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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION ON WEDNESDAY, 11TH MAY,
2011, AT THE AGRICULTURAL TRAINING
CENTRE MULTI- PURPOSE HALL, ISIOLO**

PRESENT

| | | |
|---------------------------|---|-----------------------------------|
| Ahmed Sheikh Farah | - | The Presiding Chair, Kenya |
| Tecla Namachanja | - | The Acting Chair, Kenya |
| Margaret Shava | - | Commissioner, Kenya |
| Berhanu Dinka | - | Commissioner, Ethiopia |
| Ronald Slye | - | Commissioner, USA |

(The Commission commenced at 9.15 am)

(Opening Prayers)

The Presiding Chair (Commissioner Farah): Today is our third and last day of hearings here in Isiolo. I would like to introduce the panel.

*(The Presiding Chair (Commissioner Farah) introduced
himself and the other Commissioners)*

I welcome you all to today's hearings. For the two days we have heard 27 cases. Today we expect to hear 7 cases. I would like to state our ground rules. I humbly request all of you not to put your phones in silent mode, but switch them off. If you put them in silent mode, the calls will come in and you will disturb us when you walk out to answer them. I would also like to tell you that the witnesses we shall call today will continue giving us their side of the story on the human rights violations that they have experienced. In order for them not to be interrupted, I would like you to respect their evidence even though that evidence may not agree with your opinion.

I also want the media not to take photographs of the witnesses as they are giving evidence. You may take their photographs before and after. The witnesses will be asked to swear an oath. Evidence leader will lead the witnesses and the panel may ask questions. At this stage, I would like to know whether there is any counsel. If there are, please, identify yourselves. Silence means there are no counsel. Are there any other preliminary matters for the panel to consider? If not, I request the hearing clerk to call the first witness for today.

(Mr. Wako Guyo Huka took the oath)

Ms. Belinda Akello: Mr. Presiding Chair, Sir, and hon. Commissioners, before we start on the first witness, we would like to present for the record information and a memorandum that the Commission has asked previous witnesses to bring. These were

witnesses on the 9th, the first one having been Dr. Hussein Golicha where the panel had requested him to bring a copy of the report and the same has been brought. Kindly, admit the same as part of this evidence.

The Presiding Chair (Commissioner Farah): So admitted.

Ms. Belinda Akello: Secondly is witness number four who did make a presentation on behalf of the Turkana Community and she has brought a second memoranda on the livelihood and the lifestyle of the Turkana community. Kindly, admit the same as part of the evidence.

The Presiding Chair (Commissioner Farah): Evidence will be so admitted.

Ms. Belinda Akello: Kindly, state your three names for the record?

Mr. Wako Guyo Huka: My name is Wako Guyo Huka.

Ms. Belinda Akello: Mr. Wako, where do you live?

Mr. Wako Guyo Huka: I live in Kambi Garba.

Ms. Belinda Akello: How old are you?

Mr. Wako Guyo Huka: I am 85 years old.

Ms. Belinda Akello: Do you recall that you recorded a statement with officers of the Commission?

Mr. Wako Guyo Huka: I remember all the things that I wrote.

Ms. Belinda Akello: We would like you to, please, briefly take us through what you wrote, particularly what happened to you in 1966.

Mr. Wako Guyo Huka: I have been living in Isiolo for the last past 70 years. In 1966, I was living in Bula Pesa here in Isiolo when a bomb exploded in Kambi Garba and killed some people. In the morning, the armed forces appeared from nowhere and the first bomb went off as we were going for prayers at 12 o'clock. The armed forces then started beating us and people died.

Ms. Belinda Akello: Could you remember if they were wearing any uniform?

Mr. Wako Guyo Huka: All of them were in uniform.

Ms. Belinda Akello: What were the uniform like?

Mr. Wako Guyo Huka: It was the Government issued armed forces uniform.

Ms. Belinda Akello: Once you saw these people who were wearing uniform start beating people, where were you and what happened to you?

Mr. Wako Guyo Huka: We were called out from our houses and they did not ask for anything, they just started beating us up. They then asked us who brought a bomb to Isiolo but we did not know.

Ms. Belinda Akello: What particularly happened to you on this day? Were you and your family affected?

Mr. Wako Guyo Huka: They asked us who had brought the bomb and the Isiolo residents said that it was the Borana community that had brought the bomb.

Ms. Belinda Akello: When they were looking for the Borana people, were you and your wife at home?

Mr. Wako Guyo Huka: We were at home and when they were told that it was the Borana who had brought the bomb, they transferred everybody from Isiolo to Garbatulla concentration camp. As we were being transported to Garbatulla another bomb exploded near a place called Ngambela.

Ms. Belinda Akello: Were you affected in any way by this second bomb?

Mr. Wako Guyo Huka: My wife died in that bombing. My knees were affected. Up to now, I can hardly walk.

Ms. Belinda Akello: Do you have any scars on your knees that you would like the Commission to see?

Mr. Wako Guyo Huka: I have many scars all over my body.

Ms. Belinda Akello: Could you, please, come in front for the Commissioners to see your knee? We salute your courage for being here with us today. We are very sorry for what you had to undergo for you to sustain those injuries.

When you got hurt in your knees and other parts of your body, was your wife also hurt by this bomb?

Mr. Wako Guyo Huka: I think she died of a heart attack. Her heart just stopped one week after the bomb explosion.

Ms. Belinda Akello: Did you have any children at the time?

Mr. Wako Guyo Huka: I had five children at the time.

Ms. Belinda Akello: Was any of your children affected by the second bomb?

Mr. Wako Guyo Huka: The children were thankfully not affected. One girl ran away when the car was involved in an accident, but everybody else was alright.

Ms. Belinda Akello: In your own words, tell us if you have been able to get any medical attention since that accident and in what other way have you been affected?

Mr. Wako Guyo Huka: I have not had any help other than from God himself.

Ms. Belinda Akello: Could you, please, tell this Commission in what way that incident has affected or changed your life?

Mr. Wako Guyo Huka: Since then I sometimes can barely walk and sometimes I fall. Most of the times, I have to use a walking stick. I am always in bed.

Ms. Belinda Akello: What do you think would be most beneficial to both you and other people of your community who were also affected during this incident? What recommendation from the Government would be beneficial both to you and to other people who either lost their lives or were injured in that incident?

Mr. Wako Huko Guyo: Since then we have been very poor and we do not have animals. I cannot work for myself because of my disability; so, I would like the Government to help us to, at least, earn a livelihood.

Ms. Belinda Akello: Thank you very much, Mr. Wako. Honourable Commissioners, that is all from the Leader of Evidence.

The Presiding Chair (Commissioner Farah): Thank you very much Mr. Wako. Honourable Commissioners empathize with you for the injuries you received on your legs. Although it was a long time ago I would want to ask the Commissioners to clarify a few issues.

The Acting Chair (Commissioner Namachanja): Sorry *mzee* for what happened to you and your dear family. You had a broken leg, but your priority was not to feel your pain, but from what you have stated, to save your wife by hiking a lift to Nairobi. Unfortunately you did not save her life. It is enough to just know that you did your best to try to save her life. How old was your wife when she died?

Mr. Wako Huko Guyo: She was 40 years old at that time.

The Acting Chair (Commissioner Namachanja): And when you hiked a lift to Nairobi to help her, with whom did you leave the children?

Mr. Wako Huko Guyo: I left the kids with neighbours, who were generous enough to look after them. Even when I came back one of the little girls had a broken arm and she was in hospital at the time.

The Acting Chair (Commissioner Namachanja): God bless your neighbours. So, then how did you pick up your life after that?

Mr. Wako Huko Guyo: I did not have much to do; it is only a person who has legs who can work. I did not have a wife; I did not have animals, as all my animals disappeared at that time. It was just by the help of God and people that I survived. I would ask people to help.

The Acting Chair (Commissioner Namachanja): So, this unfortunate incident from your own Government reduced you to a beggar?

Mr. Wako Huko Guyo: Yes it reduced me to a simple beggar.

The Acting Chair (Commissioner Namachanja): Did you manage to educate any of your children?

Mr. Wako Huko Guyo: Yes they studied up to Standard Eight; but one of my daughters went to high school through the assistance of the then area MP, Charfano Guyo Mokku. He organized donations from well wishers who actually educated my daughter.

The Acting Chair (Commissioner Namachanja): God bless him too. Did you ever remarry after the death of your wife?

Mr. Wako Huko Guyo: Even if a man loses animals he cannot stay without a woman.

The Acting Chair (Commissioner Namachanja): Thank you for sharing your painful story with us.

Commissioner Slye: Mr. Wako Huko, I also want to join my fellow Commissioners in thanking you for coming here and sharing your story with us. I also want to thank you for coming forward and showing us the scars on your leg; I just wanted to explain to you and the members of your community, that it is important for us to see that sort of evidence and to document it for the purposes of our records and for the purposes of the history of Kenya that we will be compiling. In relation to that, the camera was taking pictures of your leg, and this is important so that we have an official record of what you had to show. I had one issue that I wanted to clarify or, did you want to say something?

Mr. Wako Huko Guyo: There is nothing much that I would like to add, but this bomb that exploded under our car even up to now the owner of the vehicle is around. The vehicle belonged to Abdikadir Basinga. We were all chased out of Isiolo Town and taken to Garbatulla, which was not our home area at that time. So after the explosion we were taken back to Bula Pesa. I have been living in a difficult situation since then. It is

only one of my daughters who was able to go to school. All the others were unable to go to school because of lack of funds. There is a son who finished his primary school, went to high school and could not go on; so, he dropped out. Since then I have been poor and I do not have a single animal to my name right now. I lost 63 head of cattle, 60 goats and I have nothing. That is all that I have at the moment. The owner of the vehicle, unfortunately, passed on but his kids are still around and they can verify my story.

Commissioner Slye: Thank you for that additional information; related to that, can I ask whether his children are actually here?

Mr. Wako Huko Guyo: His children are not here; it is just members of the Borana community. The vehicle had been commissioned by the Government to carry people, but not his children or himself. Everybody fainted after the explosion. There was a lot of blood all over. It was difficult for me to know who were in the vehicle.

Commissioner Slye: Thank you for that helpful information. You testified that a young girl ran away; was she your daughter?

Mr. Wako Huko Guyo: Yes; she was my daughter. She was six years old at that time.

Commissioner Slye: After she ran away, did she return to you?

Mr. Wako Huko Guyo: She did not run that far; so, one of the soldiers ran after her and brought her back.

Commissioner Slye: You have testified that after you had taken your wife to seek medical assistance, then you came back to find one of your daughters had a broken arm. Was that related to the incident?

Mr. Wako Huko Guyo: My daughter had been involved in a simple accident. She fell down as she was playing with other children; so, it was not related to that vehicle accident.

Commissioner Slye: Thank you so much. That has really helped me in understanding your story under the circumstances. I want to join my fellow Commissioners in applauding you for having persevered, having raised your children and having been able to give them some education so that their lives can be productive. I am sure that they appreciate what you have done for them. Under very difficult circumstances, you have been able to keep your family together and provide for them; so, we really thank you.

The Presiding Chair (Commissioner Farah): Thank you very much, Mr. Wako. The Commission is very enriched by your evidence, particularly knowing that you are the first witness who was injured in a mine blast, and knowing what the military did after that mine blast. Thank you very much; we thank you for coming forward and giving your evidence. Clerk, can you lead the witness back to his seat and call the next witness?

(Mr. Mr. Kotoo Bala took the oath)

Ms. Belinda Akello: Welcome to this meeting. What language would you like to use? For the sake of records, please give us your names and where you stay.

Mr. Kotoo Bala: My names are Kotoo Bala; I live in Kula Mawe but I come from Kinna.

Ms. Belinda Akello: Mr. Kotoo what do you do at Kula Mawe?

Mr. Kotoo Bala: I rear animals but I also have a carpentry workshop.

Ms. Belinda Akello: Thank you very much. If you can remember, you wrote a statement with one of the people in this Commission about the Daba issue. Can you tell this Commission the story that you wrote with this Commission?

Mr. Kotoo Bala: We were taken to Daba by the independent Government. After reaching Garbatulla the first day, there was fracas where my mother and my small brother---

Ms. Belinda Akello: You cannot remember which year it happened?

Kotoo Bala: It was in 1965.

Ms. Belinda Akello: Please continue!

Mr. Kotoo Bala: So, my mother and my young brother were beaten and they died the next day. I was brought up by my grandmother who took care of me. After some time my father and his brothers were taken to Kaiborto. I asked my father where the other members of the family were and he told me they were killed along with others, numbering 42, at Kaiborto area.

Ms. Belinda Akello: Thank you very much, Mr. Kotoo. You have told us that you were with your grandmother because your mother and brother were killed. After these incidents, can you tell us how many you were in the family?

Mr. Kotoo Bala: In that family we were five members.

Ms. Belinda Akello: If you were five people in that family, please tell us the people you used to stay with before the incident occurred.

Mr. Kotoo Bala: It was my dad, Bala Kotoo, Balaso Bomeo---

Ms. Belinda Akello: Please tell us if he was your brother or---

Mr. Kotoo Bala: I had three brothers and then there was my dad, my mother and the other people.

Ms. Belinda Akello: You have told us where all those four people were taken at the time of the incident; before your father was taken, did they take him from home or from the village where he was staying?

Mr. Kotoo Bala: He was taken from the *manyatta*, but the other persons were at the camp. But my mother and I were on the same side. I do not know where the other people went to, because nobody, other than me, remained there.

Ms. Belinda Akello: So you do not know where your two brothers are or whether they were killed?

Mr. Kotoo Bala: It is only one who was taken by my mother.

Ms. Belinda Akello: You have told us that your father was taken with the other 40 men. Who took them? How did you know they were taken by the army people?

Mr. Kotoo Bala: They were forces led by Gen. Mulinge and there was a Borana, Maj. Halkano.

Ms. Belinda Akello: Thank you very much, but to clarify that they were the army, did they have uniform?

Mr. Kotoo Bala: They were dressed in combat uniform. They took us to Barbara area, where there were no laws. They could come in and take anything they wanted; if there was a goat they would just take it and they could also take the food you had prepared. We knew the soldiers by their uniform. They took us to Garba area.

Ms. Belinda Akello: Mr. Kato, we are very sorry. You told us how people were killed by the army; they included your father, your brothers and all those other people. Can you tell us the reason why the army people came to kill people in that area?

Mr. Kato Bala: They were saying that the people who were there were violating the law by teaming up with the Somali Government to undermine the Kenya Government. The late Mzee Kenyatta said those people had to be taken care of through elimination, because they were, purportedly, undermining his Government.

Ms. Belinda Akello: Before that incident, did the Government come to solve any issue?

Mr. Kotoo Bala: There was no medical assistance.

Ms. Belinda Akello: Or, is there any organization that came to assist you people?

Mr. Kotoo Bala: There was nothing we got from any place. There was only a Father from a Christian Church who came and assisted us. They bought us food and they also gave us some medical care.

Ms. Belinda Akello: Can you remember that Father who came to assist you?

Mr. Kotoo Bala: I cannot remember his name but I know he is a priest with a Christian Church.

Ms. Belinda Akello: Thank you very much; according to your own words, what impact can you say this had on the people from your community? To what extent do you think the people from your community were affected?

Mr. Kotoo Bala: Personally, I was very much affected and this was not only me but all the Gabra Community; they were affected very much. This community was affected economically and also socially because by that time all the wealth they had like livestock and camels were taken away. All the camels were killed while the cattle were transported to Nanyuki area; so, they remained without any source of livelihood. They were bankrupt and they could not do anything. They knew that these people depended on livestock, hence most Gabra people today remain in poverty and with nothing. They just remain there and the little that they had went and even when the MP was trying to see whether they could be compensated, it could not work. In 1963 when he vied for Parliamentary seat, he could not capture it. In 1968 Arthur Wako Bonaya was arrested and jailed during the Kenyatta regime.

Ms. Belinda Akello: Thank you very much, maybe you could have told us your recommendation to the Government, so that they can try to compensate you for what you underwent.

Mr. Kotoo Bala: My dad had cattle, but all the animals were killed. I had 360 camels and this time I do not have anything. In the community I was brought up alone. I am just poor and depend on God; I do not have anything I own in my life.

Ms. Belinda Akello: Thank you very much. Maybe this is my last question; by the time of that incident, in 1965, how old were you?

Mr. Kotoo Bala: I was 8 years old at that time. I am now 54 years old.

Ms. Belinda Akello: Thank you very much.

The Presiding Chair (Commissioner Farah): Mr. Kotoo thank you very much for your evidence. I will now turn to my colleagues and let them put the questions they want to pose to you.

The Acting Chair (Commissioner Namachanja): Thank you very much. I am sorry you witnessed the death of your dear mother, father and brother at that age. You say you were

eight years, and here you were running away with your mother and grandmother; then you lost your mother and young brother. What happened next to you particularly? Just narrate to us what happened on that material day. What did you do? Where did you go, with whom and how was life like after that?

Mr. Kotoo Bala: At that time my grandmother was there. Sometimes I try to tell you something but I cannot remember it. I asked my young uncle, who was there, to explain to me. About my mother, I cannot remember but about my grandmother I can remember because we were in the same village in Garissa Prison, where other people ran to. Other people ran to parts of Somalia. So, when my mother ran away, I was told that she died, she was killed. It was my grandmother who brought me up. Although I was still young, I can remember what happened. I cannot forget what I saw and that is what I can say. It is not something I was told, it is something I saw because by that time I was in class two in a primary school.

The Acting Chair (Commissioner Namachanja): How was it like living with your grandmother?

Mr. Kotoo Bala: I was brought up by my grandmother and life was a bit hard. I was in class two but because of poverty I dropped out of school. So, I was only trying to do something in life and that was why I joined carpentry training.

The Acting Chair (Commissioner Namachanja): You did not give up in your life; we thank you so much for honouring us with your story.

Commissioner Slye: Mr. Kotoo I also thank you for coming here and sharing this story with this Commission. In your testimony, you mentioned two individuals who were involved in the killing of your father, mother and brother and the first was Gen. Halkano. How much can you remember about what his specific role was in this event? Sorry, are you getting the question? You had mentioned Gen. Halkano, and I just wanted to get it correct in my mind what his role was in the death of your family members.

Mr. Kotoo Bala: He was in a high rank in Government; people like Gen. Mulinge were also in the operation; people who were in control like the Chief of the General Staff gave instructions. Maybe he was just following instructions from the Government that “Go and finish those people in that area”.

Commissioner Slye: Do you remember who told you that Gen. Mulinge had given--- Did you actually see Gen. Mulinge join that team?

Mr. Kotoo Bala: I was told by parents because we were still young; we also heard it from the older people who were there. They said that the people in command were Gen. Mulinge and Mzee Kenyatta; they were giving all the instructions. So, mostly it was the President who gave the instructions; maybe Gen. Mulinge was told to do this and that. Maybe, it was the high ranking people in the military who could give orders, including

those to poison the people. But it was Kenyatta who told them not to poison them, because if they did people would die.

It was the late Odinga who said that Ewaso Nyiro river waters should be poisoned, so that all those people could die. The late Mzee Kenyatta said that if they all died then he would have nobody to govern. So, it would be good if, maybe, he only finished the parents and then the children remained as orphans since they would have no power. At that time, you find due to the position that the late Odinga held all the Boranas in Isiolo could have died. But because of the decision that all the parents should die, so that the young ones could remain as orphans--- We went through all this because the decision was made by late Odinga.

Commissioner Slye: If you can recall, do you remember whether any of your parents had seen either Halkano, Mohamud or Gen. Mulinge, or they just assumed that they were there just because they held high positions, and so they must have had something to do with this event?

Mr. Kotoo Bala: At that time, you were followed and beaten. Boranas had no rights. They knew that the people who were in high positions could easily be identified. We were like animals; wild animals could even be better when you compared them to the Borana community.

Commissioner Slye: Your testimony is consistent with the other testimonies we have heard from other witnesses. You are not the first person to say to us that the treatment that your community faced was not any different from the treatment meted out on animals. All that I wanted to try and understand is whether you can remember whether any of the people you had seen as individuals had decided to join in the event or not.

Mr. Kotoo Bala: The operation that took place in the Borana community was witnessed by everybody, including me even though I was in Class Two at that time. Anybody who came there said that those people were *Shiftas*. They were just beaten; I was in that *manyatta* because I was from school. They were beaten with clubs; they also had some chains and animals were separated from them. There was an old man who was beaten and today he is a cripple. Another person was beaten up so much that I do not know whether he is still alive. People were beaten mercilessly in front of others, and there were these school children who ran to an Assistant Chief, but they were beaten with clubs. I remember personally even when those people were being pushed we, school children, were forced to go away. That was something I saw; it is not something I heard. Even you personally, you saw the community which lives here; I saw everything.

Commissioner Slye: Mr. Kotoo we realize that you were very young at that time. We appreciate that you organized to come here and share with us, specifically what you saw. You have mentioned the names of some other witnesses. I am wondering if maybe, you could give our people the names of the individuals whom you think could still be alive and were around at the time, so that we can also talk to them. Thank you, again, very much.

Mr. Kotoo Bala: Thank you very much.

Commissioner Shava: Life has been difficult for you, but you have tried; you have learnt a trade and you are earning a living. We empathize with the hardships you have gone through, and we congratulate you for your fortitude.

There is nothing that can bring back the people who were killed and the people who have gone. What in your view can be done about some of the things you have talked about? You have said that many often had to survive the way you had to survive. Is there any way in which you think that life can be made easier?

(The witness wept)

We will give you a moment to compose yourself. You are free to have some water; we will wait until you are ready to continue.

I was saying that with all these difficulties, there are things that can change and there are things that cannot be changed. What, in your view, can be done to help people like you and those who have suffered like you? What would you like this Commission to do?

Mr. Kotoo Bala: At this moment the life that I have lived, and even that of my grandmother, who brought me up until I married and got three children--- I have managed to take my children to school through the workshop that I run. I have one child who is still in school, and there is another one who is not in school. Sometimes I cannot even take him to school, because he was conned in a college in Mombasa. The money they wanted me to pay, which was Kshs7,000, I have not raised because life has become hard. Though we have tried the much we can, in Kenya the poor man has no justice. If you are poor and cannot manage to do anything, then your life cannot be changed; the kind of life we have been living is one of hardships. Personally, I have nothing because I never got any benefits from the Government of Kenya. Currently there are no human rights in our place, but I thank you people for coming here. Since Kenya got Independence, we have remained poor. What we have said is enough. You can ask us other questions.

Commissioner Shava: Thank you Mr. Bala.

Commissioner Slye: Mr. Bala, I just want to follow up on something you just referred to. I thought I heard you say that you were involved in a workshop to assist children in going to school. Can you say a little bit more about that?

Mr. Kotoo Bala: Although I run the workshop, I do not have income. I am a grade I Carpenter, but nobody is there to help me although I have the experience. Nobody is sponsoring me to run the workshop.

Commissioner Slye: I want to commend you for doing that. I know it is something that does not bring you any material benefit but it must be bringing immeasurable benefit to those children. It is really a tribute to you, considering all that you have to go through and the struggle that you have gone through, that you have been able to provide that assistance to those young people. Thank you.

The Presiding Chair (Commissioner Dinka): Thank you very much Mr. Katoo. We empathise with you. We have heard your evidence. Take courage that we have listened to you and something will be done about your predicament. Thank you very much.

Leaders of evidence, you may stand down the witness and bring in the next witness.

(Mr. Elema Guyo took the oath)

The Commission Secretary (Ms. Nyaundi): Good morning Mr. Guyo and welcome to the Commission. I will ask you, for the record, to please, tell us your names and where you stay right now.

Mr. Elema Guyo: My names are Mr. Elma Guyo. I live in Isiolo

The Commission Secretary (Ms. Nyaundi): Mr. Elema, what names would like us to refer to you by?

Mr. Elema Guyo: I would like to be called Elema.

The Commission Secretary (Ms. Nyaundi): Thank you very much, Mr. Elema. You recorded a statement with the Commission, detailing things that happened to you and your family around 1966. I would like to ask you to tell the Commission what it was that happened to you.

Mr. Elema Guyo: It was in 1964 and I was 25 years old. I had cows, goats and a lot of other animals. Most of the animals I had disappeared during drought. I only remained with cows. I had 105 head of cattle and two camels. In 1964 the Government of Kenya arrived. Before that, we had lived well because there was the colonial government and they were not interfering with our lives. We only dealt with our livestock, herding, milking and eating them. The colonialists had nothing to do with us. We were not thieves. We were not bandits. We were a peaceful community before that. During the colonial time, the colonialists respected us very much; we were not disturbed by them.

In 1964, everything happened. It was 1964, I repeat. We used to take our animals to different places in search of grass and water. Every time we arrived at the wells to water our animals, the soldiers did not ask us anything. They just started beating us up. We did not come for anything else other than just to water our animals. We did not even know what we had done wrong. Every time the soldiers arrived there was harassment. We did not know why we were being harassed at that time. We continued with the same situation

until 1965 when the concentration camps started. All of us, including our animals, were moved to Garba Tula concentration camps.

We were moved by force and we did not even know where we were going. We were just asked to move our animals and keep moving. When we arrived at Garba Tula, we were put in concentration camps. The animals were brought and there was no way they were fed in Garba Tula. We were then asked to move to Maili Tano. When we arrived there, they asked us not to ask for anything, even if somebody died along the way, or when we arrived there. They said it was not their responsibility. At that time, everybody who was in Garbatula, especially the DO--- I knew the DO very well. He was called Mr. Majani. The then MP was called Adan Wako Bonaya. While our animals were still under our care, the soldiers took them away from us. We had animals belonging to nearly eight families. The animals were taken and moved along the road to Isiolo Town. They were moved by the soldiers. The young animals which were born along the way were put in the army vehicles. The animals which were too weak to move were left along the road. I took another car belonging to Mohammed Ibrahim and followed the animals to Isiolo. We could not approach the soldiers; so, we stayed away from them.

I approached the AP Camp in Isiolo. The AP Commandant was called Boro Duba. I asked him to release even if it was only five animals. I had to lie that five animals were mine. The Commandant also had some animals which belonged to him. Therefore, every time he said they were his, they released some. I begged and begged but did not get any help. I therefore, went back to Garbatula.

I did not have a single animal to my name after that. I came back to the camp and there was no food. We had nothing to eat. They said everybody had to be found within the camp. At the beginning, the Government did not help us, and most people died of hunger. One day early in the morning, they just came and said: "Kill, kill, kill", that was all we had. Many people were put in vehicles allegedly to be taken to Isiolo but they did not reach there. I think they died along the way. They were 70 people but only around two to five survived that journey to Isiolo. I think two of them are still in Isiolo. We were beaten mercilessly. We were killed. The MP, Adan Wako, resigned that day and went home. Since then, we have never had a good life. We have been poor since then. We had a Government, but we were not able to tell them anything or get any compensation from them.

The animals belonging to the eight families I told you about were just a tip of the iceberg. There were more animals that I could not count. We have been living such bad lives. Even in the year 2000, I had 27 head of cattle which were stolen by bandits. The animals were stolen not very far from Isiolo. I went to the Administration Police to complain about the theft of my animals. I even had documents to show that. I did not get any help. I still have the papers with me. They took the papers but there was no follow up. I lost even the little that I had gained in 2000 since the concentration camps.

During the colonial times, somebody was killed at a well. The APs followed up the issue and called everybody to a gathering. The community at that time was fined for the death

of a boy. Since then, we have never had any follow up by the current Government. We have just been living like animals. We have been living on hand outs, or doing small time jobs here and there. I could do that because I had the energy to. Anybody who did not have the energy to do any kind of work was not even able to get out of Garbatula.

That is the life I have been living.

The Commission Secretary (Ms. Nyaundi): Thank you very much Mzee Elema. You will allow me to ask you some questions just to clarify some issues. After I ask you questions, the Commissioners will also ask you questions.

So, Mr. Elema, please tell us; before you moved to Garbatula in 1964, where were you staying?

Mr. Elema Guyo: We were living in a place called Marto Gurbahuka. I was with my livestock.

The Commission Secretary (Ms. Nyaundi): Just to be clear on the record, when exactly were you moved to Garbatula?

Mr. Elema Guyo: I do not know the exact date. We could not ask anybody for the date. We were scared of the armed forces. I am sorry, I do not know the date.

The Commission Secretary (Ms. Nyaundi): Do you remember your age when you moved from your home to Garbatula?

Mr. Elema Guyo: I was 26 or 25 years old. I was a young man at that time.

The Commission Secretary (Ms. Nyaundi): Now, you said that when you were at the watering holes, the Government soldiers would come and harass you. Did they speak to you or say any words to you?

Mr. Elema Guyo: We did not know Kiswahili. So, it was just sign language that we used and did not understand what they were saying. Nobody was translating for us. It was total misunderstanding between us.

The Commission Secretary (Ms. Nyaundi): How far was Garbatula from your original home?

Mr. Elema Guyo: It was quite a distance. We came back with our animals to a place called Maili Tano, because there was a community living there. From Garbatula to that place is quite a distance.

The Commission Secretary (Ms. Nyaundi): When you were moved from your original home to Garbatula, were you transported using vehicles or you walked?

Mr. Elema Guyo: We walked. We moved with our livestock to Garbatula.

The Commission Secretary (Ms. Nyaundi): How many days did that journey take?

Mr. Elema Guyo: We walked for three days.

The Commission Secretary (Ms. Nyaundi): You said after Garbatula, you again moved to Maili Tano?

Mr. Elema Guyo: Yes, they released the animals and moved them to Maili Tano, because there was no grass to feed them on in Garbatula. We moved with our livestock and that was a one day journey. It is not that far. It is six to seven miles away.

The Commission Secretary (Ms. Nyaundi): What was life like in Garbatula? Were you living in an open compound?

Mr. Elema Guyo: We had traditional houses that we used to make by ourselves. We used to build them within a day and live in them. They were made of grass and twigs.

The Commission Secretary (Ms. Nyaundi): Were you free to move around as you wanted?

Mr. Elema Guyo: We could move within the camp, and if you moved outside the demarcated areas, you would be called a shifta and shot.

The Commission Secretary (Ms. Nyaundi): Thank you very much Mr. Elema. You had mentioned that you could remember animals belonging to about eight families. Do you remember the names of those families?

Mr. Elema Guyo: Yes, I remember.

The Commission Secretary (Ms. Nyaundi): Share them with us.

Mr. Elema Guyo: They were Diboso's family, Godana Arbatos family, Gimbe Alake's family and Boro Bosos' family. I can remember only those.

The Commission Secretary (Ms. Nyaundi): You said that when your cows and animals were taken to Isiolo you got onto a vehicle and followed them. You also told us that it was dangerous to leave a camp. Did you make any special arrangement, or how were you able to follow your cows.

Mr. Elema Guyo: If you were able to move in vehicles, you could move. However, if you were walking, it was very difficult. They controlled who boarded the vehicles and those who came out; therefore, you could move.

The Commission Secretary (Ms. Nyaundi): How long did you stay at Garbatula before you moved to Isiolo?

Mr. Elema Guyo: After they moved the animals to Isiolo, I stayed for three to four days, and then followed them on the fifth day.

The Commission Secretary (Ms. Nyaundi): I was referring to eventually, because you followed your animals to Isiolo and went back to the camp at Garbatula. That was after some time.

Mr. Elema Guyo: I only stayed for two days and followed the animals after they left for Isiolo.

The Commission Secretary (Ms. Nyaundi): By the year 2000, you were living in Isiolo. So, when did you move to Isiolo?

Mr. Elema Guyo: I moved to Isiolo in 1986.

The Commission Secretary (Ms. Nyaundi): You left the camp in Garbatula in 1996?

Mr. Elema Guyo: No, it was after the concentration camp was closed in July 1967. That was when I left for Nairobi. I moved to Isiolo in 1996.

The Commission Secretary (Ms. Nyaundi): Did you have a family?

Mr. Elema Guyo: Yes, I had a family.

The Commission Secretary (Ms. Nyaundi): When did you marry your wife?

Mr. Elema Guyo: I married in 1962.

The Commission Secretary (Ms. Nyaundi): Were you living with her before you left for Garbatula?

Mr. Elema Guyo: Yes, I was living with her before the concentration camps and even during the concentration camps.

The Commission Secretary (Ms. Nyaundi): Did you get children with her?

Mr. Elema Guyo: I have two kids, but I have around six brothers and sisters.

The Commission Secretary (Ms. Nyaundi): You had two children with your wife?

Mr. Elema Guyo: Yes, I had two kids; one of them died during the concentration camps. I then remained with only one child.

The Commission Secretary (Ms. Nyaundi): Is your wife alive now?

Mr. Elema Guyo: No, she died. Now, I have another one.

The Commission Secretary (Ms. Nyaundi): You said you stayed with your wife at the camp at Garbatula?

Mr. Elema Guyo: Yes, I was staying with her and my two kids.

The Commission Secretary (Ms. Nyaundi): When you left the camp in 1967, did you leave with your wife?

Mr. Elema Guyo: Yes; I took my wife and my child to Nairobi.

The Commission Secretary (Ms. Nyaundi): Thank you very much. Part of what the Commission is required to do is to find out from people like you what the consequences were at a personal level when you went through such an experience. We want to know the consequences it had on your life.

Mr. Elema Guyo: I think the people who died are already dead. The only thing we fear at the moment is that I might even lose the house that I live in. I have heard that in 1964, Isiolo was called Borana District. We moved to Isiolo District. I am hearing that the boundaries of Isiolo are moving closer and closer to Isiolo Town. We are even scared of losing the Borana territory. I have a wooden-roofed house in Isiolo; I am scared of losing this because of the adjustments in the boundaries. There is nobody we can complain to or who can listen to us. Most of the people who live here know the old boundaries. Now, the boundary passes through the airstrip in Isiolo Town to Garemara, and to a place called Gotu.

Nyambene District is encroaching into our territory. Before all this, the whole of this place was called Isiolo District. Today, it is called Nyambene.

The Commission Secretary (Ms. Nyaundi): I am giving you an assurance that you will not lose your property. What is your expectation from the Government?

Mr. Elema Guyo: The first thing that we would want is compensation for the animals that we lost during that time. It has been a long time and people and animals have died. My brothers died during that time and very few people are remaining. According to me, if there is any help the Government of Kenya can give, we would like to be compensated for what we lost during that time. It will be great help to us.

The Commission Secretary (Ms. Nyaundi): You have given us a copy of this document which you received from the police station here at Isiolo. It is showing that you made a report on the 27th June 2000 about the loss of 38 cows. Would you like the Commission to take a copy of this document and have it in its records?

Mr. Elema Guyo: Yes, I would.

The Commission Secretary (Ms. Nyaundi): Admit this extract from the police Occurrence Book dated 5th November 2002.

The Presiding Chair (Commissioner Farah): It is so admitted.

The Commission Secretary (Ms. Nyaundi): Thank you very much Mr. Elema; the other Commissioners will ask you questions.

The Presiding Chair (Commissioner Farah): Thank you very much Mr. Elema for giving your candid evidence. I will now ask my fellow commissioners to ask you questions for clarifications, if any.

The Acting Chair (Commissioner Namachanja): Thank you so much Mzee Elema. I would like to understand some part of what you shared with us. You say that it took three days to move from the concentration camp, which some witnesses have called prison camps. Correct?

Mr. Elema Guyo: Yes.

The Acting Chair (Commissioner Namachanja): During the movement, did you stop at one time, for example at night?

Mr. Elema Guyo: Yes; we spent three nights because the animals could not move during the night. We moved during the day and slept at night.

The Acting Chair (Commissioner Namachanja): While you were moving during the day, did you stop for prayers or for meals?

Mr. Elema Guyo: The animals had to drink water after every one day. Sometimes, we stopped where we could find drinking water for the animals. They used to drink to their fill, and after that we kept moving.

The Acting Chair (Commissioner Namachanja): For the Muslim communities, there are certain times when they are supposed to pray. Was that allowed?

Mr. Elema Guyo: No! No! There was nothing like that. It was just a slow movement of animals and people.

The Acting Chair (Commissioner Namachanja): Were the mothers allowed to stop to feed their children during the day?

Mr. Elema Guyo: No. There was no stopping. There was no rest even for women and children. It was just movement from morning to evening. The only time they could rest was in the evening and at night.

The Acting Chair (Commissioner Namachanja): How did the children under five years move? People aged over 60 years, were they also walking?

Mr. Elema Guyo: We had camels that we used to carry things. We put those people on the backs of the camels.

The Acting Chair (Commissioner Namachanja): You said you followed your livestock, but you were not able to rescue even one. Would you know what happened to your livestock?

Mr. Elema Guyo: After the animals came to Isiolo, we have no idea what happened to them. Nobody made the effort to come back and look for them. We lost them just like that.

The Acting Chair (Commissioner Namachanja): Thank you.

Commissioner Shava: Thank you Mzee Elema for your story. I just wonder if you could, perhaps, elaborate on the circumstances of the death of your first wife.

Mr. Elema Guyo: She died in 1969 out of natural causes.

Commissioner Dinka: Thank you, Mr. Elema for your testimony. When you drove your cattle for three days and you reached Isiolo, were you in control of them or you just left them in the bush?

Mr. Katoo Bala: The people who were herding the animals had about eight army vehicles moving along with them. They were in uniform, but I do not know which unit they came from. We just knew they were the Government.

Commissioner Dinka: Have you ever petitioned the Government to return your cattle?

Mr. Katoo Bala: In 1972, we went to the DC's place to petition. Nothing has ever happened since then. We do not know what happened to our petition. I went to Nairobi in the same year to petition for my animals, but nothing happened.

Commissioner Dinka: You said that 28 heads of cattle were stolen and you reported to the police in 2000. What year did the cattle get lost?

Mr. Katoo Bala: It was 20th June, 2000. Nothing happened out of my appeals to the Government. If the Government made efforts to recover the animals, they would have succeeded within a day. They just sat in the offices.

Commissioner Dinka: Thank you, Mr. Elema for your testimony.

The Presiding Chair (Commissioner Farah): Mr. Elema, I join my colleagues in thanking you for the evidence that you have given. It has added value and even corroborated other evidences.

Leader of Evidence, you may call the next witness.

(Mr. Hassan Jaro Boru took the oath)

The Commission Secretary (Ms. Nyaundi): Welcome to the Commission today. For the record, please, tell us your full names and where you are staying?

Mr. Jaro Boru: I am Hassan Jaro Boru and I live in Isiolo in Kambi Bure.

The Commission Secretary (Ms. Nyaundi): You recorded a statement with the Commission. In that statement, you have spoken about the experience of the people of Borana within Isiolo. Let us talk a bit about some of the issues you have raised. Is this the original home of the Boranas?

Mr. Jaro Boru: That is true. Their original home is here.

The Commission Secretary (Ms. Nyaundi): You say that they have suffered greatly since Independence. They have been discriminated in that they do not have basic needs.

Mr. Jaro Boru: It is true we do not get any assistance from the Government. We Boranas have suffered a lot. There came a time when we thought that the Government does not recognize us.

The Commission Secretary (Ms. Nyaundi): You also said that your children do not get employment. Can you---

Mr. Jaro Boru: No, I said that during the Shifta War, all our livestock were killed. People were also killed. People have different cases, but we all went through the same situation. We are still suffering up to now, since Daaba; although I was young then, I remember very well what happened. My father and uncle were killed during that time. My mum told me everything that we went through. That is how we wrote our report which is here before you.

I came to Isiolo when I was 13 years old. Our homestead is here. The way we live is very different from the other Kenyans. The Government has neglected us a lot. We are still being tortured today by not only the Government, but also our neighbors. The Government does not protect our lives and our property.

The Commission Secretary (Ms. Nyaundi): Mr. Boru, is there a secondary school here?

Mr. Jaro Boru: We do not have secondary schools in Isiolo. We also do not have colleges or universities. There are only two secondary schools here. Our pupils are forced

to go out of this place to get secondary school education. It is difficult because we do not get any assistance from the Government.

In Isiolo, we have so many tribes here. We are not saying that they should go back. We believe that Isiolo District belongs to the Borana. We have had conflicts here with the neighbors who sometimes want to evacuate us. Two weeks ago, two people were killed in Gambela. Recently, two motorcyclists were killed here. If we report these issues to the Government, no action is normally taken.

The Commission Secretary (Ms. Nyaundi): You said that there are many communities here and they all want the district. Is it the district or the resources such as water, schools, jobs and so on?

Mr. Jaro Boru: It is not about water. People want to take this District. All our livestock was taken away and so, we learnt to farm. We use rain water to irrigate our farmers here. The river in between here dried up. There are people who disconnect the water that is channeled to this place. Those who do so are those who are wealthier than the Borana. This has reduced our income greatly.

The Commission Secretary (Ms. Nyaundi): Part of what this Commission is supposed to do is to identify problems like the ones you have raised and ask people like you to offer solutions that can work. You mentioned in your statement that there are elders in Isiolo. Have you participated in their meetings? What could be your recommendations?

Mr. Jaro Boru: We have elders who come up with proposals, but the Government does not do anything. These elders solve conflicts here. However, this Commission could take our grievances to the Government and we could see some changes. We have tried to talk, but we do not achieve our goals.

The Commission Secretary (Ms. Nyaundi): Are there cases here in Isiolo, where people from one community marry from another?

Mr. Jaro Boru: Intermarriages exist. This is because people have been educated. Everyone is free to marry from any tribe.

The Commission Secretary (Ms. Nyaundi): One of the things you want is the label Shifta to be removed?

Mr. Jaro Boru: The Government should not call us Shiftas. It should consider us as Kenyans. Here, we do not have a borehole. If the water channels are disconnected, we cannot get water. We want the Government to come and dig boreholes for us. We are suffering in all dimensions.

The Commission Secretary (Ms. Nyaundi): You consider yourself a Kenyan because you are a holder of Kenyan Identity Card?

Mr. Jaro Boru: I was born in Kenya and I have the Kenyan ID. I came here when I was 13 years and now I am 51 years old. I have travelled to various parts of Kenya and that is how I managed to know that the way we live here is different from the way other Kenyans live. In our homeland, when you report an issue, nobody listens to you.

The Commission Secretary (Ms. Nyaundi): In your statement, you said that one of the obstacles you meet is getting an ID. You talked of the vetting process being tedious. Can you tell us who is vetted and why that is done?

Mr. Jaro Boru: There are people who come to Isiolo and claim to be Kenyans. IDs help to identify Kenyans from non-Kenyans. There are even robbers who travel in lorries from neighbouring countries. The Government should find a way of investigating where these people come from. We need to know where they come from. They could attack today and then attack after a short while. This has really frightened us. We ask the Commission to consider our problems. So many youths here do not have jobs. They are idle.

The Commission Secretary (Ms. Nyaundi): You said in your evidence that there is a lot of discrimination against the Borana by the Government. We can understand that because we have received a lot of evidence from you. Other communities also discriminate against the Borana. Could you, please, elaborate that statement?

Mr. Jaro Boru: It is not that they discriminate us. Right now, there are people at the border who say that this place belongs to them. I used to hear from elders that there are boundaries here in Isiolo. Now, these people cross the boundaries and they claim that Isiolo belongs to them. Some elderly men know where the boundaries are. Kenyans should live together as brothers.

The Commission Secretary (Ms. Nyaundi): Thank you very much for your testimony.

(Mr. James Gitonga Waititu took the oath)

Ms. Belinda Akello: Welcome, Mr. Gitonga, to this session. Kindly state your three names for the record.

Mr. James Gitonga Waititu: My names are James Gitonga Waititu.

Ms. Belinda Akello: Where do you live?

Mr. James Gitonga Waititu: I live in Isiolo Central near the Total Petrol Station.

Ms. Belinda Akello: Do you have any work at the moment?

Mr. James Gitonga Waititu: Here, I am just a businessman. I have a kiosk.

Ms. Belinda Akello: You wrote a statement to us pertaining to how you lost your 50 cows. Do you want to take us through the statement on the event of 7th May, 2011?

Mr. James Gitonga Waititu: I can explain. In 1967, there was a manyatta at a place called Bula Pesa. One morning, soldiers from GSU and AP came and took our cattle to a place down there. All the animals were killed. This reduced us to poor people. We lacked food and other basic needs. We became impoverished. We tried to follow the soldiers, but they threatened that we would also be killed. We had no option, but to go back. We have been depending on God.

I managed to write a letter to the PC of Eastern Province explaining the situation. He replied to my letter on 7th June, 1967. He said that the livestock was taken by security officers. He told me that he could not do anything and that I write a letter to the Office of the President. I did so.

In July, 1967 I got a letter from the Office of the President. It stated that they had received my complaint and they were conducting investigations. They found out that it was true my livestock had been taken by the soldiers. They said that my livestock had been killed by the British soldiers. They said they could do nothing. They advised me to go to court. At that time, I had nothing that could enable me take the matter to court. I have all the letters and I am presenting them as evidence.

Because of lack of education, we are suffering. I ask that all of us whose rights were violated be compensated. That will help us stop begging. Although it is the Government that did all those things to us, they need to help us get our basic needs. Our children do not go to school.

Ms. Belinda Akello: Where were you born?

Mr. James Gitonga Waititu: I was born and educated in Isiolo. I am an Isiolo resident.

Ms. Belinda Akello: You said that in 1967, your manyatta was attacked by people from the Government?

Mr. James Gitonga Waititu: Yes, they were people from the GSU.

Ms. Belinda Akello: Was it only your family that was attacked?

Mr. James Gitonga Waititu: It was not only my homestead. They attacked all the manyattas that were around there. For example, they attacked manyattas belonging to Mzee Hussein and Mzee Ahmed Meru who were my neighbours.

Ms. Belinda Akello: About how many families were affected?

Mr. James Gitonga Waititu: There were so many people who were living there inside Bula Pesa. I cannot remember the number, but they were so many.

Ms. Belinda Akello: What have you been doing to eke out a living?

Mr. James Gitonga Waititu: I depend on my kiosk. I sell vegetable which I get in Meru.

Ms. Belinda Akello: Were you depending on your kiosk even in 1967?

Mr. James Gitonga Waititu: Yes.

Ms. Belinda Akello: Thank you very much. You have also explained that your cattle were taken at that particular time. And this year, what are you doing to earn daily living?

Mr. James Gitonga Waititu: I depend on my kiosk because I sell vegetables from Meru where I earn my daily bread.

Ms. Belinda Akello: Ever since 1967, have you been depending on your kiosk?

Mr. James Gitonga Waititu: Since then, I have been depending on my kiosk because I do not have any other way I can get my daily bread.

Ms. Belinda Akello: Are your other fellow neighbours who were living in that particular village still there? Can you really know whether they went to the District Commissioner's (DC) Office or Provincial Commissioner's (PC) Office, as you took a step to write a letter to these particular offices?

Mr. James Gitonga Waititu: I cannot really tell if they went to the offices, but I personally tried my level best to write letters to Government offices.

Ms. Belinda Akello: We have seen responses to four letters, the first one was dated 7th June, 1967 and the second one is dated 7th July, 1967; the third one is dated 14th October, 1967 and the fourth one is dated 27th November, 1967, all being correspondences with the Provincial Administration. It is our plea that the witness also agrees that the same be admitted as part of his evidence.

Commissioner Dinka: Thank you very much. The evidence is so admitted.

Ms. Belinda Akello: Thank you. Bwana James Gitonga, when we are looking at the evidence that you have given in reference to the letters you have given from the PC, the last communication ended on 27th November, 1967, and after these letters, did you also try to follow up your wealth or your cattle in any other way?

Mr. James Gitonga Waititu: That was my destiny because there was no way I could do anything because the letters were to be an appeal in court but I had no money to appeal before court. In the real sense, how can you accuse the Government that took your properties? By that time, I had no money to sue them.

Ms. Belinda Akello: Thank you very much. Since 1967 to date, within your opinion as a person, what are your recommendations or what would you like to be done to you in a form of compensation for the wealth you lost during the attack?

Mr. James Gitonga Waititu: I really request the Government to review the kind of life the people of Isiolo are living in because the problem has been there for so long. I hope the Government could compensate us. I believe that if those 50 cattle could have lived to this time, they could have reproduced and I would be having more than 1,000 cattle. I would be able to take my cattle to Kenya Meat Commission and also my fellow neighbours would do the same thing, but due to this looting, we have undergone different problems and we only appeal to the Government to compensate for our property because they are the ones who took them.

Ms. Belinda Akello: As you have explained to us before this hearing that you could not manage to follow up, for your rights and justice to prevail because you did not have money to make the follow up, in the same way, you could not even go to report to the police or go to court. So, if you can be helped so that justice is done, do you still feel that you should go to the police or to the courts, if it is possible?

Mr. James Gitonga Waititu: It would be good if I am helped. But at this moment, the police and the Office of the President are the ones who wrote to me this letter. Now, they are my seniors, because we know that the Office of the President is the highest office in this country and this is why they replied to my letters. In the letter, they are saying that there is no other way they can help and they are agreeing that they took the livestock. Even if I go to court - I do not have money to go to court - do you think they will accept to compensate me?

Ms. Belinda Akello: Thank you very much. You understand that you are also talking on behalf of very many people. You have told us that there were very many families who were staying in that Manyatta. If you are asked by the Commission to give us all the names for the people who were living at that particular Manyatta and the wealth that got lost on this particular incident of attack that you have already spoken about, would you give us?

Mr. James Gitonga Waititu: I can remember just a few of them because so many years have passed and this time we are old. I can remember there was Ahmed Chama Hussein, Mohamed Meru and Abdi Kadir. These are the few names that I can remember.

Ms. Belinda Akello: Thank you very much.

Commissioner Dinka: Mr. Gitonga Waititu, I thank you very much for having taken the courage and the patience to come forward and present your evidence to the Commission today. I also thank you for having kept this record of the correspondence between you and the office of the PC, and the Office of the President for all these years, since 1967. People like you who have failed to get justice and who are very many in the whole of this nation will be happy to know that the reasons why this Commission was set up was

because the Judiciary could not deal with matters like yours nor could the Government. That is why the Truth, Justice and Reconciliation Commission was set up as a non-judicial Commission to investigate into the truth and establish how the people of Kenya have suffered and to make recommendations to the Government.

I want to assure you that the recommendations that this Commission will make will be binding to the Government and the Government will have no alternative but to implement them. So, rest assured that your patience has been answered by God.

I now ask my fellow commissioners to ask any questions in order to clarify the matter further, if there is any.

The Acting Chair (Commissioner Namachanja): Thank you, Mr. Gitonga Waititu, for sharing your story. I just have two questions for clarification. When your livestock was confiscated, was it during the time at the concentration camps?

Mr. James Gitonga Waititu: It was 1967 and it was that time when we had Shifta activities.

The Acting Chair (Commissioner Namachanja): After you failed to get justice through the court system, did you at one point seek assistance from human rights activities that support communities and community members to get their justice, for example, the National Commission of Human Rights and the Kenya Human Rights Commission?

Mr. James Gitonga Waititu: There was nothing of that sort at Isiolo that time. There were no commissions that we could have run to.

Commissioner Slye: Bwana James, I also want to add my voice to that of the Acting Chairlady in thanking you on the foresight in preserving the documentation of this correspondence. I just have a few questions related to the letters you have given to us. The first question is did you write the letters yourself or were you assisted by any other member of your family?

Mr. James Gitonga Waititu: These letters were written by Mr. Johnson because my father could not write but he died because of all those problems. So it is me who wrote them.

Commissioner Slye: The first letter which was written on 7th June, 1967, in part says:-
“

The confiscation of cattle was done under legal powers and executed by security forces.”
Did anyone ever explain to you what the legal powers were?

Mr. James Gitonga Waititu: The time when he went where the animals were taken, there was a District Commissioner (DC) of Isiolo. I saw him there and I knew him very well he was the DC for Isiolo who was there for the operation.

Commissioner Slye: Did that DC or any other official ever explain to you or do you know whether he ever explained to your father what the legal authority was that was used to seize the cattle?

Mr. James Gitonga Waititu: He never explained anything.

Commissioner Slye: The individuals who were keen to take the cattle, do you recall whether they said anything to you or your father related to why they were taking the cattle?

Mr. James Gitonga Waititu: They just took those animals saying that all people who are there are Shiftas. We tried to tell them that we were not Shiftas but they could not listen to anybody at that time.

Commissioner Slye: My last clarification regards the letter dated 14th October, 1967, which indicates that they had done investigations concerning the seizure of your cattle and which indicates that you were a victim of circumstances and very little can be done to help you. Did anybody ever elaborate to you or your father what was meant by a victim of circumstances or did anybody ever explain to you what sort of investigations had, in fact, been carried out?

Mr. James Gitonga Waititu: Nobody! They told us that they had done investigations and found that it was true that these animals were killed or had been taken away. Nobody else came to explain to me about this letter. When I got the letter, I read it to my father and there was nothing done.

Commissioner Slye: But during the time that you had written to the Office of the President and then received this letter prior to the investigation, did any Government official or police officer come to you or your father and ask questions about the cattle and their seizure?

Mr. James Gitonga Waititu: There was one old man from the Special Branch whom I cannot tell whether he was Noor Kiptoo who came home and told us that the Government had tried to investigate the matter to establish where the animals were taken to. He told us that we should just wait for information from the Government. His name was Kiptoo. That is the only man I can remember seeing.

Commissioner Slye: Do you remember whether he came to visit you before you received this on 14th October, 1967 or before?

Mr. James Gitonga Waititu: Up to today, I have never seen him again.

Commissioner Slye: The reason why I am asking this question is: I am trying to ascertain whether in the course of the investigation as referred to in that letter, whether anybody came to speak to you or your family as part of that investigation. So, I am

asking whether that Special Branch officer came before or after the letter was filed to the investigation; that is 14th October, 1967.

Mr. James Gitonga Waititu: That officer from the Special Branch came before these dates indicated there. Though I can remember which month, but he came before because we gave these letters later.

Commissioner Slye: He just explained to you that there was investigation and you should wait. Do you remember whether he asked you or your father any more questions about the cattle and the circumstances under which they were taken?

Mr. James Gitonga Waititu: No. He never asked us anything. What I can remember is that he said that they were going to send a letter and we should just wait for the communication.

Commissioner Slye: Thank you very much, Bwana James. We really appreciate you coming here and sharing your story with the Commission and we now understand the circumstances that surrounded you. Thank you very much.

Commissioner Shava: Thank you very much, Mr. Gitonga Waititu. In the narrative that we have heard in this part of the country concerning incidences such as the one that you experienced, it appears to us that cattle are valuable commodities even to those who had taken them. I am wondering why in this incident the cattle were destroyed. Do you have any idea why after taking the cattle, these General Service Unit (GSU) officers shot the cattle?

Mr. James Gitonga Waititu: Those officers said that the animals were the main achievement of the Shiftas, so for them to finish the Shiftas, they were to do away with all the animals so that the Shifta will have no other source of income. We had no industries and neither did we practice farming. We only depended on the livestock. We sold milk or the animals so that we could at least get something to earn bread for our families.

Commissioner Dinka: Thank you very much for your testimony, Mr. James Waititu. The issue of your losing 50 heads of cattle is very clear. Even the PC has not contested that fact, but he said that it was done under the legal powers conferred upon the military which is very bizarre, to say the least. And then, the President's office also never contested that fact but said that you are victims of circumstances. The circumstances again appear to have been known by the Government because it was Government action. Whether the Government is saying that it was action by the Government that went wrong, still the responsibility is on the Government.

After the Office of the President responded on the second or the third letter, you were told to appeal to court. Have you approached any human rights organization or any civil society which deals with human rights issues to help you take this matter to court, and if so, what were the responses?

Mr. James Gitonga Waititu: By that time, we could not identify any commission. Even there was no organization at Isiolo. We only had the Government and the citizens. The only person who was there was the DC and he said that there was nothing more he could do.

Commissioner Dinka: Perhaps, there were no human rights organizations in Isiolo but since then, for instance, last year and the year before, have you talked to any civil society or human rights organizations to assist you in taking the matter to court?

Mr. James Gitonga Waititu: I have never.

Commissioner Dinka: Thank you very much, Mr. Waititu. Once again, on behalf the commissioners, I want to tell you that we have received your evidence and the record that you submitted with the letters and it has gone into our records. Once again, thank you.

Leader of evidence, could you step down the witness and call in the next witness?

(Mr. Abdi Rashid Dida Abakula took the oath)

Ms. Belinda Akello: Good morning. Kindly, tell us your three names for the record.

Mr. Abdi Rashid Abakula Wabo Bonzola: My name is Abdi Rashid Dida Abakula Wabo Bonzola.

Ms. Belinda Akello: Thank you very much, Mr. Abdi Rashid. Where do you live?

Mr. Abdi Rashid Abakula Wabo Bonzola: I live in Isiolo Central Division.

Ms. Belinda Akello: And what do you do in Isiolo at the moment?

Mr. Abdi Rashid Abakula Wabo Bonzola: Right now, I am retired. I was working as a civil servant in the department of the Kenya Police, General Service Unit (GSU), for the last 20 years. I took a voluntary early retirement at the age of 20 years.

Ms. Belinda Akello: Thank you very much Mr. Rashid. You volunteered for early retirement at age of 20 years or after 20 years of service?

Mr. Abdi Rashid Abakula Wabo Bonzola: After 20 years of service.

Ms. Belinda Akello: What do you do currently, Mr. Abdi Rashid?

Mr. Abdi Rashid Abakula Wabo Bonzola: Currently I am a farmer across the Isiolo River at place called Kilimani Game Garama. I do farming at the end of Kilimani Game Garama Irrigation Scheme.

Ms. Belinda Akello: Thank you very much. Mr. Abdi Rashid, you have presented a very detailed memorandum to the Commission. With all due respect, we have also informed you that a number of issues and historical background has also been covered. In your view, which areas have not been covered since you have been listening to what has been presented?

Mr. Abdi Rashid Abakula Wabo Bonzola: Well, I have covered are so many issues since I left the force and even before during the Wagalla Massacre.

Ms. Belinda Akello: Thank you very much, Mr. Abdi Rashid. We are going to direct you to very vital issues that you have covered in your memoranda. In addition, you have very clearly articulated historical injustices in Kenya before Independence, which you have referred to as pre-independence, during Independence, and post-independence. You have also articulated for us in your memoranda the post-election dispute in 2007 and also part of your healing is that you are going to particularly cover three individual families on general information. You have also given the names of the families and the issues that touch on them.

I want to refer to Article No.4 of your memoranda part III. In this Article, Mr. Abdi Rashid, you do refer to the first African Moran District Commissioner, Mr. Babaso Wabera, who was brought to contain the situation in Isiolo and these houses the Moyale and Marsabit communities? And you have also indicated that amidst the series of problems of the DC Wabera, the paramount Chief, Mr. Gama Dido was also killed in between Gobat and Modogashe. Kindly elaborate particularly on the issue of the first African DC, Mr. Wabera, who played a very critical part in the history of Isiolo.

Mr. Abdi Rashid Abakula Wabo Bonzola: This was a very crucial time in the northern corridor of the Eastern Province, especially in Isiolo District. This was a very sad moment that I cannot express myself. The DC, Mr. Wabera, was the first African Boran DC whom we were hoping that as a result of Independence, he could be---

He was the first African Boran who was assassinated alongside Haji Galim Dido Doyo Bosola, who is my grandfather. The great Galima together with the DC Wabera were the ones who initiated the killing or murder.

The paramount chief also went after him and was able to put him behind bars and they were murdered together. This is the information we got from Musa, who later after the Somalia Government was overthrown, came back to Kenya as a refugee. So, we just left it like that. We hope justice will be done after this Commission.

Ms. Belinda Akello: Mr. Abdi Rashid, in which year did this event take place?

Mr. Abdi Rashid Abakula Wabo Bonzola: The event took place in June, 1963, and the elder was buried in Garbatulla Town. He is the one who was to be compensated by the Government of Kenya that time. But he has not been compensated because he died. I can talk about issues related to Haji Gallo Dido because he is a member of my family. When I

heard that the Commission was coming over here, I realized that I should give you this information before you go. So I had to come. That is why I have seen it very important to be able to present this memorandum and as you can see, there was another one presented earlier on. As you can see, there is a passport and a photograph of the late paramount chief which is before you on your desks. I have come together with the first lady this morning, but she is sickling. She is the wife to the late paramount chief and she had to stay at home because of that.

Ms. Belinda Akello: Bwana Abdi Rashid, you have given us a copy of a passport. This is an identification belonging to whom?

Mr. Abdi Rashid Abakula Wabo Bonzola: It belongs to Haji Galim Dido Doyo, the paramount chief of NFD.

Ms. Belinda Akello: Hon. Commissioners and the Acting Chair, a copy of a British passport has been provided to you. Kindly admit the same as part of the evidence of this witness.

Commissioner Dinka: So admitted!

Ms. Belinda Akello: Madam Acting Chair, the same witness has also overly made reference to a document that he has also provided. The witness has previously been a human rights activist and he has provided a number of documents. He also wishes to present the memoranda on violation or abuse of human rights presented on 27th Wednesday, 2008, to the Ministry of Justice and Constitutional Affairs, Kenya, and KNHC as part of his evidence as well. Kindly, admit the same

Commissioner Dinka: So, admitted.

Ms. Belinda Akello: Mr. Rashid, as we get to the issue of the chief, just to clarify the issue on DC Wabera; who assassinated the DC and why did they want to assassinate him?

Mr. Abdi Rashid Abakula Wabo Bonzola: At that time, they were calling us traditional Boran and the Waso Boran. There was that hatred which was brought by the Shifta amongst the same communities. DC Wabera was referred to as pro-Jomo and Haji Galima Dido was referred to as a pro-Somalia racist. Chief Galima was very faithful to the Government until he met his death.

Ms. Belinda Akello: So that we understand, when you say that the DC is pro-Jomo and the Chief is pro-Somalia; what was the distinction of being either pro-Jomo or pro-Somalia?

Mr. Abdi Rashid Abakula Wabo Bonzola: This was just a perception among the people who were seeing everything that was happening.

Ms. Belinda Akello: Why Somalia? What was unique about that and what was the motive? What was it that they wanted or what was it that made them to be declared pro-Somalia?

Mr. Abdi Rashid Abakula Wabo Bonzola: They wanted part of Kenya to be either pro-Somalia or pro-Kenya. That is what they were fighting about.

Ms. Belinda Akello: If I get you well, the people who were referred to as pro-Somalia wanted part of NFD to be part of Somalia?

Mr. Abdi Rashid Abakula Wabo Bonzola: Yes, they wanted it to be part of Somalia.

Ms. Belinda Akello: This then means that the people who were pro-Jomo wanted part of NFD to be---

Mr. Abdi Rashid Abakula Wabo Bonzola: To be part of Kenya, where Haji Galima was.

Ms. Belinda Akello: Thank you very much. I want us to go into detail about your great grandfather whom you said you have information about. You did tell us that when the two persons were killed, the aim was not to kill the DC Wabera.

Mr. Abdi Rashid Abakula Wabo Bonzola: No. I am sorry for that statement. The aim was not to kill Haji Galima; the aim was to kill the DC Wabera. That is the correction that I would want to make.

Ms. Belinda Akello: And, did you inform us who wanted to kill the DC Wabera?

Mr. Abdi Rashid Abakula Wabo Bonzola: The people who wanted to kill the DC Wabera are the Shiftas who were pro-Somalia.

Ms. Belinda Akello: Thank you very much. If they did want to kill the DC Wabera, what circumstances led to the simultaneous death of Chief Galima?

Mr. Abdi Rashid Abakula Wabo Bonzola: They were in company of Chief Galima when they were coming from a meeting in Sabalu through Slichu and Gubato and when they reached in the middle of Garbatulla and Slichu, that is where the incident occurred. That is how he met his death.

Ms. Belinda Akello: Thank you very much. Can you now refer to your great grandfather for whom you have provided us with the British passport?

Mr. Abdi Rashid Abakula Wabo Bonzola: Pardon!

Ms. Belinda Akello: Tell us about the paramount Chief Galima Dido.

Mr. Abdi Rashid Abakula Wabo Bonzola: The paramount Chief Galima Dido was a chief of the eastern region of NFD. He was the one in charge of six areas. Those six areas are actually the region that is called North Eastern; that is Garissa, Wajir, Mandera, Moyale and Marsabit. That is the region that he was in charge of. Previously when the father was a chief, he was the first chief after he became the chief of Wajir. That is where he died in Wajir and actually he was buried there. All this occurred in 1907 at the Obsonanda area. His father was the chief then.

Ms. Belinda Akello: Thank you very much. We will make further clarifications at the end. I want to refer again to the page following Article No.4; that is, Article No.5 of your presentation and I want to make specific reference to the last bullet which reads as follows:

“Though the Kenyan regime used to host army British troops, it carried out various army operations between 1963 and 1969.”

Following this, you have mentioned three operations and it has been evident from all the testimonies that we have heard here since 9th that many people have referred to the same operations. Kindly shed light on them. The first one was Operation Maliza Shifta, Operation Fagia Shifta and Operation Shambulia. Start with the first one, Operation Maliza.

Mr. Abdi Rashid Abakula Wabo Bonzola: Operation Maliza Shifta means that all the Shiftas should be wiped out completely. The Operation Fagia Shifta means you kill them and wipe them away and, Operation Shambulia Shifta---

Ms. Belinda Akello: Mr. Abdi Rashid, who was coining these names? Who was coming up with these slogans or these operations? What kind of operation was it?

Mr. Abdi Rashid Abakula Wabo Bonzola: Normally, these terms are within the operation terms of the forces and I cannot elaborate at this moment. What I can tell you is that these terms are there within the military.

Ms. Belinda Akello: When we heard the first one, is it my correct assumption that these operations were carried out in the order that you have given them? The first one, is it---

Is it the correct assumption that the first operation was “*Maliza Shifta*”, which was followed by “*Fagilia Shifta*” and the other one?

Mr. Abdi Rashid Abakula Wabo Bonzola: Yes, they followed each other. The first one was Operation *Maliza Shifta*. The second one was Operation *Fagilia Shifta*. The third one was Operation *Shambulia Sana*, which means “hit hard” so as to clear off all the *shiftas* from the area.

Ms. Belinda Akello: In which year was Operation *Maliza Shifta* launched?

Mr. Abdi Rashid Abakula Wabo Bonzola: This is information I got from books. I read because of the seriousness of effects on the affected communities in the Northern Frontier Districts. So, the first operation was launched in 1963, immediately after Wabera and Haji Galma were murdered.

Ms. Belinda Akello: Could you also tell us how long Operation *Maliza Shifta* lasted? How many years or months?

Mr. Abdi Rashid Abakula: To say the truth, I cannot tell. I am just sharing with you what I got from the evidence and context of the books I read, because I was not there.

Ms. Belinda Akello: I would like to refer to item number six of your statement. Please, tell the Commission the issues you have discussed in that item.

Mr. Abdi Rashid Abakula: One of the issues, in which I had taken a keen interest for a very long time ever since I retired from the force, and even before then, is that of boundaries, especially the reports of the boundaries review commissions of 1961 and 1962. According to those reports, one of the provincial maps of this country changed. In 1993, through an Act of Parliament, the boundary of Isiolo District was changed, effectively reducing the size of the district.

There is another reference point which shows that the boundary of the district is River Agoa. There are also hills called Kubi Amaresa and Kubi Sera. These are the land differences we had as at that time, which show that these were the reference points. There is also another reference point of Plan 234/2367 of 1932. There is also the boundary of Meru Consensus of Schedule Notice No.627. There are also Boundary Proclamation Notices of 1932 and 10th December, 1951, referring to Land Ref. No.35 of 1958. The last one is Isiolo Leasehold Area No. L68/1961, which remained as the last boundary of Isiolo District.

If you follow these reference points of the hills and all that I have given you, you will get the gist of the matter. This Commission is not like the other one that came here. This is the actual Commission we are happy about. I am still in dreamland as to whether we will be able to see justice. Personally, I have been traumatised so much; there is a Borana proverb which says “If somebody sees his enemy and later on sees the road, he feels like crying”.

There is something which escaped my mind, which I would like to refer the Commission to, so that you can follow up the matter in the context of the reference points that I have given you.

Ms. Belinda Akello: Thank you very much, Abdi Rashid Abakula, for what you have told us about the boundaries. As we proceed to the final part of the memo that you have given us, there are some recommendations you have made to this Commission. I would like you to clarify those recommendations.

Mr. Abdi Rashid Abakula: If I may take you back a little, there was some content I was sharing with you, when I said that the late Tom Mboya, Sir De Clerk and Sharmake of Somalia went as far as the Rome Conference of 12th August, 1962. In that conference, they said that they were going to decide the fate of northern Kenya immediately. After they came back, in the following year, the murder of Wabera and Haji Galma happened. After that, everything was wiped out. Then followed the guerrilla warfare of 1969 and everything was forgotten.

In my summary, I recommend that the fate of the NFD/Northern Kenya should be decided. The Kenyan Government should pay reparations for loss of lives and confiscated property. Secondly, a commission of inquiry should be established to investigate further and establish the truth for peace and reconciliation. Thirdly, the Government should provide the region's resource inventory, through the Ministry for the Development of Northern Kenya and Other Arid Lands. We have a lot of resources in this area, which the Government has not bothered to tap.

I further recommend that the Government should immediately adopt a policy and put in place mechanisms for livestock development, provide an accurate data on population destroyed during the emergency period, repeal discriminative laws and compensate the displaced persons. The persons to whom I have given copies of my memorandum should return them to me because it has not been implemented. I have given so many documents to the Ministry of Justice, National Cohesion and Constitutional Affairs, the Kenya National Human Rights Commission (KNHRC), and the British High Commission; I did so in August, 2008, at the Isiolo Catholic Mission. I gave a copy to one of our ladies sitting in that Commission and told her: "This is a pair concerning your community. Follow up", but to date, I have not received any reply.

Ms. Belinda Akello: Mr. Abdi Rashid Abakula, I thank you very much for your very elaborate presentation. Having guided you through most of the questions, I would now want to leave it for the Commissioners to seek further clarifications.

The Presiding Chair (Commissioner Farah): Abdi Rashid Abakula, thank you very much for giving that moving evidence. I would like to call upon the other Commissioners to ask you any questions they may have for verification purposes.

Commissioner Dinka: Mr. Abdi Rashid Abakula, I thank you for your testimony. I am not very clear. What do you do, and where do you live?

Mr. Abdi Rashid Abakula: I live in Isiolo Central Division, at a place called Gulu Roba. I am a farmer, but I also assist in lobbying and advocacy activities. When we do not get any organisation that can hear our lobbying and advocacy, we just put the information in our records. An example is what I have just presented to you.

Commissioner Dinka: You said that you were formerly in the GSU. You made an allegation, in your memorandum, that, in the death of your grandfather and the first African District Commissioner, there was complicity or conspiracy between the British

Government and the Kenyan Government. Did you have any access to some evidence in the course of your work? How did you arrive at that conclusion?

Mr. Abdi Rashid Abakula: I came to that conclusion as a result of the contents of the books I read. I have some more evidence to show because, at that particular time, I had not been born. However, what I heard about the death of DC Wabera and Paramount Chief Ajigal Mudido was that a white Inspector of Police who was in charge of Isiolo Police Station, and whose wife was from a Somali clan, was behind the murders, according to what I was told; if these men became paramount chief and DC as a result of Kenya gaining Independence, then they should have claimed more fruits for this country.

Commissioner Dinka: My last question to you is that your memorandum, a copy of which you gave us, is actually addressed to the Kenyan Ministry of Justice, National Cohesion and Constitutional Affairs, and to the KNCHR, and you copied it to several other people, amongst who were the British High Commission, Nairobi. Have you received any kind of response or reaction from any of these addressees?

Mr. Abdi Rashid Abakula: No, and that is why I said that my inventory ended up in dustbins. Whatever documents this community prepares and forwards to the authorities ends up being put in dustbins. The people living in this area are not regarded as human beings. Unless justice comes, the situation is just as the late Jaramogi Oginga Odinga wrote in his book *Not Yet Uhuru*. I can see that truth is not in the corridors of justice, as far as even Garissa, Mandera and Wajir are concerned.

Commissioner Dinka: Thank you very much. I have no further questions.

The Acting Chair (Commissioner Namachanja): Mr. Abdi Rashid Abakula, we also feel your pain.

Ms. Belinda Akello: Presiding Chair, the witness would like to make some remarks.

The Presiding Chair (Commissioner Farah): Proceed.

Mr. Abdi Rashid Abakula: There is something very important I wanted to say, but I forgot. In Isiolo District, there are more than four military camps, which occupy our land. Even a place called Gambela, which in our crazy dream, we believe belongs to us; they were unable to tell where the boundaries are. It is very difficult to carry out the day-to-day activities in Government offices because, as we all know, very many people stay on this side. The wild animals that tourists come to see, like elephants, are found on this side. It seems like animals are even more important than human beings. When even up to 100 people are affected, nothing is put into consideration. No commission of inquiry is constituted when such a thing happens. It is very dehumanising.

The Acting Chair (Commissioner Namachanja): Thank you for that additional information. I was saying that you have presented to us a well written memorandum, and

you have articulated the issues contained therein very well, even though under pain. It pains us also to see and hear you being pained to this extent.

You have indicated in your memorandum that you took an early retirement from service. Why did you do so?

Mr. Abdi Rashid Abakula: I cannot disclose the reason in this public hearing because I was a very faithful civil servant. So, that was a private affair between the Government and me. I may not be able to disclose it to you at the moment, but I may disclose it to you elsewhere.

The Acting Chair (Commissioner Namachanja): Will you be able to do that in privacy with us?

Mr. Abdi Rashid Abakula: Yes.

The Acting Chair (Commissioner Namachanja): Thank you. All I can say is the way you have presented the case of your people, including the late Paramount Chief and our first African DC. Looking at the two memoranda you have shared with us, I can see a man who has been searching for justice for so long. Unfortunately, you have not seen that justice. I must say that wherever your Paramount Chief grandfather is, may God rest his soul in peace; if there is any way of knowing what happened when you were born, wherever he is, he should know that he left behind a grandson who is determined the way he was – a strong grandson.

From what you have done through this hearing of today, although the justice you have been searching for has not yet reached you, you should know that when this Commission comes up with a record of historical injustices that people such as you have suffered, the killings of your late Paramount Chief grandfather, and that of the first African DC in this area, will not be left out. At least for that, you have achieved for people who will come to share their stories with us. Thank you so much, and may God bless you.

Commissioner Slye: Mr. Abdi Rashid Abakula, I do not think I can say more eloquently my feelings and my expression of gratitude to you than the Acting Commission Chair has just expressed to you. I just want to say that we appreciate the amount of time and effort that you have put into this research, which is reflected in the documents that you have given to us. We also appreciate that you made a very strong effort to be here today, having travelled from Mombasa. I know that it is a tiring journey. As the Acting Commission Chair said, it is because of the work that you have done, and because of the testimony that you gave here today that your grandfather, Haji Gama Jido, and others; will now form a part of our record and, therefore, also form part of the history of Kenya, because the information you have given to us will certainly be included in our final report.

I know that it may be a small thing but it is still an important thing that because of

people like you, the memory of your grandfather, the former DC and others, will be preserved. So, on behalf of the Commission, I want to thank you for providing us with an opportunity of getting to know them and being able to preserve their memory. Thank you very much.

The Presiding Chair (Commissioner Farah): Mr. Abdi Rashid Abakula, we have no more questions for you. We thank you for the evidence you have given us. We will now stand you down. Leader of Evidence, can you stand down the witness and bring in the next witness? I hope that this is our list witness today.

(Mr. Daudi Tari Abukula took the oath)

Ms. Belinda Akello: Good afternoon! For the record, kindly, state your three names.

Mr. Daudi Tari Abukula: My names are Daudi Tari Abukula.

Ms. Belinda Akello: Thank you very much, Mr. Daudi Tari Abukula. You have made a presentation you would wish to quickly submit before the Commission. Kindly, go through the presentation.

Mr. Daudi Tari Abukula: First, I would like to take this opportunity to thank the Commission for availing me the opportunity to make a very quick presentation, which I will gladly do as both victim and witness. So, I will give a brief overview of the impact and the aftermath of the atrocities of the 1960s and 1970s, which I witnessed as a growing up child, and what it has meant for our lives now; we are living with the impact now.

During that time, not only lives of people were destroyed but also the livelihood of the people was destroyed. Our people are pastoralists. So, pastoralism, as an economy that involves the rearing of livestock, was almost 90 per cent destroyed. So, we were left destitute. Families were separated, and people had to strategise on how to carry on with life. Since then orphanage homes came up. We started having child labour, prostitution and begging. Other people migrated to other places, where they provide labour to other people's farms. Some people became watchmen, while others became town dwellers in search of manual jobs. Other people simply became hecklers. So, basically, everybody has been looking for a way to survive. Previously rich and proud pastoral people had been reduced to that low level.

It was not just physical things which were destroyed but also the infrastructure of governance that had been regulating, controlling and managing the people has all been destroyed. A community like the Borana people had a very elaborate governance system, which governed natural resources, politics, social welfare, economy, *et cetera*. All those structures were thrown out of the place and destroyed completely. In its place came up corrupt people who did not have a say in society as a result of the void that was left by the war. That system has found itself in governance even today in our politics and in our way of life. The community is not able to retrace the efficient governance systems that were in place previously.

Up to now, we carry with us the stigma and trauma of being children of *shiftas*. As you know, no healing process has taken place. No reconciliation has taken place since then, and that is why the TJRC is in place. The administration that came in after the 1970s and 1980s would always remind us that we were children of *shiftas*. Until 1992, the previous Constitution had a different clause for this area, which was regarded as an emergency area. So, we were subject to arbitrary arrest. We were not subject to the rule of law like other Kenyans. So, we grew up with anger and fear. You grew up with anger because your father was killed and his property destroyed. Your sons were destroyed. Your wives and daughters were raped. You also fear because your relatives have been killed. The enemy is more powerful than you. You can do nothing.

Surely, all the kids of my age did not grow up feeling that they were Kenyans. We grew up as captives of foreign enemies who did not respect anything we stood for. That enemy always blamed the victim for the policy that was in place. It was just like colonialism or the way things were in apartheid South Africa, when the blacks were blamed for being in the position they were because of their own mistakes. You were told that you were underdeveloped, hungry and poor because you were children of *shiftas*.

The *shifita* war period was followed by a period of marginalisation of this area. There was no development which took place. Government Budgets were concentrated on security. So, it was not like you lived in Kenya. When people of my father's age from Mandera, Wajir and Isiolo reach here, they refer to any place past Isiolo as Kenya and this place as "NFD". It is "them" and "us". We have never been integrated into the system as one people. Those salient features still exist. There is nothing which has been done to bridge that gap.

After observing the situation very closely, I realised that what happened to us was what happened to two societies. The worst human rights abuses in history that are in the public domain are what Hitler did to the Jews. He physically sold them. Africans were sold like chattels during the slave trade. Here in Isiolo, both have happened. We were exterminated through physical killings. We were also humiliated. We were reduced to beggars. We changed our religions. We were in orphanage homes. We were dehumanised. The worst atrocity against the people of Isiolo was dehumanisation and humiliation. It is better to be physically exterminated than to be humiliated.

Ms. Belinda Akello: Mr. Daudi Tari Abukula, thank you very much for your elaborate memo. Hon. Commissioners, kindly, admit this memo to be part of our record.

The Presiding Chair (Commissioner Farah): The memo has been admitted.

Ms. Belinda Akello: Thank you very much. Having noted time, we are basically going to admit the memo and invite the next witness, with your permission, Presiding Chair, in two minutes, inform us what the memo is, so that, with your permission, we can admit the same.

The Presiding Chair (Commissioner Farah): Mr. Daudi Tari Abukula, your presentation was very good. The Commissioners do not have any questions to ask you. Your memo has been admitted as part of our record. Thank you very much. Leader of Evidence, stand down the witness and bring in the next witness, please.

Ms. Belinda Akello: Commissioners, the next one is a memorandum presented with the title “Justice is the Key to Redressing Historical Deprivation of the Communities in Isiolo”, presented by Godana Doyo Adhi.

(Mr. Godana Doyo Adhi took the oath)

Ms. Belinda Akello: Good afternoon? Kindly, state your three names.

Mr. Godana Doyo Adhi: My names are Godana Doyo Adhi.

Ms. Belinda Akello: Mr. Godana Doyo Adhi, where do you reside?

Mr. Godana Doyo Adhi: I currently reside in Western Australia, in a town called Perth.

Ms. Belinda Akello: Do you confirm that you have come today to be able to present this memorandum to the Commission?

Mr. Godana Doyo Adhi: Yes, I have come purposely to take this opportunity to present my memorandum to the Commission.

Ms. Belinda Akello: Thank you very much, Mr. Godana. I must say that we are very honoured by your respect and the time you have taken to come and present your memorandum.

For reasons of time and inclusion, you have been part of the public sessions and we appreciate the clarity with which you articulate the issues that face these communities in Isiolo and your clamour for justice. That has been brought out in a very elaborate way by your memorandum.

Just to highlight and to also inform the Commissioners, could you, very briefly, go over the recommendations that you have given with all the confidence that your memorandum shall be admitted and will be part of the record of the Commission?

Mr. Godana Doyo Adhi: I really thank the Commission for this opportunity. I know that it is really a crash programme. Therefore, I will be very brief in highlighting the recommendations and the key issues that I thought should be included in your report.

Understanding that this is a transitional process, I thought it would provide us, as pastoralist communities from this region, with the opportunity to re-write the history of this part of the country, which many of us have referred to as “Northern Frontier Districts” and which, as far as many of us are concerned, have not really changed in

terms of Government policies and the legal status in Kenya, and the level of human and physical development of the people of this region. I hope that in your report, we will be recognised as such. You will provide a historical account of the gross human rights violations in this region, as presented by the many witnesses, through their testimonies.

I hope that you will identify and hold to account the perpetrators of violations of human rights in this region, articulate the issues as they come out, address the injustices that have been committed through reparations, get some of the institutions that have been complained against reformed in accordance with the principles laid down in our new Constitution, rebuild and reconstruct the families that have suffered violations through the actions of the security forces, build bridges across the country as these places have been separated from the rest of Kenya and subjected to different policies of development, and give this region priority, in terms of economic opportunities for transformation of the communities.

We also hope that, as many have said, the laws that have really marginalised this region will be repealed. Some of those laws are still in our statute books. An example is the Indemnity Act, which has really blocked opportunities for people to redress some of the violations that have been referred to in these hearings. That way, the issues that have come out will receive recognition and be recorded in our history, so that future generations will know what really happened.

In the spirit of the new Constitution, we should be able to access economic opportunities through the principles of equity, equality and social justice. Special programmes should be developed to empower the local communities economically.

That was a true misappropriation of the legal systems that had been misused by some of the institutions which had been given the role of managing the local resources. We would also expect the Commission to be able to put down some of the recommendations, like recognition of the minority communities in this region that have not been able to participate in the governance and economic opportunities of this county. Hopefully, that will be taken into account. We want to really appreciate that many of our people have been given the opportunity to highlight some issues, which for many years have not been actually touched on by responsible institutions. We really thank you for that. We will be able to see some of these accounts being recorded in your reports.

Thank you very much for this opportunity.

Ms. Belinda Akello: Thank you very much, Mr. Godana for also finding time to come. I will not have any questions to ask regarding your memorandum. But maybe just one point of concern that we would also like to raise with you.

A big concern and something that has been repeated over and over by the people is that a large percentage of the people living in this area, that is, the northern part of Kenya, are barely aware of their rights. They also lack, in terms of human resource, people to perpetuate development. Having very clearly articulated and presented this memorandum

that outlines keys to justice, we would only wish that you can be a part of the development process in this part of the country.

Hon. Commissioners, I do not have any other questions for him.

The Presiding Chair (Commissioner Farah): Thank you very much, Mr. Godana. We have received your memorandum which is a masterpiece of academics that brings out a lot of facts. It has enriched the minds of the Commissioners. On top of the evidence already given, this will add a lot of value to the evidence that we have gathered from this region, particularly Isiolo. We thank you for that. We understand that you have written a book. I do not know whether that book covers this region.

Mr. Godana Doyo Adhi: It does.

The Presiding Chair (Commissioner Farah): If it does, please, give us the name and where we can get it, so that we can further read it. You can give it to the Leader of Evidence.

Mr. Godana Doyo Adhi: I will appreciate to provide the thesis that covered a lot of the issues that I have mentioned in the memorandum.

The Presiding Chair (Commissioner Farah): Thank you very much. Leader of Evidence, we have now come to the end of our evidence. Can you stand down the witness? I do believe that, that is the end of all the witnesses.

(The witness was stood down)

Can you call in the CEO and Master of Ceremony? We have come to the end of today's hearings. Today, Wednesday 11th May, 2011, is the third and last day of the TJRC in Isiolo, hearings. We have heard evidence from Mr. Wako Huka Guyo, Gotobalal Koto, Elema Guyo, Hassan Jalo Boru, James Gitonga Waititu, Abdurashid Dida Abakula, Daudi Tari Abakula and Godana Doyo Adhi.

On behalf of the Commission, I would like to take this opportunity to thank the Isiolo people for having been orderly and patient in the three days of hearings that we conducted here. I would also like to plead with you and urge you to record memoranda and submit them to the Commission. For the last three days, we have been allowing members of the public to record individual statements, but now there is a very large crowd outside the hall, who are all struggling to record their statements. But because we are leaving and coming to the end of Isiolo hearings, statement taking might come to an end. But the writing of memoranda and listing down all the affected people will continue. You can bring them even to Nairobi.

I would also like to thank members of the media for having journeyed with us. I take note of the presence of Commissioner Halake of NCIC. Finally, I would like to commend the tireless and hard work of the TJRC staff.

I now close today's hearings and hand over to the CEO of TJRC, Ms. Patricia Nyaundi and the northern region co-ordinator, who is also the Master of Ceremony, Abdinoor Mohamed for the conduct of the closing ceremony.

Thank you.

(The Commission adjourned at 1.05 p.m.)