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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 April 2009

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

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

Date of interview: July 18, 2002.

Interviewee: Njeru Kathangu. Kenyan human rights activist and attorney; member of Parliament.

Note: Q =interviewer (Robert Press); A= respondent (interviewee): Njeru Kathangu. The interview was tape recorded. Transcription includes occasional tape counter numbers made by transcriber. Double ?? indicates uncertainty of the detail cited or unclear words on tape. Includes research notes by the interviewer; underlined portions were added by interviewer for emphasis.

Honorable Kathangu works from a small downtown office. When his visitor greets him using the title "Honorable" that is accorded to Members of Parliament, he explains that he does not use the title and prefers to be called "mtumishi" or servant. He wears a dark blue, collar-less (Kaunda) suit.

Biographical information:

Profession: "politician"

Education: Diploma in Political Science from Claver Social Institute in the UK

In detention in Kenya from 1990-1992.

Ethnicity: Embu

Male

Catholic

Party: FORD Asili

[First 2 1/2 pages of transcription done by Perpetual Mwangi; the rest by Robert Press]

What I was saying is that this struggle against oppression and?? in this country started quite early. And by 1974-75, it had already started projecting itself [so] that a lot of African politicians were dissatisfied by the way Jomo Kenyatta, our first President was conducting public affairs. And that is the time that a few politicians were eliminated, culminating in the death of Josiah Mwangi Kariuki in 1975 march. And after that politics never became the same again because immediately after J.M's death, then there was the? for change of constitution to disallow the Vice President from ascending to power automatically. And there was resistance from those who appeared like they were close to President, in fact President Moi then, and they fought very seriously to uphold that status. So then after Kenyatta's death, there were lots of feelings that Moi should not be the president, but because he was going to be acting for 90 days, then few people, those who were very very active then decided to let go. Why? They thought that he may use his authority and power to crash them. And so things went? By that time personally, I was in prison again, I had been put in prison because of questioning the murderer or the murderers of J.M Kariuki, so I was put in and I stayed in prison from 1976-80. And we came out still saying

that Moi was not competent to lead this country, because of his **background and upbringing**.
[error: ended up bringing in politics]

Q: Were you an academic at that time or student...

A: That time, I was a military Officer, I was a captain in the Air forces, so they got me from the Armed Forces to prison for refusing orders that the military was expected to suppress rioters, who were demanding to know the murderers and whereabouts of J.M. Kariuki. It's a long story...that one. I thought it's good to give that particular background.

So from the subsequent years, from 1980, when I came out, I decided to pursue a higher education, and that's when I went for the Political Science. And I was in Britain till 1986 [he was there 83-86], and when I came back here, I decided to busy myself on family life education, going to communities, creating awareness about why our society, should change attitudes, social attitudes. Because I believed and I still do, that life in our society can only change [error: you] **an individual**. An individual makes decisions about what you want to see and he pursues those decisions by acting. And in 1988, I decided to go for a Party Post, then KANU, and because of my history, the Government **had** disallowed me to stand in general elections in 1983, because they thought that as a former member of the Kenya Air force, who had tried to overthrow the Government in 1982, I was going to pursue those ideas wherever. So they disallowed.

Q: In 1983, you run for a post. Which party post was it?

A: In 1983, I run for the Parliamentary Post, and then the Government and Kanu barred me from standing. So in 1988, I decided to test the waters, in 1988, I decided to run for a party post.

Q: Which party post?

A: The Kanu, to run for the Party Locally (local party chairman), and I went out there, and there was a lot of hostility against me, so I backed down and used my brother to pursue my interest and using my name but without my presence, I was elected into Kanu. These are the years that **you** we are talking about.

What has been happening since then? And so when I entered Kanu, and I was local party chairman, then I decided [error: know] **now** I was going to do was to mobilize politicians who kind of sympathized with our [error: calls] **cause** and we were able to come together starting with George Anyona, and a few others. And so we started propagating change in Kanu.

Q: What kind of change were you looking for?

A: Change leadership, change our thinking, move away from supporting them and so forth. And we did not stay for long because 1989 June they had realized our skills and they decided therefore, to start thinking about how to crash us.

Q: Could it be your [error: clients] **plans** at that point included multiparty perform a power fist or were you forecast more on change of methods within a single party?

A: We wanted multipartism introduced. And we wanted that the Kanu delegates would start talking about multiparty politics. So by June, they had realized what our skills were, and they (057)

Started thinking how to get rid of some of us. So we did not relent. We started developing what we call the manifesto for change and the reintroduction of multipartism politics in Kenya. And that is how we started meeting people like Kenneth Matiba, Simeon Nyachae, Charles Rubia, Oginga Odinga and the rest of them... and by December 1989, we had already developed enough courage and material to think that we could be able to go full blast to mandate for multipartism.

(renumbering begins here):95

TACTIC: seeking to break fear of speaking out by speaking out in bars.

We were talking about it in publicly. What we did was to dissolve fear among communities particularly among Nairobi, we selected a few pubs where would go in and talk loudly about what was happening in the country. [There was deep fear]. And out of every five Kenyans, we had an informer or a policeman, and it became very, very difficult. But nevertheless we still tried, and we were able to move into **slum** areas where some of us opened pubs and bars and moved to existing bars which were owned by friends. But we also discovered that it was going to be very difficult because when people new what we were doing they stopped coming to those pubs for fear that they would be arrested. And so something happened without any formal organization but I believe in consultations.

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Bishop Okulu, of Kisumu and pastor O. Reverend T. Njoya, talked on the 31st, the eve of the new year – “[Nojya mentioned – [?] verify- the winds of change”], because so much was happening... (one talked on the eve of 31st Dec. 1989 and the other talked on the 1st) ...to say that the [error: window] **wind** of change that was running across from the North and that African Governments, particularly our own [error: would] **should** admit that changes are simply unavoidable.

And so that was a new entry point for us that we were going to follow up what the clerics were now saying.

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***TACTIC: Public announcement of plans to form a new party: the famed 1990 press conference by Matiba and Rubia calls for July 7 meeting at Kamakunji to promote multi-partyism.**

Immediately after that, and this is the time now we were putting together the manifesto for change which was calling for multipartism and we had already proposed a party which we call The Kenya National Congress (KNC). But, we were pushed back because of the death of Robert Ouko in February 1990 (the murder). We feared that somebody somewhere may want to use this against some of us because we have seen how our system works here. And we were very happy when we knew that Ouko’s body had been discovered being dead in that place.

So we continued again to have meetings [and in April [??Murungi says MAY; check archives]1990 they announced plans for the Saba Saba [rally on July 7 for multi-partyism that was disrupted by the use of great physical force by Kenyan security agents.] And the new party would go to Kamakunji and mobilize the people about the formation [of the party].

[numbering picks up at 170 without a gap in the transcription]

170. Something happened which I would call stupid.....Matiba moved away from the group to try and recruit other people. So when he announced the multi-party campaign we got very affected because we saw a division coming. Now that division did not go for long because the police started following Ken [Matiba] and ourselves, separately. And from the time that Ken announced multi-party now, he also decided that he was not going to meeting us. He would be meeting Charles Rubia, Paul Muite’s lawyer, Gitobu Imanyara and – I think – Kuria [?]. So for us, we were still left and decided to support that announcement because we didn’t want to appear like we were getting divided. So we said: fine, we will support the multi-party now, but we want

some discipline in this thing. It wasn't quite ready: they jumped the gun. Rubia wasn't involved, but Matiba was, so Matiba went to recruit him. And they came to the press conference.

Nevertheless, we thought now that he has let it out [plans for multi-partyism] we continue doing it [promoting the idea] And so, when the Saba Saba was announced on the 23rd of April, we went out ourselves to mobilize for the Saba Saba, but still warning Ken that arrests now [were going to happen]. We knew [how] Moi would perceive it. We continued [to prepare for the rally] and by the 4th of July, after running up and down with the police, Matiba was arrested with Rubia and Raila. But we went on ourselves to prepare for Saba Saba. We went to the Saba Saba [planning??] meeting; we went there first to prepare the envoys for [football??] Then after that everything cracked.

We went there ourselves [to Kamakunji July 7, 1990, despite a heavy police presence aimed at disrupting the rally. Matiba was already in jail.

BP Who went with you?

TACTIC: Saba Saba 1990: a week of mass action

TACTIC: "liberation music" and some 4,000 [??] arrests. [See Ngonyo Wa Gakonya of the Tent of the Living God at Kariako market roundabout Sundays 3-4 per Mugenda

NK Myself, George Anyona, Ngotho Kariuki [now a professor in Namibia]. Physically we were there. We pulled out of the stadium at the Kamakunji ground [?? No stadium at Kamakunji but one nearby; pulled "out"??] And we took positions in the city. We had already established an office just next to Kamakunji. We placed ourselves so we would be able to control [??what] and know what was happening in Mombasa, what was happening in Kisumu, and so forth...the activities in the week developed into something called mass movement. For about seven to nine days there were lots of activities: youth coming out in big numbers, and a lot of music, liberation music on the streets. And the police decided to arrest all these people. A total of about 4,000 young people were arrested. It has always been there but it wasn't played every time. Songs sung during the '50s; songs sung during the years of Jomo Kenyatta; songs sung about how the African was going to fight the colonialists and so forth were on the streets in about three days time. **People really got mobilized by it [the liberation music]** And the police went out there and they arrested lots of people – and 4,000 young men were put in.

BP. Cassettes? How was it distributed?

NK It was sold for 60 shillings. The music, because of what was happening, because of Saba Saba, was produced in the studios of River Road [Nairobi's heart of music production and sales], very rapidly – an underground thing.

BP There were also riots (around Saba Saba 1990)

NK The riots started immediately after Matiba was arrested on the 4th of July. And the riots went on [where?]. They were only cooled down a bit because of the entry of [South Africa's future President, only recently out of prison] Nelson Mandela who came here on the 11th night; and that 11th night was when we were arrested [at Mutugi Bar and Restaurant in Nairobi]. We were arrested with Anyona, Professor Edward Oyugi, and Professor Ngotho Kariuki, four of us. For more than a year we had been planning about how best to introduce a new party in this country. Secondly we could see things developing, like for example, young people deciding that if a new party was disallowed they would go [abroad?]. We were talking publicly about multi-party.

This was a consulting meeting [the moment they were arrested] about the events taking place right then and how we thought we'd still continue managing. [They were sitting at a table] There were about seven of us looking at what was happening, what is about to happen, and what our position was going to be. [They were arrested about 11 p.m.] [date July 11?? Check archives].

TACTIC by government: torture to get confessions: water torture

BP were you tried?

NK We were tried for sedition. Convicted. The trial started immediately on the 11th of July. We were put in first for 14 days. They were trying to torture us to find out what exactly we were doing; whether we were trying to overthrow the government. We were in for 15 days [in the torture chambers of Nyao[spelling??] House and the nearby Nyati House, headquarters of Special Branch police] Nyao House is also Special Branch. Nyao is for Nairobi and Nyati is the [national] headquarters. They kept us in water cells. I had a lot of boils and many wounds because of water. Some of us stayed in water for about seven days; others stayed four days. I think the longest was seven days.

BP Water up to your ankles?

NK You know the way they have done, they put rubber around the door and the thing has been done for waterproof walls. There is a small hole [through which food was passed]. But they only gave a piece of bread, a piece of bread; and a piece of bread for several days, for about four days, a piece of bread each day...each day. You ask for water, the fellows would never give [it to you]. Terrible. And they get you out of that water...[the water entered the cells through a] hose pipe, sometimes as high as four feet,

BP What?

NK As high as four feet. [Kathangu stands up behind his desk and walks to the closed door of his office, demonstrating the height of the water with his hands.] What they would do is on the door, just about the height here is where the hole is [for the food to be passed through, or the hose?] And they put rubber all around and this closes with that rubber on the floor, so there is no way for the water to get out. They would push the hose pipe here, into the cell and fill it with water, sometimes as far as here [he indicates a height of about four feet from the floor].

BP I always thought it was like that [gesturing at ankle height]

NK No, no, no, no. That one [low level] was nothing. And you're getting tired; you are getting sleepy; you are hungry, so you can imagine. Then they put on the top of the cell some little speakers, a speaker system that would be producing sounds like women's shoes walking and psychologically it wears you, that there is someone walking around here and you are suffering and nobody would come to... [you] or anything. Psychologically you feel very, very tortured.

They remove you out of the water after those seven days and they send you [from] the underground [cells] to the 24th floor where you find interrogators, very ugly characters. Blindfolded, naked. They remove the blindfold when you are already in the room. And about 35 people are surrounding you. They look at you; they laugh at you. You get so humiliated. And after they finish questioning you, sometimes slapping you, mocking you, asking questions like: did you know, for example, that there was somebody who wanted to overthrow the government and they wanted to use you? Did you know, for example, George Anyona is organizing the [armed] camp and that you were going to be the manager of that camp and you were going to command; that there is a certain force that was going to be organized so that you become the

General and you will fight the government? Such things. Do you know we have about 1,000 guns...ordered from Somalia, from Sudan, from Uganda. Very seditious.

BP how long would the interrogations last?

NK They would be with you for about two hours. Then after that they would release me to another cell where there would be a woman or women soldiers with some two men standing by. And they hold your balls and using pins...ask you to agree that you were planning to overthrow the government. And because you are a military officer they were doing this because they knew you were competent; that's why you were recruited into it.

[His voice reaches a quiet, high-pitch, as if recalling the terrible treatment] I'd say, [voice lowers again]nobody recruited me: I recruited them. That's the difference. So whoever's telling you that they recruited me was wrong. I recruited them because we wanted change here; not about overthrowing: democratic change, which does not require arms.

BP Did they use the pins?

NK The pins? Yeah, [high-pitched, quiet voice] yeah. It's painful.

BP The women did that?

NK Yeah, the women (loud) did that. And the men are here with guns.

(Voice returns to normal, deep resonance after what obviously was a painful memory of every detail of his prolonged torture, a torture few were able to withstand in Kenya without signing a false confession.) So, anyway, after that, then we went through the trial, which took quite long. I think it was the longest trial in Kenya. The four of us were tried together. It took one year. They put us in for ...George Anyona was given 15 years; I was given 14 years; and the rest were given 7. Then they made them concurrent. So all of us were going to serve seven years.

TACTIC – using the court as a political platform: activism behind bars

TACTIC – Multiple attorneys – a show of united defiance. (23 in this case)

386. We decided to apply for bail. So our lawyers applied for bail. We applied for bail in prison. [Our attorneys were] Paul Muite, Charles Nyachae, Nderi Ndumma, now the President of the Swaziland Industrial Court, Paul Buti, Muturi Kigano, and (?) Mobogo. [Twenty-three attorneys were listed for the case, according to Kathangu; Muite was the lead attorney.]

BP What effect did this all have?

NK One thing is that **our case became one of the main mobilizers of multi-party in Kenya because we decided that we were going to use the courts for political statements.** And secondly we were going to use those courts to disprove of the judiciary.

Sub-TACTIC (within the court use strategy): dismiss the lawyers when the defendants wanted to speak on a motion and the lawyers were prevented, leaving them to speak for themselves. [??
Clarify the circumstances; see Muite transcript.

BP In a sense you carried on the same [multi-party/human rights] dialogue you were carrying on in the bars.

NK Same dialogue, because what happened is that where the judges or magistrates denied us making statements, then we would dismiss our lawyers. And we would be left unrepresented. Whatever motion was in court and we wanted to speak, and the magistrate would refuse us, then

we would temporarily dismiss our lawyers so that we had to speak for ourselves. That was the strategy.

BP And it worked?

NK Oh so much Because for more than one year our case was headline news every day, every day, every day. So that lots of demonstrations also started in our own areas, where George Anyona came from, where I came from; people demonstrated. Anyona is from Kissi.

Sub TACTIC – file many accusations, stretch the trial out to continue the negative publicity against the government.

BP How did you stretch out a trial for a year: was it the government's prosecution or the defense?

NK Both sides; both sides [Bernard??] Chunga was the prosecutor. He's the Chief Justice [of the High Court??] now; he's a hangman [Chunga prosecuted cases in which, according to Amnesty?? Defendants had been tortured into confessions in the late 1980s.], a hangman. From our sides we developed lots of complicated accusations which sometimes needed clarification. For example, we wanted to prove that Nyao House was in natural fact a dungeon for torture. We were charging the government with torturing us and we wanted to prove it. And we wanted the Magistrate to agree we would visit Nyao House. They refused after big arguments. What happened was the day we were supposed to go to Nyao House in the trial within a trial the government brought a notice that Nyao House was a restricted area and therefore we could not visit it. [Kihoro, another torture victim and later a Member of Parliament, also said the suspected torture cells had been ruled by the government a restricted area, even denying access to them by Parliament.] We proved our point and they....said no.

We also brought things about life in prison, like we had been kept with the lunatics. That was true. Lunatics. And you walk out and you are walking over feces and these fellows are all over the place making shouts and so forth. You can imagine how lunatics are. So we wanted to prove that these fellows wanted to destroy us. And so that was an argument that took a bit of time because the Commissioner of Prisons and others want to come to say that we did not put them in with lunatics and so forth and so forth but never changed anything.

BP So you decided to use the court to make political statements, and that became [the goal].

NK That became [the goal]. And every day we would bring something new that would mobilize [people].

495 **IMPACT:** newspaper headlines for a year mobilized public sentiment in favor of multi-partyism.

BP I remember seeing this from the newspapers but I've never heard from one of the participants.

OIA, HR –Kenyan churches, international organizations, and the media – local and international helped raise publicity over the detentions and thus put pressure on the government to release them.

NK So we used the courts very effectively and we believe that the court proceedings mobilized Kenyans quite [a lot in favor of] multi-partyism. And the church took over to fight for our

release and lots of bodies, organizations started yelling that we should be released: international organizations, including Amnesty International, and PEN for example. PEN was very vocal; the Human Rights Watch. A majority of newspapers, some of which we been said to be [??security] in the country, including the Indian Ocean News, would talk very, very seriously about [the case]

The trial took about one year: July 1990 to July 1991. Saba Saba to Saba Saba. Then we started fighting on the bail, which we did quite effectively also from September 1991. We started anew. Bail pending appeal. Then by December of 1991 there had already been too many things happening. All the lawyers had come together to join Oginga Odinga for the clamor for the registration – registration of a new party, and so many demonstrations taking place.

BP And the event of November 16, 1991?

NK November 16 is when another group decided that they were going to go to Kamakunji again.

BP Orengo and Shikuku.

NK Orengo and Shikuku went there. And that day, about 16 of them were arrested from Nairobi. And they were flown back to their home areas. That is where they were arraigned in court.

TACTICS amounted to promoting multi-party from within prison.

BP In a sense what you were doing is pushing for multi-party from within prison.

NK Correct. We did a lot in prison, a lot.

IMPACT: Kenya adopts multi-party elections as a result of combined pressure from the Kenyan churches, international human rights groups, and public demonstrations.

NK So by the 4th of December, the President and his government had been pushed so much [why does he mention 4 Dec.; what happened that day??] Amnesty International, for example, had sent letters from across the world to the four of us in prison.

BP Did you get those letters?

NK Later on they were released to us.

BP After you were released or when you were still in prison?

NK When we were still in prison, the officer in charge would tell us that there is a lot of mail that is coming from without. And he would release a few, maybe about ten per day.

BP Do you have any idea how many you got?

NK I counted later. What they released to me was about 7,000 letters. And these 7,000 letters had been copied to the President, the AG [Attorney General] and the Chief Justice. According to media, and I think because of the world community, and the religious sector [in Kenya] and the demonstrations, the government gave up. In December they decided to change the constitution to accommodate multi-party politics. The government gave up [as a result of this combined pressure].

In 1991, the donor community withheld aid disbursements, linked to human rights and democratization.

BP At that time when I was on the phone talking to people at the meeting (in Paris), asking if human rights was the issue up there. ...They basically kept saying [the issue was] economic reform. But it came right after Kamakunji...and internal pressure...

NK They were aware that human rights were highly-abused here, but they would use those funny descriptions of economic reforms...which according to us did not make a lot of meaning. Our government had been stealing a lot of money, in billions [of Kenyan shillings]. So then after that

on the 16th of December, which is actually my birthday, word came round (we were then in Naivasha prison) we were required in Nairobi for the bail hearing.

We had occupied a three-story building with 105 cells. So each one of us would be in one cell, somewhere, either in the first floor, or ground floor, with the other on the second or third or something like this. What came to me, that apparently we were required in Nairobi for the bail application and that appeared that the prison didn't want to be interested for the bail application, which would mean now.... (tape ends, side one)

(side two of tape one)

Sub-TACTIC in prison: faked illness to reach Nairobi and get to bail appeal hearing

1. So when I was told this [about the pending bail hearing in Nairobi], the person who brought us this news is the late [??] Ombaka [who died two days before this interview] News that the High Court had fixed a hearing date for our bail application and that a lot was happening outside e [prison] and they didn't see any reason why that the opposition then which had already been formed a few days earlier was going to take over government because all the country was...on fire. They [the public] thought Odinga was going to be the next President. Anyway, this was news that Ombaka brought us. And we thought that the prison may delay us because if the production order [to appear in court] had not been given by the High Court to the Prison Headquarters, then it meant a long time before our lawyers communicated [on the issue]. So I thought the best thing was to organize faking illnesses. And when I called the Officer in Charge to say that I felt very ill, I also asked him whether he could allow me to talk to my colleagues and tell them that I was sick. Fortunately he agreed. So one morning he brought us together [the four prisoners who had been arrested at the same time on sedition charges] for breakfast. And that is when I told them that we should have a scheme so that there is movement between Naivasha and the city [Nairobi, the site of the High Court. If the bail hearing order was not communicated in time to the prisons, or if the prison officials decided to delay so that the prisoners missed the hearing date, their confinement would drag on and on. The aim of the fake illness was to win a transfer to a hospital in Nairobi and be closer to the High Court and somehow get taken to the hearing, something they figured would be more unlikely from Naivasha]. The clinic officer at Naivasha felt that he was not competent to deal with such political prisoners, so he quickly allowed that some of these people who were sick can go to Kenyatta Hospital [in Nairobi] through Kamiti prison, which is just here [in Nairobi]. And I was the first one to be brought.

I was brought to Kamiti [?? Spelling] and I said I have problems with my eyes and ...ulcers. And so my lawyer was informed and my wife and so they came to [see me]. I was sent to Kenyatta Hospital for tests and during that time, the town had already known that I was in town. The word got out that these people [the Anyona four] are here [although the other three were still in the Naivasha prison]. The lawyers organized that our production order be brought to Kamiti. A week later George Anyona [also came to the Nairobi prison, apparently for medical reasons]. What I'm not sure is whether they had decided completely to have us have the hearing or was it going to be done by the lawyers. Because it could be done two ways. The lawyers could represent us without us. But the application that the High Court used is the application that we (emphasis) had filed from prison, on our own behalf.

BP You were afraid they would have a hearing and say they [the prisoners] didn't show up.

NK Yes. We wanted to in court ourselves to continue with our [political campaign in the courtroom.] So, somebody, a lawyer went to the court and said we should be produced in court because it was going to be our argument...George Anyona followed me [to the Nairobi prison] about five days later, and when the production order came, then Oyugi and Ngotho Kariuki were brought to Kamiti. The officer in charge produced us [all four] from Kamiti. That was on I think the 13th of February 1992, after the announcement [by Moi in December 1991 that Kenya would switch back to multi-party elections]. So we came here [Nairobi]. We argued the bill [plea for bail] on the 13th; we were produced again in court on the 14th and that time the people again started filling the court. They came in, so many of them; it became like another trial – filling all over the place, all the corridors.

TACTIC – solidarity, after crowds filled the courtrooms [1992?? Almost certainly: see above]

On the 14th, the judge decided to release us. On the 14th of February we were released on bond. But unfortunately the documents had not been processed. We were released at about 4 [p.m.]. So we went back to Kamiti, and we refused to walk out unless all of us were walking out [free]. Some of us had already been cleared by the court but we refused to walk out of prison until the rest had their documents processed. [The next day they walked out together.]

Happiness at release; sadness over cooptation of the opposition by KANU stalwarts

BP How did you feel at that moment.

NK Something came to us that what we stood for was not exactly what was happening out here. Because out here, KANU, or the ruling party, had kind of instructed a few politicians to move out of KANU and infiltrate the opposition [there is no proof of this other than suspicion, and Moi's own statement that most of the opposition leaders had been his people]. So that they became the news gatherers or information gatherers about what is happening in the opposition quarters. And during that night we were in Kamiti hospital – our last night in prison was a consulting night. We thought that we should come in here [opposition politics] and try to purify the opposition quarters because the way it was, as we gathered, was that so many KANU Members of Parliament and officials of the party had decided to resign and join the opposition, not because they supported the opposition but because they wanted to know exactly what the opposition was doing. And we feared that our battles could be lost once again. So we were happy that we were getting released but very sad that the multi-party introduction in Kenya was taking another shape. [This overlooks the possibility that some of the new opposition leaders had not jumped out of KANU earlier because there had been no opposition parties to jump into.]

BP When Anyona came out he made a statement very critical of the opposition. Some people interpreted that to mean he himself had decided to join the government. [Am I correct??]

NK No. What happened was that we thought we should come and join Odinga so that we assist him in making better programs. FORD was [Odinga's party at that time]. The Democratic Party [headed by Moi's former Vice President Mwai Kibaki] had already been formed, but we saw Kibaki as a spoiler. So when we came out here and because of the opposition infiltration, George decided to accurately criticize [the opposition]. Some people could not understand. We could understand why George was doing that – because the people who had taken center stage in the opposition were the same fellows who were crucifying us every day during the years [of pre-

multi-party protests]. We could not see the morality of it [the move of KANU stalwarts into the opposition leadership posts] ourselves. There were very many [laughs]. If you go to 1991 December, starting with Kibaki, you would see people like Aloo Aringo [then the Chairman of Kanu??], Josephat Karanja, [??] Makau. There were so many. All those fellows. There were so many. The whole Kenyatta family was there.

BP I think some people still didn't understand his criticism.

NK There are many people who still don't understand George Anyona today. But the thing is, the way the opposition is structured up to this day reflects what we feared in 1992, and that is what makes it very different.

BP Do you have any differences with George Anyona today?

NK Personally? What has happened is that I think there has been a lot of frustration in George Anyona's life. He has kind of softened a bit, but not walking out of the original principles. For me, the man has been in detention twice; he's been with me in prison once, meaning that for about nine years he suffered and he was labeled. His family has been falling into small pieces. A man like this has feelings, also he's getting old. George is not young; he's not a 20-year old. He's going to 60 years. When a man is 60 years and he sees his children suffering all over he starts thinking about himself. So that's the way I look at it myself. Nevertheless, when you become a liberator, if you are a true liberator, then you do not count these things because in the first place you knew that they [the punishments, the hardships] would come your way. So George doesn't have an extreme excuse that he should not continue with his [goals].

BP Are there changes you are still seeking?

NK Yes, now. At this point, we have seen the trends; we have known that KANU has infiltrated in the opposition and therefore it was incumbent upon us now to see whether we could change that trend – the Kanu control trend and the infiltration. So, some of us again started thinking about how to identify serious people in the opposition to be able to form a clean movement for the people. And that we have been trying [to do] since that time. We come up with failures...styles and approaches. And I think, **poverty being what it is...it has become very, very difficult to bring people together and make them sustain movements.**

[Theory: sustained protest; social movement theory on keeping the pressure on; and at what point does opposition become institutionalized – and then is it still effective?]

First and foremost are the economic needs [of people]. People may not be able to keep together for long because each one of them has economic demands he has to attend to – including human rights lawyers (Khaminwa and Kuria made this same point about the often-limited income of rights lawyers in Kenya). Our human rights lawyers have to be paid. Sometimes they stay in the offices [to sleep??]. The politicians have to have some little income somewhere because of their families. And because of that I have found it extremely difficult to have the right people to work with.

[THEORY: see Scott on the various levels of participation and willingness of small farmers to join opposition efforts; it's usually the ones who have some income that makes them less dependent on the land owners. Here the issues is whether the would-be protester (activist??) has something to make them a bit independent from poverty and willing to carry out public acts.]

Seeking purer politicians and unity – a failed attempt

BP It sounds like you haven't given up trying.

NK No, I can't. I can't give up trying. In the recent times...between 1998 and 2000, I formed a movement called the Muungano wa Mageuzi, a movement that was supposed to bring in like-minded politicians together, to mobilize and unify Kenyans or unite Kenyans to be able to dilute some of the movement or some of the intentions that KANU was introducing into Kenya. And particularly the sitting of the fence by some of our opposition political leaders, which we thought was hurting us. It was not a political party, it was bringing political parties together.

What Muite had formed [earlier] was Mwangaza [?? Spelling], and then Safina. What Muite was trying to do was walk away from FORD-Kenya. This one [Muungano wa Mageuzi] was bringing political parties and individuals together. Muungano means alliance.

What these people [the opposition in 2002] have formed – that 's why I think our politicians are very queer; what you see as the National Alliance for Change is exactly what we were calling ourselves. Muungano wa Mageuzi is alliance for change. Something happened last year, because I was with James Orengo and Orengo felt he was party less. So his constituents were pushing him to belong to a party. So James moved to SDP [Social Democratic Party], he made a funny announcement: that Muungano wa Mageuzi was moving into SDP. We said, no, that is not true. Then again the movement started to crack.

No improvement in human rights (at least regarding arrests)

BP The international community often focuses on elections and is somewhat satisfied in terms of donors...when you get to multi-party elections. Now you have multi-party elections; two times. ...I want to go back to human rights. Have they improved from 87 to 97?

NK No. No. What has happened is this: the introduction of multi-partyism forced them to change **tactics**. Instead of wanton arrests for political reasons, incarceration into cells and prisons as in detention and so forth – and torture, what they [the government] have done now is to criminalize – criminalize activities so that when we arrest the reasons given will not be because of sedition; it will not be because of political statement. It will be because of robbery with violence, smuggling goods, etc. etc. [Note: this is the case of Koigi Wamwere, accused along with others stealing some guns to overthrow the government, an absurd charge unless one assumes that a few guns is all you need to carry out a coup de etat?? against a government with a strong and loyal military.]

And so we keep you in prison or in the cells. Because the reason is definite, that you are a robber, a thief, then the Kenyan public will not wonder: why are you keeping so and so. No. They will think, no, that's another thing; that's another robber.

Torture continues

TACTIC of government: separating the public from the opposition through widespread use of torture of the non-prominent to convince the public they can be hurt if they support the opposition.

BP But the main activists are no longer being arrested

NK No. **The main activists get their strength from the support they get from the people.** If the people are victimized, particularly in criminal activities, then they fear supporting you. They stand back. You hear a lot of people have been killed by the police. It's true. And the torture continues [see 1997 report of KHRC on systemic use of torture by Kenyan police throughout the country involving mostly non-prominent people.] The ordinary people are the

ones who have been tortured to instill fear so that they don't support [the opposition]. In every town and in every village you have got opposition focal people...and those focal people are the ones they have been eliminating slowly from among us.

TACTIC: Targeting supporters and activists in rural areas, not the party leaders.

The government learned the price to pay for attacking well-known leaders is too high. But many in rural areas are not known to any groups abroad, for example.

BP In local areas where people are joining the opposition?

NK Correct. They are the ones who are eliminated, put in prison, so that when I go to my constituency, I am told X Y was arrested.

BP Opposition party activists?

NK I would not say they are political party activists; people who know what their right to an opinion in our politics should be, and people who have gone out to propagate these opinions. Right? And later they are arrested [with criminal charges]. So when you go to prison or to the police and they ask you whether this man was caught stealing, what am I as a politician supposed to do. I can not be in favor of stealing. When I go to Nairobi streets and somebody was shot dead and there is a pistol put on his chest (this is the pistol he was using), do I go and say that this was not the pistol he was using? I wasn't there. So when you start following that reasoning and logic, you will see that the government has started targeting a very important sector...political sector.

BP So they are not necessarily targeting party officials but supporters and people who like to speak out?

NK Correct.

Government control of media still tight in 2002

BP Of the twelve [??] stations you now have licensed in Nairobi, only one reaches upcountry.

NK Radio stations. Only one upcountry, but it belongs to their own people: it's a government station.

BP If I am looking at urban change, there has been change. You're sitting here; you're a Member of Parliament, you're not in a torture cell for example. Maybe the **water of change** hasn't reached everywhere yet; in the rural areas there are still a lot of dry areas.

NK Correct

BP But in the urban areas it's a change but it shouldn't be considered that the change is universal.

NK Right. You have about twelve radio stations and every television station is able to get to everybody in Nairobi, but you can not be able to access the television stations in the rural areas other than the Kenya Television Broadcasting Corporation (KBC) [verify corporate name and explain government links??] And when you go to other radios, the radio that will be accessible to the people is KBC. And therefore what we think is liberal reporting or the reporting that people would benefit from does not reach the rural areas.

BP Except for newspapers.

NK The newspaper, the Kenyan Nation, goes to 225,000 people in the whole country [verify??] We are about 30 million. Now when you have 225,000 newspapers...its very small. Nairobi takes the bulk, then there's Mombasa and Kisumu. You go to my place, my own market place, which is a town, they only bring 15 copies. Now who takes the 15 copies. Those are the magistrate, the DO [District Officer], the OCS [??], a few businessmen, and a few teachers.

The “most oppressed” are the rural residents. Denied right of association?

BP How would you describe the state of human rights in rural Kenya?

NK Those are the most oppressed people, very oppressed, because every buck stops at them. That is, if the DO wants anything, he goes to that person [a rural resident]. The Chief, the sub-chief, the police; I tell you...the rounds that the police conduct: you can not walk in the rural areas after 9 o'clock [at night]; even some parts of Nairobi, because the police are going to be there – they will arrest you. They are supposed to provide security for you to walk around safely. But instead they arrest you and they put you in [charged] with loitering and trying to commit a felony and so forth. It's like there was a curfew. By 9 o'clock a lot of our people are in their houses.

THEME. Incomplete transformation. Partial reforms; continued abuses [same power dist.]

BP How does that affect human rights in terms of not being able to assemble. Can't they assemble in the daytime or have an opposition meeting or discussion of criticism?

NK When we talk about human rights, we are saying if at 9 o'clock, you are supposed to be in your home, you can not associate with people who like you were in their farms during the day. You get your time at 6:30. You've come from your farm at 5, you go have your shower, maybe a cup of tea. Eight o'clock is when you are free. So now when you come to a market place, you are told the police have come, they want to arrest you. **They have denied you association. They've denied you expression.** The minute you cannot associate, you may not express.

Another thing is this: freedom is important. And every time that you are threatened with arrest you start thinking about your freedom. And when the police say they can arrest you at any given moment after 8, then they have instilled in you a fear that you may not be able to fight with.

BP. So is the chief still pretty strong? There was a law [constitutional amendment] taking away the Chiefs' powers [not all of them, but trimming them down considerably in a bill passed in 1997 after mass protests met by police force.]

NK We have diluted them a bit.

BP Political rallies. You used to have to have permission; now you just notify [the police]

NK But that is also seeking permission. When you go to the police and notify them that you are going to have a political rally, and they tell you that you cannot because there will be another activity in that stadium or in that market. They have refused us a lot. We go to Kamakunji; we want a political rally, they refuse. We go to our place in Ruanges [??] where I come from; they refuse. They give stupid reasons about why you can not. So the notification is meaningless; it's like seeking another permission. [Others disagree and note that many opposition rallies have been held under this revised procedure.]

BP You must be frustrated as the current election comes and another [opposition] alliance is beginning to fall apart.

NK I am very happy myself when a society that had been docile, that had been passive, gets so frustrated because I think this trouble is about forming a forum for those desperately looking for freedoms and reparation. And until people have been frustrated, it is not possible for them to appreciate the needs in their life.

BP And they're not at that point yet?

NK Because here you are; people are denied. In actual fact they take the denial [of human rights] as the natural.

BP Has multi-party postponed that sense of frustration?

NK Yes, for a few years, maybe the first two years, there was some relaxation. But that relaxation was very temporary and everything [abuses of human rights] has started coming back. That is why the President can say today: this is the person I want to be President in this country. If a man who has been promoting democracy, so he says, can come here and tell us this is the man who is going to be President, that is abuse of the highest order in public life. Right? And the people do nothing (emphasis) about it. They have been fighting so that they can select and elect their own people. But here they are still quiet and listening to what Moi is saying, that I'm going to bring you (emphasis) one person called Uhuru to be your President; a young man who has never done anything in politics and who thinks that he's going to be President of Kenya. That is the [situation] this country has been going through.

BP What scenario do you see ahead in the Presidential election?

NK If [Uhuru] Kenyatta was going to take over the reins of power the difference between him and Moi and the colonial era would be nothing.

BP A continuation?

NK A continuation.

(end of transcription; end of tape)