

## **Human rights and information in Kenya (1994)**

*by*

*Shiraz Durrani*

### **HUMAN RIGHTS AND INFORMATION IN KENYA: A QUESTION OF POLITICAL POWER**

Human Rights, Information and Censorship  
Link One-Day Conference  
Saturday 19th November 1994

*I do not intend to give a detailed report on human rights or human rights information situation in Kenya. Rather I will raise some facts about violations of human rights in Kenya and give some examples of how human rights information is collected and disseminated. I hope this will raise some issues that can lead us to a meaningful discussion.*

#### ***Government Changes the people...***

*It may surprise some of you to hear that the human rights situation in Kenya is one of the worst in the world. The surprise is that information about human rights violation is so rarely available. It is easy to hear about such so-called violations in countries such as Cuba, North Korea, and Iran which do not meet the "democratic" standards set by Western governments. But little is heard of the inhuman use of state power against the people by Western-backed regimes in Indonesia, Zaire and Kenya.*

*In Kenya, for instance, people do not have the right to a passport which is "government property"; a meeting of more than 5 people, even for a funeral, need a Government licence; opposition MPs do not have the right to hold public meetings without a licence from the unelected DCs (District Officers), government bureaucrats who are as powerful as they were during colonialism.*

*But these are "small" human right violations. In truth, in Kenya today there is no right to the most basic human right of all - to life itself. But this basic fact is hardly known outside Kenya.*

*It serves the business and political interests of the Western governments to play down the significance of state terrorism in countries where they hope to make mega-profits. So rather than finding ways of stopping the atrocities, news about repression is suppressed or its importance is minimised. Caroline Moorehead analyses the current human rights situation in the world:*

*"The 1990s, supposedly the decade of international cooperation, looks set to become one of the most repressive eras in post-war history. But the Western powers, which once claimed moral superiority and expressed outrage at human rights violations, now point to the constitution and shrug off uncomfortable facts...the West appears intent on playing into the hands of the oppressors. Lip service to the written canons of international human rights agreements is now apparently enough to mollify Western governments."<sup>1</sup>*

*"Killing the messenger" has become a common way of suppressing news about human rights violations. Kenya's example in this field is alarming. UKenya estimates that in the first ten years in power the Moi regime was responsible for the death of at least 6,000 people.<sup>2</sup> When faced with mass popular demonstration during the period of Saba Saba (July 7, 1990) when Moi lost power to the people for almost a week, the regime was forced to hold the so-called multi-party elections. Knowing that it would not be returned to power in any free elections, the regime changed the Constitution, used legal and illegal methods to ensure that it retained power. It intensified human rights violations on a massive scale.*

*The worst atrocities were started in areas where Moi knew he had no chance of winning. In the Rift Valley, thugs armed and transported by the government massacred thousands, and created a mass exodus of refugees, emptying towns and villages of people who were then immediately replaced by Moi's supporters. Those who were driven from their homes could not even register to vote as they were not able to prove residency. The question of election*

---

<sup>1</sup> Moorehead, Caroline: *Killing the messenger*. The Observer April 17, 1994. p.52

<sup>2</sup> *Moi's Reign of Terror; A Decade of Nyayo Crimes Against the People of Kenya*. London. Umoja[UKenya]. 1989.

*"victory" was thus solved by Moi in the classic way of all dictators - instead of the people changing the Government, the Government changed the people.*

*In face of mounting opposition to these government-instigated massacres, the Moi-Kanu regime sought to impose a news blackout. It declared the affected areas of Rift Valley "Security zones" which in effect meant that no reporter could visit the area. Those who dared to go were immediately arrested and imprisoned by a judiciary system which does the dirty work of the regime.*

*Mwakenya records the human suffering inflicted by Moi in recent years:*

*"We estimate from reports by human rights organisations, church-based accounts, and augmented by our own networks, that since Moi initiated state terrorism in 1992 over 3,000 have been killed and over 500,000 displaced. Why has there been world silence? Because it is the ordinary Kenyans who are being shot with bows and arrows supplied to Moi's terror squads by the government. It is also because Moi is a darling of the West, particularly the British, who feel grateful for what he has done for them since 1954." <sup>3</sup>*

*Caroline Moorehead sums up the effects of news blackout brought about by the declaration of "Security zones":*

*"Security operation zones" have been set up, ostensibly to quell the violence. In fact the first to suffer have been journalists, visiting parliamentarians and human rights activists, who have not only been banned from the area, but imprisoned when they attempted to describe their experiences.*

*The news blackout has thus permitted the West to profess ignorance about what is happening. At the Paris meeting of the Consultative Group on Kenya in November,*

---

<sup>3</sup> *Stop Moi's State Terrorism Against the Kenyan People! The Statement of Mwakenya at the 7th Pan-African Congress, Kampala, Uganda, 3-8 April, 1994.*

*the World Bank and bilateral donors agreed to restore aid, which had been frozen two years earlier after atrocities committed by government forces were reported."*

*There is also another type of information which is kept secret from the people of Kenya. This is the information on the secret diplomacy of Western governments in manipulating politicians and opposition groups in Kenya. There is a 30 year blanket of silence which prevents us from examining what the British leaders are up to. In the case of Kenya, the British Government, the CIA and the US Government have used money and propaganda to discredit progressive, popular leaders and to promote their favourites who then become ready tools to achieve their goals. The US Ambassador in Nairobi became a sudden champion of democracy after years of backing the dictatorship. People's action during the Saba Saba made it necessary for the Britain and USA to play tactical games to ensure they retain close relations whichever side won in Kenya. Since Moi's "re-election", the US has once again become the regime's firm supporter. One no longer hears the shouts of "democracy" from the Embassy roof tops.*

*One case of secret diplomacy was hinted at in a recent press report. This showed the underhand efforts of the West to undermine the position of Oginga Odinga, the popular opposition leader. The West was worried that Odinga and the Ford opposition party were popular and were sure to defeat Moi and Kanu in any free elections. While Moi was using all legal and illegal methods to defeat his opponents at home, London was doing its best to ensure that Odinga did not come to power. Victoria Brittain records:*

*"...the influence of Britain remained strong in the political class, and British officials continued the same open suspicion of Odinga's politics that they had always had. The fatal ethnic challenge to Odinga for the leadership of FORD [the opposition Party] was triggered in London. He never recovered from the shock and disappointment." <sup>4</sup>*

*What is also kept totally secret is the lucrative arms deals which the West has with the regime. Recent documents released to the foreign affairs select committee investigating the Pergau dam affair shows that Kenya is among the big beneficiaries of Britain's defence contracts. It is also one of the countries which receives a big share of £100 million-a-year aid*

---

<sup>4</sup> Brittain, Victoria: *Appreciation: Oginga Odinga*. The Guardian Jan.25, 1994. p.19.

for trade programme. Britain has more defence interests in Kenya than in any other African country. British army holds regular army exercises in Kenya and British navy regularly visits Kenya. In addition, Britain trains Kenyan navy, army and air force. <sup>5</sup>

The arms and advanced torture weapons and techniques supplied by Britain, USA and Israel are all used in the end by the Moi regime against the people of Kenya, as Kenya has no external enemy. They are used to suppress the human and political rights of Kenyans.

### **T-Shirts Win Court's Wrath**

Two recent incidents relating to human rights will help us understand the reality of human rights situation in Kenya today. The first incident was in October 1994 when twelve people were arrested in court during a human rights case. They were arrested because they were wearing T-shirts with the words "RPP". These are initials of a human rights campaigning group - Release Political Prisoners. They had committed no crimes, used no violence, advocated no illegal methods for the overthrow of the government. Their "crime" was wearing shirts with the words RPP. The organisation - RPP - is not banned in Kenya. It has been operating peacefully for some years campaigning for the release of all political prisoners and supporting families of political prisoners. As it happened, one of their members was not in court that day and escaped arrest - until he went to the local police station asking for information about his colleagues. He too was then swiftly arrested.

The second incident takes place in September 1994 "at a hideout in a city suburb". A reporter of the Nairobi weekly *The People* gets a tip-off that a former radical lecturer was in town and the scene is set for a secret interview with an "exiled former University lecturer and ... political prisoner of the Moi regime, Maina wa Kinyatti." Maina, the foremost historian in Kenya, has written path-breaking accounts of the Mau Mau Movement setting right the historical record from the people's and the movement's own point of view. Its history had consistently been distorted by colonial historians and the Kanu regime who never sympathised with its message of a struggle for a just society. In fact Moi is on record as having banned not only any discussion of Mau Mau but the mention of its very name as well.

---

<sup>5</sup> Hencke, David: Britain builds on military ties with countries in aid-for-trade programme. *The Guardian* February 26, 1994 p.5

*Maina has served a six-year jail term on a trumped up charge of sedition. He was adopted by the Amnesty International as a Prisoner of Conscience and by the International Pen. Yet he cannot go openly to Kenya today, nor can the press interview him freely. The article on Maina appeared as the lead article in The People in its issue of September 4-10, 1994 - after Maina was safely out of the country.*

### ***Punishing the Printing Press***

*In this situation of extreme suppression of the right to free flow of information, how do information workers operate? There are two levels at which information workers operate in Kenya - an open, democratic level and an underground level. Librarians are not supposed to get involved in matters of human rights and freedom of information. If they do, they end up in the torture chambers like Maina who suffered "concentrated torture" at the notorious Nyayo House Police Special Branch headquarters. Most librarians who wish to retain their jobs, and possibly lives, end up as mere observers of human rights violations, unable to take any democratic action. In a country of high unemployment and an inflation rate of over 40% p.a., it does not make much sense to open your mouth and risk all means of livelihood. Those librarians who wish to play a part in the struggle for freedom of information do so in the underground organisations.*

*This is not to deny that there have been some improvements in the years since the Saba Saba week of popular opposition to the government. As Maina says, "Some of the things we could only articulate through seditious pamphlets are now said openly. However, so long as Moi and Kanu are still in power, there is still a long long way to go." For example, even the interview with Maina could not have been published before Saba Saba. There are now many newspapers and magazines, some run by opposition parties and the Church that have managed to survive. Some daily and weekly papers have been very outspoken. There are many brave journalists, publishers, printers and other information workers who have managed to maintain a certain level of free flow of information. People in buses and matatus can openly express their disgust with the corruption and the excessive wealth of the few in*

*power at the expense of millions whose daily lives are getting to be almost impossible. In the past, arrests would follow within minutes for such "outspokenness".*

*Yet the apparent liberalisation is a short term phenomenon until Moi feels strong enough to suppress them again. Once the eyes of the world are off Kenya, the situation will deteriorate rapidly. Already it is common for police to dismantle printing machines piece by piece because the regime did not like the content of what was printed. Journalists regularly end up in courts on flimsy charges and newspapers and publishers are made to pay excessive fines on similar petty charges. The reasoning on the part of the regime seems to be to stop "censorship by the bullet" (as it is in the habit of doing) as being too crude. "Death threats are enough to ensure self-censorship," as Carolyn Moorehead says.*

*Given the fact that information workers face life-threatening risks, how is human rights information disseminated? As far as internal information scene was concerned, much progress had been made. The pioneering role of the underground press in Kenya, which has been well documented elsewhere, should not be forgotten. For example Mwakenya has published its Draft Minimum Programme, The Kenya Democracy Plank, The Mwakenya Stand as well as its regular publications such as Mzalendo Mwakenya (for mass circulation) and its various internal publications such as Mpatanishi. All such publications have played a crucial role in pointing out the direction for achieving political rights and in preparing public opinion for demanding meaningful changes in society.*

*Other such internal sources included the information supplied by Mwakenya and Upande Mwingine, an organisation allied to Mwakenya, through its regular publications, Article 5 (referring to Article 5 of the Declaration of Human Rights on the freedom of information) and its well documented monthly records on human rights violations, entitled Upande Mwingine (Kiswahili for "the Other Side" of the information scene - referring to the information monopoly of the regime and to the fact of resistance of the Kenyan people which never gets reported.) It is noteworthy that among its underground members, there were several librarians. Another important source was Mwakenya's Register of Resistance which provided a real class analysis of the struggle in Kenya.*

*It is important to recognise that it is not easy for the underground to collect and disseminate information in a very repressive society. A vast mechanism of information gathering, organising, and disseminating exists. Some sources are open and democratic while others are only through the underground, disseminated through diverse means, including word of mouth. Many scribbled messages on pieces of paper have had to be swallowed by activists on being surprised by special branch police. Such information has, however, been regularly collected.*

*Once such information has been collected, ways have to be found of storing it safely internally. At the same time ways have to be found to disseminate it internally as well as outside the country. Kenya has one of the best trained special branch secret police and all means of communications are closely monitored to intercept messages. Telephones are routinely tapped and mail is intercepted as a matter of course. Even the use of photocopying machines and typewriters is closely observed by special informers who are planted everywhere. But the underground manages to keep one step ahead and manages to send regular reports outside.*

*Let us look at the experience of producing the UKenya book, **Moi's Reign of Terror** issued in 1989. Although published in London, the research for its content was done in Kenya. The book documents ten years of crimes of the regime against the people in Kenya.*

*In the early 1980s the Western world saw Kenya as a tourist paradise in Africa with political stability and rapid economic growth, perhaps with a few minor human rights abuses, but on the whole a "good model" for Africa. This image was projected and promoted by the US and British governments who saw its billions of pounds' investment and its strategic interest more important than worrying about Kenya's poor human rights record. After all it was only African lives that were being lost. The regime consistently received political and economic - not to mention military - support from its Western backers. Indeed Margaret Thatcher, on a visit to Kenya, praised its human rights record as the best in Africa. The regime continued attacking and killing people even as Thatcher was busy praising the regime.*

*The problem now was how to inform the world about the real situation in Kenya. There was a need for working closely with an external body who could publish the local research. It was*



*the London-based Committee for the Release of Political Prisoners in Kenya that did a pioneering work by bringing out its Newsletters and other publications in 1980s. For the first time the world became aware of human rights abuses in Kenya.*

*The turning point for changing world opinion on the human rights situation came in 1987 with the formation of **Umoja Kenya** subsequently called **UKenya**. This was an organisation of Kenyans in exile and had branches in USA, Australia, Sweden, Norway, Denmark and some African countries. UKenya has well established links with activists on the ground. These connections become useful in the important task of keeping the world informed about the real situation in Kenya. It could get first hand information about the situation in Kenya.*

*Using the information which included photographs from all these underground sources, UKenya produced **Moi's Reign of Terror**. It would have been impossible to publish such a title in Kenya, but once published overseas, it circulated widely through the underground. It recorded the massacres, murders and other human rights violations of the regime, giving irrefutable evidence to back its analysis. It even listed names of people known to have been murdered or "disappeared" by the regime. Such evidence changed the tide for Moi as he could not face any international organisation without having to answer questions raised in the book. UKenya branches throughout the world distributed the book and questions were raised at the UN, at the House of Representative in the USA, and by MPs in House of Commons in Britain. This was a valuable experience for the underground in Kenya as well as forces outside the country in breaking the regime's embargo on free flow of information.*

*UKenya publications were now widely distributed internally. The content of these publications, just as with the underground publications, gives courage to various groups who had been struggling in isolation. It showed that information is a powerful tool which can be used to undermine the unpopular regime. There was a growth in the formation of underground and overground opposition activities. Taking the lead from various underground publications and from the UKenya books and other statements, the Church and professionals such as lecturers and lawyers found the courage to stand up and speak against the dictatorship in the open. Whereas as late as 1984, it was difficult to find a lawyer who would openly defend a political case, by the of the 1980s there were several.*

## **Conclusion: Human Rights Don't Grow on Trees**

*Human Rights cannot be acquired by plucking them from trees or from chapters of well-meaning Declarations of Human Rights. Genuine human rights have to be fought for and are won in the course of fierce struggles waged with those who are opposed to them. It should be remembered that in class societies, there are those - the minority in power - who deprive the majority of their rights. It is necessary to accept this social reality if a correct analysis is to be made regarding the reasons why many societies and people do not have basic human rights. Only from such an analysis will a way be found to ensure that everybody has equal access to it.*

*The question of power in society also explains why some people in a society have economic, cultural and social rights while others go without: the right to basic human needs of food, clothing, and shelter; rights of nationalities to their cultures, languages, land and economic resources; the right of women for equality with men. It is not true that everyone in a society lacks these rights. It is only some classes that lack these rights.*

*The achievement of human rights are, by necessity an integral part of political struggles of a people. If all people in society have equal access to economic and political power, they would inevitably have equal access to human rights as well. Once the people have political power, they will free themselves from all forms of social oppression and from economic exploitation. Thus the struggle for human rights is in the final analysis a political struggle. That is why well-meaning human rights support organisations such as Amnesty International can only monitor and appeal to those in position of power to give these rights to all. But it is the action of the people themselves which will win them these rights.*

*The so-called "cold war" may be over, but the struggle for these basic rights is by no means over. Dictators such as Moi are still in power and are still backed by USA and Britain as part of their strategy to rule the world. Until the West lets go of its policy of controlling the world, it will not be possible to eradicate dictatorships, and the struggle for political and human rights will continue.*

*It is therefore important for progressive people and organisations in every country to support people's struggle for their rights. It is the united action of all such people that can, in the final analysis, ensure these rights for the people. It is in this internationalist spirit that I would like us to take concrete steps to support the struggle of information workers around the world:*

### Resolutions

- 1. We take practical steps along the lines suggested below to support information workers in Africa, Asia, Latin America, the Caribbean, the Pacific and in Britain who are victimised for ensuring free flow of information in their societies.***

*There is no international professional organisation for librarians and information workers which support their activities in their struggle for human rights and in the field of free flow of information. These aspects are as central to us in our profession as are issues dealing with our conditions of work. Journalists, trade unionists, lawyers all have organisations which support them if they become victims of oppressive regimes. It is as if as a profession we are saying that the struggle for a free flow of information and for basic human rights is not the business of the profession.*

*Practical steps could include:*

- (1) Maintaining a Register of victims of information suppression/censorship who are victimised for their professional work and social commitment. Practical offers of help and support for them should be made; organising campaigns for their rights to free expression, assembly etc.*
- (2) Maintaining a Collection of suppressed material (publications, music, etc), publicising their contents and making such material widely available on request.*
- (3) Providing paper, typewriters, computers, FAX machines etc to support the work of those struggling to maintain free flow of information in oppressive conditions.*

- (4) *Inviting victims of information suppression to conferences. Institute an annual Award to an individual, a community, or organisation for furthering the cause of free flow of information and struggle against censorship.*
- (5) *Explore ways of breaking information embargoes (whether in countries like Cuba, Libya and Iraq which are victims of US policy, or so-called "free" countries like Kenya) by providing practical support to those struggling under difficult conditions.*
- (6) *Publish a Newsletter to report progress on above projects and to provide a forum for exchange of ideas, views, and information on issues related to free flow of information.*
- (7) *Ensure wider awareness in Britain about issues connected with suppression of information.*

*All the above can be done in conjunction with other international bodies such as Amnesty International, PEN, Index on Censorship etc. Special funding should be sought from international bodies such as UNESCO, and European Union. It is also important to work closely with radical publishers and booksellers.*

## ***2. We build a system of international exchange of information in the field of human rights and the social struggles of information workers to build just societies.***

*The first problem facing information workers is to know what material is being published. The second problem is to acquire material published throughout the world, particularly because of shortage of foreign exchange in many countries.*

*It is proposed that we maintain a Register of progressive material relevant to the struggle for the establishment of just societies. Perhaps authors can be encouraged to deposit a copy of their articles at a central library, perhaps at a school of library & information science. These would be reviewed by an editorial board for suitability for the project. A list could then be produced, quarterly or monthly, to be circulated to all those who have registered to be on the*

*mailing list. If any article is required from the list, photocopies can be supplied free, or on payment of charges in local currency - payment to be made in Unesco coupons which can be purchased in local currency.*

*Such a project will enable information workers throughout the world to be alerted to new material and be able to acquire material.*

*Funding for such a project can be applied for from UNESCO, EU or other aid organisations. Employers should be encouraged to allow their staff to be involved in work associated with free flow of information and struggle against censorship.*

**3. *We establish a mechanism for influencing the training of librarians and information workers in all countries.***

*Schools of library and information science must give equal importance to social as to technical aspects of an information worker's work. The tendency today is perhaps to emphasise technical and business aspects of the profession sometimes to the exclusion of social aspects. While the former are essential, they should not be seen to be more important than the social aspect of their work. Seminars, workshops and competitions need to be organised to give such a correct balance in all training.*

*All the above projects can be run in conjunction with progressive Schools of Library Science who could run practical courses along these lines.*