

Scars of Memory and Scales of Justice: Rethinking Political Assassinations in Post-colonial Africa

"We are mourning here ... not his death but the manner in which he met his death. Even if it takes 100 years, we want to know why he was killed and by who... The Daily Nation, March 17, 1975. Mwai Kibaki, On JM Kariuki's assassination in Kenya.

Preamble

Many African independent states have been unable to sufficiently marshal their enormous human and material resources to achieve a lasting political stability, economic growth and sustainable development. Since independence, many countries have witnessed an extensive, disturbing and systematic history of politically motivated killings and assassinations. The African regimes have presided over shocking and sometimes brutally effective record of inhumane laws, harassment, imprisonment, torture and other forms of oppression to terrorize, silence or otherwise neutralize those with dissenting views to the establishment.

Sadly, while such state perpetrated atrocities have been committed against citizens, there has never been any form of official acknowledgement or apology. For instance, Kenya had been ruled by regimes which have had no respect for human rights, the rule of law, social justice, transparency, accountability and other trends of democracy. It is against this background that a Truth, Justice and Reconciliation Commission (TJRC) was established in Kenya to expose the colonial menaces of land grabbing, massacres; the immediate post-independent frames of assassinations, as well as the late independence skeletons of state killings, the 'ethnic clashes'; and the economic scandals.

Today, nations throughout the world are coming to terms with their pasts; Europe with its colonial history, America its dark past of slavery, South Africa's vicious apartheid and Germany with the scars left from two totalitarian regimes. Within this evolving process of dealing with the past, the issue of compensating victims has often been at the forefront of the public discourse.

Babere Kerata Chacha
Laikipia University
Kenya

Introduction

While speaking to a group of scholars at the Taylor Institute of Oxford University, on a topic titled: *Scars of Memory and the Scales of Justice*¹. Wole Soyinka, struggled to engage in a rather controversial subject of memory and forgiveness when he openly wondered how modern societies should respond to the commission of despicable acts in public life occurring on a systemic level; Commissions of acts such as slavery in the US, apartheid in South Africa, or even tyranny through the hands of individual tyrants in Africa. Soyinka concluded that forgiveness as "a value is far more humanly exacting than vengeance... yet cannot swallow the proposition that it will, by itself, suffice". Most importantly though, in this juxtaposition, and like E. P. Thompson, Soyinka admonished historians who rescue the "casualties of history ...from enormous condensation of posterity²....by reconstituting the vanished components of the world we have lost...

These casualties are the heroes who suffered or were wounded or even killed either as individuals or as a group while states and governments made efforts to erase their memories from the public sphere. Consequently, to help societies to heal and bring to justice past atrocities committed by those in such autocratic regimes, historians would indeed engage in tenuous exercises of indulgence by evoking those memories and bringing them to people's attention.

In a similar controversy over the subject, Americans too were recently caught by the *fin-de-siecle* disposition of past centuries memories. This was revealed at a conference organized by the Omuhondro Institute at Elimina Beach, Cape Coast Ghana in 2007. One of the participants reported that he had made a request to the then American President, George Bush

II to grant permission to set up a museum of memory to commemorate slave trade and slavery. The reluctant Bush is said to have replied and told him that the 'strength of Americans lies in what they forget and not necessarily what they can remember....why then bring bad memory to them again?' This was indeed a very controversial answer concerning the use of memory and quite significantly; history.

Indeed, Kammen's *Mystic Chords of Memory* adequately hooks us onto this wagon of argument, when he notes that Americans too are devoted to memory. Kammen proves this character by chronicling the growth and development of historical societies, erections of historical monuments, government funding for preservation, and academic and popular sentiments through documented testimonies, public lectures, and private letters. He demonstrates America's pragmatic approach to memory; the things they choose to remember and the things they choose to forget. A major theme in his exposition is the ways in which nations have utilized the past in order to reconstruct an adequate national identity.³

Collective memories work much the same way; they foster and define group identities, telling a group of people where they have come from, who they are and how they should act in the present and future.⁴ In comparison, Kenya still stubbornly clings to its past; it has an uncertain past haunted by a series of mysterious murders and state sponsored killings and for this reason, for many decades now, the country is faced with an uncertain future that is characterized by ethnic mistrust and fear. This is the ultimate reason why TJRC was formed, not only to help Kenyans to venture and expose their dark past and come to terms with it, but to also account for the ills that have shaped their history.

Nevertheless, alongside such understanding of Soyinka and George Bush II on official national memory, as concretised in remembering or forgetting, we know that numerous sub-national memories are often maintained and transmitted on a more informal basis. For

instance, while official memory of political Mau Mau assassinations and extra-judicial murders was suppressed through decades of state-endorsed amnesia, published memoirs of former fighters and detainees of the rebellion allowed Mau Mau to stay alive in the public memory.

In the wider African context, orality as captured in historical narratives play a big role in maintaining and transmitting memories. What do relatives or friends of the victims of assassination or state sponsored killings remember and feel about this? What grudges do they have? How can they be addressed? The key role of orality, and in this case; the narratives of the established commissions of inquires play a vital role as primary foci of memory.⁵

Through the truth commissions and public hearings, a window of opportunity has opened to help those whose memories had been suppressed to speak out and express their fear, anger and pain. In addition, the duty to remember and address the past is essential in helping ensure that future generations 'never again' repeat such violations, and the ability of memorials to preserve and communicate memory and history is invaluable in the process.

Pierre Nora has argued that material sites of memory can become more about the production of history than the preservation of memory; distinguishing between the two where memory 'remains in permanent evolution, open to the dialectic of remembering and forgetting' while history is 'the reconstruction, always problematic and incomplete, of what is no longer'.⁶ The construction of memorials, monuments, public holidays and special days may allow re-remembering. Memorials can only fulfil their role if they have some meaning to society, allowing the transfer of memory through active processes of remembrance such as intended visits to, and engagement with them. While the Kenyan state may be applauded on the facilitation of the existing monuments and national holidays, it is still not sufficient enough to sustain such memories.

In this regard, therefore, historical review of political assassinations and extra-judicial killings in Kenya will to a large extent, ameliorate social and political dilemmas that has shrouded and become part of the continent's institutional architecture. However, the path from

public history-telling in this country to national political transformation is often elusive and biased. This is so, mainly because Kenya is in a state of denial. It is denying its past and its present and it is denying its future. The Kenyan state is suffering from what Onyango-Oloka calls a 'calculated historical amnesia' or what has been referred to as 'selective amnesia'. Kenyans tend to choose what to remember and what to forget.

Memory is often seen as a prerequisite for healing the wounds of the past, and therefore a necessary condition for reconciliation, both on an individual level as well as in politics and society. For only those who remember the past will be able to prevent the recurrence of evils from the past. It would therefore be morally callous and possibly unjust to simply dismiss every historical injustice as superseded by the passage of time. Unfortunately, all former heads of state in Kenya have dismissed the past and admonished citizens to forge ahead and forget the past in popular aphorism: *tusahau yaliyopita tuanze upya* meaning, *lets forget the past and forge ahead*.

As a general issue, the challenge of dealing with any historical injustice touches on a wide range of deeply contested yet essential concepts in contemporary political philosophy, among them; nature of justice, rights and responsibility. It is however, ultimately true that truth commissions do in no way give definite answers to those yearning for the actual things as they happened, but will be able to identify those that are considered historical injustices and will try as much as possible to deal with the subject of truth and answer the following questions; How much normative weight should we give to the past in deliberations about what we owe to each other? Which historical injustice matters and why? To whom are reparations owed (if any)? Who should pay them? What form of reparation? Understanding and dealing with moral consequences of the past is one of the most important political issue of our time, and yet also the most intractable.

In fact, in matters of theorisation of transitional justice, contributions from historians have always been conspicuous in their absence as Hannah Franzki argues *...if anything, the 'turn to history' of societies wishing to come to terms with their violent past is perceived as an encroachment on or a distortion of*

academic historiography.⁷ However, in reviewing Berber Bevernage's book '*History, Memory, and State-Sponsored Violence*' Franzki thinks that it is a proof that such an engagement is pertinent to both the field of transitional justice and history in itself as a discipline. An analysis of truth commissions and their practical use of history sheds light on the 'politics of time' that are at work in transitional justice practices.

Political Assassinations, the State and the Scare of Nationhood: A Theoretical Perspective

Political assassinations, just like as in war have bred insecurity at unprecedented proportions in many concerned countries around the world. The assassination's historical importance lies in a horde of factors; the most pertinent being the global context in which it took place, its impact on politics since then and the overall legacy of the assassinated as national or political leaders. Rightly, assassinations are amongst the highest profile acts of political violence, and conventional wisdom holds that such events often have substantial political, social, and economic effects on states.

It has been argued that states are among the most prolific killers; this reflects the fact that assertions of state power are necessary factors in the establishment of social order. The elites holding power in a state often use killing to maintain their political authority and use the lethal power of the state to do so. The range of killings undertaken by such despotic regimes include; execution, war, massacres, and genocide. Such killings occur in a unique context in which killing may become bureaucratized. Salient sociological issues include the nature of nationalism, the capacity of the state to legitimate killing, and the creation of command killers.⁸ However, why do assassinations occur especially in developing countries?

In a paper titled: *Why Kill Politicians?* Bruno S. Frey⁹ developed a model of analysis on what he calls 'the Demand to Assassinate Politicians'. He identified different motivations for launching an assassination. One, is to achieve political change or as Schumpeter¹⁰ and Downs¹¹ supports: to survive in elections; the second, is pegged on the premises that the expected effect on policy is larger when there is one politician in charge than

if the policy is determined by a committee of (equal) politicians. This person, Frey argues, it may be a King, a President or a Prime Minister, plays a prominent role and has some unrestricted room to act according to his or her preferences. He or she therefore becomes the object of dislike or hatred by a number of individuals some of which may exert a demand for killing the ruler. However, assassination may also occur when there is no well-determined succession rule. Again in a centrally planned economy, and in a society without well-developed civil units -such as independent trade unions, churches and private clubs-there is a stronger incentive to kill the ruler.

Assassinations can also occur in a more fractionalized a society, for instance, the more distinctive ethnicities and religions there are, the more their interests differ, and the more aggressive they are, the more difficult it is for a ruler to satisfy their preferences, and the more likely he or she will be attacked. It can also occur where there is a strong international engagement of a country extends the borders of influence of national politicians and therewith makes the ruler more involved in fractional strife. As a result the demand to assassinate the ruler is larger. Finally, assassinations at some extreme cases may be executed to attract media attention by the would-be assassins camouflaged as hired mercenaries.

Assassinations in Africa have been employed as a political tool since independence, marking, altering, or determining the course of events through modern African History. It has been said that terror and assassinations is the mainspring of despotic government. Even in contemporary times, the sins of assassination and its forms continue to plague most countries. In addition, acts of violence, such as ethnic tensions and *coup de tats*, executions, and civil wars, have continued to haunt societies and political systems in the twenty first century Africa.

Apart from affecting or killing the victim, assassinations have direct consequences upon critical social-economic and political institutions and the targeted individual nation as a whole.¹² As studied and expounded by political theory and history, assassinations and assassination attempts of critical political personalities have far-reaching political and societal consequences and repercussions. For

instance, the sudden and unexpected murder of a head of state or high-ranking official would not only interfere with a nation's political effectiveness, but also promulgates terror and unrest within a government.¹³ Most significantly, assassinations and attempts to assassinate often disturb or change the focus of domestic and foreign policy within a nation.

Today, the International law differentiates between state-sponsored and non- state-sponsored assassinations.¹⁴ When an assassination is committed by a group that is not linked with a government or by an individual acting alone, it is not state-sponsored. There have been many well-known assassinations of this type throughout history. Assassinations that are not backed by states are usually treated as murders in the nations where they occur. Because no state is answerable, they usually do not infringe upon the international law.¹⁵ Except in the case of international criminal law, only states can be held accountable for violating international law.¹⁶

Assassinations generally reflect a violation of the international law against treachery in war or aggression in times of peace.¹⁷ Further, it is possible, although less likely, that individuals or groups of individuals accused of assassination could be held responsible for committing genocide or crimes against humanity. Assassination could therefore rise to the level of a crime against humanity only if it was part of a systematic or prevalent pattern of attacks against a civilian population.

In Kenya, Tom Mboya's assassination can rightly be viewed as a classic country's root of evil manifested in that in less than a decade after independence, it became a stumbling block to the ideals of national unity, economic independence and pan-African solidarity that Mboya had championed, as well as a shattering blow to the hopes of millions of Kenya for freedom and material prosperity.

No matter how we look at it, the mere threat of assassination has always played a pivotal role in the history of human politics. It has also had a profound socio-economic impact upon all nations. Today, political leaders all over the world are routinely protected from motivated and opportunistic assassins. Nations adapt to this threat by implementing defensive strategies, which require the expenditure of time, effort, and resources.¹⁸ In sum, political assassinations in Africa have

punctuated most political regimes; Egypt, historically, has had the most assassinations at 16, followed by South Africa (12), Algeria (11) and Nigeria at 10.

Exemplified below are some of the most prominent assassinations committed in Africa since attainment of independence of States more than 50 years ago. Congolese Prime Minister Patrice Lumumba, a pro-communist was assassinated in 1961, while Sylvanus Olympio, leader of Togo was killed in 1963. Hendrik Verwoed, the Prime Minister of South Africa was stabbed to death in Parliament in 1966 and in the same year, Johnson Aguiyi-Ironsi who was Nigeria's military Head of State and the Prime Minister Sir Abubakar Tafawa Balewa were exterminated in bloody military coups.

In the 1970s, political murders continued with the murder of Ugandan Chief Justice Benedicto Kiwanuka in 1972 and that of the Archbishop of Uganda, Janani Luwum in 1977.¹⁹ Steve Biko, South Africa's anti-apartheid crusader was battered to death by would be law custodians in police custody in 1974, while Francois Tombalbaye, the President of Chad, followed suit a year later. In Nigeria, President Murtala Mohammed could not escape the assassin's bullet in 1976.

Liberian President William Tolbert Jr led the list of those assassinated in the 1980s when he was gunned down during the 1980 military coup. Pragmatic Egyptian President Anwar Sadat was shot during a military parade in 1981, while in 1987, Burkina Faso Head of State Thomas Sankara succumbed to the bullet.

While multipartism swept throughout Africa following the disintegration of Eastern Europe in the 1990s political murders were still an eyesore in Africa. Rifaat al-Mahgoub, speaker of the Egyptian parliament in 1990 was the first casualty while Samuel Doe, the President of Liberia could not be spared of the ritual the same year. Chris Hani, the leader of South African Communist Party could not survive to witness a rainbow state as he was eliminated in 1993, while the sky was never to be the limit for Rwandese President Juvenal Habyarimana in power as the plane carrying him was brought down in pieces in 1994. Ibrahim Bare Mainassara, President of Niger was equally vanquished in 1999 but the shooting of Congolese President Laurent Kabila in 2001 by his own body guards was utterly shocking. The list could go on.²⁰

In the wider East Africa, however, Kenya seems to be the most assassination happy nation with less than 10 major political murders, while Burundi three Prime Ministers were assassinated; Louis Rwagasore (1961), Pierre Ngendandumwe (1965) and Joseph Bamina (1965). Uganda has had two assassinations during the dictatorial regime of Idi Amin though in his book *State of Blood* Henry Kyemba who was trusted Minister in the regime puts the figure at 150, while Tanzania has recorded only one assassination, the 1972 murder of the first President of Zanzibar and first Vice President of Tanzania, Sheikh Abeid Karume.

Kenya has had six major political assassinations the most prominent being the murders of Pio Gama Pinto, Tom Mboya, J. M. Kariuki, Bruce MacKenzie, Robert Ouko, and Crispin Odhiambo Mbai. The sequential cases of political assassination in Kenya as well as the mysterious circumstances in which they have occurred have put the country in a turbulent situation. The inconclusive state in which they have remained and the 'bloody' political war that emerged in some part of the country, heightening particularly the contest between the Luo and Kikuyu have turned the Kenya political terrain into a boiling cauldron, where the nation is often but rudely awoken to the news of yet another conflict.²¹

Conclusion

Since independence, successive regimes have employed political assassinations and state sponsored killings to silence those with dissenting views and entrench themselves into leadership and further silence the masses. Viewed in the lens of modern Kenya, these killings have raised sentiments of repugnance and maddening bust of indignation. To a country living under a law-abiding and ultra-human government, there is certainly something repugnant in the conduct of leaders who being bound to afford protection, allow such to occur; a replica of the worst dictatorial government of our next door neighbour Idi Amin whose state sponsored gangs-State Research Bureau massacred thousands of Ugandans both professionals and civilians who were perceived to be a threat to the despotic regime.

While motives have varied; from expediency of punishing certain crimes, getting rid of political competition,

weeding ambitious politicians, perceived "dissidents" of the government or those who posed as "threats" to power, state involvement and subsequent cover ups using decoys in a well-oiled and premeditated assassination machinery have been employed in the majority of political murders. Propaganda and Commissions of Enquiry are often used as smoke-screens to get into "the bottom of the matter," but are nothing more than public relations exercises to mask the motives and faces behind the assassinations. Prominent figures in government are normally involved. Key witnesses into the assassinations disappear or die mysteriously. No real perpetrators, for that reason, have ever been brought to book and majority of those found guilty were only scapegoats of the regime and the security system which is extensively used in most of the political assassinations.

Notes

1. W. Soyinka, 'The scars of memory and the scales of justice'. Olof Palme Memorial Lecture, Taylor Institution, University of Oxford, 16 November, 2000.
2. Cf. E.P Thompson, *The Making of the English Working Class* (New York, 1968), p. 12, Emphasis is mine.
3. David Thelen, "Memory and American History," *Journal of American History* vol. 75 (1989): 1118.
4. See also, John Gillis, "Memory and Identity: The History of a Relationship" in *Commemorations*, ed. John Gillis (Princeton: Princeton University Press, 1994), 7.
5. Editorial, *Sunday Nation*, 25 March 2007. Also in Patrick Gathara, 'The British War in Kenya', *The New Black Magazine*, 31 July 2007. Available
6. Pierre Nora (1989) 'Between Memory and History: *Les Lieux de Memoire*', *Representations* (26): 7-24, 8. For a fuller discussion, see David Goldsworthy, *Tom Mboya: The Man Kenya Wanted to Forget* (New York: Africana Publishing Co., 1982). p.229.
7. Hannah Franzki, Challenging the Politics of Time in Transitional Justice – How to Think the Irrevocable: Bevernage's *History, Memory, and State-Sponsored Violence in Theory & Event*, Volume 15, Issue 2, 2012
8. Tony Waters, *When Killing Is a Crime*, Boulder, USA, 2007, p. 18
9. Bruno S. Frey, *Why Kill Politicians? A Rational Choice Analysis Of Political Assassinations*, Working Paper No. 324, University Of Zurich And CREMA –

Research Center For Economics, Management and The Arts, May, 2007

10. Schumpeter, Joseph A. *Capitalism, Socialism and Democracy*. New York: Harper, 1942.
11. Downs, Anthony, *An Economic Theory of Democracy*. New York: Harper and Row, 1957.
12. Anderson, Chris A. "Assassination, Lawful Homicide, and the Butcher of Baghdad." *Journal of Public Law and Policy* 13:291, 1992.
13. Beres, Louis R. (1992). "The Permissibility of State Sponsored Assassination during Peace and War." *Temple International and Comparative Law Journal* 5: 231.
14. Heaps, Willard A, 1969. *Assassination: A Special Kind of Murder*. New York: Meredith Press.
15. Wiebe, Mathew C. (2003). "Assassination in Domestic and International Law: The Central Intelligence Agency, State-Sponsored Terrorism, and the Right of Self-Defense." *Tulsa Journal of Comparative and International Law* 11:363.
16. The United Nations Charter prohibits the aggressive use of force by one state against another. The Charter also prohibits interfering in the territory or affairs of another state. Chapter I of the Charter requires that all states must "settle their international disputes by peaceful means" and must "refrain in their international relations from the threat or use of force". When a state sponsors the assassination of the leader of another state, it violates this basic rule of international law. For further details of this read for example, Wiebe, Mathew C. (2003). "Assassination in Domestic and International Law: The Central Intelligence Agency, State-Sponsored Terrorism, and the Right of Self-Defense." *Tulsa Journal of Comparative and International Law* 11:363.
17. Wiebe, Mathew, Ibid, See also Zengel, Patricia (1992). "Assassination and the Law of Armed Conflict." *Mercer Law Revue* 43:615.
18. Ronald F. White, '3 General Theory of Assassination' in *Assassination Research* Vol. 5 No. 1, 2007. p.3.
19. U.S. Department of State, 2012.
20. For a more profound study of immediate post-colonial independence assassination, see for example, Ali A. Mazrui, *Thoughts on Assassination in Africa* in *Political Science Quarterly*, Vol. 83, No. 1 (Mar., 1968), pp. 40-58,

21. See for example, John O. Oucho, *Undercurrents of Ethnic Conflict in Kenya*. This book analyses the ethnic conflict in Rift Valley Province in the nineties at the end of cold war and when multi-party democratic politics were being reintroduced in the country. Its central thesis is that ethnic conflict in the country then was a function of several issues, among them ethnocentrism. The author particularly

pays attention to the long history of Luo-kikuyu conflict. For a wider debate on the rift between the Luo and Kikuyo, see also Ayodo, Awuor. 1996. "Luo." *The Heritage Library of African Peoples*. New York: Rosen Publishing Group, Inc. 15-16; DuPre, Carole E. 1968. *The Luo of Kenya*. Washington, DC: Institute for Cross-Cultural Research; IRIN (Integrated Regional Information Network): United Nations Office for the

Coordination of Humanitarian Affairs. www.irinnews.org and Stewart, Frances. 3/2008. "Kenya, Horizontal Inequalities and the Political Disturbances of 2008." Centre for Research on Inequality, Human Security and Ethnicity. Department of International Development, Oxford University. <http://www.crise.ox.ac.uk/copy/Kenya%20note%20for%20discussion.pdf>, accessed 20/02/13