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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 by Robert M. Press (bob.press@usm.edu; press.bob@gmail.com)

Interviewee: Mutuma Ruteere

Location of interview: restaurant in Nairobi, Kenya

Date of interviews: August 21, 2002

Transcription by Robert Press. BP = interviewer (Bob Press); MR = interviewee: Mutuma Ruteere. Bracketed and/or bold and underlined sections are research notes. ?? indicates a point unclear.

Mr. Ruteere is a former investigator for the private (and highly respected) Kenya Human Rights Commission

Summary:

1. Individuals on human rights inspired him “People...standing up for principles”; but the key to successful political activism is organizations.
2. People know their human rights – “intuitively”
3. Barrier of fear began falling as media publicized the deeds of these pioneer activists.
3. Real progress came when organizations began defending human rights
4. Most abuses today (2002) occur in rural areas, away from most publicity
5. Hope for future – people care “about what happens to strangers”

Bio:

Profession: human rights research

Education. Masters in human rights theory and practice at Essex U in UK

Undergraduate degree completed in 1995

Ethnicity: Meru

Religion: none

Political affiliation: none

Single

Worked in Nairobi except for research trips outside on human rights

BP Tell me what you’ve learned in terms of what makes the state concede ground on human rights. Why do they make changes and what forces have been the most effective in bringing about changes?

[First pressure is domestic organizations]

MR I think it’s now a convergence of factors: (1) what I would call the most important, are internal factors. If you look at the recent history of political change in Kenya, its come out of sustained internal organization ...when you look at late 1989, 1990s up to the present, what has achieved the balance is largely the organization and determination of citizen groups. That’s more for political organizations, but civic organizations are committed to political change. In terms of professional associations in the form of the so-called underground organizations that were involved in agitation for change, civil society organizations like the church – and basically **groups of organized citizens and committed individuals using established and credible organizations**. I think that convergence of push and demand for change is what, in my opinion, even pushed further the politicians, the professional politicians themselves to

get...to demand change. And then...one of course cannot downplay the role that is played by international human rights organizations, and in particular in this respect Amnesty International played a very key role in terms of publicizing violations that were being heard from Kenyans. And I think the convergence of these – at one level international human rights organizations raising these issues at international forum and slowly the pressure coming to bear on government itself.

BP Convergence. You're focusing on groups. Would you contrast that to the contribution made by individuals? Even people working against their own groups; without their own groups? Did they have any impact?

[Legitimacy of activists depends on how well they reflect group views]

MR I think so. **I think committed individuals themselves have played a very significant role. But what is, in my opinion, what is of interest is how these individuals themselves have legitimized either their argument or their position by saying this is the feelings of such and such a constituency.** It might be a solid?? constituency but these are the feelings of the many. I think the push for change has been premised a lot, based on – this is the popular feeling. People might not be saying it; they might not be largely organized; but if you care to listen, these are the feelings of the people.

So if one individual like the late Alexander Muge was speaking, he was saying, well, these are not just Muge's views [but] the views of my members of my church. The late Odinga who was not speaking public, there's a whole mass of people who are sympathetic with [his??] ideas. And you can see this in people who are using professional associations. The best example being of course the Law Society of Kenya in the early 1990s. And for instance, lawyers using their role, their rights ...and privileges as advocates and saying I have a right to see my client; I have a right to represent every client, irrespective of their political opinion and [the law] gives me these powers. So there's that effort to use or exploit [unclear].

[Organizations are the key to change]

And I think that's very key because that recognition that **for any change to come you need institutions, you need organized groups.** So without really downplaying the role of individuals, the balance was really achieved when those individual efforts became coalesced, became pooled together. This is the role that was played by FORD, for instance. But before that there were other groups like Mwakenya, December 12 Movement, many, many other groups which were organized and tried to really [rally??]...whether it is the University, the Academic Staff Union and all that, whether it is the Union of Journalists, whether it is in the churches.

BP Well, let me go back to one point, because you're making a strong point that major change, in fact, happens after individuals efforts coalesce into groupings. But you mentioned something earlier about popular feelings. How does one know that someone like [the late Bishop] Muge is not just speaking for Muge?.

[Gauging public opinions without polls]

MR Well, yeah. That's very technical?? In a situation, for instance, where there is massive oppression and you cannot carry out opinion polls, or well-documented polls as you carry out opinion polls in Western democracy. But there is a way, there's a sense of gauging popular opinion. How do members respond, how do people respond in churches? Who comes to the defense? Do members [unclear] or come to the defense of their Bishop? The Bishop is under attack. There is a whole non-formal system of

gauging popular opinion, whether it is discussion in matatus, whether it is discussion in shop fronts. What do the young people – what are the young people saying when they meet at shop fronts every evening? So you have a very crude measure for it; it's not so scientific, but it's a way of sensing whether the mood – where the mood of the country lies. And in a way, I think even before it burst into our popular street protests in the 1980s [he corrected this, below, to 1990s], there was evidence of this and the government had to respond to this.

BP 1990s you mean?

MR 1990s, and before then.

BP It's not something one measures so much, scientifically; it's informal. Are there ways of calculating or are there public examples of the shifting consciousness? Because very often you hear that human rights **activists have helped to break down the barriers of fear** and have challenged rights which people didn't think you could challenge and then suddenly there is a change of consciousness. How do you sense that change of consciousness, if in fact it's what you are saying, that there is a change of consciousness?

[CULTURE OF RESISTANCE GROWING SINCE EARLY 1990S.]

MR Well, again, talking to people, going out to talk to individuals. It is interesting that even the language of rights, people are invoking the language of rights, whether it's in their dealing with Provincial Administration, and which has been the face of repression in much of the country, countryside in Kenya. But I think I would say one measure is how do people, for instance, respond to decrees and edicts by the chief, for instance. You hear people now saying, 'No, the Chief has no right to do this; the Chief has no right to beat up people.

[Comment: in an amendment to the constitution passed in 1997, powers of the Chief were reduced.]

And people are actually going farther to tell the Chief, or the DO [District Officer] or the local – in those times it was the local KANU Youth wingers that you have no right to do this. And even some people go farther to even threaten or take up court action against these minor officials...Once in a while you hear people coming up in public meetings and challenging leaders who have not been challenged. It was almost unheard of that you would flash the two fingers [a popular resistance gesture supporting an end to one party elections] at [President] Moi when he was passing through Kakamega in those times. That was in very early days – I think in 1991.

BP What happened?

MR You know, the usual way people line the roadside waiting for Moi, and instead of flashing the one-finger salute, people are flashing the two-finger salute. So there is, indeed, a great change in awareness, I must say. In traveling through rural Kenya its amazing how people have –

BP OK now here, this is very interesting. You have been into rural Kenya, much more than I have and much more than most people. You've done reports based on research, very close, intimate research based on what's happening in certain rural areas. When did you start that research – mid 1990s?

MR Yeah, I think the first research I did for the Kenya Human Rights Commission was in 1997.

BP Was that the repression report?

MR No, that was on the media freedom – shackled messengers. Yeah, this largely focused on media freedoms. I did not really largely speak to ordinary Kenyans; rather I spoke more to professionals.

BP But on the repression report in '97.

MR. That was my report.

BP It was an excellent report, by the way. I have it in Florida.

MR Thank you. In 1997, 1998 I traveled much of rural Kenya, did lots of interviews. Some never came out as reports. I did talk to many people in the Rift Valley, of course, and all that.

BP What did you find in terms of consciousness of human rights?

[Human rights consciousness high even without additional education]

*MR I am not one of those people who share in the opinion that the consciousness is very low. Or even the notion that people must [have] civic education before they can participate in constitution-making. My experience is that people don't have the fine language of putting it as these are my rights. **But people know. They may not be very articulate but they say what the government is doing is wrong.** [For example:] where are the roads with the taxes? People say how come people are starving. How come money is stolen [by the government]. How come people are killed. And even – to me these are real human rights issues that people are raising. They know it's wrong. They know that the judiciary is corrupt. That's the refrain you hear from everyone. They know the police brutalize people. And they're all challenging this.

[Organizations lacking to protect rights]

I would say what is not so much there is a sense of organization. People are not so actively organized to actively challenge the system. But when repression comes, people are using their awareness, the consciousness, the language of rights.

BP Where do they learn this?

[People know their human rights – intuitively]

MR (pause) I don't know. My own interpretation is that people distinctively know what is wrong and what is right. One does not have to be told it is wrong for the police to come and rape women. They know it's wrong. They know that it is wrong that people have to starve, that farmers cannot sell their food. I mean they see these things, they know, its intuitive, unsaid. The notion is really intuitive. That's why I really have a lot of problems with the notion that people have to be taught, given civic education. I find it a bit patronizing.

BP I wasn't even aware that that was a big issue. There is a group of opinion that says if poor people know their rights they have to get certification?? What you're saying is that they know it.

MR. They know it intuitively.

BP What you're saying is they need organization. How far has the effort gone in Kenya to provide the organizations that you indicate are needed to extend human rights beyond the urban centers?

[Culture of resistance growing in rural areas]

MR I would say we are not where we ought to be, but I would say there are signs of hope in the sense that **people are organizing** along – the only way to organize people is around interests – their own immediate interests. How to make those connections to the larger picture of human rights and change, political change, within the country is probably what is the gap. People are organizing around issues of immediate interest, whether it is a road that we maybe can not take our crops to the market so we need to fix that road. The gap I am referring to is how do we make the connection between...that road and the questions of rights, that government has responsibilities. There's a sense in which there is almost – that the connection is not so easily made, for instance. It is not that [unclear]. How do you make that connection that people – that government is failing in certain obligations, without [the excuse of] government saying we don't have money, we are a poor country.

BP Could you apply and narrow this down to the actual, more what I am focusing on, which is the hard-core political rights, not the economic rights and social rights which are very important.

MR I always get carried away by ...one of my main areas of interest. In a sense, why I am alluding to that [economic rights] is because I see political rights organized also – organizing politically for instance to bring political change has to be based on interest. So as people have the right to organize to fix the road, its not so clear that you can organize to bring real political change within the government itself. But coming to the issue of political organization, political rights themselves, I think there is change also in terms of are people able to say organize themselves into political parties. That's an accepted thing now in most parts of the country. If I go to my rural area, I was there last week [August 2002], people are bubbling with excitement of KANU nominations. They are saying, OK, we will watch KANU nominations so that those of us who are [unclear] we are going to defeat them once there come the elections. And you know, people are opening their mouth now. People, even when you have development meetings, the Chief will call the chairman of the ruling party, the chairman of the main opposition parties. So there is also an acceptance, I think, largely, in many parts of the country, of multi-party system. And people can express opinions freely.

BP Is there an acceptance of basic human rights beyond having more than one party?

MR I'm not sure. I think it's in the rural areas that you have main concerns – of human rights violations.

BP That's where most of them are taking place?

[Abuses more common in rural areas]

MR Yes. And my evidence is very anecdotal. But there's a sense in which [unclear] torture, for instance, of suspects goes on lots more in rural areas than urban areas. Of course we have more rural areas than urban areas in Kenya but the incidents, the reported incidents that you get are more in the rural areas. Police –

[Police torture non-political]

BP Is there political motivation behind that or is this just methods of policemen that have not changed since Independence?

MR I think so [which?]. One of the explanations for that is that there is much more exposure and spotlight [on abuses] in urban areas than in the rural areas. In the urban areas police are bound to be much more careful in dealing with suspects than in the rural areas. I don't think it is a deliberate, political scheme. Rather it is that more in the rural areas the officers know they can do it and get away with it. That gives them the motivation.

BP Because its less reported.

MR It's less reported; there is less press, for instance. The press plays a very critical role in ...holding the government accountable for human rights violations. In a whole district you might find one correspondent. So by the time a correspondent reaches a place to file the story, it's all lost. So that attention is really what tilts the balance a lot. And if you talk to police officers...they will tell you that they are scared of the tortured suspect and the matter reaches the press or human rights organizations.

[Ruteere authored an extensive report for the Kenya Human Rights Commission on police abuse of human rights. It is not a 'safe' topic. Two investigators of police abuses were murdered in broad daylight in Nairobi during Mwai Kibaki's second presidential term, sending shock waves through the human rights community in Kenya. Most observers blamed the government for the killings.]

BP Has the government taken some action to sack those who are actually found torturing [Kenyans]?

MR I think there have been some instances yes, quite a few instances, like the [names a case] Of course after lots of pressure from human rights groups. At first the government just denies. It's a main prison in Nyerere and last year, six [King'ong'o prison in Nyerere]. Last year prison warders clobbered six people, death row inmates to death. And they said they had tried to flee, to escape. First, the government denies it [saying] they were running away. But after pressure and after human rights groups said no we don't even trust the government pathologist; we are bringing our own pathologist and there were even exhumations and fresh post-mortems were done. And ...the Magistrate found that they were killed by the warders. So the warders have been arrested now, the guards. The trial is going on. So, that's something: the arrest. Once an arrest takes place there is prosecution.

[Most rights organizations are in Nairobi; few in rural areas]

BP Is there a new network now of human rights groups throughout Kenya?

MR Well, we have a loose network, this human rights network that brings together human rights groups; most of them are based here in Nairobi. We have in Mombassa, Muslims for Human Rights.

BP So how many in terms of numbers are we talking about – human rights groups – in rural areas. Five or six, or hundreds?

MR Probably 15 – 14? Many of them are affiliated to Kenya Human Rights Commission.

BP Are they active?

MR It varies. Some are active, some are not.

BP Are they making any progress?

MR I think so because that presence helps a lot. We don't handle very high profile cases, but they do have a lot of local impact. And the other groups are the church groups, for instance the **Catholic Peace and Justice Commission are very instrumental in monitoring and taking up cases of human rights.**

BP Have you seen an increase in their activity since you've been working?

MR Oh, yes. Oh, yes. They've been a very, very big partner. We've worked with them very, very close on issues in various parts of the country.

BP Any particular church?

MR The Catholic church especially has an excellent network. The NCCK, too has [a network]. I'd say the Catholic church has an excellent network.

BP Let's go back to the 'tipping point.' What happens at this 'tipping point?' When do individuals move into that – when do organizations emerge, in other words, in the human rights forefront, taking the place perhaps or strengthening the role of individuals. What are the circumstances that allow that to happen?"

MR (pause)

BP At first a few, as you put it, persistent hammering by a few bold voices, followed by some actions and challenges in court, followed by what ?

[Role of local press emphasized in struggle for human rights.]

MR. [unclear]. Within the context of lots of other things happening – worsening economic times, lots of international attention, and also media spotlight. **Slowly the media are getting bold to report...**[abuses] which were not reported before. And that, I think, was very, very critical in this country – the role of the media, changing, and influencing change.

***[Teutonic plate theory: mental shift: lessening fear]**

BP Let me see if I can go back to an earlier point and combine it with this point. You said first of all that civic education is not necessarily a requirement for people to know their rights. Could it be, though, that since you are now talking about the role of the media being critical that it wasn't so much in terms of informing people of what they intuitively knew was their right but it was important in lessening the degree of fear people had in demanding those rights.

***[Culture of resistance growing; ‘breaking the wall of fear.’]**

MR Absolutely. When people say that, oh, it was even said in the paper, actually people are even challenging the President. And people are saying what we are saying. It is that, the idea that people are also feeling that what was said in Lodwar [a rural community] is what you are also saying in Nairobi; that what was said in Machakos is the same, same concerns [as in the capitol]. And I think that **the idea of ...giving voice to peoples’ ideas, of those things they have been saying under the table was very, very important in breaking that wall of fear, tearing it down, that wall of fear.** I think that’s the role the media played very, very critically. You’re reporting, because telling people what happened, that is what was not there – telling people that so and so did not die, he was tortured to death. And that changes a lot.

[Theory of resistance in a nutshell]

BP Then it takes the initial actions of someone to be reported in order to break the barrier [of fear]. So that’s the progression you’re talking about ?

MR Yes

BP A few voices

MR Yes

BP The reporting of it.

MR Yes

BP The emboldment of the average person.

MR yeah

BP And this sort of – I think what you’re talking about then is an invisible network.

MR Yes

BP A coming together of consciousness

MR Yes.

BP Even though they never meet.

MR. Yeah, yeah.

[Sounds like Anderson’s ‘Imagined’ Community??]

[How fear reduction works: publicity of principle]

MR It is a ‘network’ you get in matatus, riding in matatus [mini-van taxies]. Previously, I remember in 1990 you could not talk anything about the President in a matatu, you know, or in a restaurant. If you sat down you looked left and right and ordered your meal and you’d eat and finish up and pay and go. But **progressively you could see people entering a matatu and making a conversation looking over somebody’s paper...you get to hear everyone expressing their opinions and agree [about someone’s criticism of the government.] And I think that informal way of networking [sharing ideas] has been very, very important.**

BP Yeah, I used to hear it in taxies and people wouldn’t say anything. Then I would say something and Boom – [the driver would join in a political discussion]. Now taxi drivers are telling me [news] that I should be aware of . It’s sort of reversed. Matatus also; you get conversations in matatus.

MR. Absolutely

BP Do you think people really care about human rights more than economic rights, the area of your interest? [Or] can they be pacified or satisfied ??

MR No, I don't think so. I think people are demanding the entire spectrum. **I don't think they are going to be satisfied by giving them jobs but denying them political participation in any case.** And many people who are in the role of championing political participation could afford a meal...they could live comfortably; they have agreed to say OK, to have this and just concentrate on my professional work, I'm going to develop my career without rubbing people the wrong way. I don't think that will satisfy people. You know, its interesting, I was talking to someone yesterday and he said how we met. Somebody had walked into the office and told me he had gone home on leave. He had seen a case of someone who was badly tortured to death by the police and this case had been brought to him from far away. And he had walked into our office in 1996 when I was working at *Nairobi Law Monthly*. [The magazine, started by activist Gitobu Imanyara in the 1980s was highly critical of the government and its human rights record. He was threatened, beaten, and detained by the government, released after an international outcry.] People get angry at seeing something happening to strangers where they have really no direct stake. And I think for me **that is the hope of bringing change. That people actually care about the suffering of strangers.**

Motivation

BP One last question: motivation. Your own personal motivation. How did you get involved in human rights?

396 (tape counter number)

MR Ah, I don't know; I'm not sure. I guess I've always been worried about issues of justice.

BP Where did that stem from?

MR Probably because of the family environment where I grew up. I grew up in a very big family, a polygamous family. And polygamous families in countries like Kenya tend to have problems. One, because of scarcity of resources; competition of resources. And there are all these issues that affect our families: questions of what is right and the treatment of various people in the family. I think for me that's where it stems from, the fact that I could feel that injustice from [an early age] – of women...so I think for me that's where it stems from.

BP This may be a little bit too personal, but was one of the victims your mother?

MR Yes.

BP Did that make a change in your perception of life?

MR I think in a big way, yes, I think so.

BP Did you carry that out later. I mean what was the first example of something that would show that you were not just bothered by what you saw but actually wanted to do something about it.

MR I really can't tell

BP In *Nairobi, Law Monthly*, was that your first time you expressed an interest in human rights?

MR No. Even in college I was involved in student politics. I was editing the student newspaper at Moi University. [degree in Education]. I was on the student governing council – just a member. I was also editing the student newspaper. And I was involved. I was always a believe in what Amnesty International calls taking up a pen and striking a blow for justice. I would write letters to the editor about things I felt were not right in the country. To the national newspapers on...political issues, mostly.

BP Did you sign your name?

MR Yes, I always did.

BP Were you afraid?

[Individual activists inspired him. “People...standing up for principles.”]

MR No, I don't think I was. I think I was young – this was the most interesting time, fighting for change. They are behind us. **People like Gitobu [Imanyara], people like [Paul] Muite, you know, these were the idols. People who were going out and standing up for principles.**

BP Standing up for rights. So you were aware of what they were doing?

MR I grew up reading this type of publications [human rights publications]

BP Were you involved in any student strikes?

MR No, I wasn't.

BP Do you remember any specific example of taking a stand on human rights? Expressing a concern about human rights. Any examples?

MR Well, I'm not sure. A lot. Where I've written; mostly my [expression of concern] has been through writing [with the Kenya Human Rights Commission]. Even before then. I've written for *People* [newspaper] and for [unclear]

BP Why did you join *Nairobi Law Monthly*?

MR It was the most natural place for me to go. First, it was my favorite publication. You know I grew up reading any of the publications of *Nairobi Law Monthly* that I could lay my hands on. And ...the people who expressed their ideas in the *Nairobi Law Monthly*, they were expressing the ideas that I identified with. So it was natural for me to join *Nairobi Law Monthly*. I wrote?? For *Nairobi Law Monthly* when I was still in college, so.

BP You didn't end up being a lawyer.

MR I didn't end up being a lawyer [laughs].

End