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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION ON MONDAY, 25TH APRIL, 2011
AT THE YOUTH CENTRE HALL IN MANDERA**

PRESENT

Tecla Namachanja Wanjala	-	The Acting Chair, Kenya
Gertrude Chawatama	-	Commissioner, Zambia
Berhanu Dinka	-	Commissioner, Ethiopia
Ahmed Sheikh Farah	-	Commissioner, Kenya
Tom Ojienda	-	Commissioner, Kenya
Margaret Wambui Shava	-	Commissioner, Kenya
Ronald Slye	-	Commissioner, USA
Patricia Nyaundi	-	Commission Secretary
Patrick N. Muriithi	-	Leader of Evidence
Mohammed A. Dahir	-	Regional Co-ordinator

(The Commission commenced at 9.05 a.m.)

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

(Opening Prayer)

The Acting Chair (Commissioner Namachanja): Good morning. Welcome to our first day in Mandera for the TJRC hearing.

This is the third week the Commission is conducting public hearings in this region. We started in Garissa. Last week we were in Wajir and we thank God that today we are here. I would, therefore, want to thank you all for coming to participate in today's public hearing.

Let me also take this opportunity to thank those who recorded statements with the Commission. In total, the Commission received over 30,000 statements and 300 memoranda. Because of time limitation and the nature of Truth Commissions, we shall not be able to conduct hearings for all the statements recorded. The Commission has, therefore, selected a few statements to conduct the hearings on what would give a global picture of the violations suffered by people from this region. In the next three days, for example, we shall hear testimonies on the history of events and violations in Mandera; violations suffered by women, testimonies on torture, marginalization, massacres, extra-judicial killings, detentions, loss of property, serious injuries suffered during post-election violence and police brutality. Although a few people will be giving testimonies concerning violations suffered in Mandera, most of you will relate with the testimonies shared because most of you have suffered similar violations. However, I want to assure

you that every statement recorded will be part of the report when the Commission finishes its work.

The Commission appreciates the victims and survivors of gross violation of human rights who will be sharing their testimonies today. They are painful testimonies that may affect most of us emotionally. I, therefore, call upon you to listen with patience and respect even though you may disagree with some of the testimonies shared.

I would like now to state the rules that will govern us during the hearings. I would like those of you who have mobile phones to switch them off. Do not put them on silent because as you move out to answer your call, you will be disrupting the process. The testimonies going to be shared by witnesses are very important. Therefore, I ask the participants present to listen with respect. There are security officers who may intervene to take people out if they disrupt the process.

We also ask the media to stay in their place so that they do not disrupt the process or obstruct *wananchi*. If you wish to take photos, you can only do so before and after the testimonies.

The process of the hearing will be as follows: The witnesses will be asked to take oath. After testimonies, the Leader of Evidence may ask some questions after which the panel will also ask some questions. Before we invite our first witness, I would like to recognize the presence of our District Commissioner amongst us.

(Mr. Suleiman Mahmud Isaak took the oath)

Mr. Tom Chavangi: Hon. Commissioners, before you, we have Mr. Suleiman Mahmud Isaak. He is an elder from the Garre community and he will be presenting a memo on major historical events and violations committed against the people of Mandera in a chronological order. The violations and historical events are pre-independence and others are post-independence. After Mr. Suleiman, we shall have Salim Maalim Aliyo who will also present a memo on behalf of the Kona Tribe. So, for these two witnesses, you do not have any write-up about them, but I shall present it after they have actually gone through their memos.

Mr. Suleiman Mahmud Isaak: My name is Suleiman Mahmud Isaak. I come from the Mandera County near Mandera Town. I come from Bulembia Location.

Mr. Tom Chavangi: You have presented a memo before the Commission dated 25th April, 2011. Kindly inform the Commissioners about your memo and its contents in a very brief way.

Mr. Suleiman Mahmud Isaak: Before I go to my memo, I would like to take this opportunity to welcome the TJRC to Mandera County. My memorandum is in English Language. However, I will use my first language which is Kiswahili. You are welcome and feel at home.

I will read the memorandum. Under the Executive Summary, the population of Mandera District is well over 1.2 million people according to the 2009 population census. The greater Mandera District has now been split into six new districts in recognition and appreciation of this population growth. Development challenges faced by Mandera County are well known. They include having the poorest welfare indicators of abject inherited poverty in the county due to mass livestock killings during the emergency era and poor educational facilities, inadequate social services and run down infrastructure, high poverty rates and high mortality rates.

Mandera District originally and constitutionally has over 26,470 square kilometers with low erratic and primordial rainfall of less than 2.55 mm annually. Due to this climatic condition, the migration and the dispersal of residents is dependent on availability of water and pasture. The vast majority, say, 80 per cent of the population are nomadic pastoralist eking a living under the hardest environment.

The county population as shown by the 2009 census is over 1.2 million people. Administratively and politically, the district is divided into 20 divisions and three constituencies. The district also has two local authorities; namely, Mandera Town Council and Mandera County Council. What was formerly the greater Mandera District is currently divided into six districts; namely, Mandera Central, Mandera West, Benise, Lafey, Mandera East, and Mandera North.

The history of independent Kenya has witnessed a Northern Frontier District (NFD) as part of Kenya, as a region that has survived the inhuman act of brutal killings of both human and livestock, official discrimination and bad governance. There are cases of gross marginalization. Pastoralists have no say of any political and administrative decision-making over their lives and livestock.

With regard to chronological events and historical injustice in the larger Mandera County, in 1947, we started the Northern People Progressive Party which was not recognized by the Colonial Government. In 1958, there was official launching of an agreement between the Somali of NFD to liberate the NFD from the colonial occupation. In 1961, the colonialists mobilized the NFD communities and advised them to vote for continued colonial rule in the region. In 1962, a referendum was held in the NFD and 85 per cent of the population voted for secession from Kenya before it got Independence. The verdict of the NFD people was not respected by the colonial Government. In 1963, colonialists declared NFD as part of Kenya and warned them of dire consequences if they dared talk about secession. In 1964, the Kenya Parliament passed an emergency law on NFD. This led to the imposition of an emergency, curfew and formation of concentration camps where all members of the community composed of all genders were detained. Pastoralists who were left out because of their nomadic lifestyle were hunted and killed.

There were also killings of all livestock and elimination of human beings in the rangelands through massacre by the Kenya Army. Orders of shoot-to-kill all human beings and animals outside the training centres were implemented by First, Third, Fifth

and Seventh battalions of Kenya Rifles. All these operations were under the command of a Military Major called Halcon. Wildlife and plants were not left untouched. Torture of youth and adult men was done on a daily basis in order for them to reveal the names and number of pastoralist relatives or those who had fled to Somalia and Ethiopia. There was raping of women and young girls. It was the order of the day for the people of the NFD to be brutalized. Properties were confiscated and taken by the Kenya Army.

Efforts by the clan elders to talk with the Government of Kenya to ease the emergency operations and open dialogue forums were fruitless and led to the detention of leaders. The Government of Kenya that suffered torture from the colonialists in the past was equally brutal and never gave a chance to the ideology of African liberation from the imperialists. Those who fled to Somalia started the struggle for liberation on a hit and run basis which led to more misery of the innocent in the concentration camps and in the rangelands.

In 1967, there was the Arusha Declaration, that is, the agreement between the Government of Kenya and Somalia concerning the fate of NFD. The content of the declaration was not revealed to the people of NFD. What the colonial Government did to the people of NFD in the era before their departure and later the Government of Kenya and successive regimes are heinous acts that have to be addressed by the people living to die for the course of justice.

The emergency law imposed on NFD was removed by the current referendum which voted for a new Constitution in Kenya. However, the emergency structures are in existence to harass the people of NFD as third class citizens, to death. It is unfortunate and shameful for the same colonialists to claim to be the ones putting the world in an order of democracy and yet it is to serve their interests. For any ruler to claim justice, they must repent and call for forgiveness for their past and present misdeeds. In 1999, Somalis of Kenya were given identification cards. Screening was introduced in the North Eastern Province (NEP) of Kenya which is a typical discriminatory act and policy by the Government to marginalize the NFD people.

The TJRC process must start with those awful leaders and their instructors to narrate and declare crimes against humanity that they have committed against the people of NFD. Unfortunately, it is vice-versa now because it is the victims who are now narrating the dreadful encounters.

In the civilized global world, all wrongdoers and past misdeeds must be confronted and brought to justice. Where is democracy? Where is the structure that will bring to book those who committed injustice in this corner of the world? Who is the advocate of the voiceless? Who is for the truth? What will it serve in the eyes of the wrongdoers? How will those who were massacred and put in the grave receive justice? Who will hold the successive Government for the crimes committed against humanity? Who will ensure equitable rights in all spheres of life for any free people and correct the past and the present injustice?

The rights of the people of Mandera have been infringed by those who are supposed to protect the rights of everybody in Kenya. The word “justice” with regard to the people of Mandera County is a vocabulary that does not exist in the book of the Government of Kenya. We feel betrayed and discriminated against. We are victims of circumstances. We have shed blood and also tears. We, therefore, as a community, cry for justice to the Almighty God and also the Government of Kenya which inflicted the above mentioned suffering and atrocities upon us.

(Mr. Isaak paused)

The Acting Chair (Commissioner Namachanja): Please, continue!

Mr. Suleiman Mahmud Isaak: In June, 1964 there were killings of innocent citizens and their livestock was forcefully taken away. The livestock composed of 500 camels, 1,000 cattle, and 5,000 sheep and goats. Seven people were killed, that is, Salat Osman Aligal, Isaak Ibrahim Osman, Mohamed Ibrahim Osman, Ilow Abagubow, Adam Balaya Adawu, Ibrahim Musa Malishe and Isaak Abdow Abdikadir Abudalahi Hussein of Wante, Godha. By then, the Provincial Commissioner was Mr. Jesse Akibaya while the District Commissioner was Mr. J. Kabana. A survivor of the brutal killings, a Mr. Ali Isaak, suffered back, legs, testicles, abdomen, and forehead injuries.

In 1965, pastoralists watering their animals at El Bisikho, which is currently El Khala, in the sub-location of Mandera Central were confined and tortured. Their livestock was killed. Amongst them were Maadei Mohamed, Mohamed Salat Maadei, Isaak Abdow Abdirahman Maadei; Ardhi Abdullahi who is a brother to the late Isaak Abdow Abdikadir Abdullahi was brutally beaten unconscious and taken by the Kenya Army to Mandera from El Wak and detained for three months without treatment. Those brutally massacred were dumped in El Bisikho Well which up to today is a graveyard memorable to everybody.

At Garsesal Pastoralist *Bomas*, people were collected and concentrated at a dumpsite and 500 persons were killed. Over 8,000 animals were killed. Famous persons in the scene included Al Hussein Abdullahi Gulamo, Isaak Abdow Abdi Racha Sura, Mahad Soba Misingo, Ismael Gaffow Garae and Al Hassan Gudho.

In 1965, Kher Hussein Yero, a family of Hussein Mohamed Osman Ali, Kher Malishe and Warawasano, Asano Aliyeu Karaya, 1,000 camels, 5,000 cattle, and 10,000 goats and sheep were confiscated by the Kenya Army. Families ran away from their pastoral *bomas* after the army invaded them at Alang’o and Wante Godha. In the same year at Elele at the current Wargadu Division in Mandera Central District, 20 people were killed. Among them were Mohamed Edi Assano, Dube Edi Assano, Hassan Edi Assano, Yaro Ibrahim Edi. All livestock, that is, 10,000 camels were killed at the pan. The survivor of the terror is Mr. Dahir Assano, a brother to the aforementioned deceased persons. He was lucky to escape with injuries on his right hand.

In the same year, 1965, during the era of a District Assistant Commissioner, Mr. Abodi, had ordered a punitive expedition of a military operation at Kolume agro-patrol village in which Mr. Hassan Mohammed Assano, Mohammed Isaak Abdow Abdi Gudo and Ismaili Aliyo Bulbale were killed and all women in the village raped. A retired Kenya Prison Sergeant, Isaak Mohammed Assano, narrated how during his teenage while looking after camel, a Kenyan Army officer, Hussein Ahmed Kal's vehicle chased him and some of the youth during which time Mr. Isaak fell down under a tree and the driver of the armory vehicle passed over the three. Luckily, he escaped but the other three were killed by Kenyan Army. He also narrated how a Kenya Air Force plane dropped bombs in the pastoral side. Others were killed while others survived with injuries. The victims included Mohammed Kalkane, Isaak Abdow Abdi Gudo, Ibrahim Lakicha and Osman Rino.

In 1967, while watering animals at Elagarishu, *Mzee* Mate narrated how the Kenya Army surrounded and killed a lot of people but he luckily escaped the firing squad. All livestock were killed by Kenya Army.

In 1968, *Mzee* Isaak Abdow Abdi Kalima Aden Hussein's seventy heads of camel were killed by the Kenya Army at Elgolicha Well. The elder ran away for his dear life. In the same year, all Somali communities were forcibly evicted from Moyale and re-located to concentration camps in their respective districts of Mandera, Wajir and Garissa. In the process, most of them were killed and their livestock taken by the Kenya Army.

In 1969, Kenya Army massacred several people at Eldanata, Kerikale Emole, Lulisi, Sake, Warankara and Sabito. Survivors can narrate this incident.

In 1970, Ali Hassan Abey Mamo was brutally tortured by the Kenya Army at Wangeitan. One of his legs was broken and his knee and testicles were tied with a manila wire and he was later abandoned at Veinatakafa after the area chief, Chief Mahmud Isaak, pleaded with the army that the elderly man was an innocent person.

In 1979, Sheikh Muhamed Gudo narrated how all the 84 camels and 120 cattle were confiscated and detained in El Wak Airstrip for six good months for no apparent reason and the herders told to produce guns. Later, most of the livestock died and the remaining ones were auctioned by the late Chief Ahmed Lakicha, on behalf of the Government.

In 1978, there was the bombing of Rhamu Town by military aeroplanes and armoured vehicles. The victims and survivors of this incident can narrate about it.

In 1980, after the death of a district officer who was killed by bandits at Daadab, a curfew was imposed at the North Eastern Province by the then Minister of State, Internal Security, Hon. G.G. Kariuki, and the curfew order was implemented by the former Provincial Commissioner of North Eastern Province, Mr. Benson Kaaria. This curfew led to the Mandera Massacre and the Malkamari Massacre of 336 persons. Among them were Mr. Ibrahim Lubule, Hawa Hassan, Ibrahim Intalo, Mohamed Isaak Lou, Isaak Kari Intalo, Kali Intalo Ali, Dika Itin Mamo, Tuno Abey Anu, Abdul Kali Intalo, Mohammed Lobule, Aukao Mohammed Lobule, and Athugulis of Benise District were killed while at

Githelo in Mandera West District, 14 persons were killed. At Sake, 21 persons from Mandera West were killed. At Kalipuke, 19 people were robbed and killed in Lagathi. At El Wak, 36 persons were killed in cemetery centres and pastoral set ups.

In 1980, Barochi Lokinto, Mali Abdulrahman Lolu, with the assistance of the Baricha Family, were killed during the army operation at Simbro Fatuma. Most of their livestock were confiscated by the Kenya Army.

At Kalibuke, Sake, Gitere and Tidikoba of the current Gando Division of Mandera West District, 27 persons were killed at Boma site. Among them were elders called Yulleni Ache, Gorukalaya Udo, Mohammed Isaak Abdow Abdi Tema, Ibrahima Salat Mohammed, Mkutalo Simam Balo, Aden Osman Balo, Ilomu Maesa, Abdullahi Katelo Lobule, Isaak Abdow Abdi Alliyo Hassan, among others. Some livestock were killed and over 70,000 others were taken away by Kenya Government and this operation was led by a Major of the 50th Kenya Rifles called Major Palkaye.

From 14th to 24th February, 1984, Sheikh Mohammed Tugo was brutally tortured by Kenya Army and lost his left eye. In the process of torture, his testicles were tied while he was raised on top of a tree while hanging. He lost one testicle during the incident. He was later taken to Mandera from Hewa and detained in a police cell while no statements were recorded. He was later released without trial.

In 1983, at Galishe Location and Malikaloga Location, massacres of farming and pastoral communities were executed by the Kenya Army. In 1984, the Kenya Army carried out security operations during which they tortured Ismail Haji Suno, Mali Isaak Abdow Abdi Adin and Baraka Osman. Chief Isaak Abdow Abdilahi Debaso and Baraka Osman died later out of this torture while Ismail Maalim Hussein survived, though he lost his private parts.

In 1989, a household of 75 people from the Oyule community in the then El Wak Township Location were burnt to ashes by the Kenya Army. The Elabi Well was disrupted under the pretext that the settlement acted as a resting point and settlement areas for the *shiftas*, whereas it was a point of forceful collection of livestock, especially for the then President, hon. Daniel Toroitich *arap* Moi. Over 120 herds of camels were taken to Kabarak by the Kenya Army from Kitiroba and Telekale locations.

In 1990, Alnur Gelo was brutally beaten by Provincial Administration Police officers after he objected to the family farm being taken over by the Provincial Administration. The scar on his face is still evident while his wife aborted a five months' pregnancy due to the beating by the Administration Police. This took place under instructions from the then DC of Mandera, Mr. *Ole* Mosiany. In the whole process, the whole *shamba* known as *Maskini*, adjacent to Mandera Boys' Town Centre was taken and the 12 household family members surviving on the farm were evicted.

In 1990, a herder was struck on the head by an Administration Police Officer. To date, he is paralyzed on his bed at Takala while his wife was raped by the Administration Police

at Taadam. When the husband came to rescue of his wife, he was beaten and locked up in the cell and later released by paying ransom.

From the year 1998 to 2000, there were forceful evictions of the Gari Community from Wajir North and all the communities from Isiolo. They are still Internally Displaced Persons (IDPS) to date. They are presently located at Gave Trading Centre and Eldanata.

In the same year, a District Officer called Mr. J.J Ouma forcefully took herds of goats that he encountered on the way while travelling from Mandera. He was fond of saying: "They do not know how to use this resource; I better take it."

In the year 2007, Sharriff Sabule Haji lost his leg, Noor Fundi died of brutal torture and Hasim Adan is still suffering from brutal beatings by police during elections at a place called Kalamu. In the year 2008, Military and Administration Police operations at El Wak, Walkadur, Lafe, Warankara, tortured, killed and raped women. The victims, some of who are in this hall, can narrate the incident. The victim is one of the chiefs and he is here.

Conclusion and recommendations

As a descendant of those killed by the Kenya Government while expressing our democratic right during North Frontier District Independence Referendum of 1962, the following should be done to determine our fate:-

1. We wish to be compensated for the lives, victims of torture, rape cases and properties lost to the Government.
2. We appeal for the revealing of the content of Arusha Declaration between Kenya and Somali governments about the North Eastern Frontier District, which could have led to the atrocities and marginalization of the people of NFD by successive Kenya regimes.
3. The Kenyan Government must come clear on status of citizens of Kenya and if not, reconsider the result of 1962 NFD Independence Referendum. I repeat again, the Kenyan Government must come clear on the status of the citizens of Kenya, if not, reconsider the result of 1962 NFD Independence Referendum.
4. Since crimes against humanity have been committed, we request for a special international commission of inquiry to be set up by the United Nations (UN) to investigate crimes against humanity in the entire NFD.

We say this because we have faith in the Truth, Justice and Reconciliation Commission (TJRC), but the duration of four days that you are here with us is not enough to say everything that has been done against us for the last 50 years. Four days are not enough! We ask for our national rights as citizens of this country.

The successive Government officials who have committed the above atrocities and injustices must be brought to book. Those evicted from their rightful homes must be taken back and be compensated for the suffering they endured during the time they were Internally Displaced Persons (IDPs). A special fund must be created to eradicate the inherent poverty caused by the Kenyan Government during the military operation to bring the citizens of NFD at par with the other regions of Kenya. Three hundred and twenty were injured or maimed in the military operation by successive governments.

There are very many issues although we cannot mention all of them. First, there is discrimination on the education side. When you look at the development side, not to mention the daily livelihood of individuals in this region, we are still lagging behind. This has been the tradition. For example, if you look at Alliance Girls' High School or Alliance Boys' High School in Nairobi and even all the other national schools, they were started by churches and they are still being helped by various church institutions. Whereas, when Muslims start their projects, for instance, schools that are to be funded by Muslims--- I am talking from experience. For example, there is a school which is in Karen called Rasul Al Akram where my own son went to. Every week, the FBI and the CIA visit the school to investigate and interrogate our children because this school is being funded by Muslims. Whereas, when you look at the schools funded by Christians, they are not subjected to all these investigations. So, we know that this is a plot and we have lagged behind. Those are some of the reasons we are lagging behind both at the local and international levels.

That is all I had and if there will be any matters arising that I have to say, then I will be able to do so another day.

I have a memorandum which I will present to you on behalf of the Garre Council of Elders.

Mr. Tom Chavangi: Hon. Commissioners, this is a memorandum which details the background and historical perspectives. It has specific inner circles and a detailed conclusion and recommendations for this particular region.

Mzee Suleiman, do you want to present this memorandum before the Commission?

Mr. Suleiman Mahmud Isaak: I am presenting this memorandum on behalf of the Garre Council of Elders. Madam Chair, Commissioners and all the other people seated here today will bear me witness.

(The witness handed over a document to the Commission)

Mr. Tom Chavangi: Hon. Commissioners, having had the benefit of going through the memorandum, I would have to ask *Mzee* Suleiman Isaak a few questions as follows: *Mzee* Suleiman, what importance does your community accord to animals?

Mr. Suleiman Mahmud Isaak: My community accords importance to livestock just the way the people of Central Kenya accord importance to coffee. As a person from North Eastern Province, livestock is very important to me. My main source of livelihood is livestock.

Mr. Tom Chavangi: As you have indicated, there is a huge number of livestock; camel, goats, sheep and cattle that have been killed in a systematic way by the Kenya Government. But in your recommendations, there is nowhere where you have mentioned compensation as a result of loss of animals. Is it something that you would want to talk about?

Mr. Suleiman Mahmud Isaak: Yes, it is something that can be talked about, but the compensation that I mentioned was actually a typing error because where I wrote about people, livestock is also there. The two massacres of Mandera and Malkamari actually happened simultaneously. There were others in Benise and Takaba. These were well calculated and planned operations which started simultaneously.

Mr. Tom Chavangi: Thank you, *Mzee* Suleiman. In this part of Kenya, especially in Mandera County, when someone dies, do you get a death certificate for a relative and other people who die?

Mr. Suleiman Mahmud Isaak: Not even death certificates only but also, even the birth certificate. Personally, when I was a seating councillor for fifteen years, I never had a birth certificate until last week. This was after I paid a total of Kshs5, 000. We are talking about me as a councillor. Just imagine a layman or an ordinary person, the truth is that to get a birth certificate---

Mr. Tom Chavangi: What we are confirming, *Mzee* Suleiman, is that, it is very difficult to get a birth or death certificate in this part of Kenya.

Mr. Suleiman Mahmud Isaak: Yes!

Mr. Tom Chavangi: You have said that some heads of cattle or camels, not necessarily your camels, were driven to Kabarak, where the former President lives. How do you confirm that, *Mzee* Suleiman?

Mr. Suleiman Mahmud Isaak: I am a Muslim, if I take the *Quran* and swear before you, I will not say anything false. The truth is that, every chief was ordered by the DC who said: "The President is going to pass in every location and each person should bring, at least, ten camels to commemorate how it used to be done then through something that was called '*Harambee*'. And if you are unable to do that, my brother, you are going to face the wrath of the administration. There is no otherwise! It is not just camels from my tribethe Garre only, because we are four major tribes here; Garre, Degodia, Molule and Kona. All these tribes were forced to bring cattle to be taken to State House while singing songs of praise to His Excellency the President.

Mr. Tom Chavangi: You also confirm that we have IDPs in Mandera County?

Mr. Suleiman Mahmud Isaak: Yes!

Mr. Tom Chavangi: When you talk about the 1963, Northern Frontier District Independence Referendum, which is in your recommendation number three, what do you mean when you say that the Government should reconsider the result of the 1963 NFDR?

Mr. Suleiman Mahmud Isaak: In 1962, I was there but what really happened at that time is that the Somali Government said that the NFD people should not join Kenya but join the Somali Government. There was a great political will that led to the formation of NFD. This was aimed at defending the rights of the NFD people from Kenya. I got this from the history of our people and I am sure there are other speakers who will come with more facts about this. There was a referendum that was done and which was being led by a certain chief from Nigeria. We were given options whether we wanted to join Somalia or Kenya. The truth is that, 85 per cent said that they wanted to join their fellow brothers in Somalia but the colonial powers and the Government said that it was not possible. There were 15 per cent who did not want to join Somalia who together with the respected leaders in communities in the North Eastern Province colluded with the colonial Government and formed the congress party which was for the Kenya Government. The NFD was for Somali Government. So, instead of our colonial masters asking us to join Somalia, they told the Kenyan policemen that: "These people are going to be governed by you and that---"

Mr. Tom Chavangi: My last question is: You have said something about some schools.

Mr. Suleiman Mahmud Isaak: I have not finished. I have remembered something. In my recommendation, I said that the Kenya Government must come clear on our statute as citizens of Kenya. If they do not reconsider the result of 1962 NFDR, that is to say that, if the Government is saying that we are part and parcel of the Government, why can we not be at par with Central Province and the Rift Valley, in terms of development in areas like education and infrastructure; roads and everything? If the Government is not yet sure about this whole issue, especially with regard our citizenship, the Kenya and Somalia governments should revisit the Arusha Declaration.

Mr. Tom Chavangi: You gave an example of two schools; Alliance Girls and Boys Schools being funded by Christian organizations and you said that there are some Islamic schools and you gave an example of one in Karen. Do you have such schools that have faced such problems in Mandera County? Is there proof that such schools have been brought down as a result of infiltration by the FBI and CIA?

Mr. Suleiman Mahmud Isaak: This is what I am going to give as an answer. The schools that are managed by Christian organizations are just but a few, but they are so many---

Mr. Tom Chavangi: We are in Mandera County. We shall go to the other regions and we shall get the same information. What I am asking you is: Do you have a specific school in Mandera County that has gone through such an issue?

Mr. Suleiman Mahmud Isaak: No!

Mr. Tom Chavangi: Thank you.

Hon. Commissioners, some of the victims mentioned in this memo are also witnesses before this Commission. Having heard Mr. Suleiman, it will be very easy for you Commissioners to now go through the individual witnesses since three or four of them have been mentioned in this memo. Also, in the subsequent memos, the subject is not far apart in terms of content. We hope that the next speakers will take a shorter time in presenting their memos.

The next witness is Amina, who has to catch a flight at 11.00 a.m.

The Acting Chair (Commissioner Namachanja): Thank you, Mr. Suleiman, for articulating the issues that your community has suffered, and what this region has suffered in general. Since our sister, Amina, has to catch a flight, we request that we hear her and then we will come back to you for questions from the panel.

(Mr. Suleiman Hassan was stepped down)

(Ms. Amina Hassan's swearing-in and initial evidence was not captured due to a technical hitch)

Ms. Amina Hassan: Another category is a collective and societal trauma, which we think is an event or series of events which has caused widespread fear, horror and helplessness to date.

The other category is historical injustices, which we feel are being passed on to the generations that are also coming and has caused emotional and psychological pressure over the lifespan. There has been general assimilation of massive group trauma.

We think the next generation might not be able to know the stories that we tell. While touching on these things, I am talking more of the people who are affected the most, these being women. Therefore, those atrocities have produced grudges, hatred, a feeling of revenge and permanent trauma that has affected the communities psychologically, economically, physically and emotionally.

Therefore, these vicious cycles of problems have led to discrimination, displacement, misuse of resources and under-development, and the region has been termed "security zone".

I would like to mention some of the challenges that the women of Mandera face. The relationships between inter-clan conflicts and the colonial tribal zones have a direct effect on the people's rights of association, movement and freedom to settle where one wishes to live. Clans have tendencies of restricting other ethnic groups in terms of places of work and where one wishes to live. Marginalization of women and girls in decision-making has created a context that restricts women's rights to participation and decision-making.

Some of the limiting factors relating to women include functioning and existing in a patriarchal society, where distinction is made between men and women, and whereby women are relegated to submissive roles. The disparities, in terms of making decision, become even more glaring in situations of violence or war, which propagate stereotypes.

Women have operated in an aggressive patriarchal society which does not nurture trust and empower women, meaning that there is little space, if any, given to women when it comes to making decisions regarding peace and security.

Beyond these challenges is the reality that women have limited access to information and knowledge. Although many local women would like to be in positions of leadership at whatever level, they often find themselves handicapped to take up roles that nurture their talents and input into decision-making.

For instance, many women have no knowledge about loans and documents of international instruments such as the UN Resolution 1325, which can be used to empower them at the community level. They do not recognize that these instruments exist to empower them to participate in leadership roles at whatever level.

Women are unable to persuade their constituents on important issues partly as a result of their inability to articulate issues well. There is lack of knowledge on how to address public issues and foster one another's sense of worth. Women in this region are disadvantaged by a high rate of illiteracy. Over 90 per cent of the women in this region cannot read or write. This has negatively impacted on women's attempts to testify on all atrocities against them. They do not have the exact dates on which the atrocities occurred or the names of the Government representatives at the time when the atrocities were perpetrated. They do not know how to access records available such as the Occurrence Book (OB), into which events are entered at police stations at particular times.

Culture is also providing a challenge as most women are shy to narrate tormenting incidents such as rape ordeals as it will have undesirable social stigma that could lead to segregation and mockery. So, women are constrained by culture from revealing secrets to a public hearing like this one. Even if we resort to camera hearing, very few will have the courage to reveal such awkward incidents in their lives, because it is against culture and beliefs of the people to do so.

Lack of legal and paralegal representation and corruption in the Judiciary have aided the culture of impunity amongst Government agents and traditional elders, who always resort to culture, especially when women are violated.

The issue of birth certificates and ID cards has been mentioned by my brother. I do not need to go back to it. All the witnesses have indicated that women rights have been seriously violated in Mandera County, but that brutality has been underestimated in its depth and scope since women were unable to voice their concerns during that time, and even today in this forum.

I am happy that, tomorrow, we are going to have a forum for women alone. I intend to talk during that forum. Whatever they want to say will be highlighted there.

As a way forward, it was noted over the years that women are in great need of skills and networking in mediation, dialogue, lobbying and advocacy. We propose funding for local lobby groups that work with the Government and political leaders, so that they can participate in conflict resolution and dialogue.

We realise that the capacities of women are generally wanting in decision-making processes and effective communication. Efforts should also be geared towards nurturing local women leaders as the current number of positions of leadership held by women is insignificant. Out of more than 100 elected civic leaders in the North Eastern Province, there are only two women elected councillors. One is in Mandera County and another one is in Wajir County.

There are no female administrators – not even assistant chiefs – in the entire northern Kenya regions, inclusive of Isiolo, Marsabit, Moyale, Mandera, Wajir, Garissa and Ijara Districts. These areas have never had any elected woman parliamentarian, except for the nomination slots. This shows how women leadership nurturing is more needed now in this area than in any other part of Kenya.

We, therefore, request this Commission to recommend to the Government to make all efforts to equip women at the grassroots in the northern Kenya region with skills and knowledge to enable them play vital leadership roles as change agents. Due to the historical events that we have undergone, societal trauma healing efforts should be the way forward amongst communities in the northern Kenya region in order to break the vicious cycle of trauma. Such attempts make people to reconcile, forgive and re-build their lives and livelihoods after years of hopelessness.

There should be compensation for loss of livelihoods through reconstruction efforts that directly target those regions which have experienced official injustices. For example, there should be deliberate attempts by the Government to heavily invest in free education for all the children of this region, diversification of livelihood sources and economic empowerment for affected women, especially widows.

It is also important to bring to justice all those who have committed crimes against humanity, and caused all sorts of trauma in the last five decades. This is evident from the historical events that you have heard about. We need recognition of constitutional rights, especially for women, in participation in every decision-making forum. The one-third

women representation rule in public appointments has to be enhanced to ensure women participation in decision-making processes.

The process of issuance of ID cards and birth certificates should be simplified and the conditions associated with the process should be abolished in this region. We are not different from people in any other region of Kenya. We are citizens of Kenya by birth and we should not be subjected to any harassment.

Therefore, since women will give their full accounts tomorrow, on behalf of all women in this area, I request the Commission to take up North Eastern Province issues seriously and prove that the region has suffered serious crimes against humanity by its own Government.

Thank you.

Ms. Belinda Akello: Thank you, very much, Madam Amina. For want of time, I will just ask you to make three clarifications. We know that many issues will be clarified tomorrow at the women's hearing but by virtue of your position as Co-ordinator of Women for Peace and Development, you have informed us that there are ongoing structural injustices, which are caused by the Government's laxity to resolve many of the problems in the north eastern region. Maybe, very directly, as the Co-ordinator of Women for Peace and Development, what measures do you recommend that the Government implements to help women and children in this area? What actions do you recommend that will wipe out the laxity on the Government's part in the future of this region? This laxity should not continue.

Ms. Amina Hassan: As I have mentioned in my memorandum, it is true that there has been laxity on the part of the Government. I will give only one recent example. During the last military operation in the year 2008, over 26 women were raped around the areas of conflict. To date, no one has been brought to book. We have written so many reports, even to the UNDP. The UNDP came and carried out an investigation and compiled their report. One of the women who were raped by two men was flown to Nairobi. She has suffered permanent injuries from which she will never recover in her life. Those people are known.

The military personnel were brought here to resolve conflict and not to violate our women's rights. Therefore, one of the ways by which the Government can intervene is to bring those people to justice. They should be jailed.

Secondly, issues of rape are not taken seriously in this region. The Judiciary is always corrupt. The police are also corrupt. Because of cultural practices, elders withdraw cases from the police and resolve them, even though the elders do not understand the trauma that a raped girl goes through. Therefore, in any case to do with violation of human rights, the Government must take appropriate action.

Ms. Belinda Akello: Thank you, very much, Madam Amina. My second clarification is on conflict resolution. In your memorandum, you have indicated that, in addition to the civil and criminal justice system in Kenya, we also have the traditional way of solving conflicts. You know of the “*maslaha*” system that is used in this area, which I believe conflicts with the criminal justice system. Again, from a woman’s perspective, where is the balance when you compare the *maslaha* and the criminal justice system? How does it affect women? Are women consulted before either of the two systems is chosen for settling cases involving them?

Ms. Amina Hassan: The traditional conflict resolution systems have been there, and they continue to be there. As women, we partially support these traditional systems. Traditional systems are important when solving conflicts. For that reason, we support them. However, we do not support the use of traditional systems in cases where the rights of women are violated and where elders do not support the justice. Therefore, we work with the traditional systems, but we are trying to encourage traditional leaders to ensure that issues to do with rape and violation of women’s rights are taken to court. In other issues, the community can sit down and use the *maslaha* system. We are ready and will work together in this.

Ms. Belinda Akello: Lastly, before I hand you over to the Commissioners, the previous speaker informed us of the importance of livestock to the people of this area. Also, from your presentation, we note that culture is a very integral part of the daily life of people here. You have informed us that women continue to be marginalized, with over 90 per cent illiteracy level prevailing. We admire your position as a leader, but we also know that culture also contributes a big part of school dropout rate. What do you think, as a woman leader, will help the girls and the women of this area to not only be able to take up leadership positions, but also not to be shy to give their testimonies, and also convince the men in our society to help women to also have a chance to lead?

Ms. Amina Hassan: It is true that 90 per cent of the women in this region are illiterate. Our communities are pastoralists and depend on livestock for their livelihood. More emphasis is put on culture and lifestyle. For the last ten years, as women leaders, we have done a lot in terms of reducing the illiteracy level in the area by talking to the Government and creating awareness on the need to take girls to school. However, these efforts can be enhanced by the Government by putting more efforts in terms of establishing mobile schools, so that children of communities which move from one place to another in search of water and pasture for their livestock can access education. The Government should also build more boarding schools in arid areas, especially in the rural areas, where communities converge for pasture and water. To date, we continue to create awareness, but we still need the support of the Government and our leaders to move in this direction.

Thank you.

Ms. Belinda Akello: Thank you, very much, Madam Amina.

Commissioners, Madam Amina Hassan has presented a memorandum. With your permission, I would like to admit it and hand over the witness to the Commission.

The Acting Chair (Commissioner Namachanja): Thank you, very much, Madam Amina, for articulating the issues concerning women in this region. I know that you are under pressure to catch your flight. We shall let you go so that you do not miss your flight, but I just want you to know that I feel honoured that I have worked with you in the area of peace-building and trauma healing. I know that even at the end of the Commission's hearings, people in this region will be left in good hands when it comes to dealing with emotional wounds.

Thank you, very much, and have a safe trip.

Ms. Amina Hassan: Thank you, very much, Commissioners.

The Acting Chair (Commissioner Namachanja): We would now like to finish our session with Mr. Suleiman.

*(Mr. Suleiman Hassan took
the witness Stand for the second time)*

Welcome back, Mr. Hassan. Again, on behalf of the Commission, I would like to thank you for the memorandum that you shared with us. I would now like to invite the Commissioners to ask you some questions for clarification purposes.

Commissioner Ojienda: Mr. Suleiman Hassan, thank you for your testimony. You have summarized the history of this region and given details of the human rights violations that occurred over this time. You have talked of a period when your livestock, particularly camels, were expropriated by the Government. You have said that, in different regions, people were compelled to give up their camels to the administration. What specific period are you referring to? Can you mention by name, the persons who were involved in that expropriation?

Mr. Suleiman Hassan: Are the camels you are referring to the ones I said were taken to Kabarak?

Commissioner Ojienda: Yes.

Mr. Suleiman Hassan: Those were 120 head of camels. The PC was Mr. Francis W. Lokolol. The DC was Mr. Simeon Chacha.

Commissioner Ojienda: Were those the ones who were directing this operation?

Mr. Suleiman Hassan: They were the ones who were confiscating the animals and taking them to Kabarak.

Commissioner Ojienda: Thank you.

Commissioner Shava: Mr. Suleiman, Thank you, very much, for your testimony. I just have one question. In your recommendations, you said that a special fund to help eradicate inherent poverty caused by these military operations should be established. In your view, what has been the impact on this area of the creation of the Ministry for the Development of Northern Kenya and Other Arid Lands?

Mr. Suleiman Hassan: Madam Commissioner, the activities being undertaken by the Ministry started with the Drought Recovery Programme, which was later on changed to Arid Land Resource Management Programme. The settlements you passed by, and the boreholes I am sure you saw when you were coming here, were as a result of the Arid Land Management Programme. Since this programme was put in place, we have felt its impact. We appreciate the efforts and they should even be doubled.

Commissioner Chawatama: I would like to join the other Commissioners in thanking you for the memorandum. I can assure you, by you opening the door you have allowed a very large number of persons here in Mandera to enter through it. Your testimony was very clear. You were able to identify the witnesses, victims and those you viewed as having done wrong and violated your rights.

You also lamented that four days are not enough for your people to give your testimony. We agree with you. But we hope that in the four days that we will be here, at least, we would be able to capture the violations that have been suffered by the people here in Mandera. I Thank you, very much, for your contribution in highlighting the violations.

Commissioner Dinka: I thank you, Mr. Suleiman. You have given us a very concise, detailed and clear memorandum. You gave us the chronology of historical injustices and violations that had happened since 1947 to your people. I have not read your memorandum yet, but from what I heard, you have not covered the context in which these violations were taking place. In other words, in the 1960s, right after the Independence of Kenya, there was the so called *Shifita* Wars, and then following the 1970s, there was the banditry and all kinds of people running around with guns terrorising people and so forth. Was this operation directed against the civilian population, or was it something that was intended to fight against the *shifita*, but went wrong? Could you, please, explain to us what happened?

Mr. Suleiman Mohamud Isaak: Thank you, Mr. Commissioner. This incident happened in two phases. One, during the late President Kenyatta regime, the entire population of NFD took arms and said they wanted to cede from Kenya and join Somalia. So, those massacres which happened under Kenyatta before Arusha Declaration was eradication of *shifita* menace, also killing all the civilians and inhabitants of NFD. But the killings that we could not know and its intention, which was more damaging and destructive than that of President Kenyatta, is under the reign of President Daniel *arap* Moi. We do not know its intention. We were told to surrender our guns. Failure to do so, we ended up in police hands. Our people were tortured and killed. Some ran to Somalia and others ran to

Ethiopia. Some people were forced to buy firearms and ammunitions, and surrender to Kenya Government. They were given a small document titled “returnee”. So, the one of Moi is best known to him.

The Acting Chair (Commissioner Namachanja): Thank you, Suleiman. I just have one question for clarification. In your testimony, you mentioned about emergency structures that are still in place and still oppressing the people in this region. What are these structures and what are your commendations? What do we need to deal with, so that they do not continue oppressing the people?

Mr. Suleiman Mohamud Isaak: Thank you, Madam Chair. I think you will bear me witnesses, I do not know whether you saw some 49 illegal barriers as you were coming. They probably removed them because they heard you were coming. I think between here and Wajir, we have over 49 illegal barriers. We cannot travel freely to Nairobi. In fact, from Garissa to Mandera, there are more than 100 barriers. Gazetted barriers are in Elwak, Habaswein and Garissa Bridge. Others, we do not know how they came about.

There is also a curfew in this region. There was a problem between Garre and Murule clans in 2008. A curfew was imposed on us. However, the two warring communities came together and resolved their differences. We have been appealing to the PC and the current DC to uplift this curfew. We demand that they lift it because it is unconstitutional. So far, nothing has been done. When we enquire more, we are told that it is an order from above.

Lastly, nowadays, any police officer we have difference with, they are accusing us of being members of *Al-Shabaab*. The CID officer in charge of this district, keeps on arresting our people claiming that they are members of *Al-Shabaab*. He takes them to his office and later releases them when they bribe him. That is daily occurrence here in Mandera Town.

Another issue I would like to talk about is a school funded by Arab Community in Kuwait. There is Al- Aweys Primary School, Elwak, which was built by Arab Community in Kuwait. Teachers in that school were paid their salaries and other allowances by Arabs in Kuwait. However, it was closed down by the NSIS on very flimsy grounds. They stopped the funding and it is now being run by the locals. If that school could have continued to be funded by the Arab community in Kuwait, it could be one of the best national schools in the country. Also, there was another school in Rhamu which was getting funds from Arab Community in Kuwait. That funding was stopped. It is being managed by the locals.

The Acting Chair (Commissioner Namachanja): Thank you, Sir, for your clarification. I want to assure you that we take your recommendations seriously. Before we conclude this session, Madam Amina mentioned something concerning cases related to sexual offences. I would like our judge, Getrude Chawatama, just to clarify a few issues concerning such cases.

Thank you so much.

Commissioner Chawatama: Concern was raised in the manner in which sexual offences or sexual violations against women are being handled.

In Commonwealth countries, of which Kenya is part of, sexual violations are viewed as very serious offences. Hence, they cannot be withdrawn. They can only be withdrawn with the consent of the Attorney-General under the Sexual Offences Act. What this means is that police, the Judiciary or elders cannot withdraw matters relating to sexual violations. They can only be dealt with under the Sexual Offences Act. That is what the law says. To this extent, I would encourage you, for the purposes of accountability, that the law is strictly followed. The violation of it, is a very serious one and has very serious consequences. I thank you.

The Acting Chair (Commissioner Namachanja): Thank you, judge for that clarification. Our last question is from Maj-Gen Farah.

Commissioner Farah: Mr. Suleiman, about three kilometres from here, we have a town under the Ethiopian administration. There are Somalis living in that town. Are they exposed to the same problems that you face here in Mandera?

Mr. Suleiman Mohamud Isaak: Thank you, Maj-Gen. I know you are also a local from this province. I can only talk of Kenya. But my brother, I have never spent even a night in Ethiopia. So, I do not know.

The Acting Chair (Commissioner Namachanja): Thank you so much, Mr. Hassan for the memorandum that we received from you and for talking to that memorandum on behalf of your people.

The Clerk, please, could you lead, Mr. Hassan away. I see Mr. Hassan has a question to the Commission.

Mr. Suleiman Mohamud Isaak: I am Mr. Suleiman and not Mr. Hassan.

The Acting Chair (Commissioner Namachanja): Sorry, Sir.

Mr. Suleiman Mohamud Isaak: I take this opportunity to appreciate all of you. I am sure justice will prevail. We have great faith in this Commission. Let truth prevail. As Chinua Achebe says, truth cries to the ground or Martin Luther King (Jnr.) said, we shall one day rise. I think that truth will rise now.

Thank you, very much.

The Acting Chair (Commissioner Namachanja): Mr. Suleiman Mohamud Isaak, I am very sorry for having added Hassan to your name. I apologize.

Thank you.

(Mr. Salah Maalim took the oath)

Mr. Salah Maalim: Recommendation number one is improved infrastructure. I want to start with Mandera County. Hon. Commissioners, as you are aware, we have a common border with Ethiopia. We are only separated by the Daawa River. So, I am recommending that we create a causeway between Mandera and Malka Suftu. Officially gazette Malka Suftu as an entry point with a view of opening up both trade and human movement in the two countries.

I want to confirm to this Commission that currently, we are facing both food and fuel shortages. Nairobi is over 1,100 kilometres. If a kilogramme of sugar is going for Kshs100 in Nairobi, for example, we are going to pay about 60 per cent of the same on transport costs. This discourages local business community from taking the goods because they feel that the price they are going to sell at is exorbitant. A litre of super petrol this morning retails at Kshs160 and it is not even available. The improved infrastructure is the tarmacking of the road from Garissa to Wajir to Mandera, to link the frontier with both Somalia and Ethiopia and the provision of reliable energy by linking the electricity connectivity to the national grid, which is now up to Mwingi Town. It is in the public domain that Ethiopia produces excess megawatts and thus, ready to sell it to any willing buyer. I think it is the right time the Kenya Government takes opportunity to get the same.

4. The right to access water both in good quality and quantity.

Hon. Commissioners, you must have seen the video clips as covered by the Nation, Citizen and other media houses about the water crisis in Mandera West. You will get firsthand experience when you reach Banisa. Whereas I know that you are travelling by road, I will encourage you to carry as many bottles of mineral water as possible, because you will meet people along the roads, some with children who are in dire need of water. I am also informed that water is retailing in Banisa at Kshs200 for a 20-litre jerrycan. So, you can imagine the situation.

5. I also recommend counselling and specialized medical treatment for victims who are alive and to date, are still traumatized or are living with deformities resulting from the incidents.

6. Those who caused the human rights abuses, whether from the disciplined forces, Provincial Administration and/or Government officials, should be forced to come out and give testimonies of their actions, be remorseful and seek forgiveness.

7. To avail certified and true copies of security committee proceedings in the districts or in this region that sanctioned all the massacres and other human rights abuses. We also want to know the contents of the Arusha Declaration.

8. As we have noted from the previous presenters and I, livestock is an important component of our lives. For that matter, I recommend that we get a restructured and high level funding for the Ministry of Livestock, just like the Ministry of Health, Ministry of Education and the Ministry of State for Provincial Administration and Internal Security and Ministry of State for Defence. Well established structures should include range land management, livestock marketing, dry and wetland grazing management.

9. For the livestock marketing, I recommend that we have both internal and external links. More importantly, we should have a livestock marketing officer attached to all diplomatic missions of Kenya abroad, except countries with large livestock sectors.

10. To establish State corporations that begin with:-

- (i) Livestock Development Fund;
- (ii) Livestock Insurance Corporation; and,
- (iii) Livestock co-operatives.

The Ministry of Livestock should have specialized livestock extension field workers. The reason I am proposing these radical recommendations is that they will improve livelihoods which entirely depend on livestock. For the benefit of the Commission, I would like to confirm that 70 per cent of Kenya's landmass is occupied by nomadic pastoral communities.

11. I want compensation in terms of recruitments in the Armed Forces, in form of special slots. Some of these districts did not have the benefit of recruitments because at the time of recruitment, there were cases of insecurity and banditry and, thus, the districts plus the region missed out on recruitments.

Secondly, the funds which are allocated by the central Government, from 1964 until a few years ago, a huge chunk of the development fund was going into issues of security. It was used for two purposes; night outs for the security officers and recurrent expenditure for fuel and maintenance. We are demanding that the total amount used on these operations be paid to the region under the county governments in lumpsum, so that we can recover from the losses.

12. We also require a deliberate initiative to fast-track the establishment of middle-level colleges and training centres that will confer skills like carpentry to many illiterate citizens who do not have the opportunity to join primary or secondary school. The first secondary school, for your information, was established in 1971 as Mandera Secondary School. That was a *Harambee* mixed school. That came about nine years after Independence.

13. I recommend that we get modern national medical referral facilities in Mandera and Wajir counties. Currently, if you are referred to a medical facility, the nearest is in

Garissa and that is, 700 kilometres away. Even for the truck owners, if they are supposed to go for a police check-up or inspectorate unit, they have to go up to Garissa, and yet, the truck might be doing business within the county. You can imagine the expense that the lorry owner will incur.

14. Among the other colleges are medical training facilities and teachers' training colleges. I think this will improve cohesion and integration among the Kenyan communities.

15. I also recommend that we establish a livestock research centre and an animal health training college in this region and other pastoral areas.

16. Hon. Commissioners, you are aware that the Kenya Meat Commission is in Athi River and is under Mavoko. Is there any livestock in Athi River?

17. We require recognition of pastoralism as a way of life and that we are not prepared to change it as an economic activity.

18. Finally, I recommend that the Government creates a Pastoralist Commission of Kenya and among other national holidays, I recommend that we have a pastoralists' day. This is the only way that I can forget about what my dad, who as a Member of the Regional Assembly, told me about the large number of camels that were killed both in Jirma and Bella.

Commissioners, I rest my case.

Mr. Tom Chavangi: Hon. Commissioners, I have no questions for this presenter. He has actually answered my questions in his recommendations. So, I pass over the witness to you.

The Acting Chair (Commissioner Namachanja): Mr. Maalim, Thank you, very much, for a well researched paper. I want to check if Commissioners have any questions for you.

Commissioner Ojienda: Mr. Maalim, I want to join the Chair in thanking you for the detailed and well researched memorandum. I think it was as clear as ever. The recommendations that you have made are radical and will definitely, spur development and change the face of this region. I think you were too clear to be examined in any further form.

Thank you, very much.

The Acting Chair (Commissioner Namachanja): Mr. Maalim, it seems like you answered all the questions we had through the long list of recommendations.

Mr. Salah Maalim: I forgot to mention, when I was talking about the causeway between Mandera and Malka Suftu, that currently it is not recognized as a border entry point,

whereas this town is under food stress. Whereas the border town of Suftu is less than 100 metres, we cannot access food because of Government bureaucracies and the Kenya Revenue Authority, citing that they cannot levy taxes because it is not gazetted. You are referred to go to Moyale, which is about 500 kilometres away. These are issues of disconnect between policies made in Nairobi and the realities on the ground. For that matter, I will make a personal appeal that as a Commission, you take a personal initiative to ensure that the Director-General and the Deputy Prime Minister and Minister for Finance gazette Malka Suftu as an entry for both human and cargo. But more importantly, the business people are ready to pay taxes for the goods they are importing.

Thank you.

The Acting Chair (Commissioner Namachanja): Thank you, very much. Leader of Evidence, do we have the memorandum that has been presented by Mr. Maalim?

Mr. Tom Chavangi: Hon. Commissioners, we have a draft memorandum. My agreement with the witness is that he is going to do a bit of editing of the document. However, for the purposes of records, we can admit this memorandum as part of our records, awaiting the second memorandum that will come from him.

The Acting Chair (Commissioner Namachanja): Thank you.

Hearing Clerk, we shall have one more witness. I will appeal to the witnesses that as we continue sharing the facts about the gross violations of human rights, we have realized that most of what we are coming to share may have been shared by others. So, focus on the areas and facts that have not been shared for us to minimize on time and listen to many witnesses.

So, we are ready to receive the next witness. We shall hear and conclude by 12.45 p.m., so that we can go for prayers.

(Mr. Aftin Muktar Ali took the oath)

Ms. Belinda Akello: Good afternoon, Bw. Aftin. For the record, please, state your names.

Mr. Aftin Muktar Ali: Good afternoon to you. My names are Aftin Muktar Ali.

Ms. Belinda Akello: Thank you for coming, Bw. Aftin. Please, tell us where you live.

Mr. Aftin Muktar Ali: I am here to represent the Arabia Community. May I welcome the TJRC Commissioners to Mandera. Many of them have never been to this place and maybe, the story that they have about this place is that this is a difficult place. Let me assure them that this place is safe today and for the next three days.

Ms. Belinda Akello: Thank you, very much, Mr. Aftin.

Mr. Aftin Muktar Ali: There is memorandum to the TJRC relating to gross violations in Arabia Location, submitted by the Arabia community elders. I am here maybe---

(Technical hitch)

Ms. Belinda Akello: Mr. Aftin, we will repeat the question we had before for purposes of record.

Allow me to point out that you have been in the room and as you have informed us, you have a memorandum from Arabia. You have heard that the history of Mandera and violations have already been spelt out. We do acknowledge that, that was part of your memorandum. So, kindly, as you confirm your profession, please take us through your memorandum, but limit it to the memorandum from Arabia and the events that took place there.

Mr. Aftin Muktar Ali: Thank you, very much. Let me just talk about Arabia only. Arabia was started as a settlement around 1960. Unfortunately, the settlement was not permanent due to our colonial rulers who ordered people to move to Mandera where they were put in camps. In late 1970, official settlement was granted and it started as a town.

The first primary school was opened in 1971. People's rights and freedom was violated during the post Independence period. In the process of Kenya gaining its Independence, there was a referendum that was carried out in late 1963 and early 1964 which took place in the areas where the Somalis were settling. Those days, it was referred to as the Northern Frontier District (NFD). These were Wajir, Mandera, Garissa, Moyale, Marsabit and Isiolo. The main objective of the referendum was to know whether the inhabitants of the NFD region---

(Technical hitch)

Unexpectedly, people opted to join Somali as their country instead of Kenya. As a result of this referendum---

(Technical hitch)

The Acting Chair (Commissioner Namachanja): Sorry, we are sorting ourselves out. Please, check if the interpretation is coming through. Please, proceed!

Mr. Aftin Muktar Ali: As a result of that referendum, the Kenya Government started harassing people to change their opinion and mind. In 1965, the Government started moving people from all the locations to the district headquarters. There were three main camps which were referred to as *Kijijis*. Those were Rhamu, Elwak and Mandera. All the people at Arabia were moved to Mandera, where the Government created camps which were full. All the people were expected to stay in camps. Since every camp had a single

gate, people were not allowed to leave the camps without permission. Those permitted to leave the camps were to come out with their identification cards, which was a round metallic plate bearing the person's name and camp. Those that were in the camps were safer compared to those that were not in the camps. Those that were away from the camps were just like wild animals compared to the human beings of today. Those in the camps were tortured and caned when there was *harambee* work but those who were outside the camp were just wild and hid around the hills. So, during that period, people were in camps for three and a half years. Many people starved and died as a result of being wild.

The DO in charge of camping of people was called Abudhi according to the pronunciation from the elders. The military General in charge of beating and killing of people was called Alkara, a Borana by tribe. From a reliable source, the PC at that time, around 1965, was called J.J Mburu, whose tribe the elders could not specify. Animals found outside the camping areas were shot. If they were found with their owners, the owners were told to pay fines. But for camels, it was automatic shooting, because those days a human being who was not in the camp was referred to as a *shifita*, while the camel was referred to as a *shifita* too. Goats and cattle were also taken by the Kenyan Government to the Kenya Meat Commission. The people who live in the NFD area are poor today because their animals were taken by the Government of Kenya; 1962 and 1968 were referred to as years of emergency. In late 1968, there was a reconciliation in Arusha in Tanzania and the Prime Minister of Somalia at that time was Mohamed Urai Megal, while the President was Adan Abdul Osman. He pleaded with the Kenyan and Tanzanian governments for the release of tortured people from the camps and signed the NFD region to be part of Kenya.

That was referred to as the Arusha Declaration. A group of Somalis were appointed by the Government, referred to as regional assemblies, who were answerable to the Government. Outline of issues during those days were read. Those were torture, massacre/killings and marginalization.

Let me start with rape. Many women were raped during those days, but the unique cases are as follows: Bishara Ahmed Elmi. That was a woman who was raped when she had only one child. She was raped by more than 30 armed men. From that day, she became barren. She is alive and available for any interview. Her mobile telephone number is with this Commission.

Another lady who was raped is Sarah Mohammed. That woman was raped and she died on the spot. Others who were raped and survived were Guraya Hassan, Duba Mohammed Hassan and Nooriya Maalim.

There was also torture. In those days, the army soldiers were rounding up families at water points. Most of the people were hiding around the hills. Vehicles were left very far. They walked on foot and looked for people at the water points. Women were raped in front of others, which is against the rule of the Muslim society and is against human

dignity. It is also against the culture of the Somali society because women being undressed in front of men is not allowed.

Other people were beaten to death. The beatings took place for several days. People were beaten and no medication was given to them. They were beaten again for the second day and no medication and food were given to them. After several days, many people passed away. Others were beaten and they became disabled. Men's testicles were also squeezed. They were tied with a rope. The type of rope that was used was the kind used to clean guns. Every armed soldier had his own rope. People were tied up for days. Others were kept without food for several days. When the person passed away, he was left at the soldiers' camps. There were communities which were hiding around those areas. When the soldiers left one camp and went to another camp, those people would come and collect the dead bodies to bury them somewhere.

Women's breasts were tied with a rubber band. There were also killings and massacre. Many people were killed. Those among them from Arabia Location were as follows; I have 26 names here. But since I was given only 10 minutes, I cannot mention all the children that were left behind because I will give this information to the Commission. They will see for themselves the number of children that were left behind. Let me read only the names of the people who passed away. These are: Korib Abile, Isaak Abdow Abdi Adan Hassan, Ali Maalim Seney, Shehabir Hassan, Sema Hussein Hassan, Ahmed Adan Abdulahi, Godana Abdulahi, Abdul Adan Maalim, Derow Hassan Farah, Ahmed Gulat Hassan, Ambia Salam, Abil Sholshoeb, Farah Ahmed, Shureh Mohammed Noor, Adan Muslam, Adan Abdulahi Omar, Shadid Isaak Abdow Abdi Maalim, Yusuf Haji Ali, Hassan Der, Degol Row Hussein, Zeinab Aden, Ali Ahmed, Idi Bare, Bashi Isaak Abdow Abdi, Shaban Gedi and Khalil Ibrahim Isaak Abdow Abdi.

Those were among the few that were killed at Arabia Location.

Marginalization has been there and it is still there up to today. During the colonial period, we were not allowed to have schools or to operate businesses. Movement of people was not allowed. Water catchment areas were not allowed. Roads were not tarmacked. Food such as rice was for some special people. The common people had no authority to eat rice. In 1969, the locals were allowed to cook rice. Public business started as late as 1974. Marginalization has continued up to 2008 where the military forces--- As you have witnessed, there are chiefs who are crippled in this place. There was a chief who was tied to a plane which was ready to fly. But when the engine was on, he was untied again.

Community expectations/recommendations - The Arabia Community have suggested that security be enhanced. Schools and health facilities should be built at Arabia in remembrance of those people who died and their descendants.

The third is public apology from the Government and guarantee of non-repetition; compensation of the loss of people's blood and animals. Roads should be tarmacked because there are those people who have been victims and cripples who cannot travel even to Mandera.

In conclusion, we are witnessing truly a remarkable turnaround in Mandera and northern Kenya as a whole. Since the Commission has been in many places, we hope justice will come soon.

Thank you.

Ms. Belinda Akello: Thank you, very much Mr. Aftin, for your clear presentation. We empathize on the suffering of the Arabia people.

Hon. Commissioners, just for the record, it is important to note that one Bishara Ahmed Elmi, who was actually mentioned will be available for tomorrow's women hearing and the now infamous 2008 case; the person who suffered the most, the chief, will be our first witness tomorrow. So, I think more information on the 2008 and Warankara suffering can be dedicated for tomorrow's testimony.

Mr. Aftin, I have very few clarifications from you. You have informed us of the establishment of the camps otherwise known as *Kijijis*. You also informed us that there was an encampment policy and everyone was held within those camps. The way out was only through a metallic ID. Was that ID issued by the Government? Did everyone have it? What were the criteria for issuing of the metallic ID?

Mr. Aftin Muktar Ali: That is a very good question and I really appreciate it. Personally, I was not there because as you can see from my face, I am a very young man. But according to the statement that I recorded from the old men, everybody had a plate. The plate was kept at the door gate of the camp. The young children were not allowed to leave. The name of the father or mother of each family was there at the gate. So, whenever the mother went, maybe, to look for firewood, she had to pick her plate before she could be permitted to leave. Whenever the old man went out for any purpose, he also had to pick his plate. That was the information that I was given by the elderly people.

Ms. Belinda Akello: My last clarification is based on your virtue as being a head teacher. You have informed us that the first school was established in 1971. You have also informed us about the number of persons who were killed and that you have many orphans at Arabia. As a teacher, has your area in Arabia benefited from free education? Do you think the education situation has improved between now and 1971?

Mr. Aftin Muktar Ali: The education in the area has improved. But if you check the performance of the students nationally, it is still below the average line. This is because we do not have all the resources available. A good example is those children who finish their secondary school education around here. The child might score Grade "C" or "D", but when it comes to recruitment into the disciplined forces, they are asked to produce Grade "B" and above; so, when the child cannot produce a "B", he is left out.

So, I could have recommended, as an educationist, that national schools be built around here with all the resources available and referral hospitals like the one of Kikuyu and

Kijabe to be built also around here. So, instead of referring patients to Nairobi, let us also have people being referred from Nairobi towards this side. So, I believe that this Commission will address such issues and such facilities will be with us in the next one or two years.

Thank you.

Ms. Belinda Akello: Can we say that the orphans from Arabia have benefited from free education in your area?

Mr Aftin Muktar Ali: Yes, because they are not exempted from the free primary education that is being provided everywhere in Kenya.

Ms. Belinda Akello: Thank you, very much. That is all from the Commissioners.

The Acting Chair (Commissioner Namachanja): Thank you for sharing the pains of your people. I would like to check to see if the Commissioners have any questions for you.

Commissioner Shava: I have one question to ask Mr. Ali. The memorandum you are reading seems to be more detailed than the one in our files. Are they two different ones? Could we get the one that you were reading from?

Mr. Aftin Muktar Ali: The memorandum is just the same. I was adding details and elaborating some of the points that were there in my memorandum. I will type for you the points that I have elaborated and then give you a fresh one if the need arises.

Commissioner Chawatama: Mine is also to thank you on behalf of the Commission for your memo and maybe, a word of encouragement. As the head teacher, you have an opportunity to impact the lives of younger generations. What they hear from you is so important.

In our travels in this region, one of the things that we have seen is that children have inherited this feeling of helplessness and despair and that they seem not to have something to look forward to. But we met some who believe that their future is bright. A word to you is to just encourage the coming generation. You can speak about the past, but also to help the generation move on and come to believe that there can be a brighter future for them.

Yours is a calling and I believe that you take your calling seriously. Thank you so much for appearing before us and sharing with us, concerning the lives of your people. *Asante sana.*

Mr. Aftin Muktar Ali: Thank you.

The Acting Chair (Commissioner Namachanja): I have one question to ask you. Which schools did you attend for your primary and secondary education? Which college did you attend?

Mr. Aftin Muktar Ali: I attended Lefey Primary School. I went to Shahali High School in Raramor. My primary college was Meru Teachers College and I also attended University of Nairobi.

The Acting Chair (Commissioner Namachanja): I know that yours was a struggle to get to where you are. We really appreciate it. Thank you again. We have come to the end of our session this morning. We would like to break for prayers and lunch.

On behalf of the Commission, I would like to thank Mr. Suleiman Mohammed Isaak, Madam Amina Hassan, Mr. Salah Maalim Alio and Mr. Aftin Muktar Ali for the testimonies they have shared.

As we stand for a word of prayer, I would like us to observe a moment of silence for the many people that have been mentioned this morning who suffered torture, rape and other injustices and for those who lost their lives in the process.

Thank you, so much. We shall convene in the afternoon at 3.00 p.m.

(The Commission observed a moment of silence)

[The Commission adjourned for lunch at 12.50 p.m.]

[The Commission resumed at 3.05 p.m.]

The Acting Chair (Commissioner Namachanja): Welcome back to our afternoon session. We shall start from where we left. Please, be seated. Where is the Master of Ceremony to put the house in order before we start? Hearing Clerk, please proceed.

(Ms. Dunia Maalim Abdullahi took the oath)

(Mr. Isaak Adow Isaak Abdow Abdi took the oath)

The Commission Secretary (Ms. Nyaundi): Tell the Commission your names?

Mr. Isaak Adow Isaak Abdow Abdi: My names are Isaak Adow Isaak Abdow Abdi.

The Commission Secretary (Ms. Nyaundi): Please tell the Commission your names?

Ms. Dunia Abdullahi Maalim: My names are Dunia Abdulahi Maalim.

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

Ms. Dunia Abdulahi Maalim: I stay in Banisa.

The Commission Secretary (Ms. Nyaundi): Dunia, you have recorded a statement with the Commission about the Malkamari Massacre. Please, give the Commission an account of what happened at Malkamari and how it affected the people of Banisa.

Ms. Dunia Abdulahi Maalim: Before, Banisa used to be called Malkamari Division but later the name changed to Banisa Division. Recently, Banisa Division became a district called Banisa District. We, members of the Banisa community, were victims of the above massacre and most of us lost our loved ones. Let us start with the names of the females raped. They are: - Madina Mohammed who was raped in Luli. Adiba Issa, Sayidia Mohammed, Hadiba Kontoma, Makaye Aliya, Fayo Isaak Abdow Abdi, Buke Panda, Hadija Aden, Amina Mamou, Benjo Karu, Matayo A, Hawe Abdan, Enkale Isaak Abdow Abdi, Halima Uka, Adiya Aden, Hadiba Yarow and Hadija Aden. The men who were killed and murdered in Emole, Luli, Banisa were: Majerow Ibrahim Samow, Isaak Abdow Abdilong Mohammed Chache, Hadija Mohammed Sheikh, Nuna Hassan Mohammed, Kerrow Mohammed Adiwor, Aden Mursan, Billow Ibrahim, Mohammed Barre, Kerrow Isaak Abdow Abdirhaman, Aden Isaak Abdow Abdirahman, Sheikh Bariwo, Mohammed Sheikh Ibrahim Samow and Ibrahim Samow, Abdullahi Maalim Isaak, Sheikh Aden Edow, Mwalimu Aden, Sheikh Maalim, Ahmed Aden, Maalim Sheikh, Imon Hassan, Mohammed Noor Aden, Aden Chache and Adow Maalim. Hassan Maalim, Aden Ibrahim, Hassan Aliow, Adow Ibrahim, Mohammed Aliow, Hassan Aden, Ibrahim Sheikh, Maalim Adawa, Ibrahim Aden, Isaak Ali, Ali Mohammed, Golo Hassan, Billow Mohammed, Ismail Ali and Golo Aliouw.

These are the names of the people who were killed in Mole, Lulis. There were three divisions by then. They were murdered. The entire population faced brutality; females were raped and some people went missing. There was depletion of food and water. Both males and females and their children suffered the brutality. The community was, therefore, affected. The Government of Kenya was responsible for the Malkamari Massacre and for the atrocities committed by the Armed Forces from 1962 to 1984. No steps were taken by the Government to address the issues affecting its people who were expecting justice to be done. The culprits should account for their actions and victims should be compensated. The TJRC should initiate action against those people who did it. Women faced problems related to rape, forced marriages, circumcision and domestic abuse. That is all from me.

The Commission Secretary (Ms. Nyaundi): Thank you, very much, Dunia. I will ask you a few questions then the Commissioners will also ask you some questions. Do you remember the exact year when the Malkamari Massacre occurred?

Ms. Dunia Abdulahi Maalim: It was between 1982 and 1984.

The Commission Secretary (Ms. Nyaundi): You have said that women were raped. Have you heard of the people responsible for the rape of these women?

Ms. Dunia Abdulahi Maalim: Yes. They were the Kenyan military.

The Commission Secretary (Ms. Nyaundi): How have you determined that it was the Kenyan military?

Ms. Dunia Abdulahi Maalim: They came with their bosses and lorries looking for guns from the people. They asked mothers where their husbands were. If the husband was in the house, they forced him out. Then they went with him and told the mother that it was the last time she could see her husband. Some of the military remained in the compounds and embarked on rape, killings and even shooting animals.

The Commission Secretary (Ms. Nyaundi): So, you even lost livestock?

Ms. Dunia Abdulahi Maalim: Yes, we lost a lot of livestock like camels, goats and cows.

The Commission Secretary (Ms. Nyaundi): Were you among the people present when this happened?

Ms. Dunia Abdulahi Maalim: Yes, in 1984.

The Commission Secretary (Ms. Nyaundi): To your knowledge, the women who suffered the rape, have they been able to access medical treatment?

Ms. Dunia Abdulahi Maalim: By then, there were no medical facilities like hospitals in the place.

The Commission Secretary (Ms. Nyaundi): So, up until now, tell us what you know?

Ms. Dunia Abdulahi Maalim: Yes, there are women who were raped and they are ready to say.

The Commission Secretary (Ms. Nyaundi): You have also said that a number of males were killed and murdered. Do you know who was responsible for the murder of these men?

Ms. Dunia Abdulahi Maalim: Yes, they were the Kenyan military.

The Commission Secretary (Ms. Nyaundi): And again you identified them by the trucks they had and their uniform?

Ms. Dunia Abdulahi Maalim: Yes.

The Commission Secretary (Ms. Nyaundi): Okay. Based on the information or the knowledge you have, were these men buried?

Ms. Dunia Abdulahi Maalim: Some were buried and some were eaten by wild animals because everybody was running for their dear lives.

The Commission Secretary (Ms. Nyaundi): Dunia, you have said that people suffered brutality. Can you please brief the Commission in more detail on what exactly was happening to them?

Ms. Dunia Abdulahi Maalim: You see, they were firing at the people. People were running away with bullet wounds. We could hear that some people had been eaten by wild animals. If you go there, you find either their bodies or heads. So, most of the people were not buried.

The Commission Secretary (Ms. Nyaundi): You have said that women still face a number of problems. You have specifically mentioned rape, forced marriage, circumcision and domestic abuse. Now, have you sought to address this issue using the court system or local administration?

Ms. Dunia Abdulahi Maalim: Yes, the local administration like, the chiefs.

The Commission Secretary (Ms. Nyaundi): And what was the outcome?

Ms. Dunia Abdulahi Maalim: Nothing completely.

The Commission Secretary (Ms. Nyaundi): And with the courts?

Ms. Dunia Abdulahi Maalim: No, we do not have courts here.

The Commission Secretary (Ms. Nyaundi): Thank you, very much, Dunia. The Commissioners will now ask you questions.

The Acting Chair (Commissioner Namachanja): Thank you, very much, Dunia for sharing your story and for being courageous enough to talk to this Commission as a woman. We shall now ask you some questions for clarification.

Commissioner Ojienda: Dunia, thank you for your testimony. You confirmed that most of the women who underwent rape are still surviving?

Ms. Dunia Abdulahi Maalim: Yes.

Commissioner Ojienda: And that some of them will testify in tomorrow's hearing?

Ms. Dunia Abdulahi Maalim: No, we do not have them here. We left them there because right now we are facing a lot of drought.

Commissioner Ojienda: Have any of these 18 women received psycho-social support of any form?

Ms. Dunia Abdulahi Maalim: No.

Commissioner Ojienda: Do you have any recommendation? Is there anything you are going to ask the Commission to do with respect to these women?

Ms. Dunia Abdulahi Maalim: Yes.

Commissioner Ojienda: What would you want to ask?

Ms. Dunia Abdulahi Maalim: Right now in Banisa District we are facing drought since we do not have water. The women were ready to come and say what happened, but since there is a problem there, they could not come.

Commissioner Ojienda: Thank you, very much.

Commissioner Shava: Thank you, very much, Dunia for coming here and speaking to us today. Do I understand that you represent your community?

Ms. Dunia Abdulahi Maalim: Yes.

Commissioner Shava: And you are representing the women of your community?

Ms. Dunia Abdulahi Maalim: Yes.

Commissioner Shava: So, you are an organized group who meet and talk?

Ms. Dunia Abdulahi Maalim: Yes.

Commissioner Shava: And if those women would have been able to come here today, what do you think they could ask this Commission to do for them?

Ms. Dunia Abdulahi Maalim: In our place Banisa, women have a lot of problems. First, there are forced marriages. You can see an old man of 90 years marrying a 13 year old girl. Such problems are still there facing us. Secondly, you can see a man having four wives and then he leaves them with their children and every year he gets married to other new wives. Those problems are still there with us.

Commissioner Shava: Thank you, very much.

Commissioner Slye: I also want to thank you, Dunia, for coming forward and sharing your testimony with us. I just had a few questions about 1984. Do you remember the first thing about the massacre?

Ms. Dunia Abdulahi Maalim: I can remember that in Banisa, people came to the water points with their camels. Almost 20 or 30 people were killed at the water point.

Commissioner Slye: Were you at the water point or nearby when you saw that?

Ms. Dunia Abdulahi Maalim: We used to live at Banisa and we knew the attackers were military officers. These people came from the bush. Our people were not aware of the military, but the AP since we had an AP camp there. They just came to water their animals and they were all killed, including some of their animals.

Commissioner Slye: After this killing, what do you remember next?

Ms. Dunia Abdulahi Maalim: I remember people running away.

Commissioner Slye: How long did the attack last?

Ms. Hassan: It did not last. People went to Lulis, Emole, Barse and Malkamari. So, they were there for a long time.

Commissioner Slye: So, it lasted for a number of days or weeks?

Ms. Dunia Abdulahi Maalim: Weeks.

Commissioner Slye: You said that you knew they were Kenyan military because of the lorries and the uniforms?

Ms. Dunia Abdulahi Maalim: Yes. They were the Kenyan military because we know how they look like.

Commissioner Slye: Can you describe how they look like?

Ms. Dunia Abdulahi Maalim: They were wearing the military uniforms of the Kenya Army.

Commissioner Slye: What does that uniform look like?

Ms. Dunia Abdulahi Maalim: They look like the ones which they wear nowadays.

Commissioner Slye: My last question is on the general issues facing women of Banisa, that is rape, circumcision, forced marriage and domestic abuse. You also said that a group of you have come together to try and address these problems. Have you received any assistance from people outside of your community?

Ms. Dunia Abdulahi Maalim: In our community, if a woman is raped, it is solved locally through dialogue but the women would like the rapist to be jailed.

Commissioner Slye: So, in trying to decrease the incidents of rape and these other violations and to hold the individuals accountable, have you been able to receive assistance either from women organizations or other people outside of your community or is it something that you only have been addressing?

Ms. Dunia Abdulahi Maalim: No, they just solve it locally. This is very bad for us and we would like justice to prevail.

Commissioner Slye: But you have been working with some of the women in your community to stop those rapes?

Ms. Dunia Abdulahi Maalim: They are ready to start. They could be happy if there is justice.

Commissioner Slye: Thank you, very much.

Commissioner Chawatama: There was a little bit of noise earlier. So, I apologize if the question I am going to ask has already been addressed. In your own view, what do you think triggered of the massacre?

Ms. Dunia Abdulahi Maalim: The military came and they were asking for our husbands.

Commissioner Chawatama: Do you know if they recovered any arms?

Ms. Dunia Abdulahi Maalim: No, they were just asking people who own animals.

Commissioner Chawatama: Did they search your houses?

Ms. Dunia Abdulahi Maalim: Yes.

Commissioner Chawatama: And no arms were recovered?

Ms. Dunia Abdulahi Maalim: There were no arms recovered.

Commissioner Slye: I am sorry there is another question I wanted to ask you. Dunia, when you saw the people being attacked at the water pan, had you seen the military people before?

Ms. Dunia Abdulahi Maalim: No.

Commissioner Slye: Okay. Thank you.

The Acting Chair (Commissioner Namachanja): *Dada* Dunia, you said that the massacre affected the females and children. How were the children affected?

Ms. Dunia Abdulahi Maalim: The children were affected because when their fathers were killed and mothers raped, they had no one to take care of them. The military officers would go with the women to the bushes where they would rape them. All the while, children would be alone at home. In fact, some of them were eaten by lions. So, children were left behind and they suffered a lot.

The Acting Chair (Commissioner Namachanja): How did the lives of the women who lost their husbands change?

Ms. Dunia Abdulahi Maalim: The women and children faced a lot of problems, like some were killed by animals and some got lost. So, they went to the nearest villages and started new lives.

The Acting Chair (Commissioner Namachanja): Thank you for being courageous and for travelling to testify before this Commission. We do not have any further questions for you.

The Commission Secretary (Ms. Nyaundi): With your kind permission, there is a question that Commissioner Slye put to the witness. I am requesting to ask it to her in Kiswahili. Dunia, Commissioner Slye *alikuuliza ikiwa mmepata usaidizi kama kundi la akina mama pale Banisa. Munapata usaidizi wowote wa kifedha ama mawazo kutoka watu nje ya Manderu ama mnajisimamia?*

Ms. Dunia Abdulahi Maalim: No. We are struggling on our own.

The Commission Secretary (Ms. Nyaundi): *Mzee Isaak, tafadhali sema majina yako kwa ukamilifu ili tuweze kuyaingiza kwa rekodi?*

Mr. Isaak Adow Isaak Abdow Abdi: I am called Isaak Adow Isaak Abdow Abdi. I have the names of the people who were killed in Malkameri. Others say they can be about 3,000 people. The massacre was large scale. The Government is the culprit. Malkameri, Gersi, Banissa, Nuniso, Garjo, Jurgo, Gua, Gulo and Gabrajo are familiar to me. There were massacres which happened in all these places. These people were pastoralists looking after their animals. They were ambushed at the water points and those in the villages were arrested. Women were raped. There are people who are still missing. There are some who were affected by the rape. There are many who were injured. Men were killed and some are impotent. They killed some of them using stones, like in Gerse. The massacre there was of a great scale. By the grace of God, we invite you to come to Malkameri and see where the massacre happened. There is drought and people are dying of thirst. A jerrican of water is sold at Kshs200 and the Government is not giving any help. We share a border with Ethiopia. The Government is not aware of the drought that is killing people in Malkameri and Banisa. The survivors of the massacre are dying of the drought. That is all I have.

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

Mr. Isaak Abdow Isaak Abdow Abdi: My names are Isaak Abdow Isaak Abdow Abdi.

The Commission Secretary (Ms. Nyaundi): You said that your Government is not aware of your suffering. Where is the nearest Government office to you? If you are at Banisa, do you have to come to Mandera to meet a Government official or is there one there?

Mr. Isaak Abdow Abdi: There is the chief's office and two Administration Police in Banisa.

The Commission Secretary (Ms. Nyaundi): When you said there were 300 people who were killed, can you remember which year this was?

Mr. Isaak Abdow Abdi: Between 1966 to 1981.

The Commission Secretary (Ms. Nyaundi): In all, over that period, in your knowledge, are the people who are responsible known? Are people able to identify them?

Mr. Isaak Abdow Abdi: Madam Acting Chair, there are people who know them. I am not educated and I cannot give you that information. I am a pastoralist. We came to town recently, but there are people who know them and they can give you that information. There are hundreds of people who can tell you who those people who did this to us are.

The Commission Secretary (Ms. Nyaundi): Okay. Would you know whether any of these people has been charged with any offence?

Mr. Isaak Abdow Abdi: Madam Acting Chair, I cannot tell. We became fugitives, we were affected and we were killed. We ran away and I cannot tell whether any of them was ever brought to book.

The Commission Secretary (Ms. Nyaundi): Okay. I want to ask you the final question, Mr. Isaak Abdow Abdi. Were you affected in any way?

Mr. Isaak Abdow Abdi: Yes, I was affected. You can even see the mark on my leg. I can even show you the marks as a result of the beatings that I suffered.

The Commission Secretary (Ms. Nyaundi): On which leg did you suffer?

Mr. Isaak Abdow Abdi: On my right leg. I was beaten until it was broken. I am uneducated and I cannot remember the exact time.

The Commission Secretary (Ms. Nyaundi): Were you in your house or, where were you?

Mr. Isaak Abdow Abdi: I was taking my animals to the water point and we were ambushed on the way.

The Commission Secretary (Ms. Nyaundi): Were you able to identify the people who hit you?

Mr. Isaak Abdow Abdi: No, I cannot identify them.

The Commission Secretary (Ms. Nyaundi): How many were they?

Mr. Isaak Abdow Abdi: There were many military personnel and they had many vehicles. That is the much I can tell.

The Commission Secretary (Ms. Nyaundi): So, you were able to tell that they were from the military because of the clothes they were wearing?

Mr. Isaak Abdow Abdi: I used to see the Kenyan military; the exact uniform they wear now is the same they wore that day. That is how I can tell who they were.

The Commission Secretary (Ms. Nyaundi): Did they talk to you when they were hitting you?

Mr. Isaak Abdow Abdi: Yes.

The Commission Secretary (Ms. Nyaundi): What were they telling you? Did you get to understand why they were hitting you?

Mr. Isaak Abdow Abdi: They told me nothing. They just left me unconscious. They told our women that they will never see their men again and that they will be their men.

The Commission Secretary (Ms. Nyaundi): Mr. Isaak Abdow Abdi, did you get treatment for the injuries that you suffered?

Mr. Isaak Abdow Abdi: I did not get any medication. It is only by the grace of God that I got cured.

The Commission Secretary (Ms. Nyaundi): Thank you, very much, Mr. Isaak Abdow Abdi. The Commissioners will now ask you questions.

The Acting Chair (Commissioner Namachanja): Thank you, Sir. Sorry for the injuries that you suffered.

Mr. Isaak Abdow Abdi: I am still alive, although I am injured. So, I am still grateful to God.

The Acting Chair (Commissioner Namachanja): Thank you. We will now ask you a few questions.

Mr. Isaak Abdow Abdi: Okay. Ask me.

Commissioner Ojienda: Thank you, Mr. Isaak Abdow Abdi.

Mr. Isaak Abdow Abdi: Thank you too.

Commissioner Ojienda: I just want to ask you one question. Just confirm to the Commission what was going on during this time when the violations occurred in Malkamare and why the army was present in the numbers that you described.

Mr. Isaak Abdow Abdi: I cannot tell because we were children and we saw people killed. The massacre continued from 1966 to 1981. Every day we could hear news of people being killed or massacred somewhere.

Commissioner Ojienda: When you say you were children, how old were you?

Mr. Isaak Abdow Abdi: I am 55 years old.

Commissioner Ojienda: Thank you.

Commissioner Shava: Thank you, very much, Mr. Isaak Abdow Abdi for coming and sharing with us your painful testimony.

Mr. Isaak Abdow Abdi: I thank you too.

Commissioner Shava: Apart from the massacres and the loss of animals, when I look at the file in front of me, I see that you also had something to say about land. Would you like to tell us anything about land?

Mr. Isaak Abdow Abdi: Whatever I propounded, I told you those who were killed.

Commissioner Shava: Thank you, Mr. Isaak Abdow Abdi.

Mr. Isaak Abdow Abdi: I thank you too.

Commissioner Slye: Thank you, very much, for travelling all this way to give us your testimony. I just want to make sure I understand the incidents that you are talking to us about. If I understand you correctly, from 1966 to 1981, there were a series of massacres, killings and rapes.

Mr. Isaak Abdow Abdi: I am not getting your question. I have some hearing problem.

Commissioner Slye: From 1966 to 1981, there were a lot of killings that occurred in your community. Is that right?

Mr. Isaak Abdow Abdi: Yes.

Commissioner Slye: There was a specific incident where a number of members of your family were killed. Is that right?

Mr. Isaak Abdow Abdi: There were those who were living on the land and who were pastoralists. These things happened in many villages. The villages were attacked; the military came and killed people. The people who were pastoralists were looking after their animals and they ran away with their animals. Those who even ran away were ambushed on the way and their animals were killed. That is the issue, brother. The people and their animals were killed.

Commissioner Slye: Okay. You said that the killing ended in 1981. What happened in 1981 that led to the ending of the killings?

Mr. Isaak Abdow Abdi: Please, repeat the question for me?

Commissioner Slye: You talked about killings, torture and rapes from 1966 to 1981 so that they stopped in 1981. I am wondering if you know why the killings stopped in 1981.

Mr. Isaak Abdow Abdi: I do not understand the question.

(Consultations in Somali language)

The scale reduced, but after 1981, there were cases where people were killed. From 1982 up to 1984, people were being killed, but it was not---

Commissioner Slye: Thank you, very much, Mr. Isaak Abdow Abdi.

Commissioner Chawatama: Thank you, very much, Mr. Isaak Abdow Abdi.

Mr. Isaak Abdow Abdi: Thank you too.

Commissioner Chawatama: You were asked a question and the response to that question was that you became fugitives and ran away. Are you still living in the same place?

Mr. Isaak Abdow Abdi: I cannot hear properly. Can I have the earphones?

(Mr. Isaak Abdow Abdi was given some earphones)

Yeah, some people went back, but we ran away from the place. Personally, I ran away from Malkamare. Others went back after some time but I have not gone back. There are no schools there because of the massacre and the rest that has been happening since then. There was never rest again, but some of the people I know are still going back.

The Acting Chair (Commissioner Namachanja): Mr. Isaak Abdow Abdi, is there any question that hurts you whenever you remember the time your leg was broken that you wished if you met the person who did so, you would ask him?

Mr. Isaak Abdow Abdi: My sister, I never thought this Commission or anybody would ask about what happened to me. If I knew anybody would want to know the truth, I would have come forward. There were people who were injured more than me. I never expected this to happen. Kids who were supposed to be taken to school were killed. I thank God I still have my legs because there are people who lost theirs; there are those who were castrated and who cannot procreate; there are women who were raped until they were ruptured and they cannot even hold back their urine. If you go to Malkamari and Banisa today you will not be as comfortable as you are now. I request you to go to those two places to see for yourselves. I would like the Commission to know about this.

The Acting Chair (Commissioner Namachanja): Because of time limitation, we may not be able to go to Malkamari and Banisa, but we shall do all we can to get the names of those people, especially those women who need medical care so that we link up with other organizations to see how we can help them.

Mr. Isaak Abdow Abdi: Dear Sister, I am so thankful. We thought you would be going there, but we know how tight your schedule is. If you cannot reach there, I will tell them this, but I want the Commission to know that our sisters are in a dire situation. There are women who cannot even hold back their urine because of the rape they suffered. Besides that, there is this biting drought that is right now causing a lot of suffering. Coming here was a big sacrifice because I was supposed to be there to protect my kids from thirst, heat and hunger. Right now, my sisters are in pain and some of my brothers can never bear children because they were castrated. Some of them have kids who are over 50 years old. People in Malkamari, Wagalla and Garissa talk about them. You have seen Wajir and Garissa, but you did not see Malkamari. If you do not have time now, please, make sure that you come and see Malkamari another day. We have enough evidence to show what happened. We even have the bones and skeletons of the people who died. We have the stones that were used to kill them and it is something that I cannot summarize here. I think this Commission is better than the commissions that were formed before. Your mandate is to look for the truth; come see the drought that is biting us and see the massacres that we suffered and the injustices that we suffered before this.

The Acting Chair (Commissioner Namachanja): Thank you, very much, Sir. It is true that it is very painful when you remember. We shall consult and give you feedback on whether it will be possible or not.

Mr. Isaak Abdow Abdi: Thank you, very much. I am here and you have my contacts. I am with you and you should know that. I can even take you there and show you the crippled people and the skeletons in Garissa, Malkamari and Banisa. The remnants of the massacre are now there suffering a very severe drought.

The Acting Chair (Commissioner Namachanja): Thank you, Sir. I have one last question. The people who injured you and your community did so because they were in power and they were armed. What will you do if you met one of them while he is not armed and is as vulnerable as you were then?

Mr. Isaak Abdow Abdi: I will not do anything because there is law in this country. Initially, it was a one party system and the jungle law, but now we have laws and a Constitution and I will not take the law into my own hands.

The Acting Chair (Ms. Namachaja): That message is taken and many people have heard you. Thank you, once again, for coming to appear before this Commission. Those are all the questions we had for you.

The Commission Secretary (Ms. Nyaundi): With your kind permission, Madam Acting Chair, I am requesting to put a question that Commissioner Margaret had put to the witness. I will put it in Kiswahili.

Mzee Isaak Abdow Abdi, tungependa utufafanulie ikiwa hapo Banisa mko na kesi za mashamba.

Mr. Isaak Abdow Abdi: We do not have land issues in Banisa. What we have there is the problem of drought.

The Acting Chair: Thank you.

(Sheikh Abdullahi Mohamud took the oath)

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

Sheikh Abdullahi Mohamud: My name is Sheikh Abdullahi Mohamud. I live in two different places within Mandera; that is in Bula Mpya and Bula Jamhuri.

The Commission Secretary (Ms. Nyaundi): Thank you, very much, Mr. Sheikh Abdullahi Mohamud. You recorded a statement with the Commission and you also held discussions. You have given us about three incidents. So, I will ask you to first tell us about forceful detention by the police and the incident when you were accused of owning a gun.

Sheikh Abdullahi Mohamud: Okay. I am an old man and an elder living in Mandera. Many important things were discussed and I do not want to repeat them. From 1960s to the 1990s, the lawlessness was high in this part of the world. I do not want to dwell on those issues. I have three children and we were attacked very early in the morning. I was taken to the police station and accused of having a gun. They even said that they had the serial number of the gun. I said that I did not have a gun as I did not have any use for a gun. I told them that I was a community elder and a religious scholar. I was told that I

had a gun and I was arrested. I spent three days in jail and my camels were brought to the police station. On the fourth day, a police man in the OCS's office gave me advice and told me "You are an old man; I feel for you; you do not have a gun." He told me to look for a gun and bring it. On the fifth day in the morning, I said, "I am going to look for the gun", following the advice given to me by the police officer. I told them: "You are using force and since you are forcing me to accept that I have a gun, I will produce the gun." I went and looked for the gun. I went to the other side of Bulahawa, which is a town in Somalia, bought a gun with the value of a whole camel. When I took the gun to the police station, I was told: "Take your camels back and go away." That is the problem that I suffered. I am a religious man and a patriot and what I have here is evidence of the tax that I paid to the British. I have been a law abiding citizen for a very long time. I missed close to 25 prayers that I was to pray inside the jail. I bought the gun with the value of nine camels and, at that time, the gun was only Kshs900. That is it.

The Commission Secretary (Ms. Nyaundi): Mr. Sheikh Abdullahi Mohamud, what year was this?

Mr. Sheikh Abdullahi Mohamud: It was in 1969.

The Commission Secretary (Ms. Nyaundi): Do you know any other men who were affected by this?

Sheikh Abdullahi Mohamud: There were four of us when we were arrested and we were accused of having guns that we did not have.

The Commission Secretary (Ms. Nyaundi): What are their names? Are they still alive?

Sheikh Abdullahi Mohamud: Four of them died. One of them is Omar Elmi, who is dead---

The Commission Secretary (Ms. Nyaundi): Whatever is in your hands? Would you want the Commission to look at them?

Sheikh Abdullahi Mohamud: What I will propound to the Commission is this information; there were massacres and looting of public properties. What we ask you is if this Government – the system was crazy at that particular time – is sane and everything is now okay. We have a new Constitution. We want to be compensated for whatever suffering that was inflicted on us by the Government.

The Commission Secretary (Ms. Nyaundi): Whatever is in the brown envelope, do you want to show it to the Commission?

Sheikh Abdullahi Mohamud: You are talking about this?

The Commission Secretary (Ms. Nyaundi): Yes.

Sheikh Abdullahi Mohamud: This is evidence showing that I was wronged; some of it includes the document that shows that I am a patriot. I have lived here since the colonial times. These documents show the tax I used to pay to the colonial and Kenyan Governments. All of them are here.

The Commission Secretary (Ms. Nyaundi): Can we take copies and keep them in our record?

Sheikh Abdullahi Mohamud: Yes, you can take the photocopies because they are here.

The Commission Secretary (Ms. Nyaundi): Thank you, Mr. Sheikh Abdullahi Mohamud. Commissioners, I am praying that the documents that he has – the receipts of payment of personal tax from 1958 to 1962 – be admitted as evidence.

Sheikh Abdullahi Mohamud: And these are receipts for up to 1968. There was no law.

The Commission Secretary (Ms. Nyaundi): These are receipts for Personal Tax. Commissioners, I pray that you look at them. We will take copies and return them to you. They, however, may be marked appropriately.

Sheikh Abdullahi Mohamud: It is okay.

The Commission Secretary (Ms. Nyaundi): Thank you, very much, Mr. Sheikh Abdullahi Mohamud. While you were in detention, you can confirm that you were detained at a police station.

(Mr. Sheikh Abdullahi Mohamud spoke in Somali)

The Commission Secretary (Ms. Nyaundi): I am sorry; I am not getting it in English.

Sheikh Abdullahi Mohamud: The whole town witnessed.

The Commission Secretary (Ms. Nyaundi): This is Mandera?

Sheikh Abdullahi Mohamud: Yes.

The Commission Secretary (Ms. Nyaundi): Were you treated well?

Sheikh Abdullahi Mohamud: No, they respected me because of my age. They did not manhandle me.

The Commission Secretary (Ms. Nyaundi): Thank you, very much, Mr. Sheikh Abdullahi Mohamud, you have spoken about your detention at the police cells and the incidence with the guns. You also recorded a statement about the abduction and disappearance of your son. Could you please tell the Commission about this incidence?

Sheikh Abdullahi Mohamud: My son was abducted. We looked for him for three months but we did not find him. After three months, we were told that somebody who looked like my son had been seen in the military barracks in Langata. For three days I looked for him in Marsabit, Moyale, and Bunhe and in every camp that belonged to the military. I could not accuse anyone of his abduction. I just started looking for him in the camps after I was told that somebody similar to him had been seen.

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

Sheikh Abdullahi Mohamud: His name is Isaak Abdow Abdirizak.

The Commission Secretary (Ms. Nyaundi): Where exactly did he disappear from; was he in the house or was he out with the animals?

Sheikh Abdullahi Mohamud: He was at home with the rest of the children then he just got lost and disappeared. We do not know whether he was taken by people or what calamity befell him; we just lost him but I am not accusing anyone of his abduction because I do not have any evidence.

The Commission Secretary (Ms. Nyaundi): Is your son the only one who disappeared within that neighbourhood?

Sheikh Abdullahi Mohamud: What I know is that it is only my son who got lost but I cannot say that he was abducted because I do not have any issues at hand.

The Commission Secretary (Ms. Nyaundi): Thank you, very much, Mr. Sheikh Abdullahi Mohamud, the Commissioners will now ask you some questions.

Commissioner Ojienda: I have heard your story and I just want to express the pain that I share with you on account of the experiences that you went through, especially the loss of your son and the victimization that you suffered in the hands of the police. I just want you to confirm if you took any steps after your release.

Sheikh Abdullahi Mohamud: That time, the law was in the hands of the police. The police were the law themselves. I asked them who saw me with a gun but whatever the police say was law so I did not take any steps after that.

Commissioner Shava: Thank you, very much, for coming today. The things you are talking about are difficult things that you have lived with for a long time. In the statements we have on file, you speak about your brother; did you have a brother who also suffered a violation?

Sheikh Abdullahi Mohamud: My nephew and my uncle were killed and many things happened in the outskirts of the town. Many animals were also lost from my relatives and my uncle was shot and his camels killed. I do not want to talk about this issue because I

am not sure of the nitty gritty and so, I will refrain from talking about it. I just confined myself to the issue in the town and what happened to me as a person.

Commissioner Slye: I just have one question. Do you remember whether your son had any identifying marks or scars on him when he disappeared at the age of six?

Sheikh Abdullahi Mohamud: He was in a shirt, vest and trousers.

Commissioner Slye: Do you know if he had a scar anywhere on his body or something else that might identify him?

Sheikh Abdullahi Mohamud: As parents, we can identify him if we see him.

Commissioner Chawatama: Thank you, very much, for taking your time to come and share with us some evenst that happened in your life. I know that it was not easy for you to go back into the past and talk about issues that you would much rather forget they ever happened. Your testimony today will help many people; some you will know and some you will never know. My prayer is that by sharing your stories with us, it will bring some healing into your life and into the lives of many others. What happened to you at the hands of the police was not right. I look at you and I see a very dignified and respectable man and what happened should not have happened.

I would like to know whether or not you can recall the names of any of the persons or officers who apprehended you.

Sheikh Abdullahi Mohamud: I cannot identify any and I do not have any name but the then Special Branch Boss was Inspector Hillow.

Commissioner Chawatama: Did you receive any document pertaining to your arrest or apprehension?

Mr. Sheikh Abdullahi Mohamud: No, I was just given a small letter that day but I threw it away because I never thought a day would ever come when I would be asked about the injustice that I suffered.

Commissioner Chawatama: I think that maybe one of the most painful experiences that you went through when this apprehension took place is the fact that you were forced to purchase a gun that was not yours. But because you were desperate to get out of a situation, you went ahead and purchased one. What are some of the things that went through your mind, then and now, as you share this experience with us?

Sheikh Abdullahi Mohamud: I did that to vindicate myself; I was always a pious religious man and buying the gun was never part of my plan. I am now 80 years old and I never thought of buying a gun and I am not thinking of such things.

Commissioner Chawatama: As an elder, you have an opportunity to share with young people on how to live good lives. Could you share just one point with us that you share with the young generation?

Sheikh Abdullahi Mohamud: I would urge the youth to follow the right path, please God and refrain from theft and banditry. The advice I usually give to my children is the same one I would give to the entire youth and I pray that God will lead them to the right path.

Commissioner Dinka: I would also join my colleagues to thank you for sharing your story with us. It is a very sad story because you were imprisoned to produce a gun that you never possessed. I would like to share your pain about the loss of your son. In my travels through Northern Kenya, I have heard other stories about children being abducted and being sent to orphanages.

Having said this, I would like to ask you one question. You said you went to Somalia to buy a gun and you spent Kshs900 which was the prize of nine camels. After you got your gun in Somalia, your statement says that you got the gun and they gave you back your camels. It appears as if you got the guns for free; are these businessmen or who sold the gun to you?

Sheikh Abdullahi Mohamud: When I was leaving, I said that I am going to buy a gun and they told me to do it. I did this because of the advice I got from the police that the only way I would be free was if I got a gun. Somalia had a Government then and there was no place to buy a gun and our camel was with the police then. I bought the gun for Kshs900 and one camel cost Kshs100 then so I did not get the gun for free. Two people I was with then are still alive.

Commissioner Dinka: I am sorry but there is a mistake then in the statement that was taken.

Sheikh Abdullahi Mohamud: What was the mistake? Please tell me about it.

Commissioner Dinka: It is not your statement that is wrong. It is the summary of your statement that has a mistake.

Sheikh Abdullahi Mohamud: Can you please explain?

The Acting Chair (Commissioner Namachanja): Sheikh, I think we misunderstood the summary that you gave where you said that you bought a gun with Kshs900 and that after that, you received your camels back. But I now understand that you did not receive all the nine camels back.

Sheikh Abdullahi Mohamud: Can I say something? I bought the gun with Kshs900 and I sold the camels after that to recover the Kshs900. The camels were already with the

police when I went to buy the gun. I am an old man and I do not lie. When I came back, I sold the camels.

Commissioner Shava: Thank you, very much. I think we understand you very well. The confusion was on our part; it was not on your part. This document says here that you paid Kshs900 and then you were given back your camels. We misunderstood that you were given the camels back by the people from whom you got the gun. But you have clearly told us that all the time, the camels were in the hands of the police and so it is the police who gave you back the camels.

The Acting Chair (Commissioner Namachanja): Those are the questions that we had for you. On behalf of the Commissioners, I would like to thank you for coming to share your painful story. Thank God that you have remained upright because in such situations, some people could get angry and become criminals but you chose the right path. Thank you, very much.

The Commission Secretary (Ms. Nyaundi): I notice that it is 4.45 pm and we have two witnesses left. I am seeking your direction whether we will hear all the two or whether we can take only one.

The Acting Chair (Commissioner Namachanja): We agreed to break at 6.00 pm so that we go for evening prayers. If we can hear the two of them within one hour, then that would be in order.

(Mr. Ibrahim Noor Adan took the oath)

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

Mr. Ibrahim Noor Adan: My name is Ibrahim Noor Adan and my father is from Mandera District. I would like to thank all of you and I appreciate our judges who have come all the way through the hard terrain. I am sure you saw how rough the terrain is. There is no water and we are behind in development. When I look at you, I see that you have slept in a Somali house. Your faces truly show that you have entered and experienced the Somali culture. I see that you are dressed like our women and our brother there is dressed like the Imam of our Mosque. I am greatly indebted to you because we called you and you have come.

The Commission Secretary (Ms. Nyaundi): Commissioners, for the record, Mr. Ibrahim was one of our statement takers here in Mandera.

Mr. Ibrahim, in the statement that you have recorded with us and the interviews that you have held with us, there are three issues that you speak to briefly. Commissioners, this is file number one that we distributed earlier and I hope you all have it. Court Clerk, if you could please furnish the Commissioners with file No.1.

Mr. Ibrahim, there are three issues that we will require you to speak about today. First is about your detention. Secondly your family situation and the third is access to justice within Mandera. So please tell us about your detention.

Mr. Ibrahim Noor Adan: Thank you, very much. I will clearly explain to you because not a single scene by-passed me. It all started in 1969 but the key question I want to address is why I was detained.

When I think of this whole issue, I feel traumatized and it is very painful. The Swahili say that if you are able to persevere, then you will get good results at the end. Today, I am seeing a new beginning and I am not afraid of it. I am not going to hide anything and I am going to share with you all my experiences. We had a harsh environment and we were governed by the Indemnity Act; this is a law that only few were submitting to so that the NFD people could be harassed.

When I was detained, I remember the first issue I was accused of. It is why I had gone abroad to Russia on scholarship. When I was leaving, I was a civil servant working in Mandera Town. I wish you could visit the prison where I was detained. I would show you around the place which is just about 400 meters from here.

Secondly, I am one of the founders who started screening here together with Mr. Botha. I was the D and I was the DA. Everything happened here; my work and everything. After staying for a while in the service as an administration officer, things became very hard and I had to look for where to go and that is what made me to get a scholarship in the period when Mr. Oginga Odinga was the Vice-President. I got my scholarship to Russia which was then called the USSR. Unfortunately, it was not my choice but it was sort of a gift; something was placed on the table in Nairobi University and one would blindly go and collect it. I collected a degree called political science and I kindly beg you Commissioners not to mistake me for a politician. Do not mistake me for a leader of a certain family or clan. Take my statement as a Kenyan.

I am shedding tears from my eyes but I have to respond to the court with strength so please forgive me if I ask for a break. While I was returning to Kenya in 1967, I found my problems waiting for me at the airport in Addis Ababa. Lucky enough, I was with some students from Kenya who were coming from the western block. I stayed there for 14 days and on entering Kenya, I found people of my origin waiting for me. They knew me and knew what had taken me to Russia; they were from my own clan and they were security men from the Special Branch. They started interrogating me on arrival at Embakasi Airport and that is how my detention started. After dodging the system, I sneaked through Lunga Lunga border in Mombasa into Tanzania.

During my stay in Tanzania, I requested for a passport because mine was no longer in use and my certificates and degree were all taken. So I applied for a passport through Amnesty International, Dar es Salaam. I got an Amnesty International Passport and crossed into Zambia which was getting Independence then. I stayed peacefully in Zambia though I was unemployed.

Later, there was an internal war in South Africa and the settlers from South Africa wanted to go to Rhodesia. We used to get some bread through these people. But after a few days of survival, I had to return to Dar es Salaam where I had to surrender the Amnesty International Passport. I then got a one journey passport to Mogadishu because I am a Somali. Their constitution says that any Somali anywhere is eligible to a passport. I went in a chartered plane with six of my own students. When we got into Somalia, some joined the Somalia Army. Others became ambassadors while others came back to Kenya. This was the start of the North Frontier Educated Association and I was in that association of intellectuals.

I stayed there for years. In 1969, I crossed the border into Kenya during President Kenyatta's regime. I was immediately arrested and put inside. I was put in detention for 12 months without any trial at the GK Prison here. I want you to see the prison for yourselves. With no other thing to do, I joined politics and even campaigned for a seat here in Mandera. I could not join the race for a Member of Parliament, but I contested for a councillor's seat. I had to persevere some hard times because my people are not educated though there was no poverty then. I taught the people some civic education and development of North Eastern. When I tried to pin point some of the problems, that is when I was put in again in 1979 and it was during President's Moi first visit to Mandera.

I stayed there for 28 days. This was harder because when Moi became President, he got into a relationship with another dictator called Mengistu Haille Mariam across in Ethiopia who was an army colonel who came in through revolution. President Moi went for a visit there and I was detained on the strength of the Chief's Act which was everything in North Eastern. I was detained simply because I requested for an independent court and we also wanted a post office and we wrote to the Kenya Post and Telecommunications. We also wanted an open office of the Register of Persons because those were the problems of that particular time and those requests put me behind bars.

I have suffered and you can see that I am partially handicapped. I am not well enough, but the worst thing that happened to me during my detention was torture. I can even remove my shirt so that you can see the scars that I got. I have a broken knee through beatings by the prison warders. They used to beat us in the joints and now my left knee is useless. Our cells were tiny and we could hardly stretch ourselves. We could not even turn and we slept on the floor. They poured water on the floor. But the time I was leaving the cell, I had pneumonia.

When they wanted to interrogate me, they used to take me to a bush about 18 kilometres away from here and beat me up, burn me with cigarettes, put my mouth down and kick me in the head and that is when I lost three teeth and my sight. They burnt my leg. They also damaged my testicles. Since 1980, I have never been able to father a child. I am 67 years old. As a man, I am still productive. I sometimes suspect that may be I am not able to perform because of trauma.

From 1969, I have never had any job in Kenya. It is the first time I have been employed by my sister in Garrisa. I do not own anything in Kenya; no shelter or any assets. I am buried, but alive. That is the much I can tell you about my time in detention.

The Commission Secretary (Ms. Nyaundi): I would ask you a few questions, so that we can clarify here. What year did you go to Russia?

Mr. Ibrahim Noor Adan: I went to Russia in September 1964.

The Commission Secretary (Ms. Nyaundi): You came back in 1967 having completed a degree course in political science. You say you were received at the airport by special branch officers. Were you able to identify any of them by name?

Mr. Ibrahim Noor Adan: I have already said that they were my clansmen and I can mention their names here. They are known even to my community here.

The Commission Secretary (Ms. Nyaundi): Do you wish to name them publicly or would you wish to mention them in-camera to the Commission?

Mr. Ibrahim Noor Adan: Most of them are not alive, but I can give you their names. One is the late Adan Garbicha, an inspector who became a paramount chief here in Mandera. The second one is called Hillow Tula, who was a chief inspector in charge of Mandera District.

The Commission Secretary (Ms. Nyaundi): When were you released from the airport?

Mr. Ibrahim Noor Adan: After 24 hours, my clansmen came and they told me to go to Eastleigh and that is how I sneaked out.

The Commission Secretary (Ms. Nyaundi): Were the documents you spoke about, your degree and certificates, taken at the airport?

Mr. Ibrahim Noor Adan: Yes.

The Commission Secretary (Ms. Nyaundi): You said that the second time you were detained was on 20th, February 1969, as you came in from Somalia?

Mr. Ibrahim Noor Adan: I was detained in 1969 and 1979.

The Commission Secretary (Ms. Nyaundi): When you were being interrogated in 1979, what was the subject of the interrogation?

Mr. Ibrahim Noor Adan: I was being asked why I went to study in the Eastern Bloc and why I made that choice. That time, even my neighbour was a Soviet student, Mengistu Haille Mariam, who was also trained there in the military and Jamal Abdel Nasser of

Egypt was also there. Mohammed Siad Barre was also making the noise for socialism. So these ideologies made us inferior in our own country.

The Commission Secretary (Ms. Nyaundi): You spoke about an injury to your left leg and you have shown it to the Commission; can you just clarify what was used to inflict that injury?

Mr. Ibrahim Noor Adan: Acid was poured on my leg after the beating. That is why it is still white up to now and sometimes it gets painful.

The Commission Secretary (Ms. Nyaundi): Do you know whether other people went through this?

Mr. Ibrahim Noor Adan: This is a town well known to detainees like Hassan Gulle, Mohammed Haji Jamal, Mohammed Noor Haji Jamal, Ali Sambu of Garissa and the millionaire Noor Ogle whose name is mentioned in Ngugi' Wa Thiongo's book.

The Commission Secretary (Ms. Nyaundi): Could you tell us now about your family?

Mr. Ibrahim Noor Adan: My father was a policeman and I was born in a police line. My father served as a Kenya Police Officer in the rank of Sergeant for 33 years. Our animals were gone because my father was working as a police officer. They even took my mother's marriage certificate and she was married to another person simply because my father was working for the Government of Kenya. He was termed to be a Christian and not a Muslim. They took all our property in the *Shifita* War. That is how we became poor and we never got anything from my father.

My mother died in 1980 as a result of shock after a hut on her plot was burnt. That is the way I was brought up.

The Commission Secretary (Ms. Nyaundi): Did you establish a family of your own?

Mr. Ibrahim Noor Adan: I established a family in Mogadishu, Somalia and we have a son who is now 30 years old and my daughter is 27 years old. They are in Somalia. I have applied many times for their identification, but I have not succeeded. This is my national identification card. My Kenyan passport is giving me problems. I cannot register my children. My children were refused their birth right. They could not accept my papers as their father. I went as far as asking them to take my DNA to establish that those are my children.

The Commission Secretary (Ms. Nyaundi): You have also alluded to the court system here in the Northern region. Do you have a court here in Mandera?

Mr. Ibrahim Noor Adan: There is a very beautiful dormitory opposite the GK Prison. The court itself is very dark and it does not even have the design of a court. If you ask me the designation of this court, I think it is a subordinate court of the 60s.

The Commission Secretary (Ms. Nyaundi): What does this mean for the people of Mandera when they want to access justice?

Mr. Ibrahim Noor Adan: The people of Mandera have given up all hope and today they are coming to hear two words from you - truth and justice. They do not know anything. The other day we voted for a new Constitution. Up to now, we have not seen any change or results.

The Commission Secretary (Ms. Nyaundi): For serious cases, where do the people of Mandera travel to?

Mr. Ibrahim Noor Adan: If it is a murder case, preliminary hearing is done in Garissa. From there, we are taken to Machakos High Court.

The Commission Secretary (Ms. Nyaundi): As we finish, please, confirm that your ID No. is 6422485 and that it was issued on the 15th of February 1997 at Mandera.

Mr. Ibrahim Noor Adan: I am called Ibrahim Noor Adan with a second generation ID No. 6422485 and it was issued in Kisauni.

The Commission Secretary (Ms. Nyaundi): So you also held the first generation ID? Please, confirm that the passport No.A1610024 is yours and that it was issued on the 3rd of March, 2011.

Mr. Ibrahim Noor Adan: My R.No. with the passport is 661014 and from that R.No., I have a passport A1610024 of 3rd March.

The Commission Secretary (Ms. Nyaundi): You can also confirm that the previous passport you had was A608965. We will take copies of this and keep them in our records. The Commissioners will now ask you some questions.

The Acting Chair (Commissioner Namachanja): Thank you, Mr. Ibrahim. I am sure that if you wrote a book concerning what you have gone through, the future generation might read it as fiction. I thank God for this Commission that you have shared the truth today, so that it goes on record on what you have gone through. We shall now ask you some questions.

Commissioner Ojienda: Mr. Noor, you have had a long walk, a difficult and painful journey through the years. I just want to find out whether you have made efforts to seek a replacement of your certificate.

Mr. Ibrahim Noor Adan: As I came from the Soviet Union, Russia of that time, I have already told you that I was in between the two cold wars of the western and eastern bloc. When my things were snatched at the airport, I could not get any reference. I did not have any copies. I never made any effort because I knew it would never happen.

Commissioner Ojienda: If you could give us details of the university you attended, the periods you attended and if you think that it would be useful for you for this Commission to try and secure replacements of your certificates.

Mr. Ibrahim Noor Adan: I would like to inform you that whatever you can do for me to request these certificates will no longer matter because the Soviet Union is not the way it was before. The system has changed. There are now several countries with different cultures. I cannot do anything over that issue because it will not bear any fruit.

Commissioner Ojienda: You mentioned the name of two officers: Ali Gabicha and Hillow Tulla. Is Hillow Tulla still with us?

Mr. Ibrahim Noor Adan: No he passed away.

Commissioner Slye: I just want to join my fellow Commissioners in thanking you for sharing your story with us here today. I know that you and many of the people that have spoken to us today have, by your presence and by your testimony, agreed to relieve a difficult period in your life. I want to assure you that we appreciate and I am sure that the people in the room and the rest of Kenya also do. The testimony that people like you give is what will enable us to write a very rich and detailed history of Kenya and you will be a part of that history. We also appreciate the work you have done for the Commission itself as a statement taker and I just want to acknowledge that as well.

I did not have any question for you, but I just wanted to thank you and acknowledge your contribution.

Commissioner Chawatama: Thank you so much for your testimony. Events happen in our lives that bring our lives to a standstill. What I admire about you most is the fact that you made a decision to move on though you are still going through a lot of challenges, but you are alive today and we have heard your testimony. For many, it may sound like a story being told, but for you, it has been your life.

I have a passion for justice and it makes me sad when people are not accessing justice. You mentioned that people who commit serious offences such as murder are taken to Garissa. Where are they remanded? Are they remanded here and then they travel to Garissa and then come back or once they go to Garissa they stay there? Do you know?

Mr. Ibrahim Noor Adan: They are taken to Garissa after the preliminary hearing. A small briefing is done here and then they are transferred to Garissa and that is where the judge transfers them to Machakos or Nairobi.

Commissioner Chawatama: So they are removed from Mandera after the preliminaries, go to Garissa away from their families and are remanded there and then when they are ready for trial they are taken to the High Court in Machakos?

Mr. Ibrahim Noor Adan: After that, you might end up in Kamiti Prison where you go crazy because of the waiting. There are no reforms in our Kenyan system. It is only today that I am pleased with you people because you are part of Agenda 4 and that is why you see this crowd. They want the truth to reach them and we appreciate your visit here.

Commissioner Dinka: Thank you, very much, Mr. Ibrahim, for sharing with us this tragic story of your life. You have truly gone through what they call the ring bell and you have survived. I would like to salute your courage and the demonstration of the strength of the human spirit.

After going through all this, you said you established a family in Mogadishu where you had a son and a daughter. However, because of your ID, you cannot register them as Kenyans. This is hard for me to understand. I saw your ID at a distance and it looks like mine and I am not a Kenyan. Is it an alien ID or what is it? Secondly, you said that your father was a police officer for 33 years; a Government civil servant. He almost gave his entire life to public service in this country. What kind of an ID did he have? Did he have a Kenyan national ID? Why were you refused a proper Kenyan ID which would have enabled you to register? This would have enabled you to register your kids and to bring them home.

Ibrahim Noor Adan: Your honour, this is one of my requests. I want to make this as a request and I am begging you people to assist me. How can I reunite with my family? That is some pain I am having in this world, because here we are ruled by indemnity law, and vetting committees which were set up recently. Some people have taken these people to the courts to nullify what is called Vetting Committee decision. A Vetting Committee is an *ad hoc* outfit of the District Security Committee. The DC is the one in charge as the Chairman of the Committee, while the Special Branch man and the DCIO and OCPD are its members. These four people are in charge of our security in the District, which shows we, as locals, have no say in that committee. We are just ruled and where there is no democracy, or where there is no representation, it means there is no democracy. That is the set up of our security body in the former Northern Frontier District. That is why I am asking you people to assist me to get the necessary documents, so that I can go and unite with my family.

Commissioner Dinka: Mr. Ibrahim, I just wanted you to clarify; have you ever applied and been refused the proper documents that they normally give to other Kenyans?

The Commission Secretary (Ms. Nyaundi): Commissioners, with your permission, he has a valid Kenyan ID; I think that the translation had a problem, because he has a valid Kenyan ID. His request is, if you cannot get your family IDs, what documents does he need? His argument is that he is a citizen and that should be sufficient for him to pass it to his children. Maybe there was a problem with translation.

Commissioner Dinka: Then I completely got it wrong.

Mr. Ibrahim Noor Adan: I think you misunderstood me; this is a Kenyan Passport, this is my ID, my birth certificate No. R661014. I have all the documents, including the death certificates of my father and my mother. All these documents are lying there. What I am saying is that I left all those families there during my exile. We expected that they would get international passports through human rights groups. You know, the documents were damaged. The damaged passport allowed me to get to Mogadishu; this was after I was given a one-way passport. But this being my country, I came back and left those people there. There is no reason why I should apply; I know the answer will be negative, as there is the Vetting Committee which does not accept my presence. I will instead be charged in a court of law under the offence of harbouring illegal persons in Kenya. We are waiting for the new Constitution, which allows dual citizenship. Until they pass this Constitution, I will remain with this problem. That is all I can tell you.

Commissioner Dinka: Thank you, very much; now I understand and I hope the implementation of the new Constitution will resolve the problem of family separation.

The Acting Chair (Commissioner Namachanja): One question from me, Sir. After you received your degree in Russia, and you boarded that plane, before you landed in Ethiopia and encountered what you encountered, what were your dreams? How did you want to serve your country with your newly acquired degree?

Mr. Ibrahim Noor Adan: Thank you, very much; that is a good question. It is a bit easy to answer. I told you that my interrogation started on my arrival at Pore Airport in Addis Ababa.

The Acting Chair (Commissioner Namachanja): The question I am asking is, before you landed at the airport what were your dreams? How did you want to serve your country Kenya with your newly acquired degree?

Mr. Ibrahim Mohamed: I have already said even before, I was to serve my people as the illiteracy levels are so high. Through some sort of welfare or anything like these CBOs I would promote the welfare of my people by bringing to them some projects such as adult literacy education. There are a lot of resources, and I would be in the frontline awakening my community. We were only 14 from this province; these 14 people are burdened with very heavy responsibilities.

The Commission Secretary (Ms. Nyaundi): Thank you so much. Those are all the questions from the panel for you. Thank you so much for coming to testify before us. I thank you, the panel. I notice that it is 6.00 p.m., and we have one more witness. You had indicated that we would adjourn at 6.00 p.m. I am requesting for directions as to whether we will clear this witness, or whether we adjourn up to tomorrow.

The Acting Chair (Commissioner Namachanja): Because we need to pray, we can adjourn and start with the witness tomorrow. I also want to inform Mr. Ibrahim that he requested this Commission to visit the cells here; we shall discuss and get back to him as to whether that will be possible.

Mr. Ibrahim Noor Adan: Thank you, very much. Do not let yourselves down; if you want to make a visit to the court cells, first visit the court cells and the compound so as to see the facilities which are there. Thank you.

The Acting Chair (Commissioner Namachanja): I want to ask for pardon from the witness who was to appear before us this afternoon. Because of time we shall not be able to do that; please, we request that you understand and give us a chance to hear you tomorrow.

With that we have come to the end of our hearings today. On behalf of the Commission, I would like to thank the following witnesses who gave us their testimonies this afternoon: Messrs Dunia Maalim Mohamed, Izak Ador Isaak Abdow Abdi, Sheikh Abdullahi Mohammed and Ibrahim Adan Noor.

Thank you, very much; you have helped us understand the suffering of the people from this region, and we are very grateful.

Once again, I will request that we observe a moment of silence when we stand up for prayer in honour of the many people who lost their lives. They were mentioned this afternoon and even the sufferings that people have gone through. Please, let us observe a moment of silence. Thanks again for being patient, and sitting in through, though it is a bit late; you have been very patient, you have been listening very respectfully, and we are very grateful for that.

Thank you.

(The Commission adjourned at 6.00 p.m.)