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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION ON TUESDAY, 26TH APRIL,
2011 AT YOUTH CENTRE HALL, MANDERA**

PRESENT

Tom Ojienda	-	The Presiding Chair, Kenya
Tecla Namachanja Wanjala	-	The Acting Chair, Kenya
Getrude Chawatama	-	Commissioner, Zambia
Berhanu Dinka	-	Commissioner, Ethiopia
Ronald Slye	-	Commissioner, USA
Ahmed Farah	-	Commissioner, Kenya

(Opening Prayers)

(The National Anthem was sung)

The Presiding Chair (Commissioner Ojienda): I just want to explain the rules that will guide today's hearing. I want to ask everyone to switch off their phones. When witnesses testify, please, show them some respect. Do not interject or interfere with witnesses. I will plead with the media not to take pictures when hearing is in session. That can only be done before and after the witnesses have testified. Witnesses will swear and testify on oath, and they will be led by the Counsel to the Commission. Since there are no advocates present, I want to ask the Hearing Clerk to swear the first witness.

(Mr. Omar Haji Abdi took the oath)

Mr. Patrick Njue: Good morning. I will be leading you in testimony; so, basically I will be asking you questions then you will be giving answers. Let us start by once again confirming your names for purposes of record.

Mr. Omar Haji Abdi: My names are Omar Haji Abdi.

Mr. Patrick Njue: Where do you live at the moment?

Mr. Omar Haji Abdi: I live in Warankara, which is part of Mandera District.

Mr. Patrick Njue: Mr. Omar you have previously recorded a statement to this Commission, is that the position?

Mr. Omar Haji Abdi: Yes, that is right. We had a military operation - as you say, it took place in Warankara in November, 2008. I gave you a report on that.

Mr. Patrick Njue: Take us through that day; take us briefly through the events that took place.

Mr. Omar Haji Abdi: What happened in Warankara was that it was 4.00 a.m. and we were attacked by military officers. At sunrise, they started beating us. I was a civil servant serving as a chief of the Government. They came to me and attacked me; they broke my leg and as you can see I am carrying clutches. After that I was taken from there by people and brought to Mandera Hospital. I stayed there for three years and now you can see the wound is still there. I even need medication right now. I did not get any help and these people did this to me when I was still a civil servant; I was not helped by anyone and this is how I suffered. It was a big and painful blow that I suffered.

Mr. Patrick Njue: Sorry for what you went through, but let me take you back again to the events of this day. You are saying military officers just came from nowhere, and for no reason started attacking the community? Is that the position?

Mr. Omar Haji Abdi: We were just peaceful in our normal lives, and they attacked us in the wee hours of the night, and without asking us of anything.

Mr. Patrick Njue: You also said you were the area chief; are you still the area chief?

Mr. Omar Haji Abdi: Yes, I am still the chief but it did not help me. My medication was not paid for and I was not even treated like a civil servant; I did not get what I deserved.

Mr. Patrick Njue: There were other people who were injured. Was there any fatal case? Were people killed?

Mr. Omar Haji Abdi: The man seated next to me was also tortured, and he has all the documents, including photos, about when we were in hospital. In a township where a chief is attacked, what do you think happens to the ordinary people? When the leaders got this kind of treatment, what can you imagine of the ordinary people? There was ill treatment, torture, rape and the problem was big. We have a whole file documenting this scenario. I went for medication from here to Nairobi. I was at Aga Khan for a whole year, and up to now I need care and medication.

Mr. Patrick Njue: Who is this man seated next to you? What is his name?

Mr. Omar Haji Abdi: His name is Roble Mathei Ibrahim.

Mr. Patrick Njue: Who also happens to be a victim?

Mr. Omar Haji Abdi: He is also a victim as he suffered the same fate. He was hospitalized for a whole year and up to now he cannot even walk well; he has sleeping problems, so he was a victim.

Mr. Patrick Njue: Were you able to identify any of those people who attacked you, perhaps? Because of having seen them before, or knowing them by name?

Mr. Omar Haji Abdi: I did not know them before that time, but the leader of that particular operation--- They were police and the army officers and I know the leader of the operation and his name.

Mr. Patrick Njue: Would you be willing to share with us the name of the leader of that operation as you said?

Mr. Omar Haji Abdi: His name is Omolo and he was the Deputy Provincial Police Officer. I used to know him. I may have a problem identifying him now but I knew him then.

Mr. Patrick Njue: Very well, as you sit there today, Mr. Omar, you have also referred to the documents that you have with you, and the follow up medication that you underwent when seeking to address your problem. Would you want the Commission to have a look at them?

Mr. Omar Haji Abdi: Yes, I will give the whole file to you; you can photocopy it. You will have the pictures and here is the photo of when I was in the hospital, and these letters are from the hospital; they indicate that I was to go back to hospital. I spent Kshs4.5 million to get treated and I have all the documents here and whatever help I can get is welcome.

Mr. Patrick Njue: I have only heard you talk about Mandera Hospital. What are the other hospitals where you were treated, or that you ever sought treatment from?

Mr. Omar Haji Abdi: I went to Nairobi, and the man here was an official with the Red Cross, and he took me there. I was there for three months and then I was taken to Aga Khan Hospital after that. Then I was taken to Mater Hospital for surgery and all the documents are here. It is self-explanatory.

Mr. Patrick Njue: Very well! Commissioners, the bundle of documents that have just been produced by Omar---

Mr. Omar Haji Abdi: I even have an X-ray here with me.

Mr. Patrick Njue: These are the documents which also contain various invoices detailing charges and reports from doctors in the various hospitals that he attended. The same could be admitted by this Commission for record.

Now, Mr. Omar, have you sought to seek redress from any relevant authorities following the ordeal you went through, and especially now that you are able to identify some of these people?

Mr. Omar Haji Abdi: The people who came to us, including international personalities, are here with us now. Now I am looking for compensation. I am even sick and I just need justice through this Commission so that I can be taken to hospital. I did not get any kind of compensation.

Mr. Patrick Njue: Besides seeking further treatment what else would you expect from this Commission?

Mr. Omar Haji Abdi: The other expectation I have is that I am now disabled and my condition does not allow me to do gainful work. So, I want compensation. That is the first wish I have for this Commission and this applies to other people like this man with me, the women who were raped and everyone who suffered one wrong or another. The scene is 130 kilometres away; if you were to go there you would see around 70 people who suffered one injury or another, and what I hope for is justice be done. My hope is that you will fight for the rights of these people. Those who were working for the Government need change in the Government system; we want a practical solution.

Mr. Patrick Njue: Lastly, before I can talk to Mr. Roble, what was used to inflict the injuries that you suffered?

Mr. Omar Haji Abdi: They used sticks until the bones were broken and scattered. I was even wearing uniform when all this was done to me.

Mr. Patrick Njue: I now want to address Mr. Roble. Let us confirm his injuries because they all relate to one incident.

Mr. Roble Mathei Ibrahim: My name is Roble Mathei Ibrahim. As my brother here put it, these people came at 4.00 a.m. in the morning. This is the time for the prayers; so, I wore my uniform and went to the mosque but after the prayer, while still in uniform, I went to them as I was the chief of the town. I thought they would not do anything to me because I was in chief's uniform. When I went to them I wanted to help the people. A man came towards me speaking in Somali and took me to a captain who did not ask anything but used a *bakora* with which he hit me on the head until I fell down. He told me to remove the jacket I was wearing and then he took my shirt and the jacket and let the officers loose on me. It was morning and up to midday they were still beating me until I became unconscious; when I came to my senses again, I was in a Red Cross car.

These people were both police and army officers.

In this file we have 61 cases of people who suffered in one way or another. They hit me on the head and they also broke my finger, my hand and my ankle.

They broke my fingers and hand. I broke this part. The X-ray of my ankle is also here. I do not have many documents. They did this to me in the morning and at night I could not walk properly. I have a lot of problems with my nerves. I have marks on my back. My health is not fine. I am asking the Commission to help me so that I get justice. This man

has used almost Kshs4.5 million but I am still not well. I am better than him in many ways; I can walk. I am asking this Commission to help him. He does not have a shilling in his pocket. I am asking you to help him to get the necessary medication as an urgent thing. That is the justice we are asking for.

We should also get the justice for those whom we left behind. We are happy we are not here to introduce officials to defend the Government. Our point is if a chief in uniform could suffer such torture that is shameful enough. I want this brother of mine to be helped until he gets fine.

Mr. Patrick Njue: Mr. Ibrahim, so you were also a chief at Warankara at the time of the incident?

Mr. Roble Mathei Ibrahim: Yes, I was a chief then.

Mr. Patrick Njue: At the moment, is there any need for medication for you?

Mr. Roble Mathei Ibrahim: Yes, I need medical help.

Mr. Patrick Njue: What medical assistance are you seeking?

Mr. Roble Mathei Ibrahim: The doctor will say; my arms, limbs and legs are okay. However, deep inside I have problems with the nerves. I believe my nerves are not working well.

Mr. Patrick Njue: I was just wondering, since the event took place in November, 2008, does it have any linkage to past incidents, where we have had cases of police brutality and military operations against civilians?

Mr. Roble Mathei Ibrahim: I can only talk of my location. There were no previous atrocities. There was no bad relationship with them. They actually assaulted us.

Mr. Patrick Njue: Very well. There are some documents which you have shown to us. Would you be willing to produce them before the Commission, so that they may go on record?

Mr. Roble Mathei Ibrahim: I would really appreciate that although there are so many documents missing, like the medical records.

Mr. Patrick Njue: One by one, you can pass over the documents as you explain what they are.

(Mr. Ibrahim passed the documents to the Commissioners)

Mr. Roble Mathei Ibrahim: This one shows the injuries that I had.

Mr. Patrick Njue: What is this?

Mr. Roble Mathei Ibrahim: This is the document that shows that I was an in-patient at the hospital. This file also has 65 complaints from the people of Wagalla.

Mr. Patrick Njue: Mr. Presiding Chair, Sir, could the documents, as elaborated by the witness, be admitted by this Commission?

Mr. Ibrahim and Mr. Omar, I will now hand you over to the Commissioners, who may want to clarify a thing or two. Thank you for your time.

The Presiding Chair (Commissioner Ojienda): Thank you counsel. Before we proceed, MC, can we have some at the back, please?

Mr. Haji Omar Abdi, we have heard your testimony and the painful experiences that you had. At this point, I would wish to ask my fellow Commissioners to seek any clarifications that they want from you. I will start from my right.

Commissioner Slye: Thank you very much , Mr. Omar and Mr. Ibrahim, for your testimony, and for being willing to come here and share your story with us.

Mr. Haji, from your statement, I understand that when the operation began early in the morning you first went to visit the DO. Is that correct?

Mr. Omar Haji Abdi: When the people were attacked, and there was shouting everywhere, I called another location where the DO was stationed. I told him that he was the DO and there was a problem: people were being beaten. I asked him what I could do. He told me that there was nothing I could do. He told me to take up responsibility; wear the uniform. That was how we wore the uniform. Actually, the uniform was one thing that led us to being beaten. We were not spared from the beating.

Commissioner Slye: When you spoke to the DO, did he give any indication about why the operation was on?

Mr. Omar Haji Abdi: He told me he was not aware of it. The operation was going on throughout Elwak and Wargadud. It was like an abrupt thing. He told us there was nothing he could--- He told us to wear the uniform and try what we could but he told us he could not help the civilians.

Commissioner Slye: Was it your impression that he knew in advance that this was going to happen?

Mr. Haji Omar Abdi: I do not know. He was a Government official and maybe he could have known. However, there is nothing I can say.

Commissioner Slye: Do you have any idea about why the operation happened? What was the purpose of it?

Mr. Haji Omar Abdi: The reason why it happened was that there were civilians who fought in that place. I think that was the reason why we were beaten. The Government was supposed to intervene. They did not differentiate civilians and Government workers.

Commissioner Slye: Was the operation directed against every civilian or against some civilians?

Mr. Haji Omar Abdi: The people are pastoralists; there were those who lived in the countryside who were safe. Those who lived in towns were attacked.

Commissioner Slye: In the written statement that you gave to us, one of the things that you suggest is that it may have been related to inter-clan fighting between the Garre and the Merile, is that correct?

Mr. Haji Omar Abdi: The people fight often. I think the Government wanted to intervene but they exaggerated it and overdid it by killing people.

Commissioner Slye: Those who were rounded up and attacked, were they of different clans or of one clan?

Mr. Haji Omar Abdi: Where I lived only one clan lived there. Nobody was spared; men, women and children were attacked.

Commissioner Slye: All the people who were attacked were from one clan, the Merile clan; is that right?

Mr. Haji Omar Abdi: The Meriles lived in that location. There are places where there are other clans, but in this location there were Meriles.

Commissioner Slye: When Mr. Omolo asked you to identify the individuals who attacked you, you were able to identify one person but you could not remember that person's name; is that correct?

Mr. Haji Omar Abdi: Yes, when I was beaten I only saw one person but I cannot remember his name. I have undergone so many problems and much pain. There was nothing I could understand. I have been in hospital for two years. At some time I was sedated and my mind cannot remember those things. He was the head and maybe he knows the people.

Commissioner Slye: When you identified this individual to Mr. Omolo, do you remember what Mr. Omolo next said?

Mr. Haji Omar Abdi: I cannot remember anybody.

Commissioner Slye: When you identified the individual, did Mr. Omolo say or do anything to that individual?

Mr. Haji Omar Abdi: He did not do anything.

Commissioner Slye: My last question; you talked in terms of recommendation that you would like compensation and assistance for your medical needs; you also mentioned that you thought the Government should be changed in some way. Do you have specific ideas about how the Government should change in order to prevent something like this happening again in the future?

Mr. Haji Omar Abdi: I would like to suggest to the Commission that when criminals are arrested, statements be written and then they be charged in court; that is the law. When somebody is innocent and is beaten that is wrong. Those are the parts of the law that should be changed. I heard that the laws are being amended, and that is my request.

Commissioner Chawatama: Thank you very much for your testimony that you have given us this morning. I am so sorry for the pain that was inflicted on you. Thank you also that you have spoken for many of your subjects. You have exhibited that as a chief; you are a true leader, indeed.

I would just like to ask one or two questions as a follow up.

Mr. Haji Omar Abdi: Ask me anything.

Commissioner Chawatama: You mentioned a fight that had occurred between civilians before the intervention by the Government officials. Was this the first time that such a fight between civilians or two clans had taken place?

Mr. Haji Omar Abdi: In Mandera District there are many clans. There are Degodia, Garres and others. From the time of Jomo Kenyatta, fights have erupted from competition for water. This was not the first time. It had happened three or four times before.

Commissioner Chawatama: As a result of this particular fight, were there any losses in terms of property or lives?

Mr. Haji Omar Abdi: Actually there were losses. At times the losses were few, and at times they were many.

Commissioner Chawatama: As a result of the officers' intervention do you know how many of your subjects lost their lives? Was there any loss of lives?

Mr. Haji Omar Abdi: In that location nobody died. There were, however, so many injuries, assaults and rape. I do not know of any deaths. I heard people say that their properties were looted. The names were forwarded.

Commissioner Chawatama: Was there any loss of property?

(The recording of proceedings was interrupted)

Sorry for that interruption.

My question was on loss of property; what property was lost, if any?

Mr. Haji Omar Abdi: Those who were beaten are still in bed. There were those who said shops were looted and money taken. There were those who ran away from their livestock and the livestock was eaten by hyenas and lions. I do not know of anybody who died. However, the area is very big and there might have been some incidents of death.

Commissioner Chawatama: In your position as a chief, and having spoken to the Commission, what would your message be to fellow chiefs in this area?

Mr. Haji Omar Abdi: You can see the problem that cost me my job; anybody who fails to talk about his problem has a weakness. I will request the Commission, which came from far, to make sure that justice that we are seeking is done.

Commissioner Chawatama: Thank you so much.

Mr. Haji Omar Abdi: Thank you too.

Commissioner Dinka: I thank Mr. Omar Haji Abdi and Mr. Roble Ibrahim for their testimony, and also for sharing with us what happened to them in 2008. It was a very painful experience you had to go through again.

My question to Mr. Omar Haji is, you said in the statement that you have recorded that there was an inter-clan fighting between the Garre and the Merile. That fight, did it take place in Warankara or somewhere else?

Mr. Haji Omar Abdi: It did not occur at the place where I was, but it happened in another location not far from where I was.

Commissioner Dinka: Was it in your chieftaincy?

Mr. Haji Omar Abdi : No, it did not occur in my location.

Commissioner Dinka: In your view, why did the military operation take place in your location and in the process hurt you?

Mr. Haji Omar Abdi: The operation was in the whole district. It covered everywhere, from Elwak up to here. They even came here where we are now. People were beaten. They did whatever they could.

Commissioner Dinka: So, probably by the time the military operation started in your location the people of the location may not even have heard of the fight that had taken place between the Merile and the Garre in another location. Is that your opinion?

Mr. Haji Omar Abdi : There were those who knew of it and those who were not aware of it. There were those people who were doing their business, or looking after their livestock. Some people had phones and knew of it, but there were others who knew nothing about what was happening in the world.

Commissioner Dinka: Did you know that this had taken place in a different location?

Mr. Haji Omar Abdi : Anybody in this district in the Government was aware of it. The Government would notify us of what was happening. Actually, it is the chiefs who notify the higher authorities.

Commissioner Dinka: But since it did not happen in your location, it was not you who informed the Government.

Mr. Haji Omar Abdi : I told higher authorities about it. Whatever happens in your place you have to notify the Government. That is your responsibility and then the Government takes whatever measures it deems necessary. They require the information which should be conveyed to the Government. Whatever happens in another location is not within your jurisdiction. That is the law.

Commissioner Dinka: Thank you.

My second question to you is, you said you were threatened not to record a statement on this issue by the DC of Mandera East. Was this while you were in hospital or after you came out of hospital?

Mr. Haji Omar Abdi : First when we were taken to hospital with two other chiefs, who had also been injured, no statements were taken. The police came and looked at us from a distance. When I asked, we were told that the DC, who was the administrator, had refused.

Commissioner Dinka: In your statement, you mentioned that the DC actually threatened you not to write a statement, and said you consider what had happened to you as bad luck. Did he say this to you in hospital because you were there for two years or was it after you were discharged?

Mr. Haji Omar Abdi : We have been refused recording statements up to this date. We have not recorded any statements.

Commissioner Dinka: I do not think you are answering this question; you said you were threatened. Is it because you were threatened by the DC that you did not record the statement?

Mr. Haji Omar Abdi : When they came to me with the police, I asked them why we were not recording statements, and they told us that the DC had refused us doing so. The DC did not talk to me directly, but the police conveyed the message.

Commissioner Dinka: Did they tell you exactly what he said in terms of threatening you?

Mr. Haji Omar Abdi : When you record a statement it goes to the person who is responsible. He was shielding himself.

Commissioner Dinka: What was the name of the DC?

Mr. Haji Omar Abdi : I do not have his names now.

Commissioner Dinka: My last question is for Mr. Roble. You mentioned that when you came out in your chief's uniform to check what was happening, you encountered the police or a military captain, who, without saying anything to you, started beating you on the head. Am I right?

Mr. Roble Mathei Ibrahim: Yes, that is right. That is what I said and is the correct version.

Commissioner Dinka: Do you remember the name of the captain?

Mr. Roble Mathei Ibrahim: I cannot remember. The injuries I sustained on the head, up to now I have a problem with memory. I can remember his face, and I even can tell whether he is in this crowd.

Commissioner Dinka: Is he in Mandera?

Mr. Haji Omar Abdi : He is not in Mandera. I do not know his name. He was about 32 years old, and of light complexion; he was a captain. He beat me on the testicles. This is contained in my statement. He really beat my testicles. This side of my kidney and testicle, I believe, is not working. He was a youthful man.

Commissioner Dinka: I thank you both for your answers.

The Presiding Chair (Commissioner Ojienda): Thank you very much again, Mr. Omar Haji and Mr. Ibrahim Roble. I want to join my fellow Commissioners in sharing the pain and the injuries that you received during this unfortunate operation.

Mr. Haji, just confirm to me how long the operation took?

Mr. Haji Omar Abdi : The operation started at 6.00 in the morning, and went on until 1.00 p.m. Around that time, the Red Cross came to us with two vehicles. The man I was with was unconscious then. I remember the two Red Cross vehicles that came. I remember we were taken to hospital in Mandera. From there, I cannot tell what happened.

The Presiding Chair (Commissioner Ojienda): It took more than one day?

Mr. Haji Omar Abdi : It was on that day but the military remained in the area for some days. I cannot tell what they did after I left or after I was taken to hospital.

The Presiding Chair (Commissioner Ojienda): Last question; have you sought a refund of the money you spent for your medical treatment from the Government?

Mr. Haji Omar Abdi :: I do not know. Nobody wants to hear of our case. So, we do not know who to ask for compensation.

The Presiding Chair (Commissioner Ojienda): At this stage, I will ask the Hearing Clerk to escort the witnesses back to their seats.

Counsel, we will have a five minute adjournment.

[The Commission temporarily adjourned at 9.20 a.m.]

[The Commission resumed at 9.40 a.m.]

(Mr. Mohammed Ibrahim Noor took the oath)

Mr. Patrick Njue: How are you, Sir?

Mr. Mohammed Ibrahim Noor: I have problems because of the police. I am fine.

Mr. Patrick Njue: I will be asking you questions and leading you in your testimony. Kindly state your names for the record.

Mr. Mohammed Ibrahim Noor: I am Ibrahim Mohammed Noor.

Mr. Patrick Njue: You are here because you recorded a statement with the Commission in which you wanted to talk about serious injuries and torture that you underwent following an episode you had with the police. Is that the case?

Mr. Mohammed Ibrahim Noor: Yes, that is right.

Mr. Patrick Njue: It is an event which took place on the 12th February, 1995 at a place called Nguvu Village in Rhamu. Is that the position?

Mr. Mohammed Ibrahim Noor: That is right.

Mr. Patrick Njue: I want us to narrow down to this date and the events that took place. Kindly give us a brief detail of the events of the day.

Mr. Mohammed Ibrahim Noor: I live in Bula Nguvu. I guess it was 8.00 a.m. - I did not have a watch – when the police came to my house and took me. Before they asked me anything they tied my legs, handcuffed me and started beating me. My legs were tied from behind and my hands tied in front. They were beating me with the butt of the gun at the kidney area. I became unconscious. They beat me as they dragged me on the ground. After three days they started asking me questions. They told me that I sold a donkey on behalf of somebody. I was there for 16 days. They beat me for 9 days and for the remaining six days I was held up in the cell.

Mr. Patrick Njue: From the brief I have pertaining to your testimony; you were allegedly arrested in the company of two others while in a market place. Is that the position?

Mr. Mohammed Ibrahim Noor: Yes, that is true. We go to the market as brokers. The other two were not involved. They got arrested because they accompanied me. The other one died, I guess from the injuries.

Mr. Patrick Njue: It was the three of you who were taken to the police station. I want us to go step by step so as to get the correct picture.

Mr. Mohammed Ibrahim Noor: I told you it was between 8.00 a.m. and 9.00 a.m. They came to the market. We were three of us. We were not held in the same place until evening. We had sustained so many injuries. The other two were held up in the cells for nine days. I do not know where they were taken to or if they were released. I was there for six more days. I sustained so many injuries. There is a moment I was unconscious for six hours and I was not getting any medical treatment. When that happened, I underwent a medical operation in 1997 in a hospital in Mandera. There are documents that show that I had tuberculosis. They burnt my thatched house. I actually gave up hope. There are so many injuries on my body that are visible, for example, the kidneys, my back, head, and so on.

Mr. Patrick Njue: Do you have the names of the two colleagues you were arrested with?

Mr. Mohammed Ibrahim Noor: I have one of the names. He is Hussein Mohamed Abdullahi. It was a long time ago and I never knew I will be asked the names of those people today. I cannot tell the names exactly.

Mr. Patrick Njue: What happened to your two colleagues?

Mr. Mohammed Ibrahim Noor: The other two had different issues and cases. I could see them being beaten. I do not know why they were being beaten and what their case was.

Mr. Patrick Njue: These police officers who arrested you, do you know any of them, perhaps, by name?

Mr. Mohammed Ibrahim Noor: Actually there was an Inspector who arrested me and somebody from the crime division of the police. I have their names.

Mr. Patrick Njue: Are you willing to share the names with us?

Mr. Mohammed Ibrahim Noor: The Inspector was called Kimani and the other one was called Maina.

Mr. Patrick Njue: What did each of them do to you?

Mr. Mohammed Ibrahim Noor: They arrested me. When I was taken to the police station, Kimani hit me. The other guy handcuffed me, but did not do anything to me.

Mr. Patrick Njue: What was Kimani hitting you with?

Mr. Mohammed Ibrahim Noor: At first, he tied me at the legs. He tied my hands. He was hitting me with the nozzle of the gun. He started hitting at my kidney, that is, the right side of my body. When they hit me the fourth time, I fainted. I woke up while I was still being beaten and dragged on the ground. That is how I sustained my injuries. I have a scar on my head and on the right kidney side of my body and the back.

Mr. Patrick Njue: All this time they were beating you, what were they telling you? What is it that they wanted from you?

Mr. Mohammed Ibrahim Noor: They told me to say where the donkey I had sold on behalf of someone was. I told them I knew nothing about what they were talking about.

Mr. Patrick Njue: Did you know anything about the donkey?

Mr. Mohammed Ibrahim Noor: I knew nothing about the donkey. I would have told the police so as not to sustain all those injuries.

Mr. Patrick Njue: Reading from your brief which I want you also to confirm, one of the two men who was arrested with you, it is said his brother had stolen a donkey and it was believed that you brokered the deal in selling the donkey. How do you respond to that?

Mr. Mohammed Ibrahim Noor: He was not the owner of the donkey. I guess he is the one who died. The other one is the man who sold the donkey. We were not locked up in

the same place. He stole the donkey from his brother. His brother said: “You do not have livestock.” He told his brother to tell the police I brokered the deal.

Mr. Patrick Njue: You are saying that you had nothing to do with it?

Mr. Mohammed Ibrahim Noor: I had nothing to do with it. I am certain about that.

Mr. Patrick Njue: What about brokering the deal or selling the donkey?

Mr. Mohammed Ibrahim Noor: I had nothing to do with the donkey.

Mr. Patrick Njue: Were you subsequently taken to court and any charges preferred against you?

Mr. Mohammed Ibrahim Noor: They did not take me to court and after they beat me, I was left lying down unable to move for three months. After two years, I came to Mandera and I was operated on.

Mr. Patrick Njue: With regard to the injuries that you suffered, what are they?

Mr. Mohammed Ibrahim Noor: The worst are the injuries on the kidney. They beat me on the kidney which I was operated on. In 2011, from January to March, I was unable to move. The number of times I was in bed are more than the times I was walking. Those are the worst injuries. They held my testicles, which sometimes swell.

Mr. Patrick Njue: These are the injuries that arose from the torture?

Mr. Mohammed Ibrahim Noor: Yes.

Mr. Patrick Njue: Including the kidney injury?

Mr. Mohammed Ibrahim Noor: Yes. Actually they are the same injuries. Up to now, I still feel the pain.

Mr. Patrick Njue: Is that to say that there is need for future medical attention?

Mr. Mohammed Ibrahim Noor: Yes, especially on the kidney. After every three or four months, the pain comes back.

Mr. Patrick Njue: You also said that you have with you documents that show that you got medical attention. Do you have them with you?

Mr. Mohammed Ibrahim Noor: I do not have the documents. Like I told you, I never thought that they would be needed. My thatched hut got burnt and they all burnt there.

Mr. Patrick Njue: Before I hand you over to the Commissioners seated here today, what are your expectations?

Mr. Mohammed Ibrahim Noor: I request the Commission to look into my issue and deliver justice and compensate me. That is what I am requesting the Commission to do.

Mr. Patrick Njue: Thank you very much. I will now hand you over to the Commissioners who may want to clarify a thing or two.

The Acting Chair (Commissioner Namachanja): Thank you, Leader of Evidence.

Commissioner Slye: Mr. Ibrahim, I want to thank you for having the courage to come here to tell us your story which is obviously a very painful one. We appreciate your willingness to do that. Before the incident that you gave account of here in your testimony, did you have any interaction with the police before?

Mr. Mohammed Ibrahim Noor: No, I had never interacted with the police. I had no relationship with the police. Never!

Commissioner Slye: What is your current view of the police and the job that they do in your community?

Mr. Mohammed Ibrahim Noor: The police are supposed to protect us. They are not supposed to trample on human beings. They should stop their assault on people.

Commissioner Slye: Are there any police officers that you trust?

Mr. Mohammed Ibrahim Noor: No.

Commissioner Slye: Thank you very much.

The Acting Chair (Commissioner Namachanja): When you were taken to the police station were you made to sign in any book?

Mr. Mohammed Ibrahim Noor: There is nothing they recorded. They started tying me up and beating me.

The Acting Chair (Commissioner Namachanja): You were not given any document by the police?

Mr. Mohammed Ibrahim Noor: No, they did not give me anything.

The Acting Chair (Commissioner Namachanja): You said that you were not charged with any offence?

Mr. Mohammed Ibrahim Noor: I was not taken to court. I was not charged with anything. I was not given any document. After they beat me they did not even take me to hospital.

The Acting Chair (Commissioner Namachanja): So, tell me about your release. How many days after your apprehension were you released? What did the police tell you?

Mr. Mohammed Ibrahim Noor: I was there for 16 nights. I was arrested on 12th and on 28th I was released. They just told me to go. They did not have any charges.

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

Commissioner Chawatama: Mr. Ibrahim, confirm to the Commission how old your last born is.

Mr. Mohammed Ibrahim Noor: My first born is 19 years old. He is in Form III.

Commissioner Chawatama: Do you have any child born after 1997?

Mr. Mohammed Ibrahim Noor: Yes.

Commissioner Chawatama: Are you aware if the person who stole the donkey was ever arrested?

Mr. Mohammed Ibrahim Noor: I do not know. I have no idea.

Commissioner Chawatama: Leader of Evidence, please, call the next witness.

(Mr. Shariff Shabure took the oath)

Mr. Patrick Njue: How are you, Sir?

Mr. Shariff Shabure: I am fine.

Mr. Patrick Njue: Once again, confirm your names to the Commission.

Mr. Shariff Shabure: I am Shariff Shabure.

Mr. Patrick Njue: Where do you live at the moment?

Mr. Shariff Shabure: I live in Rhamu.

Mr. Patrick Njue: You previously recorded a statement with this Commission. Is that the position?

Mr. Shariff Shabure: Yes, it is there.

Mr. Patrick Njue: The said statement had to do with the post-election violence and a serious injury that you incurred. Is that the position?

Mr. Shariff Shabure: It is true.

Mr. Patrick Njue: The date of violation was 28th December, 2007.

Mr. Shariff Shabure: That is true.

Mr. Patrick Njue: Briefly tell us what happened on this day.

Mr. Shariff Shabure: I had the problem on 28th December, 2008 when the Kenya Police shot my leg. I was heading to a mosque. I was just at the door of a mosque with five others. They started firing at the children who were walking on the street. I had three gun shots on my legs and fell on the ground. I was attending the Friday prayers. The elders took me from there. The person, who is with me now, Maker, took me to his plot. From there I was taken to Rhamu Hospital. I was then referred to Mandera Hospital. My leg was badly injured. The doctors tried to assist me, but found out that it was serious. It was amputated and I was later on discharged. I kept on taking medication till I got well, though I had lost my leg. I used to look after my animals but I have no leg now. I have no assistance. The few animals that I had were sold to take care of my treatment. I was taken to Kikuyu Hospital where my leg was treated. I never got assistance from anybody.

This TJRC took our statement after that. On the last day when my statement was taken, I was feeling a lot of headache. I had two families. I had nothing to give to them. I had a lot of stress and I could not even think. He took my statement and when he saw me in pain, he gave me some few coins to buy some drugs.

Mr. Patrick Njue: I empathize with the injuries and subsequent loss of your leg. Which year was this? Was it 2007 or 2008?

Mr. Shariff Shabure: It was 2008.

Mr. Patrick Njue: What was the reason for the shootout that took place at the mosque area?

Mr. Shariff Shabure: I do not know. I just thought it was deliberate. They just deliberately started shooting anyhow. All tribes live there. We have the Garre, Merille, and others. There was no problem in town, but they just started firing.

We just saw the police running and firing. Everybody saw what was happening. I even have witnesses here in this hall.

Mr. Patrick Njue: As you approached the area, according to the brief that I have, you said that there were groups throwing stones at each other over the loss and/or winner of

the Parliamentary seat. Was there anything like that? I want you to confirm that. Yes or No?

Mr. Shariff Shabure: Yes. It is there. It was not such a big thing. Those were just children and some village urchins who were just trying to shout and throw stones at each other.

Mr. Patrick Njue: Among the police officers who were firing shots, were you able to identify any of them?

Mr. Shariff Shabure: When they started firing I did not see them very well. I only saw the uniform and the crown. I only identified that they were Kenya Police.

Mr. Patrick Njue: You had injuries to your leg which was later amputated. You also said that you had to sell the few livestock that you had to offset the hospital bills. What is the estimate of the expense that you incurred in terms of medical attention?

Mr. Shariff Shabure: It is around Kshs200, 000.

Mr. Patrick Njue: Which is the foot that was amputated?

Mr. Shariff Shabure: The left leg.

Mr. Patrick Njue: Do you at the moment have any need for future medical attention concerning the same?

Mr. Shariff Shabure: When the weather is hot, I feel pain in my bones and the same leg. Mandera is a hot place and around midnight, I cannot sleep well.

Mr. Patrick Njue: You also talked about the hardship that you face in trying to provide for your two families.

Mr. Shariff Shabure: I have two families. I have children in school. I cannot afford to pay their school fees. They are without anything.

Mr. Patrick Njue: How are you able to meet their most immediate day to day needs?

Mr. Shariff Shabure: I cannot make it because I have no wealth. I have no work. I am going through a lot of hardship. If there is hardship in the world, I am in hardship.

Mr. Patrick Njue: You also wanted to refer to some documents. Which ones are they?

Mr. Shariff Shabure: I have documents from the hospital where my leg was amputated.

Mr. Patrick Njue: You want to share these with the Commission?

Mr. Shariff Shabure: Yes.

Mr. Patrick Njue: Kindly, if you may show what each document is. This is a discharge summary showing your admission at the Mandera District Hospital.

Mr. Shariff Shabure: It is only this one that I have. The one from Kikuyu Hospital I showed it to this Commission, but I did not bring it now.

Mr. Patrick Njue: Commissioners, this is a copy of the original. It could be admitted as part of the record. Thank you.

What would be your expectation of this Commission as you sit here today?

Mr. Shariff Shabure: My expectations are that I be compensated. Reparations be given. I should also be given some crutches. I want help from this Commission. I should be given a leg and be given money to take care of my family and myself.

Mr. Patrick Njue: I empathize, again, with your loss. The Commissioners may want to clarify a thing or two from you.

Commissioner Slye: Thank you, Mr. Shariff, for coming here and sharing with us your story. I am sorry that as you were going to pray you were shot and suffered this injury. That is very unfortunate. What was the date this happened?

Mr. Shariff Shabure: It was in December, 2008. That is when I was shot at.

Commissioner Slye: Are you sure it was 2008 and not 2007?

Mr. Shariff Shabure: Yes, I am sure.

Commissioner Slye: Are you aware of any others that were injured? You were shot, but did you see whether any other people were injured on that same day?

Mr. Shariff Shabure: I am not sure of anybody else, but there is one of my brothers who was beaten terribly and was brought in hospital where we met. I know of that one. The Kenya Police had beaten him.

Commissioner Slye: Your brother told you that it was the Kenya Police that beat him?

Mr. Shariff Shabure: He said that it is the Kenya Police that beat him. He later passed away. He is my neighbor. I know him.

Commissioner Slye: You are saying that your brother passed away. Is that what you are saying?

Mr. Shariff Shabure: Yes, he passed away.

Commissioner Slye: In your report, you indicated that you reported the incident to your chief.

Mr. Shariff Shabure: It is true.

Commissioner Slye: Can you recall the name of the chief?

Mr. Shariff Shabure: He is called Mohammed Diram.

Commissioner Slye: Since you reported to the chief, have you contacted him to find out if anything has been done?

Mr. Shariff Shabure: It was just written. Everything required money. I had no money to make a follow up. Even here today, I am getting difficulties seating here. Everything requires money. I have no money to follow up.

Commissioner Slye: Have you recorded this incident to anyone else or was it just to the chief; that is in terms of an official person?

Mr. Shariff Shabure: The main person is the chief. He is the leader there. So him and other authorities there are aware. For example, the councillor is aware.

Commissioner Slye: We hear you when you say how expensive it is to access justice. That it is expensive to file a complaint. You incurred certain expenses to come here to testify before us. I want to assure you that we appreciate your contributing to this process. We will do our best to find out who is responsible for what happened to you and hopefully get you some assistance that you need as a result of what happened.

Mr. Shariff Shabure: Thank you, very much.

Commissioner Chawatama: Thank you for your testimony and sorry for your pain. I have a few questions that I wish to ask you. Before this incident took place, how did you provide for your family?

Mr. Shariff Shabure: I used to be a porter; to carry things for pay and I am also a mason. I use my muscles and even sometimes do farm work. I cultivated land and I had strength to work for my family. I do now have my own land, but I used to work on those of my relatives. At the moment, I do not have strength to do any of that work. That is how I used to do that work. That is how I used to take care of my two families. I used to follow other masons and stand in for others.

Commissioner Chawatama: You have mentioned the fact that you have two families. Help me understand that. That means that you have two wives and how many children?

Mr. Shariff Shabure: One wife has ten children and the other wife has seven children.

Commissioner Chawatama: And you said that none of your children are going to school?

Mr. Shariff Shabure: They are not in school now. None of them is in school because the school requires books, pens and fees and yet they do not have. So, they just stay at home.

Commissioner Chawatama: If you were to be asked a question: in the condition that you are in now, what skills would you want to be taught in order to sustain yourself and your children? What skill would you choose?

Mr. Shariff Shabure: The kind of skill that I would want at the moment - I am a bit old now - the Government should give me money to do business; maybe to open a shop. There is nothing else I can do.

Commissioner Chawatama: Your recollection of what happened is that, these events were around the time of the post election violence. Is that correct?

Mr. Shariff Shabure: Yes, it is true. It was during the post election violence.

Commissioner Chawatama: Thank you.

[The Presiding Chair (Ms. Shava) in the Chair]

The Presiding Chair (Commissioner Shava): Mr. Shariff, I want to join my brothers and sister in empathizing with you, especially in view of the fact that, you sustained your injuries during the aftermath of the elections of 2007. You have said that, at least, at this stage you are old. Just tell this Commission what your age is.

Mr. Shariff Shabure: I am 48 years old.

The Presiding Chair (Commissioner Shava): You have also said that you have 17 children from two marriages. What is the age of your youngest child?

Mr. Shariff Shabure: My youngest child is one year old.

The Presiding Chair (Commissioner Shava): Before the elections, did you engage in political activities?

Mr. Shariff Shabure: I have never engaged in political activities. I was just doing my manual work. Even the citizens of this town know that I do not get involved in politics.

The Presiding Chair (Commissioner Shava): Lastly, Shariff, do you recommend that there is need to undertake reforms in the police and there is need to organize elections better so that innocent citizens like you are not injured in the process of such elections? Are those your recommendations?

Mr. Shariff Shabure: Yes. It is true that elections should be peaceful and police should not beat people anyhow. The responsible people should make sure that the rights of those who come to vote are not violated.

The Presiding Chair (Commissioner Shava): Mr. Sharrif, how do you move around?

Mr. Shariff Shabure: At the moment, I use sticks. I have a plastic leg which I have been using for the last three years but it is broken. I am now using a stick to support me while I walk. But I cannot walk far away from the homestead. Even coming to this place, I had to be ferried by a vehicle. I could not walk here.

The Presiding Chair (Commissioner Shava): Is there any urgent request on medical assistance that you would like to make at this point?

Mr. Shariff Shabure: Yes. If the Government can give me medical assistance, I will really appreciate.

The Presiding Chair (Commissioner Shava): Thank you very much, Mr. Sharrif, for taking your time to come and testify and share the pain with this Commission. We assure you that this is a case that we shall consider alongside other cases.

Leader of Evidence, lead the witness back to the seat and call the next witness.

(Ms. Nuria Abdi Hassan took the oath)

Mr. Patrick Njue: *Mama*, how are you?

Ms. Nuria Abdi Hassan: I am fine.

Mr. Patrick Njue: Once again, for the record, please confirm your names.

Ms. Nuria Abdi Hassan: I am called Nuria Abdi Hassan.

Mr. Patrick Njue: *Mama* Nuria, where do you live at the moment?

Ms. Nuria Abdi Hassan: I live in Rhamu.

Mr. Patrick Njue: You are here because you recorded a statement with this Commission. Do you confirm having done so?

Ms. Nuria Abdi Hassan: Yes.

Mr. Patrick Njue: And the same related to extra-judicial killings that took place following the post election violence?

Ms. Nuria Abdi Hassan: Yes, it is true.

Mr. Patrick Njue: The date being 28th December, 2007?

Ms. Nuria Abdi Hassan: Yes, it is true.

Mr. Patrick Njue: Very well. I want you to please take us through the events that took place at this very date, disturbing as it may be, in the briefest way you can do it. You may proceed.

Ms. Nuria Abdi Hassan: It was on 28th December, 2007, at around 9.00 a.m. when Government officers came and started beating us in our plots or homes. They were about eight men. Between that time and 11.00 a.m., nobody came to our rescue. At around 1.00 p.m., a Red Cross officer came to us and started giving us assistance. When the old man was taken from there he was almost dead. In the hospital, we could not get any assistance and then he was brought here to Mandera Hospital. He was admitted and stayed for 13 days in Mandera while he was unconscious. It was like he was waiting for his death.

On the 14th day, I discharged him and took him home and started praying for him. When he got a bit better, we did not take him back to hospital though he was still weak and bedridden. There was no change in his health. A year after, he died.

Our properties were looted and we were left without wealth. The old man died like that. The perpetrators of this incident were the Kenya Administration Police and Regular Police. After that, nobody made a follow-up nor asked us what had been done to us. We did not get any assistance. That is the much I know and that is what I have to say.

Mr. Patrick Njue: Very well. I will ask you a few questions to clarify your testimony. Now, on this day you say that you were in the house?

Ms. Nuria Abdi Hassan: Yes, I was in the house with others; so many of them.

Mr. Patrick Njue: Who were these many other people and, perhaps, what were they doing in your house?

Ms. Nuria Abdi Hassan: Those people were voters who came from other places. They had voted and I was making for them some food before they got their transport back to where they came from. They came from Mandera to vote in Rhamu.

Mr. Patrick Njue: Now, you have said that the officers who came were the Kenya Police and the Administration Police. How were you able to identify that they were Kenya Police and Administration police?

Ms. Nuria Abdi Hassan: I live in town I know who is a police officer and who is an Administration Police Officer. I can differentiate them clearly.

Mr. Patrick Njue: Approximately, how many were they?

Ms. Nuria Abdi Hassan: The police were so many; about thirty of them, but I know two of them by name.

Mr. Patrick Njue: Would you confidently share the names with us?

Ms. Nuria Abdi Hassan: Yes, I can share.

Mr. Patrick Njue: Please give us the names?

Ms. Nuria Abdi Hassan: One of them is called Ahmed Abdul who was an Administration Police Officer.

Mr. Patrick Njue: And the other?

Ms. Nuria Abdi Hassan: The other one was called Mutiso.

Mr. Patrick Njue: What did Mr. Ahmed Abdul in person do to those people who were there with you?

Ms. Nuria Abdi Hassan: When the police passed by and left, he is the one who started beating us. He came back when the rest had left us.

Mr. Patrick Njue: Is he an Administration Police Officer or Kenya Police Officer?

Ms. Nuria Abdi Hassan: He is an Administration Police Officer.

Mr. Patrick Njue: What about Mr. Mutiso?

Ms. Nuria Abdi Hassan: He is a Kenya Police Officer.

Mr. Patrick Njue: And, what did he himself do?

Ms. Nuria Abdi Hassan: He is among those who started beating us. I even have those sticks and the canes that they used. When people came after the beating, they started shooting into the air and people started running helter-skelter. Children got lost and they even looted our property.

Mr. Patrick Njue: Did you know these gentlemen, Ahmed and Mutiso?

Ms. Nuria Abdi Hassan: Mr. Mutiso has been in Rhamu and I know him very well, but I met Abdul during the election.

Mr. Patrick Njue: Do you know of their whereabouts today?

Ms. Nuria Abdi Hassan: I do not know their whereabouts today.

Mr. Patrick Njue: What are the other injuries that were inflicted on the other people who were in that house?

Ms. Nuria Abdi Hassan: Many others were beaten terribly. But the person who died out of the injuries was the leader of the family whereas so many sustained injuries. Even today, they cannot go on with their daily lives. For example, if they work today, the following day they cannot.

Mr. Patrick Njue: But the person who died out of the injuries and who happens to be your husband is the one you are consistently referring to as the old man?

Ms. Nuria Abdi Hassan: Yes, he is my husband.

Mr. Patrick Njue: You say that you have also retained some of the *rungus* which they used to inflict the injuries on the victims?

Ms. Nuria Abdi Hassan: Yes, I have them.

Mr. Patrick Njue: Do you have them with you here today?

Ms. Nuria Abdi Hassan: Yes, I have them here.

Mr. Patrick Njue: If you could lift them up for the Commissioners to see!

Ms. Nuria Abdi Hassan: Yes, they are here.

(The witness displayed the runkus)

Mr. Patrick Njue: What else do you have as an Exhibit that you would want to present to this Commission?

Ms. Nuria Abdi Hassan: I have documents, for example, the document when he was hospitalized. I mean the hospital documents.

Mr. Patrick Njue: I can see these are X-rays?

Ms. Nuria Abdi Hassan: Yes.

Mr. Patrick Njue: Whose X-rays are these?

Ms. Nuria Abdi Hassan: They are for my husband, Noor, who passed on.

Mr. Patrick Njue: Any other documents that you have with you?

Ms. Nuria Abdi Hassan: Yes, I have the documents that he was given at the hospital.

Mr. Patrick Njue: Commissioners, the documents produced are a discharge summary of the said husband to the witness and a death certificate.

Ms. Nuria Abdi Hassan: Yes, the original death certificate and everything.

Mr. Patrick Njue: Together with the *rungus* that the police officers left behind and if the same could be produced, they could be accepted as exhibits to the Commission.

The Presiding Chair (Commissioner Shava): Leader of Evidence, how do you want to deal with the exhibits?

Mr. Patrick Njue: Perhaps, now that we have shown them to the Commission, they can go on record that she came with them and she showed them to the Commission.

The Presiding Chair (Commissioner Shava): Do so then.

Mr. Patrick Njue: Thank you. *Mama*, you also said that the property was looted. What specifically was looted?

Ms. Nuria Abdi Hassan: Personally, I was robbed of Kshs20, 000. As for the visitors who were there, one person lost Kshs50, 000, mobile phones and a camera. He was a civil servant.

Mr. Patrick Njue: Very well. Also in your statement, you noted that police brutality is rampant beyond the Post-Election Violence (PEV). Is it still the case?

Ms. Nuria Abdi Hassan: Yes. Still those brutal police officers are not good. They just beat people up and after you are so weak, you are just left to die and that is when you are taken to the cell. They are merciless. It is just like a hyena that comes across the goats. When you to the cell you see people who are awaiting death.

Mr. Patrick Njue: Have you had previous experience with the military or the police before this incident?

Ms. Nuria Abdi Hassan: It has not happened before.

Mr. Patrick Njue: What about subsequent?

Ms. Nuria Abdi Hassan: Okay. Whenever, they take somebody to the cell, they just treat that person like that.

Mr. Patrick Njue: Did you suffer any injuries?

Ms. Nuria Abdi Hassan: I was beaten terribly and my bones were broken. I still have scars.

Mr. Patrick Njue: Do you have any urgent need for medical attention as you are seated there today?

Ms. Nuria Abdi Hassan: I have undergone treatment and have been given medication. There is no need of going to hospital today.

Mr. Patrick Njue: I have also noted from your case that you may have taken up the issue with the administration, especially with the passing on of your husband. In other words, you have tried to seek justice. If that is the case, where?

Ms. Nuria Abdi Hassan: Except to this Commission, I have not taken the matter anywhere. But when my husband was injured he was taken from here to a Nairobi court and then brought back.

Mr. Patrick Njue: Was he taken to court?

Ms. Nuria Abdi Hassan: Yes, he went to Nairobi.

Mr. Patrick Njue: Who went to Nairobi?

Ms. Nuria Abdi Hassan: Before this old man passed on, he had been taken to Nairobi to seek redress. He went to court and he was given some documents then he came back.

Mr. Patrick Njue: Do you know what happened to that case?

Ms. Nuria Abdi Hassan: I am not aware of anything about it. I did not even follow it up as such.

Mr. Patrick Njue: Lastly from me, *Mama* Nuria, what are your expectations as you seat before this Commission?

Ms. Nuria Abdi Hassan: I know they cannot return the dead to life. What I want is that those who are responsible be prosecuted and justice be done to those who killed my husband.

Mr. Patrick Njue: Thank you. I empathize with you and sorry for what you went through. I will now hand you over to the Commissioners who may want to clarify a thing or two with you.

Thank you.

Over to you, Chair!

The Presiding Chair (Commissioner Shava): Any Commissioner seeking clarification?

Commissioner Slye: *Mama* Nuria, thank you for taking the time and having the courage to come here and speak to us. We hear that you went through a very traumatizing experience having 20 or 30 police officers coming to your home and even assaulting your husband and many others in your house. We have also heard your testimony that violence by the police continues in your community. I just have a couple of questions. How many children do you have?

Ms. Nuria Abdi Hassan: I have nine children.

Commissioner Slye: Given the passing on of your husband, how have you been able to support them and yourself in the last one year or so?

Ms. Nuria Abdi Hassan: I am being helped by my relatives and my brothers who are working. We do not have any other person who can give us any assistance. I only pray to God. The neighbours help me a lot. I have no any assistance from the Government and yet the children are in school. Two of them are in Form Three and two in Form Two. We have a lot of problems because there are no animals left. The animals we had were used to treat the old man. We are just praying to God to help us so that we continue getting assistance from our neighbours.

Commissioner Slye: We are very grateful to hear that you have family members and friends that are able to assist you and also, that although you are undergoing all these, you continue to press for the education of your children. So, all your nine children are in school. Is that correct?

Ms. Nuria Abdi Hassan: Yes, they are. There are those who are in Standard One and Standard Six and others in lower classes.

Commissioner Slye: So, do you have some children who are not able to go school?

Ms. Nuria Abdi Hassan: It is only one who is not going to school.

Commissioner Slye: Why is it that one is not going to school?

Ms. Nuria Abdi Hassan: He is very young and is supposed to be in nursery.

Commissioner Slye: Did your husband get involved in the election row?

Ms. Nuria Abdi Hassan: He was not involved at all. He was just at home when he was attacked. He just went to vote and came back to his House.

Commissioner Slye: Do you have an idea of why they came to your house to attack you and your family?

Ms. Nuria Abdi Hassan: They have no reason why they came. I think they deliberated it. The Administration Police brought other soldiers to our home and they attacked us.

Commissioner Slye: When they attacked you, did they say anything to you?

Ms. Nuria Abdi Hassan: They just started beating us. There were no questions they asked. They just grabbed some sticks on the way and started attacking us. Some of these trees I am carrying were collected near our home.

Commissioner Slye: Did they yell anything while beating you?

Ms. Nuria Abdi Hassan: They did not.

Commissioner Slye: Okay. My last question to you is; you indicated that you knew Mr. Abdile before or did you just meet him for the first time on the day that you were attacked?

Ms. Nuria Abdi Hassan: I used to know him before. He lives in Mandera and he normally comes there.

Commissioner Slye: So, have you had any interactions with him before?

Ms. Nuria Abdi Hassan: No, we have never had any interactions with him. We are all Muslims though we have never been involved in any interactions. It is only that day that we asked some questions.

Commissioner Slye: So, had you ever, personally met him before or you just knew him from a distance?

Ms. Nuria Abdi Hassan: I just saw him from the face but I do not know him more than that. I only know him from the face.

Commissioner Slye: Do you know whether your husband knew him?

Ms. Nuria Abdi Hassan: Even if he knew him, by now he is already dead and it is meaningless. It was out of the beatings that he died.

Commissioner Slye: You do not know whether he knew Mr. Abdile from any other contacts.

Ms. Nuria Abdi Hassan: Yes, he knew him, but we can now not talk about that now. We cannot talk about that because he is supposed to answer that question and yet he is dead. But I think he knew him better.

Commissioner Slye: And, do you know how he knew him from before? Had they met before or...?

Ms. Nuria Abdi Hassan: No! No.

Commissioner Slye: And also Mr. Mutiso. You knew him before?

Ms. Nuria Abdi Hassan: Yes, I know him; he is a police officer who is working in Rhamu.

Commissioner Slye: Did you have any interactions with Mr. Mutiso before this incident?

Ms. Nuria Abdi Hassan: No, we did not have any interactions with him. I knew him from the face. But he used to beat people in Rhamu until he was transferred and taken to Mandera. So everybody was angry at his beatings before he was transferred to Mandera.

Commissioner Slye: So, as far as you know he is now stationed in Mandera.

Ms. Nuria Abdi Hassan: I heard that he is not in Mandera, but rumor has it that he is now not in Mandera.

Commissioner Slye: Do you have any idea of where he might be?

Ms. Nuria Abdi Hassan: I do not know. I have no idea.

Commissioner Slye: Thank you very much, *Mama* Nuria. We very much appreciate your coming here and we can see your strength and we will have taken note of your problems. I want to assure you that your testimony will be on permanent record. We will do anything we can to try and assist you and make sure that individuals who are responsible for this are held accountable to some extent. So, we thank you.

Ms. Nuria Abdi Hassan: Also, thank you for your support.

Commissioner Chawatama: Thank you for sharing your testimony with us. Some of what you have shared is a story, but you have shared with us your life experiences. I know that it is not easy to lose a bread winner in any family. I would like just to ask you to share with us how you coped with the situation one year after your husband was discharged from hospital, when you were nursing him before he passed on.

Ms. Nuria Abdi Hassan: Before he passed on I used to sell animals. I could then use the money to help him on medication.

Commissioner Chawatama: How was that like for you emotionally and what was it like for your children in that one year?

Ms. Nuria Abdi Hassan: When the bread winner was sick, there was no other way we could get assistance. The way out was to sell animals to assist him.

Commissioner Chawatama: We celebrate your strength. I am sure you were an excellent wife and mother. I join the other Commissioners in just thanking you, first, for giving a statement to the Commission and secondly, for agreeing to appear before us this morning.

Thank you.

The Presiding Chair (Commissioner Shava): Thank you very much, Madam Nuria, for sharing with us your very tragic story. We very much empathize with you in your pain and loss.

Commissioner Chawatama: We celebrate your strength. I am sure that you are an excellent wife and mother. I join the other Commissioners in thanking you, first, for giving a statement to the Commission and, secondly, for agreeing to appear before us this morning.

Commissioner Dinka: Thank you very much, madam Nuria, for sharing with us your very tragic story. We very much empathise with you in your pain and loss. During the time the police came to your house, you were living in Rhamu?

Ms. Nuria Abdi Hassan: Yes, I was living in Rhamu. Even now, I am from Rhamu. After the election, there was some kind of disagreement between the two parties, and there was violence. The police intervened and started beating people terribly. The police were searching people, but there was no big war between the people.

Commissioner Dinka: Let me understand clearly. On the day they came to your house, there was disturbance in the town?

Ms. Nuria Abdi Hassan: There was no war, but there was some disagreement between two different parties and throwing of stones. So, the police came and started beating supporters of both parties.

Commissioner Dinka: There were visitors in your house who had come for the elections. Those visitors were staying at your house. Were they also victimized?

Ms. Nuria Abdi Hassan: Those who had come were in my house.

Commissioner Dinka: Were they also victimized when the police beat up people, or was it only your husband and your immediate family members who were beaten?

Ms. Nuria Abdi Hassan: None of the people who were there was spared, but my husband was given the worst punishment.

Commissioner Dinka: Was your husband, in any way, involved as a mobilizer, or was he a representative of any of the political parties that were competing?

Ms. Nuria Abdi Hassan: He was not involved, and was not mobilizing anybody. He just went, voted and came back to the house.

Commissioner Dinka: Do you have any idea as to where Mr. Abdile Bishar could be at this time?

Ms. Nuria Abdi Hassan: I do not know.

Commissioner Dinka: Thank you very much.

[The Presiding Chair (Commissioner Ojienda) in the Chair]

The Presiding Chair (Commissioner Ojienda): Thank you, *Mama* Nuria. I just want to join my brothers and sister in appreciating your testimony; thank you for taking your time to share with us the pain that you went through after the events of December, 2007. I just want to ask you one question. Do you recall your husband's preferred political symbol?

Ms. Nuria Abdi Hassan: He had no political symbol, but we carried a portrait of one of the contestants. That portrait was with the children.

The Presiding Chair (Commissioner Ojienda): Which contestant was that?

Ms. Nuria Abdi Hassan: The portraits were those of Billow Kerow and Raila. It was me and the children who were carrying the symbol. He was not carrying any symbol.

The Presiding Chair (Commissioner Ojienda): I want to thank you once more for sharing with us your experiences. Leader of Evidence, lead the witness back to her seat and, please, call the next witness.

Mr. Patrick Njue: Commissioners, next is Witness No.018B.

(Mr. Haj Okash Mohamed Abdi took the oath)

The Presiding Chair (Commissioner Ojienda): Leader of Evidence, please, from the brief that we have, I would request you to ensure that you guide the witness since the Commission has had the advantage of listening to his testimonies.

Mr. Patrick Njue: *Mzee*, please, confirm your names.

Mr. Haj Okash Mohamed Abdi: I am Haj Okash Mohamed Abdi.

Mr. Patrick Njue: Where do you live at the moment?

Mr. Haj Okash Mohamed Abdi: I live in Mandera Township.

Mr. Patrick Njue: You are here because you gave a statement to the Commission, in which you wanted to brief us on violations that took place on 5th May, 1965. I know you had previously said that you wanted to talk about the violations in Mandera between the period 1963 and 1968, but since we have heard previous speakers who have elaborated on that, and for want of time, I request that we narrow down to the events of 5th May, 1965 and what happened to you and other people in the village.

Mr. Haj Okash Mohamed Abdi: Okay; I will speak the truth. I will say what happened in Mandera. I will not go to the outskirts of the town.

What I know is that on 8th May, 1965, I was a pastoralist. I am illiterate. I can talk about things that happened to me here in Mandera. It was early in the morning when all the people who were living in Mandera were told to come together. Military personnel, Administration Police and Regular Police officers brought us together. They then opened fire on us and nine people, the eldest being Ali Kassim, died. Amongst those who died was Ismail Adan, an uncle of mine. Nine people were injured. That is the information I wanted to give you. I will answer all your questions. It was at 11.00 a.m. when this incident took place.

The injured people were taken to Kenyatta National Hospital, in Nairobi. I was there for some time. If you want me to show you the marks, I will do so right here. That is the pain we went through. We suffered. It was an emergency law that was working. You can ask me whatever question.

Mr. Patrick Njue: Please, confirm. Was it on the 5th or 8th of May, 1965 when the event took place?

Mr. Haj Okash Mohamed Abdi: It was on 8th May, 1965, at 11.00 a.m. It was here in Mandera. An emergency law was at work when the DC called the people. He used to climb onto the platform. His name was Kibaya. He used to stand on a raised platform and say: “We will kill the goats, the camel and the people.” I can only talk about what happened in Mandera. If you ask me questions, I will give you the details.

Mr. Patrick Njue: So, it was DC Kibaya who called everyone?

Mr. Haj Okash Mohamed Abdi: Whenever he called the people to a public *baraza*, he would stand on a raised platform and say: “We will kill the camel, the goats and the cattle.”

Mr. Patrick Njue: I am talking about the 8th of May, when you said that everyone was called. Were you being called to a *baraza* or where were you being called to and who was calling people? Was it the DC himself?

Mr. Haj Okash Mohamed Abdi: We were called to a *baraza* the day before the day on which they opened fire on us. Mandera Town was small then. It was in front of the DC’s office. People were few. That was where we used to assemble.

Mr. Patrick Njue: Where did you assemble on the day the military personnel opened fire on civilians?

Mr. Haj Okash Mohamed Abdi: On the day before, on the 7th, we were taken there. On the next day, we were taken to somewhere else and fire opened on us. Nine of us were injured. One person died. Many people were injured. I was amongst those who were seriously injured. We were airlifted from here to Nairobi. I was in hospital for six months.

Mr. Patrick Njue: We will get there, Mr. Haj. What I want you to confirm to me is where the shooting took place. Where exactly?

Mr. Haj Okash Mohamed Abdi: We were taken to a place between Suftu and Mandera. That place is now called “School TB”. That is where we were attacked.

Mr. Patrick Njue: Was it an open ground?

Mr. Haj Okash Mohamed Abdi: It was in the middle of the road. It was a bushy area. It is where we now have the Manyatta TB Camp. The place is between Suftu and Mandera. It is not very far from the town.

Mr. Patrick Njue: How many were you and how were you ferried to the place where the shooting took place?

Mr. Haj Okash Mohamed Abdi: In the whole town, people were fewer than they are now. All of us were taken there.

Mr. Patrick Njue: How were you ferried to the place where the killings took place?

Mr. Haj Okash Mohamed Abdi: We were surrounded by soldiers and taken there on foot.

Mr. Patrick Njue: I now want you to talk about the injuries that you sustained. You said that about nine people died and several were injured. What injuries did you sustain?

Mr. Haj Okash Mohamed Abdi: I was hurt on one side of the body, including the ribs. My leg was hit by bullets. If I open it for you to see, some people may cry. I suffered a great deal of attack.

Mr. Patrick Njue: When they led you to the place where this heinous act took place, were they saying the reasons for taking you there? Do you know why they took you there?

Mr. Haj Okash Mohamed Abdi: That matter is clear. There was a threat before then. The DC said everything. It was a massacre which was intentionally executed by the

security personnel. We know people whose genitals were tied to trees. The emergency law was at work. It was shameless extra-judicial killing that happened.

Mr. Patrick Njue: My understanding is that you blame the then DC, Mr. Kibaya, for all that?

Mr. Haj Okash Mohamed Abdi: I blame the DC together with the President. It was an order from the DC. It was an order from the Government. The police were just doing their work. Maj-Gen. Halkano used to drive cattle from here to places, where they were killed. We used to be confined to specific places. They used to shoot the camel and the people.

There was a man called Obodhe, who was a Luo. They used to kill the animals, and people would get similar treatment.

Mr. Patrick Njue: Tell me more about Maj-Gen. Halkano and Obodhe. Were these people there on that very day, or what you said about them happened another time?

Mr. Haj Okash Mohamed Abdi: I cannot be certain whether or not they were there on that day, but I know that the order came from Maj-Gen. Halkano. The DC was taking orders. There was Obodhe and a Kikuyu guy called Kurungu.

Mr. Patrick Njue: What would you say are your expectations from this Commission?

Mr. Haj Okash Mohamed Abdi: Initially, I did not have any expectation. There was rape and killing. This was normal. I now see that there is a Commission which has the intention of doing justice. Now there is a ray of hope in my heart. I expect justice. When I see international faces amongst you people, I get a glimpse of hope that we may find justice for the rape and the killings that took place. I pray that justice prevails and the criminals be brought to book.

Mr. Patrick Njue: Looking at you seated here with me, I can see that you are in use of one eye. What happened to your left eye? Is what happened to it related to the events of that day?

Mr. Haj Okash Mohamed Abdi: The eye, the hand, the ribs, the leg, the lungs were operated on. The problem you see with my eye arose on that particular day.

Mr. Patrick Njue: Is it to say that before that very day, you were in use of your two eyes?

Mr. Haj Okash Mohamed Abdi: Yes, I had my two eyes. It happened following the blast on that particular day. I got injured in the eye on that day. Later on, I suffered pain. I went to Mater Hospital because of these eyes. When the doctors realized it could not be saved in any way, they removed it.

Mr. Patrick Njue: I will now hand you over to the Commissioners, who may want to seek clarifications from you. Thank you for time, and sorry for the loss.

Commissioner Slye: Haj Mohamed, thank you so much for taking your time to appear before us and sharing your wisdom and story with all of us. I just want to make sure that I understand the sequence of events. You testified that on 7th May, the DC called a public *baraza*. Is that right?

Mr. Haj Okash Mohamed Abdi: Yes.

Commissioner Slye: Do you remember what he said during that public *baraza*?

Mr. Haj Okash Mohamed Abdi: I can remember. People were tortured. He told the people, “We will be killing the camel. We will be killing the goats. We will even be killing the donkeys. Nothing will be left.”

Commissioner Slye: During the public *baraza*, people were tortured as well?

Mr. Haj Okash Mohamed Abdi: They only converged at one place. Thereafter, the people left.

Commissioner Slye: The people were taken to that place and the DC said that they would kill the camels, the donkeys and the goats. Was anyone hurt on the 7th or did violence happen only on the 8th?

Mr. Haj Okash Mohamed Abdi: The order was given on 7th. Nothing else happened.

Commissioner Slye: When you were driven to the place where the shooting occurred, how many people died at that spot?

Mr. Haj Okash Mohamed Abdi: I know one Ismail Adan Salat. He used to work with me. He died there. In total, nine people belonging to different clans died. Maalim Salat Kare Miruu, who used to work with the colonial government, sustained fatal injuries in the brain and the eyes. The other people came from the countryside, but nine people got injuries.

Commissioner Slye: Nine people were injured and at least one person died on the spot. Is that correct?

Mr. Haj Okash Mohamed Abdi: It is correct. I swore not to tell this Commission any lies.

Commissioner Slye: I was not suggesting that you might be lying. I was trying to understand what exactly happened.

Let me ask you one last question. You indicated that Maj-Gen. Halkano was in charge of the operation. Was he present at the meeting on the 7th or during the shooting on the 8th?

Mr. Haj Okash Mohamed Abdi: Maj-Gen. Halkano was in charge of the military. He was the one who was giving orders. He was somebody I could recognize, and he knew that I recognized him. I used to live in town. I never came from the countryside. I have been here, in Mandera, for 68 years. The person I knew was him.

Commissioner Slye: Did you see him at the public *baraza*?

Mr. Haj Okash Mohamed Abdi: No, he was not at the *baraza*, but DC Kibaya was there.

Commissioner Slye: Was Maj-Gen. Halkano at the place where the shooting occurred?

Mr. Haj Okash Mohamed Abdi: He was not there but he was giving the orders. During the emergency period, he was giving the orders for the livestock to be killed, but he was not there.

Commissioner Slye: He would have given the orders but he did not go with his men to shoot you and the others who were rounded up. Is that correct?

Mr. Haj Okash Mohamed Abdi: He was not there but he was the man who was giving the orders in the then Northern Frontier District (NFD).

Commissioner Slye: Are you able to remember any of the officers who were at the place where the shooting occurred?

Mr. Haj Okash Mohamed Abdi: At least 40 of them took us there. I cannot tell who was firing the gun. I cannot tell who was in charge. We were confined to an open place. I cannot tell you specifically who was there, but the Kenyan soldiers were the ones who were doing that.

Commissioner Slye: Thank you very much for testimony.

Commissioner Chawatama: Haj Abdi, I join the other Commissioners in thanking you for your testimony. While answering a question from my colleague, you said that you worked. I want to know the type of work you did at the time when the incident took place.

Mr. Haj Okash Mohamed Abdi: I used to sell hides and skins.

Commissioner Chawatama: How did this incident impact on your business of selling hides and skins?

Mr. Haj Okash Mohamed Abdi: For six months, I was in hospital. After I got the gun shots, I stayed away from home. After six months, my brother took me to Nanyuki. So, for 12 months, I was away from my home and children. When the injuries healed, I was like disabled. I was not able-bodied. Up to now, I cannot work. One eye is not there. One hand is not functional. I actually work with one eye and one hand.

Commissioner Chawatama: Upon your return to your family, what were some of the things that the children talked to you about? What were some of the things they went through, during your absence, that they talked about?

Mr. Haj Okash Mohamed Abdi: The children were under the care of my relatives. When I came back, I found that they were being taken care of by relatives. 33 people were in worse condition. In this town, 99 men would be told to lead their women and children. For three months, they never came to their homes. They would be tied to trees. They would be confined in fenced compounds. When I came back, my injuries were still bad. Blood was oozing from my injuries. There was a time when I would be searched by the police. The people would be told to forward to the authorities any man who came to town. If the security personnel missed the person they were looking for, they would confine the people again and beat them up. When they failed to find a new person who had come to town, you would be told to bring him forward. I cannot narrate the ordeals. For 99 days and nights, the people succumbed to the same problem. At one time, 33 men lived in this town.

Commissioner Chawatama: Do you have the value of the property that you may have lost as a result of the incident of 1965?

Mr. Haj Okash Mohamed Abdi: I do not have a calculator here, but it is not something which can be estimated. I used to have livestock, but it is no longer there.

Commissioner Chawatama: Thank you very much. I am sure that in your spare time, when you are sitting and sharing ideas with young men, they look up to you as a man of great wisdom. You are now 81 years old. Some of the young men would just want to hear from you the secret of living a long life. It is my prayer that you will be able to share with them and impart wisdom into the young. I wish you a long life.

Thank you.

Commissioner Dinka: Haj Abdi, I also join my colleagues to thank you for sharing with us your story, which is very traumatic. My question for you is, when DC Kibaya called the *baraza* on the 7th and declared that he was going to have all the camels, goats and everything shot, did he say why?

Mr. Haj Okash Mohamed Abdi: There was no reason except the emergency law. In the then NFD, there was a referendum and we indicated that we would be joining Somalia. We were asked, "Why did you decide to join Somalia?" There were those who voted to remain in Kenya but they were not spared.

Commissioner Dinka: I know the story of the then NFD, and how the emergency was declared, but what made the DC on the 7th to make that declaration? What was happening in the town?

Mr. Haj Okash Mohamed Abdi: I cannot remember. I have a problem with memory. There was actually a problem. It continued until 1968. What happened in the NFD is not something I can summarize here. It is a long story. At that time, we were not part of Kenya. It was just recently that they accepted us. Before then, we were people who were massacred. Our women were raped. We can even talk about ladies who were abducted and never returned. Any Somali person who is 25 years old today knows the problems that were there. All the people were affected. I am an old man. I cannot summarize the issue at this point. If you give me 20 days, I can summarize it. The problem is still there. Please, understand. The problems are not yet over. That is the much I can tell you.

Commissioner Dinka: My next question is almost similar to the previous one. The police and AP officers who came to the village to round up all the men, the next day, 8th of May, and took you to the forest, did they pose any question to you? Did they ask you to do something before they started shooting at you? Did they just start shooting at you before they asked you any question?

Mr. Haj Okash Mohamed Abdi: Mr. Presiding Chair, understanding comes after talking. There was no talk. A person who asks you questions is one who looks for something better than killing. Their intention was to kill. The emergency law was working. It was a massacre. So, there was no talk and they did not ask us any question.

The Presiding Chair (Commissioner Ojienda): Thank you, *Mzee* Haji, for that testimony. You have shared with us tales of the difficulties that you have gone through. We, as a Commission, appreciate. I just want to assure you that the evidence that you have given relate to some of the reasons why this Commission was created. I want to assure you that gross violations of human rights that have over a period of time been committed against the people of this region are the reasons that we are here, and we will certainly be making recommendations that would put to a stop some of the things that your people have experienced over the years.

Thank you very much. Clerk, call the next witness. That is the last witness this morning.

Mr. Patrick Njue: Mr. Presiding Chair, we still have 18A and C who are present.

The Presiding Chair (Commissioner Ojienda): Let us call the next one before we break for lunch.

Mr. Patrick Njue: Witness No.18A.

(Mr. Guliye Musa Mohamed took the oath)

Mr. Patrick Njue: *Mzee*, how are you?

Mr. Guliye Musa Mohamed: I am fine, thank you.

Mr. Patrick Njue: *Mzee*, I will be leading you in your testimony. What is your name?

Mr. Guliye Musa Mohamed: My name is Mr. Guliye Musa Mohamed.

Mr. Patrick Njue: Where do you live at the moment?

Mr. Guliye Musa Mohamed: Now, I live in Mandera. Some of my families are in Malka Mari. They keep camels.

Mr. Patrick Njue: Mr. Mohamed, you are here because you recorded a statement with the Commission on something you suffered by prolonged detention and torture in 1964. Is that the position?

Mr. Guliye Musa Mohamed: Yes, in 1964, I was arrested.

Mr. Patrick Njue: Say “yes” or “no.”

Mr. Guliye Musa Mohamed: Yes.

Mr. Patrick Njue: Just give me a short answer and carry on. So, you were arrested in 1964.

Mr. Guliye Musa Mohamed: Yes.

Mr. Patrick Njue: Was this in relation to the *shifita* war?

Mr. Guliye Musa Mohamed: Yes.

Mr. Patrick Njue: During this time of the *shifita* war, you led military men in search of arms. They rounded you up and accused you of being one of *shiftas*. Is that the position?

Mr. Guliye Musa Mohamed: At that time, I was one of the street children in Mandera Town. At the time of NPP, I became a youth leader. As a political leader at that time, I did not know anything about bandits or *shiftas*. However, since I was a good organizer, I was blamed for being against the Government. They suspected that I was organizing a revolt against them.

Mr. Patrick Njue: *Mzee*, do you remember around what month or date this could have been?

Mr. Guliye Musa Mohamed: It was in July, in 1963. That was when I was detained. I do not know whether it was 8th July or 11th. I am not very sure.

Mr. Patrick Njue: 1963 or 1964, *Mzee* Mohamed.

Mr. Guliye Musa Mohamed: It was July, 1964.

Mr. Patrick Njue: You said that you were a youth and a political leader of the NPP?

Mr. Guliye Musa Mohamed: Yes.

Mr. Patrick Njue: The initials NPP stands for what? Was it just a movement? Are these initials?

Mr. Guliye Musa Mohamed: We were directed by those who were calling for secession to Somalia. This was a political party calling for the secession. We did not want to share a country with none Muslims. We wanted freedom for NFD. They said: “Do you know what independence is?” We did not know even the word *Uhuru*, what *Uhuru* meant. It was a man who worked with the British soldiers who told us what *Uhuru* meant. We did not know even that word “independence” meant *Uhuru* in Kiswahili Language. The young man told us we ask “the colonialists to give you your independence differently and forget secession”. We used to see ourselves as part of Somalia and we refused to be part of Kenya.

The DC by the name Kamama knew the Somalis. He used to tell us that we could be left as NFD. He discouraged us from wanting to be part of Somalia and told us to be independent of our own. But we refused and said we wanted to be part of Somalia. We were told that the man who marries your mother is your father. The English man wanted to give us independence, but he gave it to Kenya and Kenya became our father. When Kenya became our father, we just followed. Most of us were pastoralists. From there, the problem of *shifta* started. We were pastoralists and rich because we had animals. But because of this misunderstanding, what happened was that there was a fight between the *shifta* and the Government. The *shifta* were beating people and taking our camels. This border town of Bellet Hawa was built using this wealth that was taken from us by the *shifta*; those who were against us being part of Kenya as a Government. They used to kill the people. The Government of Kenya, when they want to fight the *shifta*, they used to kill the people. So, the *shiftas* were killing us and Kenya Government was also killing us. That is the kind of life we were living. This *shifta* issue was used as a blanket to humiliate and torture many of us. Many people lost their lives as a result of war between *shiftas* and the Government forces. The Government of Kenya could not differentiate people who were fighting it and normal *wananchi* who were obeying the rule of law. The military used to kill people. On the day the *shifta* attacked the Kenyan military, all the people in Mandera were gathered. We were told to put a fence on the military camp. Then there were three to five bodies of *shifta* under acacia tree. The Government told us to bury them. We dug a big hole and put the three bodies in it.

It was not the administration, but the military who were doing this. Then the DC at that time, who was called Abbota, said these are normal people. He said we should not be

manhandled. Praise be to Allah, that is when we got saved. Among the Somalis was Mr. Yussuf Haji who was then DO. A few days after that, Mr. Yussuf Haji was transferred from here. I suffered a lot although I was not a *shifto*. I suffered the wrath of the Government. That is why I am talking the way I am talking with a lot of bitterness. As I said, I was detained. It was July 8th or 11th. I was detained for 24 days. When I completed the 24 days, I was released. Then praise is to Allah, there were some camels that belong to me. My 50 camels were killed by the military. A man by the name Dugow was with my camels. In 1965, the third month, we were wild. The Government was hunting us. They used to rape women. They used to open fire at the camels. They used to burn houses. They never cared about whether there were people inside the huts or not. It was emergency law. People were told to come to the town and come to a place called *Kijiji*.

There were bandits from Ethiopia who came to a place called Dakaj, which is a water point. At the water point, the military convoy moved in. The *shifto* from Ethiopia opened fire at the army. Then the Government gathered all the people around there. People were rich. The water point was full of animals. All the animals were taken away by the military. By then the DC was Mr. Karungu. He was the first black DC here. When I was arrested in 1964, there was a man by the name Allan. He was a white man. After him there was Walker, who was in the special branch. Mr. Karungu took over from Walker and became the first black DC. Thousands of animals were taken away by the military. They slaughtered some animals and ate. I do not want to lie. Mr. Karungu did not come back. We were told he started his own company after taking our animals away. The rumour had it that he became a very rich man. Mr. Mburu replaced him as a DC. He was better. I was then detained again in 1968, but I was not tortured.

A man by the name Mohamed Yussuf Galti was killed by the Kenya army. They said I came from Wajir and I could identify the body. However, I was not able to identify the body. They were looking for me and they wanted to kill me. I did not identify myself. In the evening, I was driven away to identify the body of another person they had killed. But I could not identify him because I did not know him. At around 11.00 p.m., I was removed from the cell. That body was there for two days. They would not bury that person. He was a traveller from Takaba. He came from the countryside. He had his Holy Quran. After five days, the Government took his body. He must be somewhere in this cemetery. In 48 days, my camels and goats were taken away. There was a bundle of white cotton that was here in a shop. They said, I was a shareholder in that shop. They took the bales of clothes. I was released, but was taken to the detention after five days. It must have been two days or three days before the 48 days was over when the people of Mandera were confined in one place like wild animals. They were told to raise their hands. There was a plane that landed here. Every person was told to hold the other, whether it was a man or a woman. The following day, we would be showing them the firearms. All the people were told to come out of the town. We were taken to a shooting range. A place where they practice shooting. Thank God, there is a bomb that they threw up that came back. It did not explode. I was taken to Garissa. Somebody from Mandera called Haji Yarrow Sheikh Adan was with me, the father of an inspector of police. There was Ismail from the Makabul clan who used to work for the Somalia forces. Then there was a mother of the larger Haji Jama's family. We were taken to the outskirts of the

town. We were beaten. Those other two people were not beaten like us. I was thoroughly beaten because I was strong. This was a very traumatizing experience. Sometimes they would tie my legs. At times, I could feel pain in the head. They would tightly hold my testicles. Pull my penis. They would tie it. I never thought the penis could be pulled like that. There was an SSP from the police who gave orders that I be burnt to death. Sometimes I was electrocuted. I had undergone so much pain. The Ogaden people heard about the suffering I had undergone when they were taken to a concentration camp. They used to take fathers and taken the daughters away. That is what I have undergone. I could not urinate because of the torture. The people of Mandera do not have a chronology of what they had undergone. The Government was torturing us because of the *shifita*. They could not segregate. They said a Somali is a Somali. They are all *shiftas*. I have undergone so many operations. I have a surgery here. At the back here, I was hit with the butt of a gun. Up to today, I vomit blood. I had two wives then but I left them. I was helpless. My livestock was gone. This is where I was born. I have never gone to Bellet Hawa. I do not sleep well during the night. When you are poor, you cannot fight the Government. If I retaliated, other people would have hit me hard. I am laughing because there is a parable about the hyena. When the hyena is hit, it eats its own intestines, and still laughs. My laughter is similar to that of a hyena.

Girls were demonized and there was nobody to complain to. In Malkamari and Malka Huqa, there was a games reserve. That is where livestock ran to. I told you I was the youth leader of the NPP. I know much about what happened and I want you to know that.

Mr. Patrick Njue: Thank you, indeed, for sharing that history with us. It is quite benefitting for some of us, especially on account of our very young ages, and to even see the kind of confidence you have in narrating the many things that you have seen and undergone in your time.

Allow me to ask you one or two questions before I can hand you over to the Commissioners. As you are seated there, what would you tell the Commission? What are your expectations from what you went through?

Mr. Guliye Musa Mohamed: To tell you the truth, I do not have any expectations. Talking about it, praise to God is good enough. I never thought I would see a Commission looking for the truth. But now that I have seen the people who did these things such as Halkano, Karungu---- All the girls were gathered here from Mandera. The beautiful ones were taken away and raped at a place called Suq Holaa. All the rapes that happened to the beautiful women---- The people who did these crimes should be brought to book. From the first black DC up to now, there has been a lot of harm. The special branch officers were Shalle and Halkano. I know what happened. I can even tell you the people who were killed.

If we get justice, it would be fine with us. If we do not get it, it will also be fine with us. If these people would be brought to book, it will be fine with us. The Government was killing its own people. Even when they were looking for mines, people were walking ahead of the soldiers. That is the much I can say.

The Presiding Chair (Commissioner Ojienda): Thank you very much, Leader of Evidence. Thank you very much, *Mzee*.

I now know your name is Mr. Guliye Musa Mohamed. I just want to commend you for sharing your detailed piece of evidence. You were unstoppable in your tale. You traced the history and narrated this as clearly as day light. You clarified everything that the Commission wanted clarified. You have healed from your own statement. This was an opportunity for you to share with the public your experiences. I thank and laud you and share your pain and your healing. Thank you very much and have a good day.

Leader of Evidence, lead the witness back to his seat.

Now we have come to the end of this morning session. I am glad we have had the opportunity to hear tomorrow's evidence and today's evidence. We will convene at 2.30 p.m.

[The Commission adjourned temporarily at 12.40 p.m.]

[The Commission resumed at 1.50 p.m.]

The Presiding Chair (Commissioner Ojienda): Welcome to this afternoon session. You may sit. Hearing Clerk, call the next witness.

(Mr. Ibrahim Mohamed Mohamud took the oath)

Mr. Patrick Njue: *Mzee*, tell us your name for the record.

Mr. Mohamed: My name is Ibrahim Mohamud Mohamed.

Mr. Patrick Njue: Where do you live at the moment?

Mr. Ibrahim Mohamud Mohamed: I live in Mandera.

Mr. Patrick Njue: I will be asking you for a testimony. So, you will wait for the question and you will give me a very brief answer according to the question I ask you. You recorded a statement with this Commission relating to an event that took place sometime in 1964 in what you describe as the emergency period. Is that the position?

Mr. Ibrahim Mohamud Mohamed: Yes, it is right. I reported that.

Mr. Patrick Njue: I want us to go back to this date and the events that took place, so that you can better inform the Commission. Do you have a date for the month within which this event took place?

Mr. Ibrahim Mohamud Mohamed: I was a 20 year old pastoralist. I was pretty young and I do not have the date and the day it happened.

Mr. Patrick Njue: Very well. I do understand. But in your statement, you say that on that very day, military officers drove into your compound and opened fire on your livestock for no reason and as a result of which you lost some livestock.

Mr. Ibrahim Mohamud Mohamed: Yes, that is right.

Mr. Patrick Njue: Can you give the details of the livestock that you lost, including the camels, donkeys, goats and cows? Do you have the figures with you?

Mr. Ibrahim Mohamud Mohamed: Those that I lost and were taken from me were 80 camels, 80 cattle, 250 goats and 12 donkeys. I was a rich man at that time. I lost my animals that way. That is the way it happened.

Mr. Patrick Njue: Very well. During this incident when your livestock was taken away and some were being felled by the bullets, who was doing this activity? Who was responsible for this?

Mr. Ibrahim Mohamud Mohamed: It was the military. They spent that night at the bamboo plain. They attacked our family early in the morning. The animals were killed there and my mother's house was burnt. I was attacked and they hit me with the butt of the gun on the hand and abdomen, which was cut. A man from the Merille Clan took me to hospital and I was in Mandera Hospital for eight months.

Mr. Patrick Njue: What made you identify them as military officers?

Mr. Ibrahim Mohamud Mohamed: They were in Army uniform and the vehicles were those of the Army. They were in the middle of the road and I could see them.

Mr. Patrick Njue: Again, you say that you sustained certain injuries. Once again, which injuries are these that you sustained when they were hitting you with the butts?

Mr. Ibrahim Mohamud Mohamed: The kidneys and ribs. The right hand was cut three times and up to now it has not healed.

Mr. Patrick Njue: Is there need for future medical attention?

Mr. Ibrahim Mohamud Mohamed: No. The right hand is completely destroyed. I cannot even use it to brush my teeth.

Mr. Patrick Njue: Were you able to identify any of these military personnel who raided your home?

Mr. Ibrahim Mohamud Mohamed: No, I do not know anyone. I was a young pastoralist in the countryside. What I knew was looking after the animals and I cannot name anyone. I can only remember the chief who was there in Ramadat.

Mr. Patrick Njue: Was he present during the raid?

Mr. Ibrahim Mohamud Mohamed: He was not there. He was in Rhamu Town. The religious leaders came and carried me from there. Two people died there and the rest (six) were brought to town. One of them died in hospital.

Mr. Patrick Njue: Let us clarify this again. When you were being attacked, there were other people there as well save for yourself?

Mr. Ibrahim Mohamud Mohamed: Yes, there were other people. Even my wife was hit on the head.

Mr. Patrick Njue: What other injuries did the people sustain?

Mr. Ibrahim Mohamud Mohamed: Many people were attacked. They did not shoot people but they used the guns to hit people.

Mr. Patrick Njue: (*inaudible*)

Mr. Ibrahim Mohamud Mohamed: (In Somali)

Mr. Patrick Njue: What happened to that man?

Mr. Ibrahim Mohamud Mohamed: He died from a bullet aimed at a camel.

Mr. Patrick Njue: *Mzee*, what would be your expectations as you are seated there today, that you want to tell the Commission?

Mr. Ibrahim Mohamud Mohamed: I expect to be supported, given medical care and compensated for the wealth I lost.

Mr. Patrick Njue: *Mzee*, I am sorry for what you went through. I empathize with the ordeal. You will now remain calm as our Commissioners seek clarification on one or two things from you.

The Presiding Chair (Commissioner Ojienda): Thank you, Leader of Evidence.

Commissioner Chawatama: Thank you for your testimony. Where was your mother when her house was burnt down?

Mr. Ibrahim Mohamud Mohamed: She was there. She was among those who suffered the assault.

Commissioner Chawatama: That is all I had for you.

The Presiding Chair (Commissioner Ojienda): Thank you very much, *Mzee* Ibrahim, for your testimony. We share your pain and appreciate that you have been able to tell us in detail the painful experiences that you underwent. This is why this Commission exists and we are happy that you were able, after a long time, to turn up here today and speak with the energy that you have done.

Leader of Evidence, next witness!

Mr. Patrick Njue: Commissioners, next we have 019. They are two men. Sorry, the witnesses were supposed to be two, but we had one before we broke for lunch.

(Mr. Abdulrahman Ibrahim Aliow took the oath)

Good afternoon, *Mzee*!

Mr. Abdulrahman Ibrahim Aliow: Good afternoon. My names are Abdulrahman Ibrahim.

Mr. Patrick Njue: Where do you live at the moment?

Mr. Abdulrahman Ibrahim Aliow: I live in Banisa currently.

Mr. Patrick Njue: We want you to shed a little more light as regards the Malkamari Massacre. You may be aware, since you have been coming, that we have had other witnesses who have also spoken on the same. So, yours will just be to take a few minutes, to just build up on what it is that they told you.

Mr. Abdulrahman Ibrahim Aliow: Thank you. My name, again, is Abdulrahman Ibrahim. I was born in Malkamari. Mandera District consisted of six divisions and Malkamari was the sixth division. At that time it was called Malkamari Division. I will not lie before this Commission. I will tell what happened in Malkamari. The issue of NFD was discussed yesterday and today, from 1963 to 1978. In 1978 the summit was held in Arusha, where Abdulrashid, the Prime Minister of Somalia then and the Kenyan authorities attended. A peace agreement was signed and after that, the offices of those who were leading the *shifita* were closed in Mogadishu. The *shifita* war and the issue of NFD ended there. From there we became completely part of Kenya and the NFD part was renamed the North Eastern Province.

The bandits from the *shifita* war were referred to as returnees. They were given jobs like in the Kenya Wildlife Service. Some of them were given jobs as Administrative Police Officers. From 1980, the issue of *shifita* war was renamed ONLF, that is, the Somali rebellion group that was fighting in Ogaden in Somalia. They used to pass through Kenya to reach Ethiopia. They were fighting Ethiopia and not Kenya. They used to cross the

border from two points. One is Elwak and the other is Bulahawa here in Mandera. Whenever they were crossing the border they were never stopped. They used to allow them to cross and then the Ethiopian army would fight them from that end and the Kenyan army could fight them from this end. The Kenyan and Ethiopian armies met at Malkamari. It was not a normal massacre, it is a severe one. They used stones to kill people. They made people lie on stones and hit them between 1980 and 1982. This massacre happened in Malkamari and many people were killed. Many animals were also lost and eaten by wild animals. People crossed the border to Ethiopia. Those who crossed to Ethiopia were not killed. The ID cards were used to identify Kenyans. The Ethiopians were identified by the *Mastawaka*. Those who claimed to be Kenyans were killed there. Those who claimed to be Ethiopians were not killed whether or not they had identity cards. People were massacred and we lost our wealth. Those who went to Ethiopia were saved and some of those who remained here were killed. The man who was leading the army was a Major called Bartosh. He was a Kalenjin. The Malkamari Massacre was more severe than the other massacres that happened in this region. I can name the people who lost their lives, where they were killed and buried. I can also name those who were eaten by animals.

Mr. Patrick Njue: *Mzee* Abdulrahman, I want to thank you for that very insightful background. Indeed, you have told us how the massacre took place and how the people of Malkamari suffered, which I greatly empathize with. I would want now to hand you over to the Commissioners who may seek a clarification or two, perhaps, to further elaborate on the information that you have given.

The Presiding Chair (Commissioner Ojienda): Thank you very much, Leader of Evidence. Commissioners!

Commissioner Chawatama: Thank you for your testimony. I think what is important to the Commission is that if you have the names of the victims, prepare for us their names so that, that can form part of your testimony. So, maybe after you rise, just take time to write the names and hand them over to one of the officials of the TJRC. I would like to thank you for the testimony. I found it very helpful.

Commissioner Shava: Thank you very much for your evidence. I have one question. I did not understand the description of how the Ethiopian army was identifying people who were supposed to be Ethiopians. What is that thing called?

Mr. Abdulrahman Ibrahim Aliow: The Ethiopians are neighbours and we know each other very well. We have Somalis on that end and in this end. We also have Somalis in that Ethiopian army and also on this side. So, it is something that can be clearly understood. We live together.

Commissioner Shava: Thank you very much.

The Presiding Chair (Commissioner Ojienda): Thank you, *Mzee* Abdulrahman. I want to ask you a few questions. When you were giving a history of how the Malkamari

Massacre occurred, you failed to tell us where you were. Where were you around this time?

Mr. Abdulrahman Ibrahim Aliow: At that time I was in Banisa. Banisa was then a village in Malkamari Division. That is where I started my talk.

The Presiding Chair (Commissioner Ojienda): How were you affected by the massacre?

Mr. Abdulrahman Ibrahim Aliow: My brothers were killed. We were among the most affected families. Many people in my family were affected. My nephews and nieces were killed. I hope the Commission will visit Malkamari. The people who suffered most were the Garre and Degodia. Among the Garre who suffered the most was our family. That is how I was affected. My brother who is seated here has scars of the wounds he suffered that day. He can even show you. It affected us physically. We have widows and also animals were lost. We lost wealth and people. I am among those who were affected the most.

The Presiding Chair (Commissioner Ojienda): Mr. Abdulrahman, if you were to ask this Commission to do anything for you, what would that be?

Mr. Abdulrahman Ibrahim Aliow: This is a truth seeking Commission. We thank you all. We never saw a Commission looking for truth. This is the first time. I request this Commission to visit the areas that were affected by the Malkamari Massacre. Since they visited Wagalla and Garissa, I wish they could also visit Malkamari and see the widows and orphans. They will see poor people; how they suffer because their wealth was lost. My request is that if this Commission is looking for truth, you should go and see where this injustice happened, so that you see for yourself the reality of the matter.

Secondly, there is a Somali saying that, “while you are looking to increase your wealth you may lose what you have”. I will not exaggerate or overstate anything here. I want the Commissioners to go there and see the widows and those who lost their wealth. That is my request.

Again, those who were affected should be compensated. We can never get back our people, but we want something that can make us, at least, forgive the wrongs we suffered and the loss of wealth and lives. We request you to seek to compensate those who were injured, died and lost their wealth, so that they get justice.

The Presiding Chair (Commissioner Ojienda): We share the pain and salute you for speaking out honestly. We also share the pain of the widows who were left without husbands and of your brother who is in these proceedings. Maybe he could just stand up so that we recognize him. Is he here?

Mr. Abdulrahman Ibrahim Aliow: He is here. He will stand up. It is that old man.

(An old man stood up in his place)

The Presiding Chair (Commissioner Ojienda): Together with your brother I know what you have gone through; we appreciate. We will consult the Commission and try to see how possible it will be to visit Malkamari.

Thank you very much.

Leader of Evidence, next witness!

Mr. Patrick Njue: Commissioners, our next witness is 013.

The Acting Chair (Commissioner Namachanja): Yes, Leader of Evidence. Proceed.

(Khadija Salat Bore took the Oath)

Mr. Patrick Njue: Could you, please, start by telling us your names for the record?

Ms. Khadija Salat Bore: I am Khadija Salat Bore.

Mr. Patrick Njue: Where do you live at the moment?

Ms. Khadija Salat Bore: I live in Bula Afya in Elwak.

Mr. Patrick Njue: You are here because you previously recorded a statement with this Commission in which you said you wanted to talk about extra-judicial killings and loss of property that relate to the *Shifita* War. Is that the position?

Ms. Khadija Salat Bore: Yes. I want to talk about that and I stated it before.

Mr. Patrick Njue: I will ask you questions that will lead you into how you will be able to narrate to us your story. I will begin by asking you, do you know when the *Shifita* War took place?

Ms. Khadija Salat Bore: I was illiterate and I cannot know the year and the date. I cannot remember the date because I am an illiterate person. It took place at Garseni. I just remember the place.

Mr. Patrick Njue: What makes you identify it as an event that took place during the *Shifita* War? Was it that people were talking of *Shifita* War?

Ms. Khadija Salat Bore: It was called *Adunguru* War. The army soldiers took all our animals.

Mr. Njue: Let us go through the events of this day. I want you to tell us exactly how it started and what happened.

Ms. Khadija Salat Bore: It was early in the morning. We were migrating. We migrated to a place called Garseni from Ele. The army soldiers came and took all the animals. I was with another man. That day they took me. They raped me then I ran away. I was trying to run after the camel. They beat me up and then they broke one of my legs. They killed the camel I was running after. My husband was taken away. He was following the animals. He was beaten using the butt of the gun and he fainted.

The camel was following us while we were walking with the goats. They killed all the camels. That is what happened on that day. They killed all our camels. My husband survived, but after the torture he got a disease whereby he was coughing blood. Two years after that he died.

They beat me so badly that I have so many scars on my head. Due to the beatings, I got some memory loss. Every time I see any policeman in a uniform I get frightened. I survived and lived with the orphans. When we were going to water our animals they killed two people; Ibrahim Hassan and Billow Maalim Adan.

We went through so many tragedies. We live with orphans now. As a result of beating, I have never recovered fully. We never knew that anybody could come to see us or talk about the event that took place. When you hear somebody talking about that event, I feel so bad. At least now I am happy that we are able to talk about it. They treated us like hyenas. They killed us whenever they saw us. They tortured our hearts. They took all our cattle. We are now living in abject poverty. We survive on wild fruits.

I thank God that we are here now narrating to you what happened and the problems we experienced. They took all our animals.

Mr. Patrick Njue: Thank you very much, for narrating your ordeal to us. It was a painful experience. I must really commend you for being brave to even speak about it. Part of the reason why we are bringing it before this Commission is that we may encourage you to heal.

Ms. Khadija Salat Bore: It feels so bad to think about what I went through. We survived only on wild fruits. That is why we have survived up to now. As I said, I am an illiterate person. I do not know the date when this occurred, but thank God I am here right now.

Mr. Patrick Njue: I thank God that you are also here so that you can share this story with the many of us who only get to hear about some of these things. I will ask you, briefly, a question or two just to clarify the story. These army people that you have talked about, how were you able to identify them as army officers?

Ms. Khadija Salat Bore: They had the army trucks and uniform. We knew that we were Kenyans. However, we did not know that they were coming to take our cattle away and kill us. We were in the bush. We were not near the road. We do not know why they came up to that point to treat us so badly. I know some of those officers who were in the army then.

Mr. Patrick Njue: Before you can tell us their names, how many were they in number?

Ms. Khadija Salat Bore: They were so many that I cannot count the number. They usually beat us at the watering point. There were five people who were running after me. They were the ones who raped me. The others were left to kill others. Others continued killing.

Mr. Patrick Njue: You have also mentioned that there are some that you know by name. Could you, please, tell us their names?

Ms. Khadija Salat Bore: One was known as Galgallo Godana. I only remember that name. Whenever we saw any car or truck, we would run away because we were traumatized by what happened. Every time I see a car passing or any sound that I know comes from a car, I run away.

They have traumatized us six times. I can say that these were Kenya Army soldiers. The *shiftas* usually slaughter our animals, but they do not kill us.

Mr. Patrick Njue: These other people that you talk about that were also there, how many would you say were injured or how many died as a result of the attack on this day?

Ms. Khadija Salat Bore: Three were killed.

Mr. Patrick Njue: How many were injured?

Ms. Khadija Salat Bore: Three were killed near the camels. Three were killed near the cattle. But so many were injured. I cannot say the number. Even my husband was so injured that two years after that he died.

Mr. Patrick Njue: So, you would blame the cause of the death of your husband to the beating that he sustained from the military men?

Ms. Khadija Salat Bore: Yes.

Mr. Patrick Njue: Lastly, seated there today, what would be your expectations from this Commission?

Ms. Khadija Salat Bore: I want them to help us and compensate us because we lost virtually everything we had. We know very well that no compensation can match whatever we lost. For example, we cannot recover our animals or the loss of our dear ones. We sell firewood and charcoal to educate our children. We eat wild fruits. If God helps us and we get our rights, we will be very happy. We thank God so much and we thank you for availing yourselves here to help us and hear from us. Maybe if we can get good schools for our children, those are the expectations we have. That is the only way we can forget our sufferings.

Mr. Patrick Njue: I thank you once again for narrating your ordeal, traumatizing as it is. I really empathize with you and the many other leaders out there. God bless you. I will now hand you over to the Commissioners who may want to seek clarification on few things.

The Acting Chair (Commissioner Namachanja): *Mama* Khadija, I would like to thank you for coming before the Commission to share with us your story. I know that your story is painful. It is very rare for women to come forward to talk openly on the issues you have shared with us.

I hope that you have opened the way for others to come and talk about it, so that it is out of your heart. You said you are taking care of orphans. I would like to know how many orphans you are taking care of.

Ms. Khadija Salat Bore: I have five children. I have three who are aged below 18 years now. Others are over 18 years old.

The Acting Chair (Commissioner Namachanja): The under 18 years old are in school?

Ms. Khadija Salat Bore: Yes, they are in school.

The Acting Chair (Commissioner Namachanja): Are they in primary school or secondary school?

Ms. Khadija Salat Bore: They are all in primary school.

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

Ms. Khadija Salat Bore: Thank you. My time is limited. Otherwise, I would have said a lot. As I said, I always fear anybody in uniform because of the things I went through.

Commissioner Slye: I want to join my sister here in commending you for coming forward and sharing your story with us. I understand being around people in uniform and cars is a very uncomfortable thing for you. I know you must have seen some of them with us. So, we very much appreciate the effort that you have taken to come and share your story here with us. I just have one question. Do you remember how old your husband was when he died?

Ms. Khadija Salat Bore: He was between 30 and 50 years. Since I am illiterate, I cannot for sure say how old he was.

Commissioner Slye: Do you remember what year he was born?

Ms. Khadija Salat Bore: I do not know.

Commissioner Slye: Thank you very much.

Commissioner Chawatama: I would like to thank you most sincerely for having given your testimony to us in public. You are the second woman here in Mandera to do so. What is important about what you have done is that you have been able to share with the public some of the problems and challenges that women go through. If these things are not spoken about in public, men will never understand some of the problems that women go through. They will never understand the pain that women go through. But you have taken a very courageous step and you have spoken in public. Your testimony will, not only help other women, but also a different generation of women. I salute you for your courage. On this day, you have made it worthwhile for me to come out to this country and to do the work that I am doing here. Mine is just to encourage you to continue to live on and to impart words of wisdom to young women as they are growing up. I thank you so much for your testimony.

Ms. Khadija Salat Bore: I have had so many problems. I have high blood pressure. I cannot even come to a crowded place because I feel so bad. Thank you very much for listening to my tribulations. We are so thankful that you have all come to hear our problems. Yes, we are illiterate, but we know what happened. Some people think that we and our animals are the same because we do not know anything. We have now seen the light and we are taking our children to school. God help you now that you are here to fight for our rights. We want justice.

Thank you.

The Acting Chair (Commissioner Namachanja): *Mama* Khadija, I want to join my fellow Commissioners in saluting you. I know the pain of losing a partner at a young age. We have listened to testimonies in Garissa, Wajir and now here. We can only say that you are a strong mother and wife. I want to ask you to clarify one point. When the army soldiers attacked you, could you remember the name of the President who was in power at that time?

Ms. Khadija Salat Bore: President *Mzee* Jomo Kenyatta.

The Acting Chair (Commissioner Namachanja): You said you have five children and that two of them are in primary school. How old was your youngest child at that time?

Ms. Khadija Salat Bore: I have five children. After the death of my husband, I remarried.

The Acting Chair (Commissioner Namachanja): How many children did you have at that time?

Ms. Khadija Salat Bore: I had four boys.

The Acting Chair (Commissioner Namachanja): Once more, I want to thank you again. We are here because of victims of human rights violations like yourself. Thank you very much.

Leader of Evidence, let us have the next witness.

(Mr. Ibrahim Allow Issadin took the Oath)

Mr. Patrick Njue: Could you, please, confirm your names for record purposes?

Mr. Ibrahim Allow Issadin: My name is Ibrahim Allow Assadin.

Mr. Patrick Njue: Where do you live at the moment?

Mr. Ibrahim Allow Issadin: I live in Mandera Central, Elwak.

Mr. Patrick Njue: You are here specifically because we recorded a statement affecting one Issadin Ibrahim Allow. Is this person known to you?

Mr. Ibrahim Allow Issadin: Yes.

Mr. Patrick Njue: Who is Issadin?

Mr. Ibrahim Allow Issadin: Issadin is my child. I am the father.

Mr. Patrick Njue: Is it the man seated next to you?

Mr. Ibrahim Allow Issadin: Yes. He is seated next to me.

Mr. Patrick Njue: How old is he?

Mr. Ibrahim Allow Issadin: He is seven years old.

Mr. Patrick Njue: We specifically wanted to talk about the injuries that he sustained sometime in 2004, according to the brief that you gave us. Do you remember the exact day and month when the event took place?

Mr. Ibrahim Allow Issadin: On that day, I had memory loss. I could not even remember the date.

Mr. Patrick Njue: What happened on that day?

Mr. Ibrahim Allow Issadin: On that day, I had gone through a lot of problems. It was a place called Koroboine.

Mr. Patrick Njue: What happened at Koroboine?

Mr. Ibrahim Allow Issadin: It was during the rainy season and we had our cattle. We were coming to Elwak. We were moving at night. We wanted to be in Elwak by morning. *Shiftas* came and started attacking us. We do not know where they came from. They attacked us. They killed our children. They killed our animals and injured many people.

Mr. Patrick Njue: Where were you exactly when this happened?

Mr. Ibrahim Allow Issadin: I was there when we were attacked. I was also a victim because I sustained some injuries.

Mr. Patrick Njue: Was it in your home, compound? Where was this where the *shiftas* attacked you?

Mr. Ibrahim Allow Issadin: It was in my homestead. This happened in the morning as we were watering our animals.

Mr. Patrick Njue: Who were you with at that time and what time was it?

Mr. Ibrahim Allow Issadin: It was 8.00 a.m. in the morning. I was with a few members of my family.

Mr. Patrick Njue: So, it was 8.00 a.m. You said you were with a few members of your family when the *shiftas* attacked you. Is that what you are saying?

Mr. Ibrahim Allow Issadin: Yes, that is what I am saying.

Mr. Patrick Njue: By the end of these random killings, how many people were injured?

Mr. Ibrahim Allow Issadin: Issadin's mother died on the spot. His aunt died. Issadin himself was injured and was removed from his dead mother's---

Mr. Patrick Njue: I am sorry for that loss. In the first place, were you injured?

Mr. Ibrahim Allow Issadin: Yes, I was injured in my heart. The bullet did not get me but it hit several people in front of me and that is why I sustained injuries in my heart because of the loss and trauma that I underwent.

Mr. Patrick Njue: And what about the injuries you sustained?

Mr. Ibrahim Allow Issadin: Issadin was at the back of his mother. The bullet that was aimed at his mother got him in the head but he did not die. He was flown to Nairobi, Kenyatta National Hospital (KNH) and got treatment there.

Mr. Patrick Njue: These are the receipts that show the payments from KNH. Pass them to him.

Mr. Ibrahim Allow Issadin: Yes, these are the receipts from KNH.

Mr. Patrick Njue: Would you want to produce them before the Commission as part of your evidence?

Mr. Ibrahim Allow Issadin: Yes, I want to produce them as evidence.

Mr. Patrick Njue: Thank you. We will be making copies of the evidence. Save for Issadin, do you have any other children?

Mr. Ibrahim Allow Issadin: I have so many children. After Issadin's mother died, I married another wife and she got me many children.

Mr. Patrick Njue: I am asking that because I wanted to find out if there were any other children who could have been injured during this time.

Mr. Ibrahim Allow Issadin: There is a bigger sister of Issadin who was also injured and I left her in El Wak.

Mr. Patrick Njue: What injury did she sustain?

Mr. Ibrahim Allow Issadin: She was attacked in the thigh and sustained a bullet injury.

Mr. Patrick Njue: Is there any other child or person that left home with serious injuries?

Mr. Ibrahim Allow Issadin: There are so many of them.

Mr. Patrick Njue: Now, presently, is there need for urgent medical attention especially for Issadin?

Mr. Ibrahim Allow Issadin: No.

Mr. Patrick Njue: *Mzee* Ibrahim, the incident took place in 2004. Can you confirm that?

Mr. Ibrahim Allow Issadin: In fact, I cannot remember but I think so.

Mr. Patrick Njue: From the receipts, we have seen that Issadin was treated in 2005. My question then would be: Was that subsequent to taking Issadin to hospital in 2005 for treatment as concerns him?

Mr. Ibrahim Allow Issadin: Yes.

Mr. Patrick Njue: When was this?

Mr. Ibrahim Allow Issadin: The time we were attacked; but I cannot remember very well because my mind was not normal by then. I was confused.

Mr. Patrick Njue: Lastly, what are your expectations today of the Commission?

Mr. Ibrahim Allow Issadin: We have been tortured in a place two kilometres from El Wak. Our children are citizens. The *shiftas* came and finished our children without any reason. I am expecting the Government to take our names and compensate us and make those people not to punish us under the flag of Kenya.

Mr. Patrick Njue: Is that all?

Mr. Ibrahim Allow Issadin: Also, many of our people have been killed without any reason and our resources to bring up our children are finished. We want our Government to give us resources so that we can look after our children without facing any difficulties.

Mr. Patrick Njue: Meanwhile, I want to thank you for your time and I share in your loss and especially Issadin, for the loss of his mother. I would also like to see that---

Mr. Ibrahim Allow Issadin: I have nothing to take Issadin to school with. I have no animals to sell so that I can educate him. So, I am appealing to the government to help me in educating this boy.

Mr. Patrick Njue: On a light note, tell Issadin that I note that he says that Billow Kerrow is his hero and I salute him when he wants to identify himself with such leaders. I now hand you over to the Commissioners who may want clarifications on some issues.

Commissioner Farah: *Mzee* Ibrahim, you are the first witness that we have heard from who was not attacked by the military and your assailants or rather the people who attacked you, you just call them *shiftas*. Is that so?

Mr. Ibrahim Allow Issadin: I do not know who they are but I know they are bandits who covered their faces. I cannot even know them by face.

Commissioner Farah: When they were attacking you, were they talking and if so, in what language?

Mr. Ibrahim Allow Issadin: They did not talk but only covered their faces.

Commissioner Farah: Okay. The attack was in 2004. Between that time and now, according to your community, you live in El Wak. Who did they tell you these attackers were?

Mr. Ibrahim Allow Issadin: Really, I cannot tell.

Commissioner Farah: Thank you.

The Acting Chair (Commissioner Namachanja): Why were you moving towards El Wak?

Mr. Ibrahim Allow Issadin: In search of water in El Wak in order to water our animals.

The Acting Chair (Commissioner Namachanja): From which clan do you come from?

Mr. Ibrahim Allow Issadin: Garre clan.

The Acting Chair (Commissioner Namachanja): At the time you were attacked, was it in the neighbourhood of the Garre community?

Mr. Ibrahim Allow Issadin: I cannot say. I do not know.

The Acting Chair (Commissioner Namachanja): Was there any inter-clan conflict during this period?

Mr. Ibrahim Allow Issadin: By then, there were no clashes.

The Acting Chair (Commissioner Namachanja): Thank you and *pole sana*.

Mr. Ibrahim Allow Issadin: Thank you too.

Commissioner Chawatama: Thank you very much for testimony. I would like to know how old your son was when he lost his mother.

Mr. Ibrahim Allow Issadin: He was not even a year because he was young.

Commissioner Chawatama: What has been the impact on his life as a result of these injuries? Is he fully recovered?

Mr. Ibrahim Allow Issadin: He has recovered but after some time he feels a headache and starts vomiting.

Commissioner Chawatama: Did your attackers take away some of the dead animals that they shot?

Mr. Ibrahim Allow Issadin: They took nothing and left the dead animals.

Commissioner Chawatama: To date, do you know what they were really after?

Mr. Ibrahim Allow Issadin: It is them who know but I do not know why they did that to us.

Commissioner Chawatama: Thank you very much for being a responsible father and for speaking on behalf of your son and bringing him to the Commission to speak to us. Thank you.

Mr. Ibrahim Allow Issadin: Thank you too.

The Presiding Chair (Commissioner Ojienda): Thank you, again, as the other Commissioners have said. Thank you for looking after Issadin. Has Issadin been able to fit well in the family that you now have?

Mr. Ibrahim Allow Issadin: He has fitted well and when he is not feeling the fever, he can walk.

The Presiding Chair (Commissioner Ojienda): Thank you again.

Mr. Patrick Njue: Commissioners, our next witness is coded 015015.

(Mr. Abdikadir Sheikh Mohammed took the oath)

Mr. Patrick Njue: Good afternoon, Sir.

Mr. Abdikadir Sheikh Mohammed: Good afternoon, dear Commissioners, ladies and gentlemen.

Mr. Patrick Njue: I will be leading you before you can start your testimony. Confirm your names for record purposes?

Mr. Abdikadir Sheikh Mohammed: My names are Abdikadir Sheikh Ahmed.

Mr. Patrick Njue: Where do you live at the moment?

Mr. Abdikadir Sheikh Mohammed: I live in Dadaab in the new Lagdera District.

Mr. Patrick Njue: Abdikadir, you are here before this Commission because you have previously recorded a statement to the effect that you allege denial of rights and, specifically, for the loss of your cattle. Is that so?

Mr. Abdikadir Sheikh Mohammed: Yes.

Mr. Patrick Njue: And in brief, what happened on that very day?

Mr. Abdikadir Sheikh Mohammed: It was one morning on an unknown day and month in 1965, I was 12 years old and looking after our family cows at a place called Bumarijtau. It was early morning at around 10.30 a.m. Then people in Kenya Army uniform with their vehicles came to the site and without any provocation, they started firing at the cows. The shooting was so intense that I was very frightened. I lay beside a

dead cow. After about ten minutes of fighting, some cows ran away and the rest which were 48 had died. The second people who I hold responsible and I do not want to hurt anybody, is the late President Jomo Kenyatta and the late James Gichuru, who was his close confidant, Dr. Julius Kiano, a very powerful minister who was driven in the presidential motorcade escort, Sir. Charles Njono who was the Minister for Justice, Benard Hinga, who the Commissioner of Police, CBS Ndolo and Halkano who carried the orders on our ground here. Why did they hurt us? The background story is that sometime before independence, there was a referendum. That is what caused the poison and incitement and led to what has happened to us. From what I hear from people although I have not seen any records, this referendum took place sometime in 1962. Our people unanimously elected to join Somalia but that referendum result was disregarded in agreement with Britain and the people who took over power in Kenya. The Organization of African Unity (OAU) was an accomplice in it because they said that African borders should not be altered. So, many people are guilty of what happened to us. After the results, Independence was granted to Kenya and we have not reconciled. They left us to be killed. One strong rumour has it that the British are the ones who advised the new Government that Somalis will be weak after killing their animals, which was an economic genocide. They said that if you kill the men and rape the women, they will be subdued and they will present themselves for surrender. The other thing which happened to us is that we were called the Great North Frontier Province (NFP). We had a good name. Our name was dismembered. That name is North Eastern Province and another one is called Eastern Province. We were the pastoralist communities who were related to one another by blood and lifestyle. We have been dismembered. That has caused a lot of great pain. I, personally, my family, my father, knew the importance of education. After the killings of our cows, the ones which were left suffered because the water points were blocked. All of these livestock died because of thirst and hunger because we went to a place near a border. So, we were left poor and that endless poverty is still in the family. The family was traumatized because we ran away to an area where we do not know the original inhabitants and without any animals. My father later took me to school after the Arusha Declaration. I hear it was in 1968 but nobody has represented us and we do not have the minutes. We do not know the grounds for agreement. That is what happened to our family. This was historical injustice like the one happening in Darfur, Bosnia, Libya and these days, there is genocide and death taking place in the world. However, in our time, nobody talked about genocide and yet it was of greater magnitude. I would like to know the result of our referendum. I am not saying we would secede but I would like to know. It is burning our hearts. Who represented us in Arusha? What were the agreements and understandings? Now, I have a list of my family and clan members who suffered. I will read out their names and narrate what happened to them.

Mr. Patrick Njue: Sorry, Mr. Abdikadir. If I may cut you short, I note you have a list of about 30 of them. Could you give us a copy and then the Commissioners will get to look at it so that I can now get into asking you questions?

Mr. Abdikadir Sheikh Mohammed: Okay. Once my list will go on record and the history known, at least some weight will be lifted from our hearts.

Mr. Patrick Njue: That, I can assure you so long as you want to produce them to accompany your evidence. They will be put on record.

Mr. Abdikadir Sheikh Mohammed: I will put them in order overnight and present them to you in the morning.

Mr. Patrick Njue: Thank you, once again, for that narration. I will want to ask you one or two questions. Just clarify what you have just told us. When you were grazing cows when the military attacked you, were you alone?

Mr. Abdikadir Sheikh Mohammed: I was alone with the cows but my sister was nearby in the bush.

Mr. Patrick Njue: So, it is safe to say that she also witnessed what happened to the cows?

Mr. Abdikadir Sheikh Mohammed: Soon after the shooting and withdrawing of the military, she came and talked. I do not know where she got that experience but she washed the intestines of the cow which was lying and returned the intestines and stitched it. *Alishona*. That cow later multiplied into two. She was a witness and she lives in Mandera.

Mr. Patrick Njue: On a light note, she must be a vet? You have also traced the perpetrators to a tree right from the British Government all the way down to the ground where you mentioned a name, Mr. Halkano. Is that so?

Mr. Abdikadir Sheikh Mohammed: Yes. You know our history. Professor of history, Ali Mazrui, said that history must be written alive. So, I did not write this history live but later when I got the chance. I never thought this chance will come, but thank God today it is there.

Mr. Patrick Njue: Do you believe the military were sent there by the said Mr. Halkano?

Mr. Abdikadir Sheikh Mohammed: This was an economic sabotage which was planned. It was not accidental.

Mr. Patrick Njue: Were you able to identify any of the men who were shooting at the animals?

Mr. Abdikadir Sheikh Mohammed: I could only identify the emblem KAR, that is the Kenya Army Rifles, and their vehicle colour has not changed since independence. I can swear by it all the time.

Mr. Patrick Njue: Can you relate that attack to a previous incident that may have triggered it?

Mr. Abdikadir Sheikh Mohammed: No. You have heard some of our colleagues who presented here say that there was a public *baraza* all over the settlement where people were threatened that we shall kill your animals and men unless your surrender. I also feel that struggle was not illegal but justified because after a referendum and no agreement, there was no chance of people going in one line. There was only disagreement and the British had a lot to do with us because in Sudan, there was a referendum the other day. But they did not agree with ours. Somebody has to go with what the people wanted. Nobody has told us that this is good for you. So, part of our people took arms and I think it was justified by then. What is justified today is not justified tomorrow.

Mr. Patrick Njue: Now, talking of the *barazas* that the administration used to call and say we will kill the animals and so on, was there any such *baraza* held in Dadaab?

Mr. Abdikadir Sheikh Mohammed: No! Dadaab is far away. It happened about 25 kilometers from Mandera. I only live there because of employment. So, I am a resident here. However, I also hear that the same thing happened in Lagdera region where animals were killed, men killed and women raped. Even the famous major of Kenya military called Hassan Jobiyo ran away to Somalia because he could not stand ladies being raped when he was in the army and when he stopped them, he was threatened with murder. He ran away to Somalia and later became a very big man there.

Mr. Patrick Njue: Okay. In the case brief before us, there has been mention of the denial to that clan. Is that something that you can talk about? Is there something you forgot to mention?

Mr. Abdikadir Sheikh Mohammed: Yes, there is the problem of land which has become the property of a few and up to now, the Briapobua in Mandera cannot settle anywhere because their animals have been finished. Up to now, the locals cannot get access to land because it has become the property of a few.

Mr. Patrick Njue: My last question is: I have just heard you say that one of the expectations is that you would want to know the results of the referendum that took place back in the years. What expectations do you have?

Mr. Abdikadir Sheikh Mohammed: I will expect to know the results. We have also been marginalized all the years. We would also like to be heard and our marginalization to be lifted because it looks like it is something planned. I would like something to be done for this community, not for me as an individual, but the whole community, and the whole Mandera community starting from Bakaba, Malkemeri, Fingo, Jiromjijeo, El Wak and Mandera. We would like something to be done for this community. We are marginalized. There is a saying that goes, “the graceful giraffe cannot walk like a monkey”, meaning the administration of Kenya has learnt to harass Kenyans. It is even happening in other places. We are wondering because it has even expanded. We are thinking that if this will stay with us for some time, we want it to be stopped. Impunity should be stopped. Kenyans should move and get their rights freely and we would like to

be assisted from this embargo of economic, educational and administrative marginalization. All these things should be addressed.

Mr. Patrick Njue: Thank you, Mr. Abdikadir. Remember to hand over the documents. I will now hand you over the Commissioner who wants to clarify some things.

The Presiding Chair (Commissioner Ojienda): Thank you very much, Mr. Abdikadir. When I look at your file, I see apart from the issue of land, that you have mentioned the former Mandera DC, Mr. ole Seriani. Who is this individual?

Mr. Abdikadir Sheikh Mohammed: I might have mentioned him but I have nothing personal against him as a DC.

The Presiding Chair (Commissioner Ojienda): Thank you.

Thank you very much, Mr. Abdikadir. You have spoken not just for yourself but also for your sister.

Mr. Abdikadir Sheikh Mohammed: I also thank you very much for having come all the way on this rough road which is very tiring and exhausting and you are all sitting all through.

The Presiding Chair (Commissioner Ojienda): Thank you. Leader of Evidence!

Mr. Patrick Njue: Commissioners, the last witness is No.014.

(Mr. Kusow Adan Humon took the Oath)

Mr. Patrick Njue: Good afternoon, Sir. Once again, for the record, please, confirm your names?

Mr. Kusow Humon Adan: My names are Kusow Humon Adan. I live in Mombasa.

Mr. Patrick Njue: Have you been a resident of Mandera Township before?

Mr. Kusow Humon Adan: I have been living in Mandera, but I work in Mombasa.

Mr. Patrick Njue: Mr. Adan, you are here because you recorded a statement with this Commission relating to denial of the right to land and, more specifically, it dates back to a period in 1999 when the event is said to have occurred. Is that the position?

Mr. Kusow Humon Adan: I remember very well.

Mr. Patrick Njue: In the very brief of terms, take us through the events of this very day. Start by telling us the date, the month, if possible, the year, the place and a short narration of the events.

Mr. Kusow Humon Adan: In 1999, I was in Gorbodo in Liboi Location, Mandera. We had a *shamba* in Liboi Location and by that time, I was living in that area which was also the residence of my parents. At that time, there was a DC by the name William ole Serani who took people from Mandera Airstrip to our farm. We are nine members in our family; that is five boys and four girls. When he brought people from the airstrip to our land – they were almost 30 in number – I was there and I never took the law into my hands. But because I am an army soldier, I was only waiting for a word from the Government. After placing me with those people in our land, after two days we went to the DC to explain to him that this *shamba* belonged to our father and he has placed people there. He said that those people whom they have put to live there will be there for a temporary or short time and they will be moved and taken elsewhere. I just left and went back to my job. After one year, the DC was transferred to another station. I mostly came home after three or four months and I mostly talked to the DO and the DC concerning my *shamba*. They do not explain anything to me clearly, they just dodge me. In 1999, I went back to the DC again to tell him about the information and instead of answering, he sent the DO to bring together the elders from the area so that they can solve the problem about that *shamba*. After meeting, we talked to the DO. Before we solved the issue, because then they were the ones to be blamed, everybody stood up and walked away. The DO just signed his paper and everybody left and then he said that we meet at the DCs office the following day. We had representatives of three people from the *shamba* and three people representing the squatters. We went to the DC, talked to him and he told us that these people cannot live in somebody's *shamba* and that they will be moved to another place.

From that day, we moved to another place. We tried to explain to the DC, but he never told us anything. The next day when we went back, the DC never explained to us and he had changed his attitude and everything. He then said that there is no land to be given out now. By that time, there was a big land, but the DC refused to give out the land to us. We have been struggling all these days and until today, we have never got justice. Last time my lawyer, whom I wrote to has never answered the questions because the DC has never given us the answer. We were given the title of land in 1999 by the County Council of Mandera. But then, suddenly, they started issuing new receipts to the possessor of the land. I even have those letters that we were given. The letter says that the *shamba* belongs to this old man and that those people should leave there. Those people who are living there are squatters and they should be removed. That is what I have been fighting for.

Mr. Patrick Njue: Thank you very much for keeping it brief. I will ask you two questions just to clarify your testimony. So, these people who were brought to what you are calling your land, who are they and are they still there today?

Mr. Kusow Humon Adan: I cannot identify all their names. Before that, they were living at Bula Nguvu. I believe that these people came from somewhere, but I cannot mention because if I mention now, there will be many questions. These people are not from this place because they were living in Bula Nguvu during the *El-Nino* floods and they moved to the airstrip and then from there, they were taken to my land. They then said that this land was sold to them. Sometimes I ask myself, “how can I sell half of my

land and then I remain with half"? They say that this land belongs to them and until today, they are still living there.

Mr. Patrick Njue: Do you have any documents that show ownership of this land that you are referring to?

Mr. Kusow Humon Adan: I have the documents and they show that I am the owner of the land.

Mr. Patrick Njue: Do you, yourself, have the documents that show ownership of that land where you are seated now?

Mr. Kusow Humon Adan: I have them here now.

Mr. Patrick Njue: Would you like to give those documents to the Commission?

(Mr. Adan handed over the documents)

Commissioners, what we have here are copies of documents that state that Farm No. 18B in Garbado had some complaints or, rather, complaints had been lodged by one Kusow Adan Abdi, and the various correspondences that have passed on in relation to the same, up to and including a demand letter from his advocate. If you allow, perhaps, this could be admitted as evidence to guide the Commission further into the matter.

Mr. Adan, after you went to your advocate to seek redress, what happened? Was there any court case filed?

Mr. Kusow Humon Adan: I have been waiting and no justice has come to me because I never wanted to take law into my hands. I hired a lawyer who could help me because he is the one who understands law.

Mr. Patrick Njue: Was a case filed in court?

Mr. Kusow Humon Adan: There is no case which has been filed in court up to now. The lawyer just wrote to me a letter which was addressed to the PC, DC and the DO so that they can know that they took my land and they have never returned it to me.

Mr. Patrick Njue: Okay. Today, who would you blame for the loss of your land?

Mr. Kusow Humon Adan: I blame the Government because it knows all this. Mostly, I blame the PC at that time because he is the one who took those people to that land and every DC that came in did not address that issue. Since 1999 up to today, I have been trying to talk to these people, but they are not even bothered about me. I think there is some corruption involved here because if these people cannot solve my problem, then sometimes it becomes hard for me to solve the problem. I do not believe that even my neighbours can take my land without my knowledge. But, now, it is only my father who

knows that this land belonged to him, because when he died in 1993, this land remained to us, because as children, we had a right to inherit the land from our parents. When I go to the officials of the Government so that they can tell us how we can get back the land, they do not tell us anything. We believe that these people, maybe, have some rich men behind them who are supporting them. Maybe they are the ones who are trying to incite them to stay there. That is why those people do not want to leave the land and we believe that he is the one encouraging them to live there. They have now started selling off part of the land. They run away when they sell. When the DC went there to tell them not to build anything on the land, we found that the land had been sold to some people. So, there are some people who are helping them.

Mr. Patrick Njue: Mr. Kusow, what would you say is your expectations from this Commission?

Mr. Kusow Humon Adan: Truly speaking, this *shamba* belongs to me and my family members because we are nine children in our family. Through the evidence I have, I can bring five witnesses who can say that this *shamba* really belongs to us. I am only asking this Commission to assist me get this land back because these people are squatters who were just brought there by the DC.

Mr. Patrick Njue: Thank you for your time, Mr. Kusow. I now hand you over to the Commissioners, who may want to clarify a thing or two.

Commissioner Slye: Mr. Kusow, I just have a couple of things that I want to try and clarify. I am just looking at the documents now that you have given to us. It is just that there was an attempt at mediation between you and the people on the land. Can you speak briefly on that and how it went?

Mr. Kusow Humon Adan: Those people were brought to the *shamba* by lorries and trucks. They were just passing by me. The chiefs and Administration Police who were sent asked that the group be taken to the other land. The DC was in the office and he asked to be taken to a *shamba* which did not have people. They did not even ask, "who does this *shamba* belong to"? There is this market for goats and cattle belonging to my neighbour, Adan Lakecha. Isaak is also my neighbour. There is another one there. They are all my neighbours and the *shamba* is mine.

Commissioner Slye: You had said that you would like that land given back to you. Does that mean that if you were given compensation for that land, which would then allow those families to stay there, that would be unacceptable? You want that specific piece of land returned to you. Is that correct?

Mr. Kusow Humon Adan: In my opinion, deeply in my heart, I just want these people taken elsewhere because when I was telling the DC, he did not want to hear what I was explaining to him since it was a calculated move. I would like to get back my *shamba* because they are the ones who have come. They are visitors and we are the ones who

have been staying there for a very long time. They are the people who are supposed to go. That is my expectation and it will be my happiness if it will be possible.

The Presiding Chair (Commissioner Ojienda): Thank you very much. I want to ask you a couple of questions, Mr. Adan. Now, I have seen the papers; a demand letter from B.N. Maru and Company Advocates. Beyond this letter, did the advocate take any steps to protect your rights?

Mr. Kusow Humon Adan: I did not go back to the advocate because I do not have money to be going around. I am not ready. What I would like is, you, as a Commission, to help me, seeing that I owned the *shamba* originally, because you have to do some research. Those are just squatters and the *shamba* is not theirs. It is only that they have been put there. I have a lot of witnesses because the *shamba* belongs to my father. So, the DC just saw that they should just put people there because there was space but, otherwise, the *shamba* belongs to me. I am an orphan because my father and mother died a long time ago. So, it will be good if you help me because we are poor. When the wealthy people are just touched, they just run to their Member of Parliament. I think that is what they are doing. We do not have wealth and we do not have any Members of Parliament. We are the poorest people around!

The Presiding Chair (Commissioner Ojienda): Mr. Adan, how big is the *shamba* and how many squatters were settled on it by the DC?

Mr. Kusow Humon Adan: There are 30 people. The land is big because it has 30 squatters. They have just made it like plots because they see that plots are very important. So, they just split them into small pieces. Sometimeback, I called my brothers and we said: "This *shamba* is very big that we can divide it into two, because there is another part. It is not fertile and even if you plant anything, you cannot get any produce from there. So, we should divide it." The others said that we make it like a plot. We took the chief and divided it and it just remained like that. We did not even stay there because we just divided it and looked after it so that nobody went there. However, people went there and built their houses. However, the middle is just left because they knew it was ours and even the neighbours could not go near it. So, half of it is divided into plots while the other half is just a *shamba* for produce because we saw the other part is not productive and we just left it like that. So, that is where the squatters have settled.

The Presiding Chair (Commissioner Ojienda): Beyond your testimony to this Commission today, do you have anything to show that, that particular parcel of land belongs to you or to your father?

Mr. Kusow Humon Adan: The land belongs to my father. When my father died, they had to divide it. It was not mine, we are nine and the *shamba* belongs to my father. He is the one we inherited land from.

The Presiding Chair (Commissioner Ojienda): Do you have letters of administration of the estate of your late father?

Mr. Kusow Humon Adan: I have the letters and I gave them to the DC and the Commission.

The Presiding Chair (Commissioner Ojienda): Did you get letters of administration from the court after your father died?

Mr. Kusow Humon Adan: No, I have not got any letters from the court because I have not gone to court. I just went to the military lawyer to see if he could help me. He just wrote the letters to those people but the DC and the DO have not responded to those letters.

The Presiding Chair (Commissioner Ojienda): Go back to the lawyer, and if you see him, ask him to help you secure letters of administration, because that will then give you authority to deal with your father's *shamba*. Those who have settled on your land should have been evicted because the land should be inherited by you and your brothers.

Thank you very much. We will look at the documents that you submitted to us and I hope that this problem can be resolved.

Leader of Evidence, is there any other witness?

Mr. Patrick Njue: Mr. Presiding Chair, Sir, we had one more witness left to go, subject to your guidance.

The Presiding Chair (Commissioner Ojienda): What time is it?

Mr. Patrick Njue: It is about 20 minutes past 5 p.m.

The Presiding Chair (Commissioner Ojienda): How long will that witness take?

Mr. Patrick Njue: About 10 to 15 minutes.

I am sorry, Mr. Chairman, Sir, I am advised that it may take a little longer before we question him and before you can question him as well. It may slightly take longer.

The Presiding Chair (Commissioner Ojienda): How many witnesses do we have tomorrow, Leader of Evidence?

Mr. Patrick Njue: We have about two witnesses confirmed for tomorrow.

The Presiding Chair (Commissioner Ojienda): So, we can have that one as a third witness?

Mr. Patrick Njue: Very well.

The Presiding Chair (Commissioner Ojienda): A request had been made yesterday that the Commissioners visit the cell where one of the witnesses was detained. There appears to be a feeling that this exercise be undertaken after the morning session. If we have three witnesses, therefore, I think we can run the morning session up to 10.00 o'clock and then proceed up to the cell and to court.

At this point in time---

Mr. Patrick Njue: Mr. Presiding Chair, Sir, before you close the session, there is a witness Number MDR/019 who had said he will present a list of those who were killed in the Malka Mare Massacre. He has done so and I want to confirm that I am in receipt of the same.

The Presiding Chair (Commissioner Ojienda): Thank you very much. It is admitted.

Leader of Evidence, is that all?

Mr. Patrick Njue: That is all from me, Mr. Presiding Chair, Sir.
Thank you.

The Presiding Chair (Commissioner Ojienda): Mr. Clerk, lead the witness back to his seat.

At this point, I wish to thank all those witnesses who found time to come to today's session of the Commission's hearing. As I said in the morning, we started with tomorrow's hearings and we have, subsequently, done today's hearings. We remain with three witnesses that we shall hear tomorrow morning and, hopefully, conclude the evidence by 10.00 a.m.

I want to particularly thank by name the witnesses Omar Haji Abdi, who together with Roble Abdi, testified to the experiences; Ibrahim Mohamed, Shariff Shabure, Nuria Abdi Hassan, Mzee Haji Ukash Mohamed, Gulia Mohamed, Ibrahim Mohamud, Abdirahman Ibrahim Samo, Khadija Salat, Isadin Ibrahim Aliyo, the minor together with the father; Abdikadir Sheikh and Kusow Adan Humon.

At this point, may I notify that tomorrow's hearing shall commence at 8.30 a.m.
Master of Ceremony, take over please.

(Closing Prayers)

(The Commission adjourned at 5.25 p.m.)