

WATCHING RIGHTS.

ARYEH NEIER

It would have been better if Nelson Mandela had not stopped in Nairobi on his way back from the United States. Unfortunately he did and, at a rally on July 13 in the stadium named for Kenyan President Daniel arap Moi, Mandela declared, "What right has the West, what right have the whites anywhere, to teach us about democracy when they executed those who asked for democracy during the time of the colonial era?"

No doubt this provided comfort to Moi, who blames Western governments for trying to impose their system on his East African country. Yet Mandela's comment was at least ill-informed about what is going on in Kenya. There blacks have been demanding democracy and human rights. In reprisal, former Cabinet members, lawyers and journalists have been rounded up and, if past experience is a guide, they have been mistreated and even tortured in detention. This sparked demonstrations and street fighting in Nairobi and other cities and, by the time Mandela spoke, more than 1,000 arrests and twenty-eight deaths had been reported. The poor attendance at the rally for Mandela—20,000 people in a stadium that holds 60,000, with many of them schoolchildren and others required to be present—reflected either fear of further rioting or popular refusal to lend even the slightest support to Moi.

Moi has been President of Kenya since the death of Jomo Kenyatta, in 1978. His twelve years have been marked by the steady restriction of liberties. In 1982 opposition parties were banned; subsequently periodicals were shut down, the judiciary lost its independence, parliamentary authority was whittled away and the electoral process was reduced to farce. Moi has concentrated power, and much of the nation's wealth, in his own hands.

In the forefront of the struggle for human rights and the rule of law has been a group of lawyers who were among the targets of the recent crackdown. Those taken into custody include Gitobu Imanyara, the editor of the most outspoken surviving periodical in Kenya, *The Nairobi Law Monthly*; Mohamed Ibrahim, who has challenged abuses against Kenyans of Somali origin; and John Khaminwa. Kiraitu Murungi escaped arrest because he was out of the country attending a conference. Another lawyer, Paul Muite, went into hiding. Muite came to the United States in 1988 to receive the Robert F. Kennedy Human Rights Award for his colleague Gibson Kamau Kuria, who had been banned from traveling. Kuria himself, who took refuge in the U.S. Embassy in Nairobi on July 7, was allowed to fly to London after intense diplomatic negotiations.

Kuria, 43, is a hero of the international human rights movement. Since he began practicing law, in 1981, he has been representing victims of abuses. On February 26, 1987, he was arrested, shortly after filing a suit on behalf of three detainees who had been wrongfully imprisoned and tortured. He was mistreated in detention and was held without charge until December 12, 1987, when Moi bowed to international clamor for his release. Despite continued harassment thereafter,

Kuria remained outspoken and maintained his legal efforts on behalf of other victims of abuses.

At about the time that Mandela was speaking in Nairobi, Kuria was holding a press conference at the London offices of Africa Watch. He told journalists:

The Kenya I left behind is one where in Nairobi and some towns up-country, people are afraid of going about their duties because of the fear of the police, which has been harassing Kenyans since 16 June 1990, when President Moi declared that the debate on the multiparty system had ended and that the critics of the one-party system would be dealt with. The Kenya I left behind is also one where very many people want political pluralism to be introduced now, are defiant and are poised to continue demanding [it]. . . . It is one where journalists and musicians are being harassed for going about their work. It is one where people are being beaten up because of expressing dissent. It is one where some people were engaging in actions of lawlessness. It is one where the government had elected to listen to only its supporters and flatterers.

A particularly unfortunate aspect of Mandela's failure to recognize this state of affairs, and his appearance at a rally with Moi, is that it took place the day after Florence Imanyara, Halima Ibrahim, Joyce Khaminwa and Ida Betty Odinga (wife of another detainee, political critic Raila Odinga) delivered an open letter to the A.N.C. leader pleading with him to intercede with Moi on behalf of their husbands and three others. Expressing their admiration for Mandela's own struggle, and for his wife's fortitude in fighting for his release, the Kenyan women wrote, "What is even more painful than the imprisonment of the black man by the white man is the unjustified imprisonment of the black man by the black man when the black man seeks enjoyment of the very liberty and human rights for which the black man has fought the white man." At least publicly, Mandela disregarded this plea.

The imprisoned lawyers were released on July 25 as indications mounted that their continued detention would cost Kenya badly needed international aid and tourist revenues. Others, including former Cabinet members Kenneth Matiba and Charles Rubia, who have advocated multiparty democracy, remain in incommunicado detention at this writing.

The sense of disappointment over Nelson Mandela's statement in Kenya is all the more acute because, though he consorted with heads of state and other important personages elsewhere, he did not seem to lose his bearings. It would be comforting to think that he will reflect on his experience in Nairobi and that he will come to realize that, despite his reluctance to turn his back on the black African leaders who supported his struggle all these years, it is not the likes of Kenya's Moi, Zaire's Mobutu, Somalia's Siad Barre and Ethiopia's Mengistu who stand for what he stands for. The black Africans who have championed the rights of those who have been oppressed by these corrupt and brutal leaders, among them Kenya's human rights lawyers, also supported Mandela's struggle. Although powerless today, they are the ones who deserve his support.

Copyright of Nation is the property of Nation Company, Inc.. The copyright in an individual article may be maintained by the author in certain cases. Content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.