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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION ON TUESDAY, 12TH APRIL,
2011 AT THE KENYA NATIONAL LIBRARY HALL, GARISSA**

PRESENT

Tecla Namachanja Wanjala	-	The Acting Chair, Kenya
Ahmed Farah	-	Commissioner, Kenya
Berhanu Dinka	-	Commissioner, Ethiopia
Ronald Slye	-	Commissioner, USA
Gertrude Chawatama	-	Commissioner, Zambia
Margaret Wambui Shava	-	Commissioner, Kenya
Tom Ojienda	-	Commissioner, Kenya

IN ATTENDANCE

Patricia Nyaundi	-	Commission Secretary
Simon Njenga	-	Presiding Clerk
Mohammed Abdi Noor	-	Regional Co-ordinator
Tom Onyambu	-	Legal Counsel for Amb. Francis Sigei

(The Commission commenced at 9.55 a.m.)

The Acting Chair (Commissioner Namachanja): Good morning to you all. I would like to welcome you to our first hearing. As we stand, I would like to ask the Hearing Clerk to kindly lead the witness in.

(The National Anthem was sung)

(Opening Prayer)

*(The Acting Chair (Commissioner Namachanja) introduced
herself and the other TJRC Commissioners)*

On behalf of the Truth, Justice and Reconciliation Commission (TJRC), I would like to welcome all of you to this first public hearing. Thank you for coming to listen and affirm the painful experiences that fellow Kenyans, friends and family members have experienced through the gross violations of human rights.

Let me also take this opportunity to thank you all who took time to record statements with the Commission. It is from the statements that you gave us that the Commission selected a few cases to conduct hearings today. This does not mean that the rest of the statements are not important. All the statements recorded are very important to our record and will form part of the record that this Commission will come up with at the end.

The few statements selected from which we will hear testimonies today will highlight the violations that the people from this region have experienced. Therefore, although a few people will be sharing their experiences today, they will be speaking on behalf of us all. You who have gone through similar experiences will, therefore, be able to relate to the stories and facts that they will be sharing today and the remaining three days.

The testimonies you are about to start hearing are about murder of family members, torture in the hands of security officers, extra judicial killings and people who suffered so much and were tortured during some of the massacres that took place here.

Let me at this point inform you that thorough investigations have been taken on these statements and all the facts verified. I want to note that the person leading the Investigation Unit is not a Kenyan. He is an international person. It is also important to note that for the first time in the history of this country, the historical injustices that this part of the nation experienced have been given thorough investigations.

Through the investigations, we have identified also, some witnesses mentioned in the statements and the Commission will also accord them the same platform so that the public can hear the version of their story. This is the only way that we shall come up with a balanced report. I will, therefore, appeal to the audience today to listen to all the testimonies with patience, even if we may disagree with some of what will be shared.

I want to assure you that the Commission has carried out thorough investigations and will draw the right conclusions and recommendations. Before we continue, I would like to set ground rules for our sitting today. First, I would like to kindly ask you to switch off all the phones. I do not mean putting them in silent mode, but switching them off because we do not want people to keep on walking out to answer their phones, for this will disrupt the hearings. I want us also to respect witnesses and listen quietly, even if we may not agree with the testimonies being shared. I am sorry to inform you that if we do not co-operate especially with the two rules, we will be asked to leave the room.

I want also the media or any person who is interested in taking photos to do so only before and after the testimonies have been given. Concerning the process that we will follow today, witnesses will be asked to swear an oath or affirmation. Then the evidence leader will lead the witness and the counsel may then ask questions. Let me correct that. It is not the counsel, but the panel. That is very important. At this moment, I would like to find out if there is any counsel, so that they identify themselves and state whom they are representing.

Mr. Tom Onyambu: My name is Mr. Tom Onyambu. I appear for Ambassador Francis Sigei.

The Acting Chair (Commissioner Namachanja): Just to let you know that testimonies concerning that case will be heard tomorrow. I would like also to ask if there are any

other miscellaneous issues for the panel to consider. If there are none, may the Clerk then lead in the first witness, please?

(Mr. Hamud Sheikh Mohammed took the oath)

The Commission Secretary (Ms. Nyaundi): What is your name?

Mr. Hamud Sheikh Mohammed: My name is Hamud Sheikh Mohammed. I was born in 1950.

The Commission Secretary (Ms. Nyaundi): Where do you stay?

Mr. Hamud Sheikh Mohammed: I stay in Garissa Town, Blashek.

The Commission Secretary (Ms. Nyaundi): You would now wish to speak to the Commission about the memorandum? Proceed!

Mr. Hamud Sheikh Mohammed: In fact, this memorandum was supposed to be submitted yesterday at the launch. It is dated 11th, April, 2011. However, I was told to do so, today.

This is a speech presented by Hamud Sheikh Mohammed to the TJRC on behalf of Garissa County on 12th April, 2011 during the launching of TJRC at Garissa. The major massacres were committed on 25th July, 1967 at around 12.00 noon. People of Garissa Town were brought together at Jaribu Primary School. By then, it was not a school. It was a locust camp. This is where the chemicals to fight locusts were stored. No child was left behind in the town. Many ladies, young and old were raped and beaten seriously. Men were beaten to an unconscious state. Properties were looted from houses during the confinement. The people stayed there for one day. The following afternoon, some of the people were released and some were left in the camp. They were told that they were left because they were the ones who were co-operating with the *shiftas*. But surely, they were innocent.

They have suffered more than any other person and the ladies continued being raped with no water and food. Those ladies who were raped were admitted to Garissa District Hospital where Garissa Medical Training Institute is located currently. More than 25 ladies were admitted to the hospital. It is not in this document, but two of them were my real sisters. In 1967, more than 100 camels were shot dead at Dujis Camp. It is not in the notes, but it is a Somali Ogaden.

He is an Abudwak. He belongs to Adangere Sub-clan.

In 1964, ten people were killed in Modogashe area by the Kenya police. Those who were killed were Salah Hassan, Ruriye Mualim, Abdirizak Salat and Farah among others. In fact, this did not happen in the north.

Those people had gathered to read the Quran and pray God to give them rain because it was during drought season. The police went there and they did not talk to them. They just fired at them haphazardly and they killed innocent people.

In 1984, there was the Sangailo killing and burning of people. Women were raped and beaten. The reason behind that was that one policeman was killed by a poacher from Somalia. The police were pursuing him. He shot at them and they injured him. Instead of pursuing that poacher, the Kenya police officers with the help of the Kenya army officers went to Sangailo and gathered our people in one place. They harassed them using spades and shovels. They would put these crude weapons in the fire and when they were red hot, they forced our people to sit on them. In fact, two or three *askaris* would force a person to sit on it or step on it. It was a very painful experience.

By then, I was working with the Ministry of Health. Sangailo had no dispensary. Those people were brought to El Hulugo Dispensary where they got treatment. They were later on sent back without recording any statements and there was no follow-up on their treatment.

With regard to Galmagalla Massacre, I have distributed some copies this morning, although they are not dated. Fortunately, I met Mr. Sigei who was the District Commissioner by then and I asked him when Galmagalla Massacre took place. He told me it was in 1989. The reason why they were brought together and massacred is that four police officers were killed. They were among police officers who were taking salaries to Hulugho. By then, I was in Hulugho Town. The poachers were carrying ivory. It was during the rainy season. They were in the bush. The vehicle which was carrying the *askaris* got stuck in the mud. The poachers thought that the soldiers wanted to kill them. Immediately, the poachers shot at them and killed four of them. Those poachers were from Somalia and they fled towards the border.

Our administrators or forces did not deal with the poachers. Instead, innocent women and children, brothers and sisters, the young and old were brought together in one place. They were kept there for seven good days with no water or food.

In October, 1980, the worst massacre took place in Garissa County. That was Garissa Gua Massacre. It was the worst massacre. Almost 300 people were killed and others went missing. Women were raped and killed and some of the people ran off to the neighbouring country, Somalia. These massacres have been extended to the divisional level. The operation was headed by the former provincial commissioner, Benson Kaaria and the then Minister for Internal Security, G.G. Kariuki.

To add on to that, it was a political scenario. The GEMA *mafia* wanted to overturn the Moi Government. They wanted to create chaos in northern Kenya. That was the main cause. It was the collective idea of the Provincial and District Security Committee by then.

In 1993, the Dadaab Massacres occurred. Around Dadaab or within Dadaab, two officers were killed. Instead of following the bandits, the Government brought people together and confined them in one place. They were beaten and told to bite the hot sand. Throughout the day, they were beaten and women raped. Those officers were killed by notorious bandits in the bush. It was not the innocent women and children who were in Dadaab.

In 1992, over 2,000 head of cattle were looted by the State agency in Eastern Province with the help of former PC, North Eastern Province, Francis Lekoolool. The owners remained poor. Even today, they have continued to live below the poverty line. The area where the cattle were raided in Eastern Province is called Shap.

With regard to the Liboi Massacre, I cannot recall the date. But I can remember one Administration police officer was killed between Liboi and Doble in Somalia. Instead of looking for the bandits, Liboi people were confined and beaten seriously without any reason.

There was also Mbalambala Massacre. In 2007, a notorious bandit called Chongo killed several police officers. Instead of looking for him, the Government decided to torture and harass Mbalambala people. Ladies were raped and houses were burnt. Among those tortured were: Ahmed Mohammed Abdulahi, Marasha Lebumin, Abdi Biriye and Adan Dobar. Most of them are alive.

Those responsible for that massacre were former Provincial Police Officer, Jeremiah Matagaro and former Provincial Commissioner, Maurice Makhanu. The officers were in charge of security in the province.

There was a team called “Eleven Brothers” who had a camp in Baraza Park. Their work was only to torture and detain suspects; whether female or male. One of the methods of torturing was digging a hole of about ten feet deep. People were put inside those holes upside down. People used to stay there for hours. In 1993, many animals, especially cattle, goats and sheep were looted by agents of the Government. This occurred in Voka area in Coast Province with the help of Peter Kiilu, former Provincial Commissioner.

In conclusion, all those incidents took place between 1963 and 2008. There were so many other incidents which were not included in this paper. However, we have recorded all the incidents in the 868 statements which the TJRC collected from our people.

I have another note here. It was written KANU Sub-Branch; Sub-location, Liboi on 17th August, 1982. The Garissa North MP, Mr. Abdalah Hassan Yusuf, Nairobi. It states as follows:

“Dear Sir,

Ref: Police Brutality, Harassment, Unnecessary Killings of Five Civilians at Liboi

I wish to notify you that Kenya Police has aggressively changed their attitude towards the interior community. This openly came after committing, harassing and killing of five innocent who were in a Land Rover coming to Kenya from Somalia after they took *miraa* there.

I managed to witness among the five bodies at the police camp--- The incident took place at the western side of Liboi near a place called Dabader. From the bodies identified there was a medical driver, Samuel Hasankuno. Lastly they took the bodies and burnt them at Wardodol. It is high time we found an alternative to calm the situation.”

This letter is written by Said Eтуру, but he could not come here. But he has given me this letter to address to the Commission. That is the much I have for the Commission. Thank you very much.

The Commission Secretary (Ms. Nyaundi): I will ask you to clarify and then the Commissioners may also ask you some questions. You said that on 25th July, 1967, there was a massacre in Garissa. Could you, please, explain the circumstances under which that happened?

Mr. Hamud Sheikh Mohammed: Some four kilometres from the town called Moi Town, the *shiftas* had buried a mine on the road. It exploded and blew up a police lorry. It killed a driver and injured some soldiers. Instead of looking for those *shiftas*, the innocent people in the town were harassed. Those Administration police officers who were Somalis were disarmed. That is the reason why the massacre occurred.

The Commission Secretary (Ms. Nyaundi): Is it within your knowledge, the number of people who were affected in that incident?

Mr. Hamud Sheikh Mohammed: By then, the Garissa Town was too small and the people confined were not more than 1,000. The town was just from that school to General Hospital. The population was less than 1,000. Everybody has migrated to this urban centre. In those days, there was an emergency. People fled to Somalia to save their lives. So, the population was less.

The Commission Secretary (Ms. Nyaundi): Was any action taken against the people who did that?

Mr. Hamud Sheikh Mohammed: They were given rewards and no action was taken against them. They were given promotions from corporals to sergeants. An officer was promoted from a sergeant to an inspector, because they did a good job. I can remember some of my friends were given promotions. That was the action taken.

The Commission Secretary (Ms. Nyaundi): You mentioned that your two sisters were affected in this incident. Would you like to tell the Commission their names?

Mr. Hamud Sheikh Mohammed: I want to be a bit confidential in that matter. I do not want to mention their names openly because it may affect them. I will reserve that information.

The Commission Secretary (Ms. Nyaundi): You spoke about 100 camels that were shot dead in 1967. Could you, please, tell the Commission again the circumstances?

Mr. Hamud Sheikh Mohammed: There was a mass operation from the border, starting from Kiunga to PP1. The soldiers were being led by somebody whose name I cannot really remember. I think he was called Godhana. Instructions were given that all camels be finished because the Somalis or *shiftas* were using the camels to carry their loads or as means of transport. The camels were within the State of Kenya. They were not along the border. They were just coming from Garissa. That was why they were killed.

The Commission Secretary (Ms. Nyaundi): You mentioned again that in 1994 at Sangailo, there was a killing and burning of people. Could you, please, tell the Commission the circumstances?

Mr. Hamud Sheikh Mohammed: I think I have mentioned that one, although you have not been noting, but I will repeat it. I can remember I was in Hulugho.

The Commission Secretary (Ms. Nyaundi): Thank you.

Mr. Hamud Sheikh Mohammed: I will come back again. I can remember I was in Hulugho and there were notorious poachers. When poaching came to an end, they disturbed people and their property. It is on record that they came to Hulugho Town and I was in the town. They started looting the town and the police carried out two patrols. One was in the early hours of the night and another one in the late hours. The bandits witnessed only the one of the early hours when the police used to be tricky. The last patrol was not done in the town. They went up and came through the airstrip at Hulugho and ambushed at the other side of the town. Those notorious bandits were thinking that there were no *askaris* behind them.

They were captured, fire was opened at them and what they had looted was left there. Among those shops which were looted was one for Mohamed Omar Mohamed. He is in Garissa and I do not know whether he has made any statement. The bandit who was injured was taken to the bush in Boni Forest next to Sangailo. When this was reported, the Kenya Police, the Administration Police and the Kenya Wildlife Service went to search for him. He saw them first before they saw him. Since he was a very good sharp shooter, he shot one askari. I cannot recall the name, but he was from Meru and he was an AP. After that incident, the Kenya Army and the Kenya Police were sent in an operation in that area. The bandit went to Kolbiyo using a donkey and the police went

there and asked the public to produce that *shifta*. However, the *shifta* had disappeared. The innocent who included mothers and children suffered. That was the cause of that operation.

Thank you. Another question?

The Commission Secretary (Ms. Nyaundi): You spoke about “eleven brothers” and the Baraza Park. Where exactly is Baraza Park?

Mr. Hamud Sheikh Mohammed: Baraza Park is just behind the Police Divisional Headquarters here in Garissa. That was a team selected from Special Branch. Those days, they used to be called “Special Branch”.

The Commission Secretary (Ms. Nyaundi): So, they were officers?

Mr. Hamud Sheikh Mohammed: They were police officers. My brother is now confined in a house. In fact, I told Commissioner Chawatama when we had a workshop here. The Commissioners can go and witness that because if I bring him out, he can fight. In fact, I had not filled the form because I was lazy. I said, I was very committed. He is called “Ahmed Sheik Mohamed”. He is among those who were put into the hall for very many days. By the time he came out, he was mentally ill and up to now, he is a psychiatric case. That is for almost 30 years.

I will request if two or three Commissioners could go and witness where he is confined in a house. If you meet him, he will abuse you because he is mentally ill. That is one of the affected persons. There are many others who are affected here and I hope they will come and present their statements. There is somebody by the name of Haji Abdi who was the KANU Chairman and he was among the people who were tortured. I think he is in this tent and maybe, he will come and present his statement.

Thank you. Do you have any other question?

The Commission Secretary (Ms. Nyaundi): Mr. Mohammed, you have said that no action was taken against the people who were active in 1967. In any of the incidents that you have related here, was there action taken against any of those people?

Mr. Hamud Sheikh Mohammed: There is totally none! There is absolutely nothing!

The Commission Secretary (Ms. Nyaundi): Okay. You have referred to a memorandum and a letter dated 17th August, 1982?

Mr. Hamud Sheikh Mohammed: Yes.

The Commission Secretary (Ms. Nyaundi): Would you like to produce these as exhibits and leave them with the Commission?

Mr. Hamud Sheikh Mohammed: Yes.

The Commission Secretary (Ms. Nyaundi): Thank you very much, Mr. Mohammed. The Commissioners will now ask you a few questions.

The Acting Chair (Commissioner Namachanja): Mr. Mohammed, let me also join the Leader of Evidence for thanking you for sharing your story. I know that the story you have shared, as you have said, many people relate to it. I would like now to invite the panel to ask questions if any.

Commissioner Chawatama: Good morning, Mr. Mohammed. It is good to see you again. Thank you very much for your memo. Mine is just a clarification on point eight of your memo. Your memo reads that in 1992, 20, 000 head of cattle, but in your testimony, you referred to 2, 000. Would you like to correct that?

Mr. Hamud Sheikh Mohammed: It is not 20, 000 but 2, 000.

Commissioner Chawatama: It is 2, 000. Thank you.

Commissioner Farah: Mr. Mohammed, I also want to join my fellow Commissioners in thanking you for your very good statement. But a little bit of clarification also. The first one is Galmagalla Massacre; which year did it take place?

Mr. Hamud Sheikh Mohammed: I was not actually remembering the date, but I met Mr. Sigei this morning and I asked him. It was in 1989.

Commissioner Farah: Thank you very much, Mr. Mohammed. The next one is the Liboi Massacre. Can you remember the time?

Mr. Hamud Sheikh Mohammed: I cannot remember the time.

Commissioner Farah: Carefully, between which year and which year?

Mr. Hamud Sheikh Mohammed: I cannot actually remember that, but I can remember when an *askari* called Dumar was killed. He had a very good name. The gun was taken by the bandits but it was recovered later on.

Commissioner Farah: That is all. Thank you very much, indeed.

Mr. Hamud Sheikh Mohammed: Thank you.

Commissioner Slye: Mr. Mohammed, I just want to join my fellow Commissioners in thanking you for bringing forth your testimony to us today. You have told us stories that have deeply affected your family; your brothers and your sisters and I know that there are many people in the audience who could have told us the same stories. I also want to thank you for providing a context with this memorandum, laying out a variety of different types

of violations that have been suffered in this region from Independence to just a few years ago and, I am sure, continue to occur here today. I have no questions, but I just wanted to add my voice in thanking you for being here and representing your community and helping us to understand the breadth and the depth of violations that have occurred here.

So, thank you.

Mr. Hamud Sheikh Mohammed: Thank you very much.

The Acting Chair (Commissioner Namachanja): Mr. Mohammed, I also have a question. You say that you have a brother who was affected?

Mr. Hamud Sheikh Mohammed: Yes. He is called “Ahmed Sheik Mohamed”.

The Acting Chair (Commissioner Namachanja): Did he have a family by then?

Mr. Hamud Sheikh Mohammed: He had a family and up to now, he has a family. But the family now remains without a “stand” because somebody is confined. He has two wives and the children are working. Some of them are abroad while others are in the military. We are the ones who educated them. He is okay for one week but bedridden for three months. He is usually very violent. Like, today, he is in ropes and locked up. Since we met and even before - almost three months ago- he fights people because he got some brain damage because of that torture, although I have not filled the form.

The Acting Chair (Commissioner Namachanja): Who currently takes care of him?

Mr. Hamud Sheikh Mohammed: His first wife and I. It is only me who can give him food, drugs and take him back otherwise, he will kill. However, he fears me.

The Acting Chair (Commissioner Namachanja): Thank you very much, Mr. Mohammed.

Mr. Hamud Sheikh Mohammed: Thank you.

The Acting Chair (Commissioner Namachanja): It seems we do not have any further questions? We have one more question.

Commissioner Ojienda: Mr. Mohammed, thank you for that testimony. You have spoken for the people of this region, where several massacres have occurred. It is a clear trend that the Commission has noted. However, you did not ask for any specific request that you want to make to the Commission with respect to unresolved issues.

Mr. Hamud Sheikh Mohammed: In fact, we were told that we will be compensated. But I asked about the type of compensation when we had a workshop in Almont. You can see that in northern Kenya, we are still behind. Last time I was in Meru, just this year,

and I was really in tears when I saw the way we were travelling on tarmac from one Manyatta to another; not even to big towns.

I can remember a road from Maua to Kinna. I am mentioning Kinna because Eastern and North Eastern Provinces have similar problems. The tarmac was from Meru to Kinna which is 14 kilometres away. What a big shame to our State. Just 14 kilometres! Even one Minister can make that road up to Kinna! It reached a border that does not belong to Kenya. So, I am saying that these cases are very many. Some demands you know should be made in cash or in kind. Others can be compensated with development, universities, many colleges and tarmac roads. We have many problems due to lack of water and yet we have a river just one kilometre behind us. This water is being wasted to the Indian Ocean. Our Government is unable to tap this water for use by the interior communities instead of it being wasted. That only proves that we are not Kenyans.

Today, if I travelled with two Akamba and two Meru people, when we are crossing this bridge, I will be asked for my identity card. Even if I produce my identity card as a civil servant, it is not recognized. That is total marginalization. So, you are talking about 1990s, 1980s and 1970s and today. We have many problems. I request that you tell the State to stop what it is doing today. This is because if you go to the police here, you will get a very small cell where over 100 people have been confined because they are refugees or they are Somali. So, I request that people should be compensated in kind because behind this tent, there are very many disabled people due to torture. Even if you construct a university or a tarmac road, what will that man get? He will get nothing. He cannot help himself, drive or farm. I request the State to compensate them with cash and the other things to be compensated with development.

Thank you very much.

(Applause)

The Acting Chair (Commissioner Namachanja): Thank you very much, Sir. We have heard you and we have noted. I think those are the questions that we had and I would like Hearing Clerk to lead our witness to where he can sit and invite the next witness.

Thank you very much.

Mr. Hamud Sheikh Mohammed: Thank you.

(Mr. Hassan Osman Shurie took the oath)

The Commission Secretary (Ms. Nyaundi): Thank you, Mr. Hassan and welcome to the Commission's sitting this morning. Please, state your name for the record.

Mr. Hassan Omar Shurie: My names are Hassan Osman Shurie.

The Commission Secretary (Ms. Nyaundi): Where do you stay?

Mr. Hassan Omar Shurie: I stay in Garissa Municipality.

The Commission Secretary (Ms. Nyaundi): Mr. Hassan, you have recorded a memorandum with the Commission?

Mr. Hassan Omar Shurie: Yes, I did that along with my other colleagues.

The Commission Secretary (Ms. Nyaundi): Mr. Hassan, can you share with the Commission the things that you wrote in your memorandum?

Mr. Hassan Omar Shurie: The memorandum we had earlier submitted to this honorable Commission was quite long and I cannot summarize it here at the moment. Similarly, I wish to mention a few of those recommendations that were captured in that memorandum and those that may have been left out. I will begin my presentation through three phases. I am sorry. Before that, may I welcome you to our honorable municipality? I represent the civil society. I am actually the co-ordinator of the National CBO Council in this province among many other capacities. I wish to state that we highly appreciate the constitution of this Commission, which sounds very exceptional, where men and women of high integrity with a good track record of fairness and justice have been selected by the Coalition Government. Therefore, this is your home and welcome to Garissa. We have all the trust that you will forward all these representations from the people of this area without any fear or favour. May I now start my three phases of presentations?

Although your mandate does not cover beyond 1963, I wish to mention one very important aspect, given that it is for record purposes or it may lead to a revisit of the same by the community so that it can be acted upon and given due concern. In 1962, I may not have the relevant dates, but with all due respect, I will leave that to the Commission to carry out more investigation. In 1962, the first referendum was conducted in this Republic. In that referendum, people from the Northern Frontier District (NFD); that is North Eastern Province – and when we talk about North Eastern Province, some Kenyans seem to include us into parts of Eastern Province. But North Eastern Province comprises of Ijara in Garissa County and Wajir and Mandera counties. However, the then NFD included the districts of Moyale, Isiolo, Marsabit and Tana River. In that referendum, the people of NFD were asked whether they wanted to join Kenya or Somalia. The people of high integrity who have the necessary experience have been sent here by the Commonwealth States and the European Commission.

I would wish to submit the names of the people sent later to the Commission by names. The result of the referendum was that 89 per cent of the people of NFD voted to join Somalia. Whether they were right or wrong, that was their decision. About 5 per cent opted to join Kenya while the rest asked for autonomy or a separate Government. I would like the Commission to take that as a reference, whichever way it will contribute to this process of reconciliation and healing. In that respect, my comment will be stated in my concluding remarks because although the people of those days were not educated, they only went for ethnicity. But as at now, there are other parameters that may justify that

NFD becomes a separate state or entity. I will leave that at that. That is the pre-colonial period.

One other point during the pre-colonial period which was adopted by the Kenya Government and which is a real historical injustice is the three mile coastal strip. It is not coastal but the Tana River strip. As we are sitting here now, we are supposed to be in Coast Province and not in North Eastern Province. That is what is in our statutes. The colonial people had in mind that should the people of NFD vote to join Somalia, let them lose Tana River as a resource. This information can be attested to by various publications which are available in the Kenya National Archives and which I, personally, may be able to present to the Commission in about two weeks time.

May I now go to the post-colonial period? First and foremost, there was the emergency during the 1967 period. The declaration of that emergency led to serious crimes against humanity. The people of this province were subjected to unfair treatment. For instance, pastoralists were not allowed to graze within 3-kilometer square. That led to the loss of 90 per cent of the basic livelihood; that is livestock of the pastoralists of NFD. Otherwise, had that not been there, today the people of NFD would be the richest in Kenya.

In that same period, the issue of citizenship was a major cancer in the throat. *Jambo la kusikitisha sana, kwa mfano*, when we were applying for citizenship papers; that is the identity card, the passport and the birth certificates, they were subjected to fill a third form by the name "PP7." That is the name of the form. The rest of Kenyans were only to fill the other two forms. In this particular form, that is "PP7", above it was written because I was very much disturbed by it and took a lot of steps to ensure its removal, which we later managed to realize in 1994. So, from 1963 to 1994, there was that form which on top of it was written: "To be filled by aliens and those claiming to be indigenous Kenyans." So, where do we fall? The people of NFD fell under the latter part. We were not aliens. I happened to ask an immigration officer when I was seeking my passport in 1992 and he underlined that part "those claiming to be indigenous Kenyans." So, that sounds very strange.

In our endeavour to remove that, because the leadership of this province since 1963 and up to that time did not realize the effect of that on their people, as much as some of them were educated and volatile speakers in Parliament. But, they, themselves, kept on filling those forms. It is a tragedy. A group of us by the name "NFD Youth Movement" contested that to the Attorney-General and conducted an international press conference at Chester House in 1994 and it went on air. We appealed to the Attorney-General, Amos Wako and I think he did his homework very well. I must congratulate him because he followed it up and he said that it was a big error from the Government of Kenya and that, henceforth, it was going to be removed. These days, we do not fill that form and we are proud of that.

Similarly, even as at now, to access citizenship documents by the people of North Eastern Province is not the same as the way it is done in other parts of Kenya. You are subjected to a lot of bureaucracies here and there. So, that is one of the major issues we encourage

this Commission to address. I am one live example. In 1989, I was the Chairman of the Postal Workers Union and I happened to get a scholarship to Tel Aviv and London for six months, respectively. However, I was denied a passport. So, that itself is a human injustice. So, we need the citizenship papers to be availed to the people of North Eastern Province the way they are done in other parts of Kenya, where somebody just goes to an office, gets served and comes back. The issue of triple vetting and it is called “triple vetting” because we are vetted three times--- The one that disturbs me a lot is after we are vetted here in Garissa from the sub-location to the location and the district administration, that is not the end of our process. Documents are sent to Nairobi and the Director of Intelligence must endorse under the pretext that we cannot differentiate Kenyan Somali from Somalia Somali. That statement is untrue. Any Kenyan can differentiate a Somali from Somalia from a Kenyan Somali only by their accent. It is not something that they can disturb anybody. Similarly, there are other communities who live along border points in Kenya and who are not subjected to the same.

I wish to mention here and I would like the Commission to even question the Provincial Commissioner, North Eastern Province about that. I am prepared to face any problem of statement writing from the CID. But I know that when you go, I will be called to record a statement and I will go and do that, but not without a lawyer, of course. The identity cards which were issued in the year 2009 for about 340 Form IV leavers have unilaterally been cancelled by the PC, North Eastern Province.

I do not know whether that point is sailing through. I want it to be understood very well. After the triple vetting process, and we were lucky that 3, 000 plus identity cards came; they have been cancelled by one man. This is the case and yet we are claiming to have a new Constitution and we are claiming to be Kenyans. That is very unfair. This Commission must address that with all the strength and vigour. I have a belief that some of these things will be thrashed out immediately you present your reports.

On the issue of the 3, 000 identity cards, you are experts in law. We want that to be questioned because those Form IV leavers still lack identity cards. When they go to apply, they are told: “Your application is already there.” If I had the means and the resources, I would line up all those 400 kids here. So, please take that point very seriously.

Since I have talked a lot with regard to that issue, I want to go to the recommendations. Most of the things or atrocities committed like rape, stealing of cattle, castration---

So, please take that as a very serious case.

Let me now go to the recommendations. Most of the other things are associated to individuals. They include, rape, stealing, castration and so on. That would be a very long list for me to table here. Since there are many other speakers, may I now go to the recommendation part?

First, we believe that our problems began from Arusha. This may be news to some people but I want the Commission to find out and confirm what I am saying. The Commission has all my addresses and contacts. So, they can question where I have erred. After the clamour for Independence and when the state of emergency was coming to an end, a group of people who were all presidents and one prime minister converged in Arusha and came up with the Arusha Declaration. In the declaration, the subject of discussion was the people of Enebli *vis-à-vis* their connections to Somali. The then Somali Prime Minister attended that meeting. The meeting was chaired by President Kenneth Kaunda. Correct me, Commissioner Farah if I am wrong. Today, about 50 years down the line, we do not know the contents of that document. So, we demand that the contents of that document be made public to the people of Enebli and the Kenyan people at large because there is something fishy in that document.

Secondly, we need total compensation for both economic and social crimes. How do we get compensation? Our version of compensation will be in terms of infrastructural development and educational development. When I talk of infrastructure, I want all the roads in North Eastern Province to be tarmacked. There is only one kilometre of tarmac, even as we are talking, in the entire province which is one third of Kenyan land mass. The roads are usually impassable during the rainy season. If that is done urgently, some kind of healing will come up. It will be difficult to ascertain individual compensation because they are in thousands.

Thirdly, we need free scholarships for the students of North Eastern Province from primary to university for a period of ten years so that we can catch up with other Kenyans. During Independence, we had only one school in North Eastern Province while in other parts of Kenya, there were schools that had celebrated their golden jubilee.

Fourthly, the people of North Eastern Province are predominantly Muslim and the Government of Kenya, even after promulgating a new Constitution, is still treating us as terrorists. When you have a big beard and you are putting on a red turban, you are a first suspect in the bus. That kind of humiliation, especially when we have promulgated the new Constitution is not good. Our future lies with this Commission. You will go to the books of history if you manage to address that issue. When a Muslim commits a crime, he or she should be treated like any other offender. In this regard, we are asking - even before this Commission completes its work - for the immediate return of all Kenyan Muslims who have been extradited outside this country to go and be charged in countries which are even junior to Kenya, I am sorry to say so. What is Uganda to Kenya? We are more developed and our people are more handsome and better. We have better farms, better roads, good English language, good Kiswahili and so on. So, why should our people be taken to courts in Uganda? That is an abuse to this great country.

The Minister for Justice, National Cohesion and Constitutional Affairs and the Attorney-General who are leading this crusade, and even the entire Coalition Government, should come out clearly over the matter and say whether we should rule ourselves as North Eastern Province or they protect us. We are Kenyans and we do not want to leave our Arab brothers. If an educated man like me can feel pain, how would an old mother or old

man feel, whose son has been arrested and taken to Guantanamo Bay and maybe, he was innocent. Even to visit that person is difficult because you cannot get an air ticket from Garissa to Cuba. That sounds illogical and unfair.

With those few remarks, I end there and say that you are welcome to Garrissa. Please, forgive us. If we were given a chance and enough time, we could have entertained you with Somali cultural dances and slaughter some goats for you.

The Commission Secretary (Ms. Nyaundi): Thank you, Mr. Hassan. I just want you to clarify some issues and then the Commissioners will ask you some questions. You have mentioned the issue of identity cards and the challenges around it in this region. Are there other documents, for instance, birth certificates which are easier to get?

Mr. Hassan Omar Shurie: No, Madam Commissioner. They are not easy to get. I wish to conceal a certain anomaly which takes place here. I do not want to make it public in front of the people of Garissa. What do I do about that?

Personally, I have not had any problem with the passport issuing office here but for the Registration of Persons office, there are officers who have stayed there for over ten years. It is like a business shop. You can ask one of the Commissioners to ask for the forms to fill. You will be directed to a shopkeeper inside town to go and buy them. I wish you could do that as we are sitting in this hall. Similarly, if I want to get a birth certificate today and not tomorrow, I will only go and give Kshs1, 500. Am I saying the truth, people of Garissa?

(Applause)

You can also carry out your own investigations. It only costs Kshs1, 500 if you want to get it in a day, whether there are the necessary documents required or not. That is why many aliens are accessing the birth certificates. We have no authority over that other than complain. We have complained both verbally and in writing. So, you can imagine Kshs1, 500 x 200 persons per day is a real investment. So, all efforts to transfer officers from Garissa to Nairobi have failed. So, there must be someone protecting them.

The Commission Secretary (Ms. Nyaundi): Thank you very much, Hassan. Could you tell us some more challenges that you face? For example, when you are unable to get your identity card, what are the challenges that you face?

Mr. Hassan Omar Shurie: Madam Chair, right now we have over 400 school leavers who cannot access colleges because they do not have identity cards. That is the most painful part. Others cannot access employment, or travel to Nairobi. Free movement is also not guaranteed. The challenges are just too many.

The Commission Secretary (Ms. Nyaundi): Mr. Hassan, you had mentioned that you have to undergo vetting to get your identity card; is there a cost to this vetting?

Mr. Hassan Omar Shurie: Vetting itself is a real cost. What happens is that, the area sub-chief, the chief, the District Officer and a group of elders who are called the vetting committee will sit and the elders have to recognize the applicants. At that time, the identity card officials are there. There is usually no cost at that particular time. Sometime back, you had to part with some money to enter the gate but the committee does not ask people to pay any money for the vetting process.

The Commission Secretary (Ms. Nyaundi): Is the applicant required to travel up and down? If so, who pays for the cost of that?

Mr. Hassan Omar Shurie: The reason why I did not mention that is because we see the whole process of getting an identity card as a privilege and not a right. That is what 95 per cent of the Somalis here perceive. That it is a privilege. So, to us it is not considered as a cost as long as it will enable you go to the venue and appear before the committee. That in itself is a very big achievement.

The Commission Secretary (Ms. Nyaundi): Thank you, Mr. Hassan. That was from me but other commissioners will ask you questions.

The Acting Chair (Commissioner Namachanja): Thank you, Mr. Hassan. Before the other Commissioners ask you any question, I want to assure you that any information you give to this Commission through your testimony, nobody will hold you responsible for it. Nobody can take you to court because of the information that you shared with us. The Act that created this Commission gives you that assurance.

Mr. Hassan Omar Shurie: Thank you very much.

Commissioner Farah: I also join the Acting Chair in assuring you that this is a truth-telling Commission and nobody can ask you about anything that you say. It is your constitutional right and the Act that created the Truth, Justice and Reconciliation Commission (TJRC) protects you. Therefore, rest assured about that. I also want to tell the audience at large that all the witnesses that we shall bring before the Commission are required to tell the truth and nobody will take them anywhere for that truth.

Commissioner Dinka: Thank you very much Mr. Hassan for that very clear and concise presentation. It is very educational to all of us. Also when you go through the difficulties that you have gone through, we are aware that it is quite painful and we recognize your courage and suffering. The question that I am asking is; you said that the people of North Eastern Province are vetted three times. What kind of vetting goes on the first time, second time and third time? What are the contents of that vetting? What are the principal questions or clarifications that are sought through that type of vetting, from your experience?

Mr. Hassan Omar Shurie: Unlike in other parts of Kenya where a citizen will walk into an office to fill forms and get identification, here you have to let your ear loose so that you get to know when the identity card will be issued. You cannot even be sure when it

will be issued. For the last few months, there was a stop order on the issuance of identity cards by the local administrator. To me, that is the first vetting where *mwananchi* can get an assurance that he or she can go to an office and be assisted. The second vetting is by the District Officer (DO) who normally chairs the meeting alongside the District Registrar of Persons, the elders from different ethnic groups and the local area chief. There is vigorous vetting in the sense that your documents are looked at. After the elders have identified you, the Registrar of Persons may ask you to go and come with the original identity cards of your parents. In the event that one of your parents is dead you may end up not getting an identity card. There are a number of cases that we know of. Photocopies are attached and the Kenyan Law says that you cannot be denied an identity card. It is only that our people do not know their basic rights, otherwise, an identity card can only be produced at the border point and when an accident happens. But here, a committee like that one will ask for the original documents of your parents. Everywhere you go, you are asked for an identity card even while travelling to Nairobi. You must come down from the bus and produce your identity card. If you do not hand over your identity card to the police officer then you will not proceed with your journey.

The third vetting is that after this process is over, somebody enjoying the cold weather of Nairobi starts another vetting. What does he know about the names submitted to him or her? What kind of vetting is he going to do? What is the essence of that vetting? Is there any truth in that vetting? There is no truth there because the Director of Registration does not even know the road to Garissa. So, what does he vet? He is supposed to ensure that papers and documents for the preparation and issuance of identity documents are available to the Kenyan nationals. It has nothing to do with the District Vetting Committee. Which law mandates him to return documents that have been vetted here by the District Vetting Committee? That is where we are concerned.

Commissioner Shava: Thank you very much, Mr. Hassan for your very cogent testimony here this morning. I just want to return to the issue of Provincial Commissioner (PC) cancelling identity cards. I just want to get a clearer picture of that process. For example, how do you become aware that the identity cards have actually been issued in order for them to be cancelled? How do you get to understand the process by which they were cancelled? Is there a notice which is given out?

Mr. Hassan Omar Shurie: Madam Acting Chair, my evidence is that - the people know and will bear me witness - when hundreds of applicants are waiting for identity cards to come, they normally go to the office to confirm whether they have arrived. It is in that same office which, without fear, will tell them that the identity cards were cancelled by the PC. I have a case in point of an old mother who is very religious by the name Beka Hihfi. I assisted this lady to the office to apply for an identity card because she wanted to visit Mecca. She had been told that she could not travel without a passport. To do that, she had to first get an identity card. The Muslim religion does not force someone to take a document. Initially, she thought the identity card was not necessary. So, she had never applied for one although she is a Kenyan and also her father was a Kenyan. We prepared an affidavit and we attached photocopies of her mother's colonial passport. The father used to travel to Tanzania and Mecca. Unfortunately, they were in that block of

2009. Today, she cannot trace the photocopies. It is now a problem because she might never make it to Mecca. Maybe she could use a camel to Ethiopia, Sudan, Egypt and then to Mecca. It is just clear and everybody in Garissa knows that the identity card applicants for 2009 were cancelled. You can get that information in the registration office. The reason they give is that there were many aliens among the applicants. Is that the applicants' mistake? If aliens slip into the system by bribing, how is a student who completed Garissa High School affected? There is one who is my brother who completed high school and got a B+ but could not get an identity card in 2009. In 2010 there was lack of materials at the head office in Nairobi. Up to now, he is tarmacking and he is frustrated.

Commissioner Ojienda: Mr. Hassan, your testimony is a horrid tale of violations and marginalization stretching for a period that is equal to the time that was taken by Banquo's line of kings. In 1962 when the first referendum in North Eastern Province was held, a whopping 89 per cent of the population said that they wanted to be part of Somalia. You have also said that there is a new Constitution and despite the promulgation of the new Constitution, not much has improved in North Eastern Province. Is it your case that there was a violation of your right to self-determination in 1962 or are you saying that the people of North Eastern Province would want a chance to determine their political destiny as of this year 2011? Are you simply saying that you should be embraced like all other Kenyans since you are part of the Republic of Kenya?

Mr. Hassan Omar Shurie: Madam Acting Chair, that is a wonderful question. As I said earlier, the literacy level of the people of North Eastern Province was very low at that time because there were no educational facilities on the ground and all they thought is that they were related to the Somalis ethnically and they were Muslims. So, it was only prudent that they join Somalia which was Muslim instead of joining the Christian Kenya. That was their perception. There was nothing more or less. In that regard, having voted 89 per cent, yes, to join Somalia, to be very honest, they exercised their fundamental right but unfortunately that right was violated at that time and in a very marginal way. That in itself requires an answer from the international community especially the European Union.

Regarding the second part of your question, as much as we would like to continue to be Kenyans, having promulgated a new Constitution which guarantees many rights, at the same time considering other factors like attitude and perception due to religion which has not left the minds of other Kenyans - this is not an idea from the public but my own view - I would ask for a recess and ask for a separate state the way the Southern Sudanese people have done, now that we have the necessary educational development. In fact, we are more developed than Southern Sudan in all aspects. We have resources that we can utilize to develop. We could even ask our archrivals to come and put up something in Tana River which will host guests. We are just about two million in terms of population. When that happens, there will be no one person who will go hungry here. Only the utilization of the Tana River will be enough but the rest of the things will be for export. We know we have oil deposits that have been discovered and we know where they have been discovered.

We know we have a unique harbour which the Kenya Government has denied us. Are you aware that we have a harbour in North Eastern Province? It is called Dar-es-Salaam from Ijara District near Kiamboni. That is one of the main natural resources that Garissa County is counting on to develop. It is a harbour and is natural with unique features. It is also easy to develop. To me, the issue of *vuta nikuvute kama ya Coalition* Government, due to perception, attitude and religious bias, I think it would only be better if another referendum is called because we are tired of presenting these problems. Even after the new Constitution, we are still being vetted, stopped at the bridge, our passports are checked very seriously when we are travelling and the funding for our *Madrassa* schools have been stopped. So, give us a chance to decide our own destiny once more.

As you said, give us a chance to decide our own destiny once more. It is not a crime. We shall only be neighbours. We will still be friends and it may even be an added advantage to Kenya because when we go to the AU or the UN conferences, we will vote where Kenya votes. That will be an added advantage.

Thank you. I think I have answered your question.

In my recommendations, I had left out the fact that after the 11th September bombing in the US, the time when the prosecution of Muslims worldwide began, it happened that the *Madrassa* schools in the entire NEP, which were funded by the Arab governments in the Middle East where there was an integrated kind of education system of the Quran and the Islamic religion; Islamic *Sharia*, which is a fundamental right already in our statute, all the funding was withdrawn. From that time to date, hundreds of students have left the *Madrassa* schools. The North Eastern Province, especially Garissa and Wajir, which had the highest number of *Madrassa* schools and were going to become international class of Islamic schools were left without funds. Any well wisher who intends to fund any of those *Madrassas* is seen as an agent of terrorist organization. In our recommendation, we want funding for our *Madrassas* to be independent. Let anybody fund us even if it is the Government of Israel and one of the Serbia, the two notorious communities, we will still wake up. We want our *Madrassas* to be left alone. They have nothing against the Government. They teach the same things that are taught in schools. The only difference is the medium of communication, namely, Arabic English.

The Acting Chair (Commissioner Namachanja): From the panel, those are all the questions we had for you. Thank you so much, Mr. Hassan for sharing the issues and the facts within the memorandum. I hope that the members of the audience who are part of that memorandum feel you have represented them well. I will hand over the programme to the leader of evidence to guide us on the next step.

Mr. Hassan Omar Shurie: Thank you, Madam Commissioner.

The Commission Secretary (Ms. Nyaundi): Thank you, Commissioners. We had three witnesses under this section. I have one more. I note, however, that people need to go for prayers. I am praying that you allow us to adjourn and we resume at 2.30. p.m. I have

five more witnesses for today. So, I am praying that when we resume, we can pick up and continue with the five witnesses.

The Acting Chair (Commissioner Namachanja): I think that is okay.

The Commission Secretary (Ms. Nyaundi): Sorry, I am asking the permission of my sister who was to share next to allow us to go for prayers and when we come back, we will start with you.

Witness: *Asante.*

Mr. Abdi Nuru: Please, I want to ask you to stand up for prayers. After the prayers, I will inform you of the procedure, so do not go away.

(Prayers)

We will allow the Commissioners to walk out and after that, the witnesses will follow and then the members of the public will follow. We will be back at 2.30 p.m.

[The Commission adjourned for lunch at 12.05 p.m.]

[The Commission resumed at 2.35 p.m.]

The Acting Chair (Commissioner Namachanja): Welcome back to our afternoon session. We shall continue with the hearings and I hand over now to Commission Secretary.

(Mr. Mohamed Abdi Aden took the oath)

The Commission Secretary (Ms. Nyaundi): Thank you, Mr. Aden. Please, tell the Commission your name.

Mr. Mohamed Abdi Aden: My name is Mohamed Abdi Aden.

The Commission Secretary (Ms. Nyaundi): Mr. Aden, where do you stay now?

Mr. Mohamed Abdi Aden: I am Kenyan born in Garissa District.

The Commission Secretary (Ms. Nyaundi): You recorded a statement with the Commission?

Mr. Mohamed Abdi Aden: Yes, that is very true.

The Commission Secretary (Ms. Nyaundi): On 19th March, 1997, you were a teacher. Where were you teaching?

Mr. Mohamed Abdi Aden: I graduated from Shanzu Teachers Training in 1995. On 20th September, 1995, I was posted to Mandera as a teacher.

The Commission Secretary (Ms. Nyaundi): Which school were you teaching in Mandera?

Mr. Mohamed Abdi Aden: First, I was posted to teach at Lafey Primary School.

The Commission Secretary (Ms. Nyaundi): Is that where you were working in March, 1997?

Mr. Mohamed Abdi Aden: On 20th September, 1997, I was there.

The Commission Secretary (Ms. Nyaundi): So, according to your statement, on 17th March, 1997, you came to Garissa from Mandera for treatment?

Mr. Mohamed Abdi Aden: Yes. Lafey was my first posting. The second posting was at Harthitu Primary School. When I was teaching there, I was tortured by the Kenyan police.

The Commission Secretary (Ms. Nyaundi): We now want to talk about that torture. Where were you on the evening of 17th March, 1997?

Mr. Mohamed Abdi Aden: I was returning from the mosque, where I had gone for the evening prayer. I was on my way to see Mr. Abdi Shabiahu at the place where I was living with him and someone called me. As I was entering his compound from the main gate, the person shouted to me, “*wewe simama*”. I stood and the same person ordered me to show him my identification. I told him that my identity card was in the house. Fortunately, Mother Rukia brought it to me.

The Commission Secretary (Ms. Nyaundi): Mr. Aden, we just want to be clear on the translation. You are saying that your mother then brought your identity card?

Mr. Mohamed Abdi Aden: Mother Rukia, not my mother.

The Commission Secretary (Ms. Nyaundi): Okay, a *mama* called Rukia?

Mr. Mohamed Abdi Aden: She was the owner of the plot I was living in. After the policemen ordered me to show them my identification card, I told them it was in the house. Fortunately, Mother Rukia brought it. One of the policemen took it and put it in his pocket. Then he knocked me down and beat me up after I had refused to pay him what he had demanded from me. He wanted me to give him some money or *kitu kidogo*. Then I shouted for help. Hussein and others came to save me because I had been injured by those police officers. One of the policemen called for a vehicle from their police station in Mandera. Then Abdi Kadir Hussein from the CID brought one vehicle. They took me to the police cell, but the police chief ordered them to take me to the hospital. I

was in hospital for eight days without being given any medical treatment or any other services. My hands, legs, head, chest and my whole body were swollen. The OCS and OCPD came to see me in hospital. They interviewed me and asked me several questions. I explained to them that I was tortured by the Kenya policemen. After that, they concluded that I was innocent and said that I was freed from that moment onward. Then I was transported by a private plane to Nairobi West Hospital. I was admitted in that hospital under the care of my personal doctor called Dr. Kikenyi. His telephone number is 0722811037.

I conclude by humbly requesting the Government of Kenya to compensate me and arrest the perpetrators to serve life imprisonment. I would like also the Government to provide me with basic needs of life such as food, clothing, shelter as well as medical treatment and others. I am now physically disabled because of torture by policemen who are now enjoying their lives while I am suffering. That is all.

The Commission Secretary (Ms. Nyaundi): Thank you, Mr. Aden. I will just ask you for some additional information. The men who stopped you as you were entering the compound, are they the police officers that assaulted you?

Mr. Mohamed Abdi Aden: He is one of the police officers. Those police officers were on night patrol. That particular person, I know him.

The Commission Secretary (Ms. Nyaundi): Were these officers known to you by name?

Mr. Mohamed Abdi Aden: Yes, I knew one of them.

The Commission Secretary (Ms. Nyaundi): You would like to tell the name to the Commission?

Mr. Mohamed Abdi Aden: Mr. Abdi Kadir Hussein. That is the only one I knew.

The Commission Secretary (Ms. Nyaundi): Mr. Abdi Kadir Hussein?

Mr. Mohamed Abdi Aden: Yes, he is in CID. He is in Mombasa now.

The Commission Secretary (Ms. Nyaundi): Prior to this incident, what was your health like?

Mr. Mohamed Abdi Aden: My health was perfect.

The Commission Secretary (Ms. Nyaundi): Were you using a wheelchair?

Mr. Mohamed Abdi Aden: No. I graduated from Shanzu Teachers College in 1995. In September 1995, I was posted to Mandera by the Teachers Service Commission.

The Commission Secretary (Ms. Nyaundi): So, you are saying before this incident, you were in good health?

Mr. Mohamed Abdi Aden: Yes, I was in good health.

The Commission Secretary (Ms. Nyaundi): Mr. Aden, we want to understand. Could you, please, give us some more details? How exactly did they assault you?

Mr. Mohamed Abdi Aden: In fact, those people were after “*toa kitu kidogo*”.

The Commission Secretary (Ms. Nyaundi): They wanted some money?

Mr. Mohamed Abdi Aden: Yes.

The Commission Secretary (Ms. Nyaundi): They did not tell you the exact amount that they wanted?

Mr. Mohamed Abdi Aden: They told me “*jitetee*”.

The Commission Secretary (Ms. Nyaundi): So, they wanted you to defend yourself?

Mr. Mohamed Abdi Aden: Yes, by giving them small money. Unfortunately, they took all my Kshs6, 010 and disappeared.

The Commission Secretary (Ms. Nyaundi): Out of your pockets?

Mr. Mohamed Abdi Aden: Yes. As I said, they also took away my identification card. Later on, one of the community elders in Mandera followed the OCS and collected it on my behalf.

The Commission Secretary (Ms. Nyaundi): So, what did they assault you with? Did they use their hands? Were they using a weapon?

Mr. Mohamed Abdi Aden: They were using the gun as stick. They beat me with it. First, they threw me up, knocked me down and started beating me. I told them that I had got a fracture and could not walk. In fact, they were in the process of killing me when Hussein and another person called Habiso and Rukia also came.

The Commission Secretary (Ms. Nyaundi): We just want to go step by step. How many were these people who were attacking you?

Mr. Mohamed Abdi Aden: They were six.

The Commission Secretary (Ms. Nyaundi): Six of them?

Mr. Mohamed Abdi Aden: Yes.

The Commission Secretary (Ms. Nyaundi): And this was in the evening?

Mr. Mohamed Abdi Aden: Yes, after the prayers; at 8.00 p.m.

The Commission Secretary (Ms. Nyaundi): Do you remember the police station that you were taken to? What is the name of the police station you were taken to?

Mr. Mohamed Abdi Aden: Mandera Police Station.

The Commission Secretary (Ms. Nyaundi): Was the attack here in Garissa or in Mandera?

Mr. Mohamed Abdi Aden: In Mandera Town.

The Commission Secretary (Ms. Nyaundi): So, you were taken to Mandera Police Station?

Mr. Mohamed Abdi Aden: In the cell. In fact, they locked me there.

The Commission Secretary (Ms. Nyaundi): So, for how many days did you stay at Mandera Police Station?

Mr. Mohamed Abdi Aden: When they wanted to take me to the cell and some other people accompanying me, the police chief ordered them to take me to hospital.

The Commission Secretary (Ms. Nyaundi): So, you were taken directly to the hospital?

Mr. Mohamed Abdi Aden: Yes, by the soldiers.

The Commission Secretary (Ms. Nyaundi): Which hospital were you taken to?

Mr. Mohamed Abdi Aden: The Mandera General Hospital.

The Commission Secretary (Ms. Nyaundi): For how long did you stay at the Mandera General Hospital?

Mr. Mohamed Abdi Aden: Nine days.

The Commission Secretary (Ms. Nyaundi): And after Mandera?

Mr. Mohamed Abdi Aden: I was transported by a private plane, dropped at Eastleigh and then I was taken to Nairobi West Hospital.

The Commission Secretary (Ms. Nyaundi): I can see that you sought treatment for a long time.

Mr. Mohamed Abdi Aden: Yes.

The Commission Secretary (Ms. Nyaundi): What became of your job?

Mr. Mohamed Abdi Aden: In fact, the people who took me to that hospital were teachers from the Kenya National Union of Teachers (KNUT), but they neglected me in the hospital.

The Commission Secretary (Ms. Nyaundi): Which hospital, Mandera?

Mr. Mohamed Abdi Aden: No, the Nairobi West Hospital. I stayed there for almost three months.

The Commission Secretary (Ms. Nyaundi): So, were you able to resume your teaching career?

Mr. Mohamed Abdi Aden: No.

The Commission Secretary (Ms. Nyaundi): When did your job end?

Mr. Aden: After the Nairobi West Hospital, I was discharged to the Kenyatta National Hospital (KNH), Private Wing. From there, they operated on me. After they operated on me, the wound became infected and I became very sick. The people who had taken me to the KNH neglected me because of the fees. So, my brother came there and picked me and boarded me in a plane back to Mandera.

The Commission Secretary (Ms. Nyaundi): So, your brother paid your medical fees?

Mr. Mohamed Abdi Aden: No. The National Hospital Insurance Fund (NHIF) and some good friends and well wishers donated money for me. That is how I was treated.

The Commission Secretary (Ms. Nyaundi): So, after you came back to Mandera, were you able to go back to school and teach?

Mr. Mohamed Abdi Aden: Yes.

The Commission Secretary (Ms. Nyaundi): For how long?

Mr. Mohamed Abdi Aden: I taught for about six months while using crutches. Then I fell down and broke my knee. After that I became disabled. That was in 2003.

The Commission Secretary (Ms. Nyaundi): We want to follow and understand whether you are still a teacher right now.

Mr. Mohamed Abdi Aden: No, I am no longer a teacher.

The Commission Secretary (Ms. Nyaundi): When did you cease being a teacher?

Mr. Mohamed Abdi Aden: I stopped in 2005. The headmaster and the District Education Officer (DEO) interdicted me. I was given a sick leave for three months to go to hospital but all they used to do to me was physiotherapy. I was then told that I had deserted duty. I then boarded a plane to Nairobi and reported to the Teacher Service Commission (TSC) in writing. I reported my case to the TSC by writing a letter while I was in hospital. I combined it with a doctor's letter. The letter was from Kijabe Mission Hospital. The TSC wrote back and told me that since I was on treatment, I was innocent.

The Commission Secretary (Ms. Nyaundi): We want to retrace this so that we can be clear. In what school were you teaching at when you were interdicted?

Mr. Mohamed Abdi Aden: I was teaching at Mandera Town Primary School. The school is known as Dawa Integrated School for the Disabled.

The Commission Secretary (Ms. Nyaundi): What year was that?

Mr. Mohamed Abdi Aden: That was from 2003.

The Commission Secretary (Ms. Nyaundi): I am talking about the year they wrote to you and told you that you had been interdicted.

Mr. Mohamed Abdi Aden: I was interdicted at the beginning of 2005 in January.

The Commission Secretary (Ms. Nyaundi): You have said that when you were interdicted, you were on sick leave.

Mr. Mohamed Abdi Aden: Yes, I was on sick leave.

The Commission Secretary (Ms. Nyaundi): Can you remember the year that you appealed to the TSC and said that you were on sick leave?

Mr. Mohamed Abdi Aden: That was immediately after I came to Nairobi. I wrote to them explaining my condition.

The Commission Secretary (Ms. Nyaundi): So, that was in 2005 in March?

Mr. Mohamed Abdi Aden: That was in March.

The Commission Secretary (Ms. Nyaundi): When the TSC said that you were on sick leave, they reinstated you?

Mr. Mohamed Abdi Aden: After the TSC confirmed that I was sick, they wrote a letter and forwarded it to my address in Garissa and told me to come to court and explain the

issue about Mandera. I went to the TSC court and showed them a letter and they confirmed that I was very sick. I showed them my documents and they confirmed my innocence.

The Commission Secretary (Ms. Nyaundi): Did they then allow you to resume duty?

Mr. Mohamed Abdi Aden: Yes, they allowed me to resume duty. I told them that I was going to work in Garissa and not Mandera although the District Education Officer told me that I could not work again in Garissa. The District Education Officer retired me on medical grounds and told me that I could not teach in Garissa. The TSC then wrote me a retirement letter. I was retired on medical grounds.

The Commission Secretary (Ms. Nyaundi): Were you paid any benefits after you were retired on medical grounds?

Mr. Mohamed Abdi Aden: No. I have never been paid. The case has been delayed in Nairobi. The files are lying in Nairobi. I am not sure what they want to do about it. The officers there are good, but the only problem is that they keep on telling me to wait.

The Commission Secretary (Ms. Nyaundi): Thank you, Mr. Aden. There are some documents that you have given me. We now want to give them to the Commission. You will just confirm that they are your documents.

Mr. Mohamed Abdi Aden: When I was working, I was taking tuberculosis drugs and at the same time marking the mock examinations.

The Commission Secretary (Ms. Nyaundi): So, is this the letter saying that you were seeking treatment and is this the letter from the TSC?

Mr. Mohamed Abdi Aden: That is the one that shows that I was marking mock examinations.

The Commission Secretary (Ms. Nyaundi): After you were assaulted, you were examined and a P3 Form was filled?

Mr. Mohamed Abdi Aden: Exactly! The papers were filled at the Police Station, Mandera and the others were picked from Pangani Police Station.

The Commission Secretary (Ms. Nyaundi): We have a letter here dated 3rd March, 1997 showing your treatment and another dated 14th March, 1997 explaining that you were marking examinations. The police abstract is dated 11th January, 2006. So, does the police abstract confirm the injuries that you suffered on 17th March?

Your story was covered in the *Daily Nation* of 27th March, 1997.

Mr. Mohamed Abdi Aden: Yes, when I was in Nairobi Hospital.

The Commission Secretary (Ms. Nyaundi): You have a newspaper cutting?

Mr. Mohamed Abdi Aden: Yes.

The Commission Secretary (Ms. Nyaundi): Is that your image on it?

Mr. Mohamed Abdi Aden: Yes, it is.

The Commission Secretary (Ms. Nyaundi): In the newspaper article you have talked about the money that they stole.

Mr. Mohamed Abdi Aden: Yes.

The Commission Secretary (Ms. Nyaundi): You have told us that you received treatment at the Mandera District Hospital?

Mr. Mohamed Abdi Aden: Yes. They carried out x-rays among other things. For nine days, I was in hospital but the OCS had instructed the doctors not to give me any medicines. I was in hospital for nine days. The security officers and the OCS came to the hospital and confirmed that I was sick and all they could do was to tell me they were sorry. What need was there for them to say sorry?

The Commission Secretary (Ms. Nyaundi): We have a bundle of documents here from Mandera District Hospital confirming the treatment that you received.

Mr. Mohamed Abdi Aden: Yes.

The Commission Secretary (Ms. Nyaundi): The covering letter is dated 24th March, 1997.

Mr. Mohamed Abdi Aden: Yes. That is when I was given a transfer letter.

The Commission Secretary (Ms. Nyaundi): You also have a medical report from AIC Kijabe Missionary Hospital and you would like to give it to the Commission?

Mr. Mohamed Abdi Aden: Yes.

The Commission Secretary (Ms. Nyaundi): In 2005, the KNUT, Mandera Branch wrote on your behalf to the KNUT Head office.

Mr. Mohamed Abdi Aden: Exactly, but nothing was done for me.

The Commission Secretary (Ms. Nyaundi): There is a letter signed by the Executive Secretary, Yussuf Hassan.

Mr. Mohamed Abdi Aden: He was working in Mandera.

The Commission Secretary (Ms. Nyaundi): Would you like to give that document to the Commission? You said that you appealed to the TSC and on 10th January, 2006, TSC wrote to you revoking the interdiction.

Mr. Mohamed Abdi Aden: When I met them, I gave them my letter of recommendation and everything I had, the sick leave and the letter from the doctor. They confirmed that I was innocent.

The Commission Secretary (Ms. Nyaundi): They wrote to you on 10th January? Would you like to give that document to the Commission?

Mr. Mohamed Abdi Aden: Yes.

The Commission Secretary (Ms. Nyaundi): On 30th March, the TSC---

Mr. Mohamed Abdi Aden: After they confirmed that I was innocent, I came here to Garissa and told them that I would not go to Mandera. I told them that since I was disabled, I would work in my district and die there. They then went ahead to post me there.

The Commission Secretary (Ms. Nyaundi): The letter dated 30th March, 2006 is the one that was instructing the Provincial Director of Education to post you to Garissa. Would you like to give it to the Commission?

Mr. Mohamed Abdi Aden: Yes.

The Commission Secretary (Ms. Nyaundi): Commissioners, there is a bundle of documents which we are asking that you admit. Apart from seeking help from the TSC, have you approached any other person to assist you? Have you gone to court?

Mr. Mohamed Abdi Aden: No. I have not taken the case to court because I do not have an advocate. I have written a letter to the area Member of Parliament who also wrote to me and said that I should get an advocate to file a case at the High Court and fight for my rights. I am a person who is challenged in many ways. I have no one to help me. Those who are blind, I believe are doing better than me. I sleep in fields and when it rains, I am rained on. I do not have a house. I am used to suffering day and night and yet, I am a teacher.

The Commission Secretary (Ms. Nyaundi): Have you approached any human rights organization to help you?

Mr. Mohamed Abdi Aden: I have written to PLO Lumumba but he wrote back and told me that I should get an advocate to represent me. I have and he forwarded a copy of my

letter to them. I call the officers at the human rights offices daily. I talk to them every day. They all tell me to go and get an advocate. How can I afford an advocate?

The Commission Secretary (Ms. Nyaundi): Thank you for all that you have told us. I am about to finalize. Do you have a family?

Mr. Mohamed Abdi Aden: My family members are in Mandera. When I experienced this brutality, my wife went back to her father's home because all my relatives were killed during the Wagalla Massacre. I do not have anybody to defend me. The person who took me there died in 2005, a former Administration Police Officer who was a constable.

The Commission Secretary (Ms. Nyaundi): Do you have any children?

Mr. Mohamed Abdi Aden: Yes, they live with their mother.

The Commission Secretary (Ms. Nyaundi): Thank you Mr. Aden. I will now ask you to give us some time. The Commissioners will ask you a few questions.

The Acting Chair (Commissioner Namachanja): Thank you Mr. Aden.

Mr. Mohamed Abdi Aden: I thank you too.

The Acting Chair (Commissioner Namachanja): We recognize that you arrived here under a lot of stress. We appreciate that you were brave enough to share with us your situation. We would like to ask you some questions to clarify some issues.

Mr. Mohamed Abdi Aden: I am ready to answer.

Commissioner Farah: Thank you. Mr. Aden, when did you graduate from Shanzu Teachers College?

Mr. Mohamed Abdi Aden: I graduated in 1995 and at that time I was--- I was born in 1972. Just calculate from there.

Commissioner Farah: So, you were about 22 years old?

Mr. Mohamed Abdi Aden: Yes.

Commissioner Dinka: Mr. Aden, you said that the CID officer who took you is now in Mombasa. You said that there are six witnesses. Do you know whether they are alive and do you know where they are located?

Mr. Mohamed Abdi Aden: I even have some telephone numbers of some of them.

Commissioner Dinka: Now, I have another question. Since 2005, you have not been in gainful employment. Is that correct?

Mr. Mohamed Abdi Aden: Let me correct you. In 2005, the TSC interdicted me and they also stopped my salary. On 1st January, 2006, I was invited to go to the TSC court and I went. I explained to them and they listened to me. They then posted me to Garissa. They then confirmed that I was innocent and they told me that I could go back to teach. When I got there, I was told that on medical grounds, I could not teach. I then went to Garissa District Hospital and saw Doctor Odongo and Doctor Gudip. They processed for me a retirement letter on medical grounds. The letter was taken to the TSC offices by my brother. That is how I retired. I need your help because I cannot go to Nairobi. I have had a very tough life. The Government of Kenya does not care whether I am dead or alive.

Commissioner Slye: I would like to join my fellow Commissioners in thanking you for taking your time and effort to come to speak to us. We know that it is painful for you to come and speak with us and we would like to thank you.

Mr. Mohamed Abdi Aden: I also appreciate you.

Commissioner Slye: I would like to ask you about the incident where you were assaulted by the police. You said that they asked you for money. Have you, in the past, asked for money from the police?

Mr. Mohamed Abdi Aden: Myself? What for?

Commissioner Slye: Have there been incidences where the police have stopped you and asked you for money?

Mr. Mohamed Abdi Aden: Yes, there have been. I always refused but that caused a grudge between them and me. They kept on hunting me down.

Commissioner Slye: Is that the only thing that has happened to you before?

Mr. Mohamed Abdi Aden: Yes. The police have asked for money from me. They also asked me for my identity card. When they first asked me for my identity card, I told them that the card was at home. One policeman hit me and I fell down. He then beat me up. I shouted for help and some people came to my rescue. That is how I survived.

Commissioner Slye: I am trying to understand whether this kind of incidence is only unique to you or to all the people in your community. Is this the first time that they asked for your identity card?

Mr. Mohamed Abdi Aden: It is the first time that they asked me for my identity card. I met some police officers in Mombasa and they also asked me for my identity card. I told them that I was just a student.

Commissioner Slye: You mentioned something about Mandera. You said that you were in hospital for nine days but did not receive any treatment. Do you know whether right now the hospital has changed since you were there? Have you gone back to Mandera?

Mr. Mohamed Abdi Aden: I have not gone back to Mandera.

Commissioner Slye: So, you do not know how it is? You do not know whether the hospital is the same or whether it has improved?

Mr. Mohamed Abdi Aden: The hospital is the same. It is in the same building and it has not changed. You would still not find many facilities there and things are as usual.

Commissioner Slye: You said that you recognized one of the CID officers and that he is in Mombasa now?

Mr. Mohamed Abdi Aden: I know him. He is a light person. I know him.

Commissioner Slye: If you were to meet him today, is there anything that you would want to say to him?

Mr. Mohamed Abdi Aden: I would ask him why he took me to a police cell.

Commissioner Slye: Would you like to meet him today? If you met him, is there anything you would like to say to him?

Mr. Mohamed Abdi Aden: I would tell him that he is the one who knows about these issues. If he hides any information, we have the information. He should give us the names of the other perpetrators. The first person who beat me up was tall and dark.

Commissioner Slye: Thank you, Mr. Aden.

The Acting Chair (Commissioner Namachanja): Mr. Aden, thank you for your testimony. My great admiration for you is that you will continue to live despite the experience that you went through. I would like to ask you two to three questions regarding what you went through.

Mr. Mohamed Abdi Aden: I will answer you depending on what I know.

The Acting Chair (Commissioner Namachanja): There is a letter that was written to you informing you of your retirement on medical grounds. Is there such a letter?

Mr. Mohamed Abdi Aden: Yes.

The Acting Chair (Commissioner Namachanja): My second question also relates to retirement. What is the normal retirement age for a teacher?

Mr. Mohamed Abdi Aden: The normal retirement age for a teacher is 60 and above.

The Acting Chair (Commissioner Namachanja): Thank you.

Commissioner Ojienda: Mr. Aden, we empathize with the situation you have gone through. You have been to hell and back. I just want to find out whether the benefits due to you were worked out by the TSC.

Mr. Mohamed Abdi Aden: When I communicated to them, they told me that they were processing payment at the accounts department.

Commissioner Ojienda: I just want to let you know that you have a right under the Constitution. The policeman who did this to you committed a criminal offence.

Mr. Mohamed Abdi Aden: In fact, they were six. The DEO and many other officers know about this.

Commissioner Ojienda: We will do our best to get to the root of the matter.

Mr. Mohamed Abdi Aden: Take me to the High Court. I will follow you.

The Acting Chair (Commissioner Namachanja): I would also like to ask you questions. Among the people who assaulted you, you mentioned one Abdikadir Hussein. Is he the CID officer who took you to the hospital but not one among those who assaulted you?

Mr. Mohamed Abdi Aden: He is the one who got me out of where I was being tortured and took me to a police cell. I did not see him beat me.

The Acting Chair (Commissioner Namachanja): As you walk around, at times you meet policemen. What comes to your mind when you meet policemen?

Mr. Mohamed Abdi Aden: I consider them as wild animals just like hyenas, lions and rhinos, among other animals. I have no respect for them.

The Acting Chair (Commissioner Namachanja): You also said that your family deserted you.

Mr. Mohamed Abdi Aden: Exactly. Nobody was concerned about me.

The Acting Chair (Commissioner Namachanja): From the time you suffered physical injuries, does that mean that you have never met your children and wife again?

Mr. Mohamed Abdi Aden: Exactly. There were also children of my paternal father who died. They do not care about me. If they came to fight me, I would go to the police.

The Acting Chair (Commissioner Namachanja): If this Commission was to contact your children, would you be willing to meet them?

Mr. Mohamed Abdi Aden: I want the Government of Kenya to compensate me for the physical damage I suffered. I also want the TSC to compensate me for retiring me. Once I am financially stable, I can contact my family and go to the best hospital in Kenya.

The Acting Chair (Commissioner Namachanja): You move with a lot of difficulty. Do you have a wheelchair or how have you been walking?

Mr. Mohamed Abdi Aden: I do not have a wheelchair, a bed or a house and many other things. I live under a tree and when it rains I am rained on. At times, I feel that it is even better for me to die.

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

Mr. Mohamed Abdi Aden: Thank you also.

The Acting Chair (Commissioner Namachanja): We want to conclude this session. However, the Commissioners want to shake your hand and console you if you are willing to do that.

Mr. Mohamed Abdi Aden: I am very much willing. I want to have some communication with you in future.

(Mr. Aden shook hands with the commissioners)

(The Commission resumed at 3.40 p.m.)

Mr. Mohamed Abdi Aden: Commissioners of the TJRC who are gathered here today, I have a personal problem. I do not have a house, bed, utensils or water. I just live under a tree. During the rainy season, I get rained on and sleep on water. So, I will highly appreciate any help.

The Acting Chair (Commissioner Namachanja): Thank you, Mr. Aden. We have noted your needs. I am sure that even among the audience, there are citizens and Kenyans of goodwill. I will encourage all of us to see what we can support. As you know, the Commission does not have money to give out for immediate needs. But what we have done on our part is to ease the movement of Mr. Aden by donating the wheelchair he is on now. I will encourage any support from any of us.

Thank you.

(Ms. Fatima Abdi Anshur took the oath)

The Commission Secretary (Ms. Nyaundi): Thank you. Please tell us your name.

Ms. Fatuma Abdi Anshur: My name is Fatima Abdi Anshur.

The Commission Secretary (Ms. Nyaundi): You have come with somebody who is seated next to you. What is his name?

Ms. Fatuma Abdi Anshur: His name is Ahmed Abdi Noor, who is famously known as Albadid.

The Commission Secretary (Ms. Nyaundi): Is he your son?

Ms. Fatuma Abdi Anshur: Yes, he is my son.

The Commission Secretary (Ms. Nyaundi): Where do you stay right now?

Ms. Fatuma Abdi Anshur: I live in Bula Madina.

The Commission Secretary (Ms. Nyaundi): Is this where you were staying in 1980?

Ms. Fatuma Abdi Anshur: No. At that time, I lived in Bula Kamor.

The Commission Secretary (Ms. Nyaundi): Ms. Fatuma, did you record a statement with the Commission?

Ms. Fatuma Abdi Anshur: Yes, I gave a report.

The Commission Secretary (Ms. Nyaundi): Today, we want to talk about the statement that you recorded with the Commission. In November, 1980, where were you staying?

Ms. Fatuma Abdi Anshur: I lived in Bula Kamor.

The Commission Secretary (Ms. Nyaundi): Can you, please, tell the Commission things that happened to you and the people that you know in November, 1980?

Ms. Fatuma Abdi Anshur: I am ready to tell the Commission everything. In the place called “Bula Kamor” where we lived, we learnt about the violence that was going on at 7.00 a.m. Houses were being burnt and we heard the commotion due to the skirmishes. The violence reached us at noon. Our house was burnt at that time and we ran away. Our last born was with my husband then. They hit my husband with the butt of a gun and he told them to stop that. They hit him on the shoulder and spinal cord. The children ran all over. I had a small child then. I ran away and I was told to come back. They said that they wanted to beat me up. But they disagreed among themselves. Some said that it was wrong to kill me. That is how I was rescued. I was told to run to Garissa Town. In the first call of prayers in the morning, we were told to come out of our houses. We went to

Garissa Primary School Grounds. It was a place of death. People were beaten up, tortured and killed. My son was brought to me when I was there. There were dead bodies. At 1.00 p.m., women and children were allowed to return. Those who were left there were only Somalis. I could not even get water to give the children. I left them under a tree and went back only to find that the father was among the people who were killed by the cops. I witnessed his body being put in a car. They threw the dead body into the river. Men were in the field while women and children were at home. The women were raped, girls were crying for help and no one could help them. Some people died and those who did not die were released after three days. The issue is very painful. It affected very many people. Many women were raped. We give thanks to God that some people survived.

I do not know whether this Commission is different from those that have been there before. My fear is that they will just raise the temper in us and we will not be helped at the end. We are asking the Commission to be a bit more serious with the issue. We ask for action, compensation and justice. The perpetrators of the crime should be punished accordingly. There was an emergency immediately after the incident. I was told that I should speak in Kiswahili or I would be jailed. I did not know Kiswahili but I was born in the country. I was arrested because I could not speak Kiswahili. I could speak very few words in Kiswahili, but when I saw the police, I could not speak the few words I knew. I was told to leave. It was a painful incident. That is the much I know. It was a very unfortunate situation and no one compensated us. I hope you will help us deal with the situation now. That is the much I can tell you.

The Commission Secretary (Ms. Nyaundi): Thank you very much. I will just ask you a few questions, so that we can clarify. You said that there was violence. Did it happen suddenly or was it going on for some time?

Ms. Fatuma Abdi Anshur: We were not expecting anything. It just happened. We were told to produce a bandit. It just happened unexpectedly. There were rumours that we were to produce a bandit.

The Commission Secretary (Ms. Nyaundi): Did they tell you the name of that bandit they wanted you to produce?

Ms. Fatuma Abdi Anshur: We did not have the name of the bandit. We did not know anything about him.

The Commission Secretary (Ms. Nyaundi): Who was asking you to produce the bandit?

Ms. Fatuma Abdi Anshur: It was the Government officials and machinery; the people who called for the *baraza*. That is the much I can say.

The Commission Secretary (Ms. Nyaundi): Where was this *baraza* called?

Ms. Fatuma Abdi Anshur: It happened in *Baraza* Park.

The Commission Secretary (Ms. Nyaundi): Are you able to identify by name any of those people who called the *baraza*?

Ms. Fatuma Abdi Anshur: I was at home nursing kids and so, I cannot tell anything about what happened. What I can tell you is about the generalities.

The Commission Secretary (Ms. Nyaundi): You said that at 7.00 a.m., you learnt about violence that was going on and houses were being burnt. Do you know who was burning the houses and why?

(Ms. Anshur spoke in Somali)

The Commission Secretary (Ms. Nyaundi): Had the houses been burnt at night or that morning?

Ms. Fatuma Abdi Anshur: It was from 7.00 p.m. until morning. That is the duration which the violence took.

The Commission Secretary (Ms. Nyaundi): You said that your husband was assaulted. Were you present when he was being assaulted or you were told?

Ms. Fatuma Abdi Anshur: We were together. I saw it happen to him live.

The Commission Secretary (Ms. Nyaundi): This was at your house?

Ms. Fatuma Abdi Anshur: It happened in my house. We were in the house.

The Commission Secretary (Ms. Nyaundi): You have said that later you went to the field. Was this on the same day or another day?

Ms. Fatuma Abdi Anshur: It happened from 7.00 p.m. until 5.00 a.m. at the first of call of Adhan. That is when we were taken to Garissa Primary School Grounds.

The Commission Secretary (Ms. Nyaundi): Was it only your family or other people?

Ms. Fatuma Abdi Anshur: We were a family and we also had neighbours.

The Commission Secretary (Ms. Nyaundi): You mentioned a dead body that was thrown into the river. Are you able to say who that was?

Ms. Fatuma Abdi Anshur: It was my husband's body that was thrown into the river. That is the much I can confirm.

The Commission Secretary (Ms. Nyaundi): One of the things that you have said is that you want the perpetrators to be punished. Is that correct?

Ms. Fatuma Abdi Anshur: Yes.

The Commission Secretary (Ms. Nyaundi): Are you able to name any of these people that you are calling perpetrators?

Ms. Fatuma Abdi Anshur: The role of a Somali woman is to take care of the household. I am a woman who was taking care of children. I think we can get other people; the educated who will name those people.

The Commission Secretary (Ms. Nyaundi): Were they private citizens or people from the State?

Ms. Fatuma Abdi Anshur: They were Government officials and machinery. They were people in the Government system.

The Commission Secretary (Ms. Nyaundi): Ms. Fatima, you have also told us that you were arrested because you could not speak Kiswahili. Was this immediately at the park or did this happen much later?

Ms. Fatuma Abdi Anshur: It was later and not immediately after the incident of that day.

The Commission Secretary (Ms. Nyaundi): So, this continued for a long time even after that day you were called to the field?

Ms. Fatuma Abdi Anshur: I cannot say much about it, but it is an incident or problem that happened to us.

The Commission Secretary (Ms. Nyaundi): Please, wait. The Commissioners will ask you a few questions.

The Acting Chair (Commissioner Namachanja): Thank you very much for coming to share with us your story and the story of others. Sorry that you lost your husband in that manner. Sorry also that you were not even able to bury your husband, so that you put a closure to the mourning. That is the most difficult part. I will now ask the Commissioners to ask you some questions, if they have any.

Ms. Fatuma Abdi Anshur: I will say what I know.

Commissioner Shava: *Mama* Fatuma, first, I would like to salute you for having the courage to come and share with us and with this country your very painful memories. You have said that the role of a Somali woman is to look after the home. Since your husband was taken away from you, how have you been surviving? How have you managed to raise and educate your children?

Ms. Fatuma Abdi Anshur: It was a difficult venture. My children were very young then and it was quite difficult. I tried my best and a man called Hajj Athan Kundhe helped us with shelter. I was advised to sell *miraa*. I survived the hard way. It was difficult raising children without a husband. It is difficult to be a single parent, but I tried my best. My husband had advised me earlier to let them stay in town where they could survive. I took that advice and God helped me. I educated them, but I did not get any help apart from Hajj Athan Kundhe. We did not get much help from the Government or other institutions.

Commissioner Shava: I just have one more question. How was your husband earning his livelihood?

Ms. Fatuma Abdi Anshur: He was working for the town council.

Commissioner Shava: When your husband was taken from you, did you receive the benefits that were due to him?

Ms. Fatuma Abdi Anshur: No. I received no benefits.

The Acting Chair (Commissioner Namachanja): Once again, *Mama* Fatuma, I would like to thank you very much. Thank you for being strong and there for your children.

Ms. Fatuma Abdi Anshur: I thank you too.

The Acting Chair (Commissioner Namachanja): Assist her to sit and get us the next witness.

(Ms. Hawa Waheliye took the oath)

The Commission Secretary (Ms. Nyaundi): Please, tell us your name.

Ms. Hawa Waheliye: My name is Hawa Waheliye. I live in a place called Suq Kolaka - *soko la wanyama*.

The Commission Secretary (Ms. Nyaundi): Is that where you were staying in November, 1980?

Ms. Hawa Waheliye: No, I was not living there.

The Commission Secretary (Ms. Nyaundi): You recorded a statement with the Commission.

Ms. Hawa Waheliye: Yes.

The Commission Secretary (Ms. Nyaundi): We want to talk about the statement that you recorded about the things that happened to you and the people you know. In your statement you said that---

Ms. Hawa Waheliye: We were called to a meeting in three days. In the third day, we were told to identify the bandits among us. We went to *Baraza* Park and told them that we did not know anything about the bandits. That evening there were shootings near the hospital. Before that, we had not experienced shooting. When I heard that, I ran away and went up to a place where somebody called Ali Dere helped us. I was asked him: “Do you know about the shooting that happened?” While we were discussing that, we heard people crying. There were two aeroplanes that came from Wajir direction. There was also a car that came with Administration Police. We ran away because there was noise and commotion. We hid in the bush. The town was burnt and houses were torched randomly and everything was burnt. They were locking doors and burning them. If a person died, the body was taken and thrown into the river. We went up to Modika, which is nine miles from Garissa.

And if a person died, he was thrown into the river. We went up to Abodikare which is nine miles from Garissa. I stayed in the bush and waited. Towards morning, we were told to go back to town because everything is okay. I walked on foot from there with the children for two nights until I reached Dadaab. We left everything behind. We left our goats, clothes and food behind. I stayed in Dadaab and then I came after that. Now, we live in the area called Suk. That is the much I can say.

The Commission Secretary (Ms. Nyaundi): When you say you were called to the meeting for three days, does this mean that you stayed in the field for three days?

Ms. Hawa Waheliye: We were there for three days. Initially, it was a political meeting. On the last day, we were asked to produce the bandits. We were told that all Somalis either identify the bandits or we suffer the consequences. That is how it went. That night was painful; people were burnt and the dead bodies were thrown into the river.

The Commission Secretary (Ms. Nyaundi): Did you stay in the field for three days without going back to your homes?

Ms. Hawa Waheliye: We were called to the baraza in the morning. When it was over, we used to go back home. For those three days, we did not stay there. We were told to produce the bandits and then when it was over, we went back home.

The Commission Secretary (Ms. Nyaundi): Are you able to name the people who called this baraza?

Ms. Hawa Waheliye: They were using lights and microphones. We do not know. We just came as a mass. The last day that that incident happened, we were told not to leave anybody. Everybody should come including the disabled. That was the third day. It was announced via microphones. So, we could not tell who was responsible for calling the meeting.

The Commission Secretary (Ms. Nyaundi): Were you able to tell whether they were private citizens, politicians or Government officials?

Ms. Hawa Waheliye: I cannot tell. It was done through a public address system. We went there via the noise. On the last day, we were intimidated. We were told to produce them. We suffered the consequences in the night. We were threatened on that same night and that is the much I can say.

The Commission Secretary (Ms. Nyaundi): Did they call these people called bandits by name or they were just calling them bandits?

Ms. Hawa Waheliye: No. They were not asking for specific names. I do not remember being asked a specific name. Nothing was explained to us until the last day when we were threatened that as Somalis, we are one being and we either produce the bandits among us or we will suffer the consequences. We were told that on the third day but before that, nothing much was explained to us.

The Commission Secretary (Ms. Nyaundi): When you say that houses were burnt in the evening, were you able to see or learn who was burning the houses?

Ms. Hawa Waheliye: The much I can say is that they were police because of the uniform they were wearing. That is the much I can tell. The threat came from the DC that day. Then it happened in the night and the police and the DC did it.

The Commission Secretary (Ms. Nyaundi): When you say that we ran away, who were you with?

Ms. Hawa Waheliye: I was with my elder sister, my cousin and my children. We went up to a place called Modikare, a bush in the middle of nowhere. We were helped by some people who lived in that area and directed us to run to Dadaab.

The Commission Secretary (Ms. Nyaundi): Sorry, Ms. Waheliye, I will have to repeat that question. You said that you ran away. What distance was this you ran and for how long?

Ms. Hawa Waheliye: That night when I ran away, the houses were burning. We did not run very far. We went to the bush nearby and we were listening to what was happening. We tried to assess what could happen. We did not go very far. We hid nearby. The Halibere helped the kids. He helped us and our children. We used to get water through his help. He extended help even before that incident.

The Commission Secretary (Ms. Nyaundi): Is he still there?

Ms. Hawa Waheliye: He is a white man. He was a missionary. He had a water point outside his school where we used to go and get water.

The Commission Secretary (Ms. Nyaundi): You say that two aeroplanes came from Wajir?

Ms. Hawa Waheliye: Yes, we saw them. We could see their lights. After that, the whole thing started.

The Commission Secretary (Ms. Nyaundi): Before you ran away, they came the first night after the three days of the meeting?

Ms. Hawa Waheliye: It was that night before the incident. It was the same day and the incident happened after that. Everything happened after that. That was the sign of the violence. They came with a police vehicle. We heard them talk and then the burning of the houses started immediately and people died. I remember in a neighbouring house where seven people were killed and they were carried by a Government vehicle.

The Commission Secretary (Ms. Nyaundi): You have said that you were told to go back since everything was okay. Who is this who told you this?

Ms. Hawa Waheliye: I was not even nearby by then. By the time I heard the call for people to be called back, I was far away. It was my husband who came back and he was arrested for 16 months. I did not carry anything. I just left. So, I cannot say anything about it because I was far by then. Eventually, I started working hard for my children to survive. I came to Garissa much later.

The Commission Secretary (Ms. Nyaundi): So, did you go back to the place where you lived originally here in Garissa?

Ms. Hawa Waheliye: We did not go back.

(Loud consultations)

The Commission Secretary (Ms. Nyaundi): Thank you very much, Ms. Waheliye. The commissioners will ask you questions. However, before they do that, Abdinoor is going to say something.

Mr. Abdi Noor: I request the public that we have one meeting. Let us respect the witness. As I said in the morning, not everybody will get an opportunity. So, when we have someone like this who is representing the entire operations of this region and Garissa, let us be fair and give him a chance. Please, let us not criticize the person who is giving his views.

The Commission Secretary (Ms. Nyaundi): Thank you, Ms. Waheliye, for all you have told us. Sorry, for whatever happened to your family and neighbours.

Commissioner Slye: I just have a few questions on the story that you have just told us. You stated that the people who did this to you and the community were the police and

that you know that because of the uniforms that they wore. Could you describe to us what those uniforms were like?

Ms. Hawa Waheliye: I can say this: I learnt that it was the Kenya Police. I was in the house and ran away. Then I went to a neighbour's house. We were watching the whole incident. We were not very far. So, we were seeing what was happening. That is where we saw it was the Kenya Police.

Commissioner Slye: Were they in uniform?

Ms. Hawa Waheliye: Yes.

Commissioner Slye: Can you remember what colour the uniform was?

Ms. Hawa Waheliye: They were in the Kenyan Police uniform in the same colour. We knew the colours very well.

Commissioner Slye: Finally, when you observed them harming and insulting your neighbours, were you able to hear anything they said?

Ms. Hawa Waheliye: The only word we could hear is "*funga*" which means arrest them in Kiswahili. They were locking the houses from outside and burning them. People were killed and so we ran away. Anybody who was killed was collected and thrown into the river. The injured were carried like the dead. I can remember this particular person who was shot in the leg. He was crying that he was shot in the leg but nevertheless, they took him to the river. I ran away and tried to save the lives of my children. I went up to Modekare. My husband came back but he was arrested. But the rest of us went to Dadaab. We did no mistake. My husband was arrested for 12 months.

Commissioner Slye: Is it correct that the police locked the houses from outside and then set the houses on fire?

Ms. Hawa Waheliye: That is right. They were locking the houses from outside and burning them ruthlessly with people inside them. They burnt the whole town and nobody was saved. Those who were saved, it was through the grace of God. I could hear the shouting. People were being told to go to the primary school grounds. Some of the people drank their own urine because they could not get water since they were very thirsty. We suffered a lot.

Commissioner Slye: Did the threat by the DC happen before the three day meeting or after?

Ms. Hawa Waheliye: The last of the three meetings. The third day is when he threatened us. The Somali soldiers that were in the AP there were disarmed. Their guns were confiscated and taken away. They were disarmed. That night, he fulfilled the threat that he made during the day.

Commissioner Slye: Did he make the threat in the day at the school ground?

Ms. Hawa Waheliye: At the *baraza* park and not on the primary school grounds.

Commissioner Slye: Were you there when he made that threat?

Ms. Hawa Waheliye: Yes, that is right. I was there. I will not tell you anything that I did not hear with my own ears. No single Somali soldier had a gun. They were all confiscated and given to the other Kenyans so that they fulfill the threat in the night.

Commissioner Slye: Thank you, *Mama* Hawa. You have described what your community has suffered and what you have suffered. We appreciate that. We know that it is a difficult thing for you to deal with. However, it helps members of the public and us to know the injustices that you suffered.

Commissioner Chawatama: We celebrate your strength and courage. I just have one or two clarifications that I would like you to make. I heard you say that in those three days when you were called together, did you tell us that in the evening they would let you go back home?

Ms. Hawa Waheliye: Yes.

Commissioner Chawatama: Was everybody allowed to go back home; men, women and children?

Ms. Hawa Waheliye: I cannot be very certain but I remember that most people went home. I do not think there were people who were confined there.

Commissioner Chawatama: How many children did you have then?

Ms. Hawa Waheliye: Seven.

Commissioner Chawatama: Are they all alive?

Ms. Hawa Waheliye: Two are dead or I lost two.

Commissioner Chawatama: Did they die because of that incident?

Ms. Hawa Waheliye: They died quite later. Their deaths have nothing to do with the incident.

Commissioner Ojienda: Thank you, Ms. Waheliye. I want to ask one question. In your statement, you stated that you watched the daughters of your neighbor being violated. Do you want to confirm that?

Ms. Hawa Waheliye: I can confirm that. I heard her say she was raped and eventually she died of natural causes.

Commissioner Ojienda: What is the name of your neighbor?

Ms. Hawa Waheliye: I cannot remember. It was long time ago.

The Acting Chair (Commissioner Namachanja): *Mama* Hawa, let me seek another clarification from you again. You said that you lost your property, especially livestock. How many did you lose?

Ms. Hawa Waheliye: 20 goats, two donkeys and a full house with utensils.

The Acting Chair (Commissioner Namachanja): You also said that you lost your son. Was it during the operation or later?

Ms. Hawa Waheliye: It was not out of the violence. It was much later. I did not lose any child in that particular incident.

The Acting Chair (Commissioner Namachanja): I think those are the only questions we had for you. Once again, thank you for being brave to share with us your painful story.

(Commissioners interrupt proceedings to shake hands with Ms. Waheliye)

The Commission Secretary (Ms. Nyaundi): The witness who was here earlier, Mr. Aden, has since brought us three photographs of himself before the incident of 17th March 1997. His request is that you please admit them in the records of the Commission.

The Acting Chair (Commissioner Namachanja): I have seen the photographs and I will pass them around to the rest of the commissioners. They are admitted as part of the evidence. Mr. Aden was a young energetic man who was looking forward to serve the nation before the unfortunate situation happened to him. Thank you so much. Next witness, please!

(Mr. Ismael Duale Ahmed took the oath)

The Commission Secretary (Ms. Nyaundi): Please tell the Commission your names and where you are staying.

Mr. Ismael Duale Ahmed: My name is Ismael Duale Ahmed and I come from Ijara District. I reside at the District Headquarters named Masalani.

Commission Secretary (Ms. Nyaundi): You have submitted a memorandum to the Commission.

Mr. Ismael Duale Ahmed: Yes.

The Commission Secretary (Ms. Nyaundi): Please tell us about this memorandum you submitted.

Mr. Ismael Duale Ahmed: I submitted a memorandum to the Commission concerning socio-economic violations against the people of North Eastern Province.

The Commission Secretary (Ms. Nyaundi): Please proceed. I can see you are talking about things that happened in 1964 to date. In your submission, you speak at length about the marginalization of the Abdallah Community.

Mr. Ismael Duale Ahmed: I will give a very brief overview on incidents before 1962 and from thereon; 48 years after Independence. This actually covers access, utilization, and control of the Tana River. The Tana River flows over 400 kilometres off the western border of North Eastern Province traversing through Mbalambala, Garissa, Fafi, and Ijara. Over generations, the people of North Eastern Province who were predominantly nomadic pastoralists enjoyed full access to this natural resource as a dry season grazing land. There has been no known conflict between the pastoralists and the farming community along the river. This was before 1962. In 1962, the British Government through boundary review commission – I stand corrected if that is not the correct name; it might not have been a commission - the border of North Eastern Province with Coast Province was revised and the border of the former was demarcated to start and end three miles off the river. This is five kilometers off the eastern side of the Tana River, thus denying the people of North Eastern Province access, utilization, and control of the eastern side of the Tana River. This unjust rule has been perpetuated by the Kenya Government and is in force 48 years after Independence.

The North Eastern Province which is semi-arid, has suffered many droughts. During droughts, pastoralists would migrate to the dry season grazing land along the Tana River. This migration pattern has been disrupted by the rule which has transferred access, utilization, and control of the river to the farming communities of Tana River District. The effect of the frequent droughts in North Eastern Province has been exacerbated by the lack of access to this permanent resource. As a result, over 120 livestock watering corridors popularly known as *damalkas* have been closed down by the farming communities.

Competition over the resources between the pastoralists and farming communities of Tana River District have led to continuous conflicts resulting in death, rape, loss of property, sustained tension and inter-community conflict for the last four decades. After Independence, the Government of Kenya initiated a lot of development activities targeting drop out pastoralists who had lost their livestock as a result of the droughts. These development initiatives, however, could not take off due to technical reasons. These activities include irrigation schemes initiated by the Government of Kenya and donors. It included Mbalambala Irrigation Scheme, Bura Irrigation Scheme, Masalani Irrigation Scheme, Gababa Irrigation Scheme and Abalatiro Irrigation Scheme. The Government of Kenya invested millions of shillings in these projects but they have either

stalled or failed due to conflict over the control of the land. This has denied North Eastern Province dreams of being food secure and has remained perpetually relief dependent.

The eastern border of Tana River District is estimated to have several millions of acres of agriculturally potential land which lies idle due to this hitch. Efforts to establish group irrigation farms in Garissa District have succeeded and are currently under crops. However, the ownership of this land, either group or individual, has to be registered with the Tana River County Council. This is the greatest socio-economic injustice against a community in its own country and perpetuated by its own Government.

Many other projects including urban water supply; sewerage projects; and demonstration farms and rural water supply along the Tana River have been disrupted due to this rule. Ijara District which was carved out of Garissa District ten years ago is the greatest loser in all these. Currently there is no individual or group farm in the district due to conflict over this resource. Masalani Urban Water Supply has not been established yet mainly due to disruption. Efforts to establish irrigation schemes by the Government have failed because the people of Tana River have denied us access to this natural resource. While the people of North Eastern Province are accused of being relief dependent, the same can be said to be promoted by the Government which has denied them access to natural resources that they could use to alleviate hunger and poverty.

The magnitude of this socio-economic violation against our people is immeasurable and cannot be contested wholly in this memorandum. I appeal to this Commission on behalf of the people of North Eastern Province, to institute commensurate compensation for the people of this province for such opportunity may never arise in the future.

With regard to recommendations:-

- (a) Compensation for all individuals who suffered or lost livestock directly as a result of this rule.
- (b) Affirmative action for the pastoralist communities of North Eastern Province.
- (c) Immediate removal of this rule. This means that the boundary should be, at least, in the middle of the river.

I think that is short enough.

The Commission Secretary (Ms. Nyaundi): Thank you Mr. Ismael. I will ask you a few questions for clarification purposes. What is the population of what you now call Ijara District?

Mr. Ismael Duale Ahmed: The current population of Ijara District is about 110,000 people.

The Commission Secretary (Ms. Nyaundi): You are saying that this is about the number of people who were affected by this rule.

Mr. Ismael Duale Ahmed: Yes, but the boundary is not between Ijara and Coast Province. The border is between North Eastern Province and Coast Province. So, that is why I said it affects the people of Mbalambala, Garissa, Fafi, and Ijara districts.

The reason I am emphasizing on Ijara is that the greater Garissa District came earlier and they had the opportunity to settle close to the river and mostly before 1962. Unfortunately, in Ijara District, the headquarters which is currently Masalani, there was a severe drought in 1968. At that time, the only major trading centre was Ijara. The Government moved the people forcefully to come and settle close to the river. These people were settled right on the river. Hardly a week later, the then District Commissioner came with a helicopter to a public *baraza* and said that the people should be removed away from the river because the border of North Eastern Province is three miles off the river. As of today, Masalani is five kilometers away from the Tana River. As a result, we have been having many problems which have affected the establishment of the urban water supply, agricultural activities and construction of Hidaya Primary School. There is a conflict on the location of the school.

The Commission Secretary (Ms. Nyaundi): I have one question you have answered in part. You said that there is a rule and at one time people were forcibly removed. How is the rule enforced? Are you saying that people are unable to approach the river? Are there people stationed there who do not allow you access? How is this rule practically enforced?

Mr. Ismael Duale Ahmed: Maybe so many things might have happened at the same time. It is in 1962 when the rule was established. Then there is 1963 when we got Independence. There is also the *Shifita* War. In 1962 a referendum was conducted in the Northern Frontier District (NFD) which was asking the people of North Eastern Province whether they want to secede to Somalia or they want to remain in Kenya. When the referendum was conducted, the majority of Somalis in the NFD said that they wished to secede to Somalia. So, our logical conclusion is that this border was revised so that in the event the secession succeeds, the Government of Kenya will own both banks of the river. Maybe, that would have ended after the *Shifita* War was stopped and we became part of Kenya. Unfortunately, the rule remains to date.

The Commission Secretary (Ms. Nyaundi): Thank you. The Commissioners will ask you questions.

Commissioner Farah: Mr. Ismael, I would like you to honestly inform the Commission what your recommendations are to rectify this problem.

Mr. Ismael Duale Ahmed: Actually, what I put in this memorandum is to state that the effects are immeasurable. I do not foresee any compensation or recommendation that will really cover the losses. Maybe, the best is to have the way forward. I would recommend that the most immediate thing to do is to realign the border of North Eastern Province and Coast Province so that it is at the middle of Tana River.

Secondly, we need an affirmative action for the pastoralist communities of North Eastern Province, possibly in the name of funding and establishing, say, irrigation schemes along the river.

Thirdly, we need compensation for individuals. This is because there are people who died, women were raped, there is livestock *ambayo imekatwakatwa mguu et cetera*. If you can take a longer time, we could take an enumeration of the affected persons and determine an appropriate compensation for the victims. Those are my recommendations.

Commissioner Farah: I would like you to reconfirm to the Commission that if tomorrow I buy a farm here at Tana River which is not very far from this hall, do I apply to the county council or do I apply to Tana River?

Mr. Ismael Duale Ahmed: As at this hour, you will apply to Tana River County Council.

Commissioner Farah: Will that, therefore, change if the border is made in the middle of the river?

Mr. Ismael Duale: If the border is moved to the middle of the river that automatically moves the issue of jurisdiction and the eastern border of the Tana River will be within the jurisdiction of Garissa Municipal Council or whatever county council that is along the river.

Commissioner Farah: Recently we had the Interim Independent Boundaries Review Commission (IIBRC). Where did they place the Dujis boundary?

Mr. Ismael Duale Ahmed: My guess would be as good as yours because we have not heard of their findings.

Commissioner Dinka: Mr. Ismael, thank you very much for sharing with us this important and interesting story about what happened to your people. It is a sad story anywhere which could be rectified if there is the political will to do it. I have listened to the two recommendations that you made; changing the boundary to be at the middle of the river and the Government to do some affirmative action for those who lost lives and property in the process. Could you also suggest to the Commission what could be done to settle the scores between the farming communities and the pastoralist communities who are now at odds?

You mentioned that after this boundary changed, there has been sustained conflict between the two communities and the farming communities have closed down 120 water corridors against access by the pastoralists. So, there is animosity between the two communities. In order for the other side to accept whatever changes the Government must make, what should be done to bring the two communities back to their old good relationship?

Mr. Ismael Duale Ahmed: The reality of the situation is that very few people from Tana River District live on the eastern border of Tana River. The farming communities of Tana River District are wholly dependent on flood-recede cultivation. When the river floods and the water recedes, they come to do some small scale farming. However, almost all their settlements, say, 99 per cent are on the western border of the river bank. Very detailed investigations reveal that they do not have grave yards on the eastern side of the Tana River. So, apart from this rule, they do not have any traditional attachment to the eastern border of the river. The rest is politics.

Commissioner Slye: Mr. Ismael, in your recommendation, you spoke about compensation. You mentioned compensation for people who were killed or raped. Are those general killings and rapes in NFD or is it specific to the Tana River conflict?

Mr. Ismael Duale Ahmed: The ones I mentioned in my recommendations are not part of the extra-judicial killings, unlawful detentions, tortures and others that go with the emergency, the *Shifta* War, and the NFD issue. This is very particular and specific to resource competition.

Commissioner Slye: In that case then, who is responsible for those killings and rapes?

Mr. Ismael Duale Ahmed: Most of the killings and rapes were happening years after the *Shifta* War. But because of emergency laws, all the indemnity issues were at that time in force. So, most of the incidents that happened were done by either the community or the home guards with the total support of the Government.

Commissioner Slye: I understand then that it is both private individuals from the community as well as some Government officials as well.

Mr. Ismael Duale Ahmed: Yes.

Commissioner Slye: From your memorandum, with regard to the origin of the conflict, at least, here, in terms of access with respect to the western side of the river, did you say that most of the farms or residents are on the eastern side? Is that correct?

Mr. Ismael Duale Ahmed: No! Most of the residents are on the western side of the river.

Commissioner Slye: I am sorry. I am getting my east and west confused.

Mr. Ismael Duale Ahmed: We are on the eastern side of the river.

Commissioner Slye: So, if you want to go and try to use the river from the eastern side, what happens?

Mr. Ismael Duale Ahmed: Several issues happen. One, there is a poor community with very low civic education and who are constantly incited by their politician. The politician will repeatedly tell them: "The three miles is yours and nobody can come there without

knocking the door.” Several people have been arrested and tortured simply because they were there.

Commissioner Slye: Is that land that people would cross to get to the river privately owned? Do we know who owns it?

Mr. Ismael Duale Ahmed: It is communal land. Even the farmers who have been there over generations do not have any legal ownership. These are communities which can live together harmoniously. It needs very minimal awareness. It is about telling them that these things have changed and if the border is changed, it does not mean that those farmers have to move to the western bank. They can remain and co-exist with the rest of the community. As of today, they are happily together. Because of the frequent droughts and flooding of the river, most of the people from Tana River depend on menial jobs. The urban centres on the eastern side of the river which is North Eastern Province, is their source of employment. If you go and stand at the Garissa Bridge by 6.00 a.m. you will hardly imagine who is back in the western side of the river and there has been no problem. So, I do not see that change bringing any disruption.

Commissioner Chawatama: I have no questions to ask, but to thank you for your participation. I believe this is the second time we are interacting. Thank you for your contribution to this Commission.

Mr. Ismael Duale Ahmed: Thank you very much.

Commissioner Ojienda: Thank you very much for your testimony. I want you to clarify a few issues. You have referred to land use conflict and you have also said that the communities here have to apply to Tana River County Council if they are seeking allotment to certain parcels of land. Just clarify if the conflict you are talking about is the conflict that has often occurred amongst the Orma, Wardei, and the Pokomo. Do you think the issuance of titles to individuals will solve the problem? You also referred to *malkas* that would allow you access to the river. Do you think the formal designation of those *malkas* would help the process of resolving the conflict that has been there?

On community land, I want to encourage you that the new Constitution has changed the law and communities need to be proactive to register their land in the new dispensation.

Mr. Ismael Duale Ahmed: I want to correct the view that the Ormas and the Wardei do not live on the eastern side of the river. The Pokomo are found only in the eastern side of the border in Ijara District. The Pokomo are not in Fafi, Garissa or Mbalambala. So, the conflict I am talking about is not about the Orma, the Wardei, and the Pokomo. That one is on the western side of the Tana River.

With regard to the *Malkas*, you said something about their designation. The *Malkas* are clearly stipulated in the Water Bill, including the width to allow animals going for water and those coming out to pass without the herds mixing.

The Acting Chair (Ms. Namachanja): Thank you so much, Sir. I think those are all the questions that we had for you. Thank you for sharing with us.

Mr. Ismael Duale Ahmed: Thank you very much.

The Commission Secretary (Ms. Nyaundi): Commissioners, before Mr. Ismael leaves, he has with him three documents that he would like to submit to the Commission. The first one is a memorandum on the three mile rule. The second one is a download from the internet and it is titled: “Development in the Northern Kenya needs Legal Backing”. The third one is a paper presented by Ahmed Isaack Hassan and it is entitled: “The Legal Impediment to Development in Northern Kenya”. He asks that they form part of the record of today.

The Acting Chair(Commissioner Namachanja): Thank you, next witness please!

(Mr. Swalleh Mahamud Hassan took the oath)

The Acting Chair (Commissioner Namachanja): Please tell the Commission your names and where you stay.

Mr. Swalleh Mahamud Hassan: My names are Swalleh Mahamud Hassan. I am a teacher by profession. Right now I am the Executive secretary, Kenya National Union of Teachers, Ijara Branch.

The Acting Chair (Commissioner Namachanja): And you have with you a memorandum dated 12th of April, 2011.

Mr. Swalleh Mahamud Hassan: Yes.

The Acting Chair (Commissioner Namachanja): Kindly, very briefly take the Commission through the contents of the memorandum you have with you.

Mr. Swalleh Mahamud Hassan: Thank you very much. My dear Commissioners, mine was to compile this on behalf of my community. Some events might have taken place when I was young. Some events that took place I might have been a grown up or a government servant, but not necessarily that I was there during the incidents, or when they were happening. These were incidents which I recorded from the members of the community. This was way back from 1963 to date. They include extra-judicial killings, unlawful detention and torture, rape and loss of property, for example land and livestock. If I take you through the extra judicial killings in Ijara; they are in the paper that I will present to you. The first page has 23 people, the second page has 28 people. All these were killed at close range intentionally by the Kenyan security forces, the General Service Unit (GSU), the Kenya Army, the regular police, the Administration police, the KWS and home guards.

My dear Commissioners, on the other page we have unlawful detention and torture. If I may take you way back to 1963, just a month after independence a senior chief, Omar shuria, was assassinated because of the support he rendered to the Kenyan Government. He refused to secede to Somalia; he was against secession to Somalia and he lost his life because of that support to the Kenyan Government. Following this our people were unlawfully detained and tortured in order to put fear into them. I have 27 people who were tortured and arrested without facing a court of law. I have 12 ladies who were raped either in the bush or in front of their children. This was compounded by loss of property. I have got this breakdown on how various people lost their property, perhaps who were responsible for this act. You can imagine when it comes to loss of land, three quarters of the land on which the army camp stands belonged to Sultan Omar Shuria; to date the Kenya Government has not compensated him. I was amongst one of the last students who were chased away from that camp for the army to stay. I am giving you an example. Where you had your lunch at the Garissa Primary School grounds, from the airstrip to the main gate, the entrance to that building, belongs to an old man called Ibrahim and it was forcefully grabbed from him. He was an auctioneer and he was not compensated. Is that justice? My dear Commissioners, that is all I have. I am awaiting your questions and I hereby request your permission to deliver this paper.

The Commission Secretary (Ms. Nyaundi): Commissioners, the document he wishes to deliver is a memorandum dated 12th April, 2011.

Just a short question, you have mentioned a number of violations, has any action--- First of all, were you able to identify individuals who were responsible for those violations?

Mr. Swalleh Mahamud Hassan: Very few.

The Commission Secretary (Ms. Nyaundi): Where you were able to identify them, were you able to ascertain whether or not action has been taken against those people?

Mr. Swalleh Mahamud Hassan: I would be in a better mood today if I knew that action in one way or another was taken. There has been persistent neglect; the Somali has really suffered to date, yet it is God who created me and made me a Somali. I did not submit an application to be a Somali, but a Kenyan brother calls me “*wewe Msomali*”, yet the Constitution says there is freedom of co-existence. I am discriminated against because of my extraction. If I am said to be independent what kind of independence is this? You see the way they dress; they do not dress like other Kenyans; in North Eastern Province they even cover their eyes. It is very painful.

The Commission Secretary (Ms. Nyaundi): I just want to clarify one item; are you saying that they do not wear police identification numbers on their uniform?

Mr. Swalleh Mahamud Hassan: Never! Never! In a town like this one, you will find very few; there are those ones who solicit for funds from the vehicles. One or two you will find in a day; I can take you round tomorrow and you will find that these people in combat uniform; they wear military uniform.

The Commission Secretary (Ms. Nyaundi): The Commissioners will ask you a few questions.

The Acting Chair (Commissioner Namachanja): Thank you so much, Mr. Mahamud Hassan. I know that the issues that we are dealing with are very painful, and this is the reason why this commission was set up. It was so that we get a platform to share them and come up with the way forward. Before I ask other Commissioners to ask you questions, do you have any recommendations in relation to the memorandum that you have shared with us as a way forward?

Mr. Swalleh Mahamud Hassan: Thank you very much, Madam Chair. It is very painful, madam Chair. Even if one who passed away, or lost his life through torture, is compensated the siblings left behind will still experience pain. I personally feel irritated when discussing this. I can remember a student who was my classmate was shot five metres from where I was standing. His name is there. His names were Izak Jarag Agarag. A student who had not committed any crime was shot dead. It is very painful.

The Commission Secretary (Ms. Nyaundi): Commissioners, he is saying that he does not want to continue talking.

Mr. Swalleh Mahamud Hassan: Commissioners it is very painful; it is an experience I would not like to remember. I can see you have written your motto there as “promoting peace, justice and national unity, dignity, healing and reconciliation among the people of Kenya”. If those people who committed these crimes like G.G. Kariuki, Benson Kaaria, Kiplagat are not brought before this commission--- I understand some people are saying that we adopt the South African method, but Kenyans are crooks. They do not want to come here. They should come here and confess and apologize. They are hiding, yet they are the people who have violated our dignity. I believe the Commissioners here will give a tangible report, but there is no political will; I do not expect anything. There is no reason to lie, my brothers, we should not expect anything from this.

Commissioner Slye: If I can say a few words in response to the previous witness, what we very much appreciate is a statement. This is a statement we have heard a number of times in North Eastern Province. I think it has particular significance in the community in what was called the “Northern Frontier District”. Given the history of injustices here, as the speaker has said, and lack of justice with respect to those injustices the lack of confidence is not with respect to this Commission and the report we will produce. The lack of confidence is with respect to the political will to implement our recommendations. As someone who is new to your country, I have learnt that you have had a history of commissions that have produced, in some cases, very good reports but that have not been implemented.

This Commission has power which those commissions did not have. Our recommendations are binding as a matter of law. So, if we decide to recommend that a boundary be moved, then our recommendation is binding as a matter of law. But I know

that even if something should happen, as a matter of law, it does not always happen. That is where enforcement and political will become very important. We, the Commission, can contribute to that because we can create an organization whose sole purpose is to make sure that our recommendations are, in fact, implemented by the Government.

I want to assure you that we, as a Commission, have already decided that we will recommend that certain organizations be established. More importantly, we need your help because political will and enforcement come from the will of the people; if you do not have faith that your political leaders will implement this, then we ask that you work with us to make sure that, number one; our report is a good one, but even more importantly, you work with us to create the political will to make sure that the report is implemented. If our report is not implemented, then we will hold your political leaders accountable, and can only confirm to you that this comes from us. We can help you, but we cannot do it ourselves. It is you, the people who elect the leaders, to hold them to account. If they do not do what you say you want them to do, whether it is done through this Commission or through other commissions--- So, I hope that you will continue to work with us. We are committed to working with you to make sure that the work of this Commission does not end up like the work of other commissions, or a nice report does not sit on shelves without being implemented.

The Acting Chair (Commissioner Namachanja): Thank you so much Professor for that clarification and encouragement. We are now ready to get testimony from the next witness.

(Mr. Kusow Abdi Nunor was took the oath)

Mr. Kusow Abdi Nunor: I swear that I will say the truth; my name is Mr. Kusow Abdi Nunor. I live in Dadaab Refugee Camp.

The Commission Secretary (Ms. Nyaundi): Are you a Kenyan or a non-Kenyan?

Mr. Kusow Abdi Nunor: I am not a Kenyan but a Somali refugee. I came here in 1999.

The Commission Secretary (Ms. Nyaundi): Mr. Kusow, thank you. I can see that you are here today to talk to us about the situation of refugees at Dadaab. Address the Commissioners directly.

Mr. Kusow Abdi Nunor: As refugees in Kenya we thank the Kenya Government and also the international community. We refugees have a lot of problems in the country. We cannot get access to the border; we cannot enter the border because it is sealed by the military. Sometimes we succumb to thirst and hunger. If seen crossing the border one is arrested and taken into police custody. For example, there are disabled refugees held in Wajir Police station. Once they enter the Kenyan refugee camps they are given a card and then told to go on their own. They say they cannot accommodate any more refugees, and that the refugee camp can only accommodate 30, 000 to 35, 000 refugees, and it cannot hold more than that. At times they go and live outside the refugee camp, where there is

no watering point and then conflicts arise between them and the local inhabitants. Why are we not given enough land for the UNHCR to settle us? It is the Kenyan Government that has refused to give the UNHCR land to settle the refugees, and we wonder why we are not taken to other places.

We have a problem of water. We go and queue for water while education is also very poor. The teachers are not trained, although the WSP is trying a lot to bring changes in the education sector. The problems we face are such that a Somali refugee who is a graduate can work for a paltry Kshs5, 000, while other graduates work for Kshs100, 000. I do not know why people of the same educational status are segregated.

While in the refugee camps we cannot move outside, and it is not something common in the international circles. Those who went to places like the US have US passports and can go anywhere and can do a lot. Why are we not given similar treatment? We are confined in the refugee camps; we have been here for 21 years. Up to now we do not have clarity on this matter.

We have been counted, fences have been erected around the refugee camps and our finger prints are taken. After that we are given alien ID cards, though they have not impacted much on our lives. We have been given alien certificates by the Kenyan Government. Though, in a way, it is a national document it does not help a lot. One person out of every hundred people gets a travel document, but most of the time, such a person gets arrested. If you are charged in court and you cannot pay the fine, that amounts to injustice. It is, therefore, better for the UNHCR to foot these Bills. The refugees held at Wajir for instance are not able to pay the fine and they need someone to pay for them.

Somebody came in 1982 but he is still in the camp and there are those of other nationalities from Ogaden, Ethiopia and Gambera in Sudan; I wonder why they are actually denied the same document. The only hope we have is to get settled in a third country. That is no longer possible; at times there are refugees who acquire Kenyan ID cards, though illegally, but they will not be able to travel to another third country as refugees because they are now Kenyans. Somebody who has been here for 21 years, how come he is still facing the same problems? This also amounts to injustice. If one acquires a Kenyan ID illegally that should not impact on his family members, because it is him who has acquired the Kenyan ID and not the family members; so, they should not be punished.

As for health, we have refugees with medical complications and there is no immediate medical attention and they ultimately die. At times, you see a particular mother like Medina Abdi. In 1992, a child was killed by a car that belonged to the UNHCR. From 1992 to date the case is still pending and she does not know where to turn to for help.

Let me come back to the border. There are no transit points where refugees can be held. They should have established a transit camp for the refugees who enter the border. Once they reach the transit camp another camp should be established for holding purposes.

They are given cards in their thousands, and they are told to go on their own. The refugees who enter the country in big numbers have really created problems for the people. It is also interesting that somebody with travel documents gets arrested. Some of the things we have heard, such as a Somali lady refugee who was raped--- Unfortunately, the Kenyan Government has not intervened and we do not know what happened to that particular incident. There are those other governments that give us funds. But they take long to settle people; sometimes they take three to five years and most of the people end up getting mentally tortured by mental problems.

Students who have graduated from schools are jobless there. They do not get access to any universities outside Kenya. Their only hope was to resettle in another country. These days, out of desperation, they have even joined the *Al-Shabaab* group.

We are appealing for some intervention to save the youth. I am somebody who was mandated by the refugees to represent them here and have been representing them for two years. For the two years that I have been working, I have realized that even as refugees we have rights. But even after this realization the UNHCR says we have to go through an elections again and then we are represented by new people. I understand that at any one time the experienced people are done away with and they bring in new people; this also amounts to injustice. Kenyans conduct their elections every five years; why do they not adopt such a thing, so that somebody is given a five-year mandate instead of a two-year mandate?

I will now summarize and urge that the problems we have with movement be solved. Where somebody has acquired a Kenyan ID, though illegally, something should be done, so that, that does not affect other members of his family.

I forgot to say that if something happens inside the refugee camp there are no emergency services. A problem occurs and we do not have transport, we do not have cars; at times help comes long after the problem has occurred. There is also fear because we live on the border; we do not know why we were taken along the border. I will summarize like that.

The Acting Chair (Commissioner Namachanja): Thank you, Mr. Nunor for representing the refugee community here. Just hold on and the Commissioners will ask you a few questions.

Commissioner Dinka: Mr. Nunor, thank you very much for representing the refugee community, and for explaining to us the difficulties you are facing. Even under the best of circumstances, the life of refugees is difficult. Although nobody has explained as you did, we hear about the difficulties refugees are having in places like Dadaab, Lokichoggio and so on.

Now, I wanted to find out from you; you said you have been in the Refugee Camp for over 20 years. I am sure there are others who are in the same category. In such situations I do not know what happens, but normally the host country, which is Kenya, receives the

refugees, processes them, certifies that they are bona fide refugees. On that basis the United Nations High Commission for Refugees (UNHCR) issues refugee ID cards. Then the responsibility for the sustenance of these people mostly falls on the UN system. The host country becomes responsible only for security, education and things like that, with the assistance of the international community. In your presentation, you only mentioned the Government of Kenya's responsibility, but you have not said anything, or I have not heard much, about the UNHCR. What is the UNHCR doing for the Daadab community? What is the World Food Programme (WFP) doing for you?

We hear all kinds of UN agencies going to Daadab every day; they have their own little planes, but you seem to be saying that they are not helping much. For us to be completely informed can you also give us your appreciation of what the international community is doing or is failing to do for the people at Daadab?

Mr. Kusow Abdi Nunor: I will be very clear one by one. We thank the aid agencies. Although we are still desperate we have been sustained here by them. The UNHCR is responsible for all the other organizations working in the refugee camps. The WFP gives us relief food, dry cereals, maize, flour and a cup of cooking oil. We do not have meat, sugar, milk or vegetables. We are still human; somebody who does not take milk, sugar and vegetable finds life so difficult.

The ICRC, which is responsible for medical issues--- Although they help in emergency cases, there are those who die of lack of medical attention. If 1,000 medical cases are referred to Nairobi, only one or two go there. Out of 1,000 cases, if six are taken to Nairobi the rest will die of neglect.

There is the LWF which gives us shelter or even houses. There are those semi-permanent houses made of mud. After sometime they collapse and the refugees do not have money to build homes for themselves. The people should also be helped in matters of housing.

There is also the NRC, which is possible for building toilets and pit latrines in refugee camps like in Hagader Refugee Camp. They build toilets which are very small. We are helped but the help we are getting is not enough. We are human and we cannot be living in these conditions for 21 years. Let me remind you that we are human beings, and what you need is what we also need. Can you sustain yourself with three kilogrammes of maize for a month? We need a change of diet. The supply of water should also be increased and improved. Health should equally be improved, particularly the medical cases.

We should be helped in education. Teachers should be trained so that our students learn something. We need to be given income-generating projects, so that the youth are incorporated into such kind of projects. We thank the international community.

Commissioner Slye: I do not have a specific question. You have helped us to understand in great details some of the challenges and the causes of the challenges that have been facing you and your community. Recently, a few of us were in Uganda where we visited

Kenyan refugees; these are people who fled Kenya, mostly because of the post-election violence in 2007/2008. It was interesting and educative to us to both see how Kenyans fare as refugees and how they are treated in this case by the Uganda Government, and then to see refugees here in Kenya hosted by the Kenyan Government. So, thank you very much.

Commissioner Shava: Mr. Nunor, first I would like to make you know since you have told us how you have been living maybe I could share a little bit about myself. I worked for many years with refugees in conflict situations in different countries. So without saying a lot, I will tell you that I understand what you are saying about the kind of life you are living. I salute your courage and passion in representing your community and I would urge you to continue that way.

I just have a question; you have said that nowadays refugees where you are, are registered by the Kenyan Government, and asked to remain outside the camp because there is no room. Is correct?

Mr. Kusow Abdi Nunor: Yes.

Commissioner Shava: So then, you are given a registration document either by the UNHCR or an Allien's Card by the Government of Kenya?

Mr. Kusow Abdi Nunor: We are given a Refugee ID that does not help us move from one place to another.

Commissioner Shava: Since this is a registration that indicates that you are known and recognized, why can you not move? Does this card restrict your movement? Does it restrict your capacity to get employment?

Mr. Kusow Abdi Nunor: It looks like the Kenyan ID. It is a certified document but, we cannot travel. If somebody is caught with it, he will still be arrested.

Commissioner Shava: Are you all treated the same, or are you saying there is mistreatment of Somali refugees.

The Commission Secretary (Nyaundi): Mr. Nunor, please, wait. The interpretation is not good. We cannot get the English version.

The Interpreter (Mr. Doll): I was trying to repeat the question for him.

Mr. Kusow Abdi Nunor: We are all the same. We are treated the same way. It does not matter whether we are Christians or Muslims, Somalis or non-Somalis.

The Acting Chair (Commissioner Namachanja): Thank you so much Mr. Kusow Nunor.

Mr. Kusow Abdi Nunor: I also thank you all.

The Acting Chair (Commissioner Namachanja): With the testimony from Mr. Kusow Abdi Nunor, we have come to the end of our hearings today.

On behalf of the Commission, I would like to thank sincerely our witnesses of today. They are Mr. Mohamud Sheikh, Mr. Hassan Osman, Mohammed Abdi Aden, Fatuma Abdi Ashon, Hawa Hassan Wahale, Ismael Duala Ahmed, Suleiman Mohamud Hassan and Kusow Abdi Nunor. We want to thank you. Your testimonies have really helped us to understand the violations that this region has suffered, and what the refugees go through.

I also want to thank the public for patiently being with us up to today. I also want to thank the media for being with us and recording the painful stories that we are sharing. The purpose of the public hearing is so that the rest of the Kenyan community can share and join in the pain of the violations that fellow Kenyans have suffered. It also exposes to the international community these atrocities. We appreciate that the media is here. Thank you.

Commissioner Farah: I would like us to stand in honour of this hearing.

(The Commission adjourned at 6.35 p.m.)