I think Kitale, Eldoret. I think there was – yes, there was a demonstration in Eldoret, and I think in Kisumu.

BP I think the Kisumu's the one I'm thinking of, yes. In trying to measure impact – it's difficult of course but that means that in a sense it was a chain reaction from the planning to the event to the reaction through towns. Would you say that the international community had any part to play in terms of advancing human rights on Kenya?

RK I don't think so. Not at that time.

BP This was primarily a domestic \_\_\_\_\_

RK This was a domestic protest, and a domestic initiative. The foreign assistance came much – came later, particularly from the American Ambassador.

BP Hempstone?

RK Hempstone.

BP Was he instrumental in any way, or useful in any way?

RK Unfortunately by the time he came onto the scene I was already in remand.

BP That's right.

RK But from what I hear from my colleagues who were free at the time he played a very, very important role.

BP You were not released – the others were released before you, right?

RK Yes. Much earlier.

BP I don't mean to be secretive about this. This is simply a summary that I have from *Weekly Review* on certain events and that made me helpful in recalling your participation in those events.

RK OK. (*pause*)

BP It's somewhat redundant because it's taken from summaries as well as my own notes.

RK Mmmm. (*pause*). So, what was the question?

BP The question here is what do you think would have been the impact of your own activism in terms of advancing human rights? If you can make any connections that (??)

RK I think we had a very positive impact, and actually a powerful impact because I don't think, if we had not taken the initiative and – by the way when we were taking this initiative we knew what the probable consequences would be. And if I could tell you of one aspect of the whole of this saga \_\_\_\_

BP Yes, please.

RK \_\_\_\_ that probably not many people know about.

BP OK.

RK (??) I approached the American Embassy for assistance.

BP When was this?

RK This was in 1990, September. Soon after I came from hiding.

BP Right.

RK And I was given an official who was to meet me and listen to me and we went to a certain restaurant near – on Limuru Road. In fact at that time I was still in hiding. I went and explained to this official that I was going to be arrested. I knew I was going to be arrested because the police had been looking for me (*phone call interruption*). You know I had taken this matter seriously.

BP Did you meet him?

RK I met him.

BP Was this a political officer?

RK Yes. I think he was the political officer. I can't remember his name but I have it somewhere in my notes He was the then political officer. And he can bear me out. We held a meeting at a certain restaurant, outside on Limuru Road, near a town called Ruaka.

BP Yeah, I know the town.

RK OK. The Mexican Restaurant.

BP Yeah, I know the restaurant, too. (??) There's a 3 km race around once a year. I used to run in it. (??) Terrible food, though, I didn't (like it??) (*laughter*)

RK I see. So we met there and I told him that I was in danger of being arrested, and if they could assist me to get out of the country, I might be able to escape this arrest. And I explained to him that I was in hiding because these people had come for me at Ngara, and I'd just managed to escape through a policeman friend of mine who had learnt about it. And they told me that they'll think about it. They told me that they'll think about it, and they did not see that – they did not believe that I was in serious

danger of being arrested or tortured. And that was the end of the matter. The next thing I knew I was being arrested.

BP So they didn't do anything.

RK They didn't do anything at all.

BP Did they take anyone into asylum at that time?

RK They had taken somebody into asylum earlier, and even at this time they also took Gibson. Around this time.

BP Was that the same time? I get that 90/91 mixed up cause, and there was another rally in November of 91, that he was involved with also, and that's when Shikuku was riding around like this, remember? I think it's that one where Gibson was arrested.

RK It could be.

BP And went to the US. But he was taken into asylum at that time. So they did do asylum, and Hempstone was there.

RK Yeah. At that time Hempstone was now active.

BP So you didn't get to see him personally.

RK No. (pause) They sent me that officer.

BP You must feel a bit, not more than disappointed, but a little bitter at that.

RK Yeah, because they, you know – I was quite sure that these people were looking for me; they were going to arrest me.

BP Well, they did!

RK And which they did, soon afterwards.

BP (??) very few days or weeks after that.

RK A few weeks after, about 2 weeks later. (pause) So, anyway, what happened is that \_\_\_\_\_

BP It's interesting.

RK \_\_\_\_\_ I don't know why they did not take any action but by that time Hempstone was not actively on the scene. I can't even remember whether he had come in as the Ambassador. But things definitely changed \_\_\_\_\_

BP I don't remember when he came. He left in '94, I think.

RK I think he had come, he could have come in 1993 – no, no, 1991, or late '90.

BP It might have been that he wasn't there at the time.

RK I don't think he was there at that time. 'Cause things definitely changed for the better when he came.

BP I'm trying to remember; I've met the political officer. Was it anybody by the name Scott somebody? There was a Scott when I first came here in '87.

RK A-ah, '87.

BP But I don't know how long he stayed, you know.

RK They only stay for about 3 years.

BP Yeah, he might have been gone. Well, that's a shame. And that shouldn't have happened.

RK It shouldn't have happened. (*slight pause*) But it did. So I felt very, you know when I was in my cells at Nyayo House, I felt badly let down, because the Americans had always shown that would be willing to, at least to give some kind of support to democratization.

BP Was Khaminwa your lawyer?

RK Yeah, he was. Khaminwa was my lawyer. He was the lead counsel. There were others, but he was the lead counsel for my defense. (*pause*)

BP And did you get a fair trial?

RK I did not get a trial at all.

BP Really?

RK I was not tried.

BP They never came to trial?

RK No.

BP It was detention the whole time.

RK It was detention the whole time.

BP Your mother, Mukiwa Wanjiru,\_\_\_

RK Milka Wanjiku.

BP Wanji\_\_

RK \_\_\_ku. 'K.'

BP Could you correct the spelling on that? Just write down at the bottom.

RK Wanjiku. (*pause, as RK writes*)

BP Was one of the mothers involved in the mothers' strike.

RK Yeah.

BP And I think stayed almost an entire year.

RK A whole year. From around March 1991, no, 1992 \_\_\_

BP No, it was '91 when it began.

RK It was '91.

BP Up until 92, I think.

RK Up to '93 January.

BP Really?

RK Yes.

BP I haven't had a chance to ask anyone this question because I haven't talked to somebody whose mother was on the outside down there. I covered that event, I couldn't cover yours, inside. (*RK bursts into laughter*). What are your feelings about the role your mother played in advancing human rights in Kenya?

RK I think it was very crucial. (*pause*) It was a very crucial and very positive role, and we could have stayed much – I believe we could have stayed longer had they **not** (*emphasis on not*) come out with this unique initiative. (*pause*)

BP And that strike.

RK Mmmm, the strike. The hunger strike, the battles with the police, you know. The tear gas, the exposure (??) the international community of the brutality against the weak, defenseless and unarmed old women, you know?

BP Yeah.

RK They are being forced to strip (*impassioned speech*) as a sign of, you know, **protest and curse** (*spits out "protest and curse"*). (*pause*). **Curse** (*spits out "curse"*) upon the system \_\_\_

BP I want to show you a couple of pictures. (*RK laughs*). It's not that important but \_\_\_ (*sound of recording machine being switched off*)

RK I had been a leader throughout my schooling. In secondary school, right through from primary school. I'd always been a prefect from as far as I can remember: standard 3, standard 4. I was a prefect in secondary school. I was a \_\_\_\_

BP It doesn't mean much to me. In the US – 'prefect' means what? A student (*RK laughs*) leader, or something?

RK It's a student – the leader of the other students, like captain or – somebody who is appointed as one of the leaders. Or the leader of the class, or the group... at one time I was heading the library system in the school: at one time I was the dining room captain, those kinds of leadership positions.

BP Yeah.

RK And then I was also leader in other fields like debating club, (??) club (??) \_\_\_\_

BP Yeah, so you were active, but that doesn't mean you're necessarily acting in terms of human rights.

RK No, no.

BP What lead you into that?

RK The issue of human rights came in after my first year in university. I must I was influenced by the thinking of certain – of the lecturers. Some of them were not my lecturers but they were lecturers at the university at that time.

BP Can you recall any of their names?

RK I would recall in particular, people like Ngugi wa Thiong'o, who exposed, or who opened our eyes to the injustices that were being committed against the common man in Kenya.

BP He was at the University of Nairobi \_\_\_\_

RK He was.

BP \_\_\_\_ and he was one of the lecturers there?

RK He was one of the lecturers at that time.

BP Not one of your lecturers, but (??)

RK He was there. He was one of the lecturers in the Faculty of Law. In fact he was the Chairman of the – no, Faculty of Arts. He was the Chairman of the \_\_\_\_

BP Literature.

RK Yeah, Literature department. And we also used to attend some of the lectures there.

BP Oh, you did go to some of his lectures?

RK Yeah.

BP What struck you the most about him?

RK About him?

BP Mm-hmm.

RK His sincerity. His sincerity and his devotion and, you know, to the cause of the betterment of the people of Kenya, and his singular opposition to the mercenary attitude of the rulers. Anyway that was during Kenyatta's time and then also during, shortly after he was released from detention.

BP You mean when Ngugi came out of detention?

RK Yeah. He was released from detention around 1978. I could say that's one of the \_\_\_\_

BP (??) inspire you.

RK It was the inspiration to fight for justice. Basically I must say I can trace it to Ngugi.

BP OK.

RK Yeah. (*RK answers phone*). Then, of course I had read his books.

BP 'Grain of Wheat' and others.

RK 'Grain of Wheat' and then you know – but the most, the ones with the biggest impact were 'Petals of Blood.' Then there were books like 'Ngahika Ndenda' which was a play, and which we saw at Kamirithu, at his home in 1977, and then other books which came later like *shetani* – 'Devil on the Cross,' but those ones came after his \_\_\_\_

BP 'Death of \_\_\_\_

RK 'Devil on the Cross'.

BP (??) Kimathi.

RK Kimathi?

BP There's a play by that (??).

RK Yeah.

BP (??) Kimathi.

RK Yes. 'The Trial of Dedan Kimathi.'

BP Dedan Kimathi?

RK Yeah. So I could say I trace a lot of the influence for fight for human rights to Ngugi wa Thiong'o. Then there were also other lecturers.

BP Do you remember any names?

RK Like Dr. Willy Mutunga, who is still – he is the Chairman of \_\_\_\_

BP KHRC

RK Kenya Human Rights Commission. And people like Professor Katama Mkangi.

BP Can you spell that for me? *(RK laughs)*

RK Professor Katama is K-A- Professor, *(pause)* Katama. Mkangi. *(pause as he writes)* And also Professor Kivutha Kibwana. All these were in the Faculty of Law.

BP He's still there.

RK Yeah. Dr. Gibson Kamau Kuria.

BP That's right. He lectured to them.

RK Yes. He was my lecturer.

BP So collectively all of these guys kind of gave you some (??) moral \_\_\_\_

RK Some moral.

BP Inspiration, I guess.

RK Dimension, inspiration. They fired our – my spirit. *(BP laughs)* and they made me feel I'd be ready to sacrifice for the betterment of the common man's lot.

BP You did it.

RK Well, we did what we could. I did what I – I played a part, a little bit of a part. *(pause)*

BP If you were to ask yourself, what is it that made the state give some ground on human rights, what do you think made them change in multiparty, then in '97 there's some laws that were changed. Although there's many things that haven't changed. What do you think made then change \_\_\_\_

RK It's the pressure. It's the pressure from the local sources, including ourselves, and also very, very significantly, pressure from outside. Particularly from the US. I would say that single-handedly, Hempstone played a very major role in the – in making these people agree to changes, to opening up the democratic space. *(pause)* And of course Hempstone could not have done this without the consent of his bosses in Washington. This must have been a policy that the American government wanted democratization, particularly after the collapse of the Berlin wall in 1989. I think the priorities changed, I think. I don't know. This is my own analysis. The question of the cold war was no longer a priority.

BP No, the end is '89 with the fall of the Berlin wall, collapse of Communism. Yes, it's true. The US officials would back you up on your assessment. (??)

RK So I think they also realized it was in their own long-term interest if democracy was made a universal concept.

BP You've sacrificed so much and worked so hard for democracy. How would you describe Kenya today? Is it democratic or not?

RK It is not. *(pause)*. There's nothing democratic about – this is, it's just a continuation of the dictatorial regime, one party regime. The differences are so little. We haven't made any giant strides. It's only that we can make more noise without being locked up at Nyayo House. But the basic structures of the one party regime are just in place. And that is why I'm not even interested in contesting for any parliamentary or any other seat, in the near future.

BP You're not contesting this time?

RK No, I'm not. 'Cause I know what will happen. The rigging – the rigging mechanism is still in place, the people who are supposed to referee the whole game are right in it. They are the players, they are the major participants.

BP The executive is still the power.

RK The?

BP The executive, the Presidency (??) the power.

RK And he can pull all the strings. All his powers are still intact. So, he'll have his way.

BP If you put it that way, the question might be, then why wasn't there more advancement in human rights in Kenya?

RK I think the powers which the President – the executive had accumulated over the years were such that to dismantle them would take either his personal – he would either relinquish them voluntarily, or there would have to be some kind of a revolution, and neither of these happened. So, there were some very minor concessions in the 1997 IPPG (**Bill or deal??**). And these concessions were not even

adhered to, see? Those people are still arrested for – you know, the freedom of assembly is just there in name but it is not in practice.

BP So in a sense what was the contribution of the activists and of the international community? First the activists.

RK Aah. The main contribution is that we were able to \_\_\_\_\_

#### END OF SIDE A

#### SIDE B

RK You can now belong to a party other than KANU.

BP OK.

RK Basically. So there is also the freedom of the press which has made, I think some good strides forward. There's the freedom of expression. You can say virtually anything you like. Though, of course, there are incidents of people still being arrested and locked up for insulting the President and those kind of primitive charges.

BP And several people just arrested for holding up (??) Uhuru (??)

RK Placards, yes.

BP But no one was arrested yesterday during the (marches??).

RK Because that's a KANU (*laughs a little*) position. But we try to hold one here in favor of Raila or Kibaki, they pick you up very fast.

BP Even without *pangas* and *rungus*.

RK Even without *pangas* (*little laughter*) and *rungus* (*hearty laughter*). You have come to understand the situation here quite well after all those years. (*laughs again = jovial mood*).

BP What was the contribution of the international community then?

RK The international community (*serious and emphatic: jovial mood gone*) played the part of coercing, uh-h, these people to accept changes by dangling, or withdrawing the carrot, uh-h? The only language this regime understands is the language of aid because they have to perpetuate themselves in power through money, yeah? And because they – whatever comes in, in form of aid, a huge chunk of it is taken by the people in power, the (cowboy??) in power. They take that money and they put it away to perpetuate themselves in power through rigging of elections, and dishing out

money to their private armies to terrorize their political opponents, to bribe left, right, and centre.

BP Well, then with the contribution of donation \_\_\_\_

RK So the donations came in the threat of foreign aid being withheld. It's the one, which made them (??) which, I think it was so phenomenally important as a factor that I could give it a very high percentage. For them to relent and say, "OK, we agree to a multiparty system," in, was it November 1991?

BP It was December of '91.

RK Yes. The aid had already been withheld.

BP One week earlier.

RK One week earlier. (*sounds astonished*) This was the only reason. (*animated*) If it was we, we would have made all the noise until kingdom come. They would never have changed. (*a chortle from BP*). They'd never. They don't fear us. They call us "Tu-mtu." Small fellows. Noisemakers. We just take them and put them – lock them up. Noisemakers. (*RK answers phone*).

BP It's an important question now. I wonder, in terms of sequence, whether or not the international community would have stopped the aid in November of '91 had there been no demonstrations – Kamukunji came just before that, a week before with the arrests of some people. You think it was simply the donors acting on economic impulse that forced the government to do this, or do you think the donors would not have acted had there been no preceding agitation by activists?

RK You see, the agitation had started much earlier.

BP OK.

RK The agitation, which could have attracted the attention of the donors, had started way back in 1990, July when many people were killed.

BP Yeah, Saba Saba.

RK Yeah, the Saba Saba. So this was a culmination – the demonstrations of November 1991 were a culmination of this process of the protests. And they were not even as important, or as strong **as** (*emphatic growl on "as"*) the Saba Saba. And the crackdown following the November demonstrations were not as serious or as far-reaching as the ones after the Saba Saba.

BP There were a few arrests, though.

RK They were very few. Very few. But in 1990 there were many arrests of very prominent pro democracy activists and leaders. So the 1991 protests were a culmination \_\_\_\_

BP Less important. A culmination, but not nearly as serious \_\_\_\_

RK But not nearly as serious as the 1990 protests.

BP I'm sorry to be a little slow on this point but it just occurred to me: you were tortured in what period?

RK I was tortured in the period of – soon after the arrest in 1990, that is between September – ah! No, October. It was actually the last week of September and part of October. That's when I was locked up at Nyayo House.

BP And is that when you were mistreated (??)?

RK Yes.

BP Because the government \_\_\_\_

RK The first time you remember is when I was – after the closure of the University, many years earlier.

BP But this was 2 years after the government denied any torture to have taken place in Kenya.

RK Yes.

BP It was '89.

RK Which was '89.

BP '90, '91. 2 years later.

RK 2 years later

BP (??)

RK Mmm. Yeah.

BP I mean, I knew it, but I never really quite – I never clicked, because the government said it ended in '88. But it wasn't true.

RK It was not true. It was going on all along. And I was a – I'm a living testimony of – I experienced this first hand. 14 days. 14 days (*quieter tone*). I was in those cells. It's not something I heard from somebody.

BP No. I know that. Is it true that those cells have been declared off limits \_\_\_\_

RK Yes.

BP \_\_\_\_ to members of parliament to see?

RK Yes.

BP How can they do that?

RK They gazetted it.

BP (??) multiparty (??) in (defense??)

RK Yes.

BP So you've never been back?

RK (??) restricted area.

BP You've never seen this?

RK No.

BP How can you be restricted from an elected member of parliament? (*RK laughs*)

RK One wonders.

BP I'm gonna stop there because \_\_\_\_

RK OK.

**End of interview**