

Excerpts re. PIO GAMA PINTO from the Kenya 2013

**REPORT OF THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION**

Full text, 6 volumes at:

http://www.tjrkenya.org/index.php?option=com_content&view=article&id=573&Itemid=238

For a profile of Pio Gama Pinto by Selma Carvalho, go to

<http://www.goanvoice.org.uk/supplement/EmmaGamaPinto.html>



TJRC FINAL REPORT - VOLUME I

Vol: 1: **Executive Summary Primary findings:**

p. vii: The Commission finds that between 1963 and 1978, President Jomo Kenyatta presided over a government that was responsible for numerous gross violations of human rights. These violations included the political assassinations of Pio Gama Pinto, Tom Mboya and J.M. Kariuki ...

p. xii: Political Assassinations: Kenya has lost some of its best and brightest to political assassination: Pio Gama Pinto, Tom Mboya ... and many others.

p. xii: The Commission's work in relation to political assassinations confirms that the state was complicit in the assassination of Pio Gama Pinto, Tom Mboya, and Josiah Mwangi Kariuki...

TJRC FINAL REPORT - VOLUME IIA

P 22: The polarization of the country between the radicals and the conservatives continued to remain a threat which Kenyatta had to handle... Kenyatta made it clear that his intent was not to stimulate discussions on Kenya's economic policy, but to end it. However, Oginga Odinga and his camp instructed Pio Gama Pinto to prepare a competing paper to mobilize for the rejection of the government paper ... But before Pinto could prepare the parallel paper, he was murdered on 24 February 1965 outside his home in Nairobi by people believed to have been auxiliaries loyal to Kenyatta. The killing of Pinto marked the process of political assassinations under the Kenyatta regime.



Emma and Pio at Kabarnet under Restriction Orders



Pio visits Jomo Kenyatta Malarai, Aug 1961.

Political Assassinations

p. 436: Pio Gama Pinto

A little over a year since independence, on 25 February 1965, Kenya suffered its first major political assassination. The Pinto assassination demonstrates all of the complexities and tragedy of political assassinations in post-independence Kenya. Its context included: a global cold war that was mirrored in domestic political debates; a domestic struggle to consolidate power and narrow dissent; and a resort to violence to address political differences.

Political context

The newly independent Kenyatta Administration had to grapple with myriad challenges after independence in 1963. Besides fighting illiteracy, lack of education, poverty and disease, the country was the target of ideological and strategic interests of the capitalist West and communist East during the Cold War. Both parties to the Cold War thus nurtured and cultivated ideological and political allies within Kenya. At the same time President Kenyatta's government used many of the laws and institutions of the colonial government to minimize and even suppress dissent. Those in President's Kenyatta's inner circle who had ambitions to succeed him utilized numerous mechanisms to neutralize political opponents. One of the tools used in these early days, and ever since, was political assassination. The first victim of political assassination to be weeded out through the barrel of a gun was Pio Gama Pinto.

Pinto was a nominated member of parliament in Kenya's first government, and was among the few Kenyan Asians to face detention in colonial Kenya. While Kenyatta leaned towards the west and capitalism, his Vice President, Oginga Odinga, was more sympathetic to the east and socialism. Goldsworthy describes Pinto as 'Odinga's foremost tactical adviser and link-man with Eastern embassies' that bankrolled his socialist ideas'. Indeed, it is reported that Pinto had organized a meeting between Odinga and a Chinese delegation that discussed Kenya adopting a more socialist path, entering into a defence pact with Kenya, and the possibility of using Kenya as a conduit for Chinese arms to liberation movements in Africa.

It was later alleged by the press that The Lumumba Institute, which Pinto headed, was teaching scientific socialism to party members (selected largely for their receptivity to such ideas). President Kenyatta did not take kindly to such activities, and in a series of speeches and statements attacked, among others, 'alien' ideologies and activities of traitors of KANU. President Kenyatta asked Mboya to draft a policy on African socialism to counter Odinga's socialism. It was to be tabled in Parliament in April 1975. When the Odinga group got wind of this move, they asked Pinto to write a counter draft to be tabled on the same day as Mboya's and mobilized parliamentarians to vote against the government. Had this plan come to fruition, it could have made Pinto the architect of the first parliamentary coup and thus the man closest to organizing a real political revolution in Kenya.

It was during the heat of these early debates about the direction of Kenyan economic and political policy that Pinto was assassinated. He was shot outside his home in Westlands in front of his 18 month-old daughter,

Tereshka. Kenyans were shocked, and the possibility that this was a political assassination was immediately raised. Vice President Joseph Murumbi sobbed openly. Information Minister Achieng Oeko reacted to the news with: 'No, no, no! Kenyatta must explain! He must explain!' President Kenyatta, who retorted "Bwana Waziri do you think it is Kenyatta who has killed Pinto?" lamented that the country had lost 'one of the conscientious workers for freedom who suffered many years in detention for his uncompromising stand in politics'. Kenyatta asserted that his government 'will exert every effort to hunt down and bring to justice the perpetrators of this outrage'. Underscoring the widespread suspicion of a political murder, Oeko termed it a 'deliberate and cowardly move in what I believe to be a planned assassination'. Joseph Murumbi resigned as Vice President to 'protest Pinto's murder and subsequent intrigue in Kenyatta's inner circle'.

Arrest and trial of alleged assassins

Following the assassination of Pinto, the Kenya Police mounted a massive manhunt for the three gunmen who it was alleged ambushed and murdered Pinto. Two teenage suspects were arrested: Kisilu Mutua, who was 18 years old, and Chege Thuo, who was then 19. During their arraignment before Supreme Court Justice, Sir John Ainley, they pleaded 'not guilty' to the murder. Kisilu admitted he was near the scene when the shooting took place, having been paid to scare Pinto after his recent opposition activities in Parliament. He testified that as he approached Pinto's house, shots rang out and he saw Pinto collapse in his car. He testified that he was unable to see who had fired the shots.

During the preliminary hearing, it was found that none of the ten fingers and palm prints found on Pinto's Saab car belonged to the two teenagers who were charged with what was being described as a 'well planned and efficiently executed' killing. It was also revealed that thirteen hours before his murder, Pinto had told his house servant, Waweru Ng'ang'a, that a man had been offered money to kill him. A CID corporal told the court that the two had been sent to frighten Pinto by Ochola Mak'Anyengo 'because he had been interfering with his union'. When the trial ended, the three assessors found Kisilu and Thuo 'not guilty'.

Although Chief Justice Ainley conceded that 'the case wears an unfinished aspect and that we may not have all who were involved in the crime before us', and while he was satisfied that Kisilu had not pulled the trigger, he nevertheless said that the young man could not have gone to Pinto's place without an idea of what was to happen. He found him guilty and sentenced him to hang. This sentence was later changed to a life sentence. Thuo was however freed on grounds of insufficient evidence.

Theories

The trial and conviction of Kisilu did not put the matter of Pinto's assassination to rest. Over the years, a number of theories have been put forward to explain the assassination. Some have suggested that Pinto was killed by members of President Kenyatta's inner circle, while others speculated that Pinto was assassinated by neo-colonialist forces because he was viewed as an avowed Communist with links to the Mozambican liberation movement. A declassified cable from the US Department of State captures the breadth of the conspiracy theories that were being circulated in the period following Pinto's assassination:

Other rumours centre around resentment against Pinto as an Asian and speculate that he was killed because he was a major recipient of communist largesse who may have been holding out on money received, or tried to blackmail a high official, or was killed by the Chicoms [Chinese Communists] because he was moving closer to the Soviets or by Kikuyu who feared he was a threat to Kikuyu dominance.

Thirty five years after the Pinto trial, an investigation by the Daily Nation concluded that Kisilu, Thuo and a third man who disappeared, were peripheral players in the murder. The Daily Nation asserted that Kisilu in fact did not kill Pinto, but was instead set up by the Directorate of Security Intelligence. According to the Daily Nation, the plan to assassinate Pinto began three years earlier. A memo by the Kenya Intelligence Committee dated 13 December 1962 had labelled Pinto as a "man to be watched very closely." By 1965, Kenyatta felt threatened by Pinto's strong trade union base. Pinto's positioning as a substantial threat to the existing Government ultimately led to his elimination. The subsequent cover up, according to the Daily Nation, included keeping Kisilu behind bars against numerous recommendations by the Prisons Review Board for fear of the dossier that he might spill on the Pinto murder. The Commission was unable to verify or disprove the allegations made in the Daily Nation report. Indeed, although the Commission heard testimony on the assassination of Pinto, it was unable to discover any additional evidence that would shed light on any of the theories concerning Pinto's death. As noted elsewhere in this Report, the Commission was not allowed access to

many of the documents held by the Government that would have assisted in investigations such as this, including the archives of the National Security Intelligence Service.

Aftermath

Pinto was the first of what was to prove to be many Kenyan politicians assassinated after independence. At the time of his assassination, Pinto was 38 years old. He was survived by his wife, Emma and his three daughters Linda, Malusha and Tereshka, the last of whom witnessed her father's killing when she was only eighteen months old. Two years after the assassination, Emma and her daughters moved to Canada.

While Pinto's death continues to be shrouded in mystery, the Pinto Trust Fund was established after his death to benefit Emma and the children. In September 1965 the International Organisation of Journalists invited Mrs. Emma Gama Pinto to Santiago, Chile, to receive a posthumous trophy awarded to her husband for his contribution to journalism that furthered the liberation of African countries from foreign domination and exploitation. Many years later in 2008, the Postal Corporation of Kenya released a series of four stamps titled Heroes of Kenya, one of which featured Pinto.

TJRC FINAL REPORT - VOLUME IV

p. 24: Specific findings

Pio Gama Pinto

The Commission finds that the assassination of Pio Gama Pinto was motivated by ideological differences that were at the heart of the global Cold War but also mirrored in domestic Kenyan politics.

The Commission finds the conviction of Kisilu Mutua did little to clarify the circumstances and motives behind Pinto's assassination. The Commission agrees with the finding of Justice Ainley that "the case wears an unfinished aspect and that we may not have all who were involved in the crime before us."

The Commission finds that Kisilu, Chege Thuo and a third unidentified man who disappeared, were used as scapegoats to divert attention away from the true motive and the more responsible perpetrators of Pinto's assassination.

The Commission finds that there is sufficient circumstantial evidence, including the failure by the government to uncover the truth of who was responsible, to conclude that the government was involved in the killing of Pio Gama Pinto.

P.27: Recommendations

The Commission recommends that within six months of the issuance of this Report, all reports and materials of all previous investigations into these assassinations be made available to the public through the National Archives.

The Commission recommends that within three months of the issuance of this Report the President shall publicly apologize to the families of those assassinated, and to the nation, for these assassinations and the failure of previous governments to investigate adequately such killings.

The Commission recommends that the government establish public memorials commemorating the lives Pio Gama Pinto, JM Kariuki ... and that such memorials include an educational component detailing the contributions such individuals made to the nation. Such memorials may include statues, museums, or educational institutions and shall be completed within 2 years of the issuance of this Report.

p. 27: On-going memorialization initiatives in Kenya

Current initiatives at memorialization and commemoration in Kenya include:
Naming of streets and highways, e.g. Muindi Mbingu Street, Tom Mboya Street, Waiyaki Way and Pio Gama Pinto Road.

Extracted from:

http://www.tjrkenya.org/index.php?option=com_content&view=article&id=573&Itemid=238