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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND  
RECONCILIATION COMMISSION ON MONDAY, 2<sup>ND</sup> MAY, 2011  
AT THE AI-YUSRA CONFERENCE HALL, MOYALE**

**PRESENT**

<b>Tom Ojienda</b>	-	<b>The Presiding Chair, Kenya</b>
Tecla Namachanja	-	The Acting Chair, Kenya
Ronald Slye	-	Commissioner, USA
Berhanu Dinka	-	Commissioner, Ethiopia
Getrude Chawatama	-	Commissioner, Zambia
Belinda Akello	-	Leader of Evidence
Tom Chavangi	-	Leader of Evidence
Simon Njenga	-	Presiding Clerk
M. Abdinoor	-	Regional Coordinator

*(The Commission commenced at 10.15 a.m.)*

*(Opening Prayers)*

**The Presiding Chair** (Commissioner Ojienda): Everyone is welcome to this morning's session of today, Monday, 2<sup>nd</sup> May, 2011. I want to thank the witness we shall hear today for finding time to travel. We know that you have come from far. That is why you were not able to be with us in yesterday's proceedings. I want to welcome members of the public who are here and, briefly, tell you the procedure that we shall adopt.

I believe that we have our interpreters sitting here, so that when the witness testifies, we can get the interpretation. We will then let the person who will lead the witness in evidence ask a few questions to the witness, after which the Commissioners may ask questions to clarify the witness' testimony. The witness should speak openly. We are here to listen. So, he can give us all the details that he wants to give us.

These are serious proceedings which will form part of our record. We shall ensure that whatever we hear will be treated with the seriousness it deserves. Depending on what our Report will look like, certainly, what is said here will also help us in the work of this Commission.

Leader of Evidence, if you are ready, let us commence the hearing.

**Ms. Belinda Akello:** Hon. Commissioners, this one will, hopefully, be our last witness. As it has been indicated, he was not able to participate in the public hearing yesterday and the day before. Hearing Clerk, please, swear-in the witness, so that we can proceed with the testimony.

*(Mr. Andrea Abduba took the oath)*

**Ms. Belinda Akello:** Could you tell the Commission your names?

**Mr. Andrea Abduba:** I am Andrea Abduba.

**Ms. Belinda Akello:** Where do you live?

**Mr. Andrea Abduba:** I live in Wayegoda, Sololo District.

**Ms. Belinda Akello:** What do you do in Wayegoda?

**Mr. Andrea Abduba:** *(Inaudible)*

**Ms. Belinda Akello:** Do you recall recording a statement with the Commission's staff and ever meeting any of the TJRC staff before today?

**Mr. Andrea Abduba:** *(Inaudible)*

**Ms. Belinda Akello:** Could you, kindly, take this Commission through your statement that you recorded at the two occasions when you met them?

**Mr. Andrea Abduba:** I went to Sololo Town. I was going for a workshop with a Father on 12<sup>th</sup> July, 2005. We left Sololo at 11.00 a.m. After we reached Turbi with the Father---

**Ms. Belinda Akello:** You said that you left Sololo. Can you tell us how many people you were, what the names of the other people are and where you were headed to?

**Mr. Andrea Abduba:** We were 11 people. Everybody was accompanied by his wife and a child. So, we were about four families. We were going for a workshop in Marsabit. We left Sololo at around 11.00 a.m. When we reached Turbi, we met people on the way but we did not stop. While in the middle of our journey, we came across other motorists from Marsabit. We stopped. Somebody from the vehicle that was coming from the direction of Marsabit stopped us and told the Father: "That place is not peaceful. Just go back".

Another vehicle from the direction we came from found us there. The man discussed with the Father separately. He said: "I will take you back. So, come with us." So, we followed him. When we reached a place called "Bubisa", we found another truck full of people. We drove past that truck. The truck we found at Bubisa chased us. From far, we could see that people in Bubisa, including men, women and children, were gathered together. They appeared to be in some kind of demonstration, looking at us. From behind, we could see another vehicle following us.

The road had been blocked with stones. So, our vehicle had to stop. The Father alighted from the vehicle and tried to discuss with the people who had blocked the road. As the Father talked to them, they started stoning us in the vehicle. Others started beating up the

Father. A woman with a young child screamed: “Oh, uncle Galgalo, why are you doing this to us?” Galgalo was the man who told us: “Follow me. I will guide you and take you back.” He was the one who was leading us back from where we were convinced to return. He said: “This woman has identified me. Since she knows me, these people must be killed.” He did not use a knife or a spear. They used stones to try and finish us. I was hit on the head. I sustained a bit cut on the eye. My arm was badly injured. Even my leg was broken. My waist was also badly injured. I was not born disabled. My disability was a result of the injuries I sustained during that incident. I became unconscious. We were collected from there and taken to another place. So, I was unconscious. I did not know when I was removed from there and who removed me. I even did not know the number of days I spent. I just found myself, one early morning. I heard birds singing and realized that it was in the morning.

My body was covered with stones. When I looked around me, I found dead bodies. I heard a young child crying, but I did not know who it was. At sunrise, I saw Government officers. They started firing their guns. I thought that the enemies had come back and tried to hide myself. The officers approached me. I lay still on the ground. I could hear what they were saying but I could not stand up. I heard the name “Balgaja” called out. I then heard people speaking Bantu language. I heard the name “Balgaja” called out repeatedly. It was apparent that Balgaja was being interrogated. I heard him asked: “Where is your wife and which is your child?” When I heard Balgaja respond, I raised my hand so that I could be seen. From there, I was taken to Marsabit and then to Sololo Hospital.

That is the much I can recall, hon. Commissioners.

**Ms. Belinda Akello:** Thank you very much, Mr. Abduba. I will just ask you a few questions for clarification, so that we can put your story into context of what was happening.

You indicated that you were 11 persons in the vehicle, travelling from Sololo to Marsabit.

**Mr. Andrea Abduba:** Balgaja and me, we were three. Another family, who passed away, were two---(*Inaudible*)

**Ms. Belinda Akello:** What was the name of the Father you were travelling with?

**Mr. Andrea Abduba:** He was called Father Andrew.

**Ms. Belinda Akello:** When you met the first vehicle, whose occupants tried and stopped you, told you that there was a problem where you were headed; did that person speak to everyone in the vehicle or did he just speak to the Father?

**Mr. Andrea Abduba:** He only spoke to the Father but we could hear him say that there was no peace where we were headed.

**Ms. Belinda Akello:** Did he explain why there was no peace where you were heading to?

**Mr. Andrea Abduba:** No, he did not.

**Ms. Belinda Akello:** After you passed the first vehicle, there was another vehicle which came from Sololo with the person called “Galgalo”, who said that he was going to lead you back? Did he explain why he needed to lead you back? Did you need someone to lead you to that other destination?

**Mr. Andrea Abduba:** *(Inaudible)*

**Ms. Belinda Akello:** Before you left Sololo for Marsabit, had you heard of any problems that had taken place on the way?

**Mr. Andrea Abduba:** -----*(Inaudible)*

**Ms. Belinda Akello:** You said that the people who came and surrounded your vehicle at Bubisa started beating you. What were they using to beat you?

**Mr. Andrea Abduba:** They were using stones.

**Ms. Belinda Akello:** When you regained consciousness and found yourself surrounded by people who were calling out the name “Balgaja”, who then took you away? How many of you were taken away alive?

**Mr. Andrea Abduba:** I was the only one.

**Ms. Belinda Akello:** Is this to say that the other ten people died?

**Mr. Andrea Abduba:** Yes.

**Ms. Belinda Akello:** Who is Balgaja to you?

**Mr. Andrea Abduba:** He is a cousin of mine.

**Ms. Belinda Akello:** Where is Father Andrew now?

**Mr. Andrea Abduba:** He is abroad.

**Ms. Belinda Akello:** When did he leave the country for abroad? Was it soon after the incident or well after the incident?

**Mr. Andrea Abduba:** *(Inaudible)*

**Ms. Belinda Akello:** Thank you very much, Mr. Abduba. Those are the only questions I had for you.

**The Presiding Chair** (Commissioner Ojienda): Mr. Abduba, thank you very much for your testimony. I know that Balgaja will speak after you, as you have said. I want to ask the Commissioners to seek clarifications from whatever has emerged from what you have said.

**The Acting Chair** (Commissioner Namachanja): Mr. Abduba, you come under which diocese?

**Mr. Andrea Abduba:** I come from the Diocese of Marsabit.

**The Acting Chair** (Commissioner Namachanja): Who was the Bishop then?

**Mr. Andrea Abduba:** He was called “Bishop Ambrose Ravasi”.

**The Acting Chair** (Commissioner Namachanja): After the church learnt that some of its members were involved in such an incident, what action did they take?

**Mr. Andrea Abduba:** They did not take any action. Even the Father, who was the person who could plead with the people, also fled.

**The Acting Chair** (Commissioner Namachanja): For how long were you in hospital, approximately?

**Mr. Andrea Abduba:** I was in hospital for about one month.

**The Acting Chair** (Commissioner Namachanja): Did any of the priests, or the Bishop, come to visit you while in hospital?

**Mr. Andrea Abduba:** Yes.

**The Acting Chair** (Commissioner Namachanja): Who? Was the Bishop amongst them?

**Mr. Andrea Abduba:** They included Father Alex. The Bishop was not amongst those who came to visit me, but I got his letter.

**The Acting Chair** (Commissioner Namachanja): What did the letter say?

**Mr. Andrea Abduba:** It was a consolation letter. I have the letter here with me.

**The Acting Chair** (Commissioner Namachanja): Did you record any statement with the police?

**Mr. Andrea Abduba:** I did not record any statement.

**The Acting Chair** (Commissioner Namachanja): Thank you. Sorry for what happened to you. I think your life was spared, so that the truth concerning this incident could be revealed.

**Commissioner Dinka:** Mr. Abduba, thank you very much for coming to share with us your very sad story of what happened to you and your family. I want to ask you a number of questions. When the people who surrounded you called out the name “Balgaja”, was it your friend Balgaja or was it another Balgaja? Who was calling who?

**Mr. Andrea Abduba:** He came with the police.

**Commissioner Dinka:** So, he was not in your group of 11 people who were travelling in the car?

**Mr. Andrea Abduba:** He was in Marsabit at that time.

**Commissioner Dinka:** Secondly, you said that Father Andrew could have been a victim, but he was sneaked out of the country by the Bishop before he recorded a statement. How did Father Alan come to know the story? Was he at the site of the massacre? How come he fled?

**Mr. Andrea Abduba:** He was the driver of the vehicle--- (*Inaudible*)

**Commissioner Dinka:** Have you ever discussed the incident with another priest? Why did he not want the---(*Inaudible*)

**Mr. Andrea Abduba:** I do not know anything about it. It was just out of mercy that--- I do not even know whether he has the same feeling as the---(*Inaudible*) I only got a letter from him, but he did not come in person to give me consolation.

**Commissioner Dinka:** Are Father Alan and Father Andrew Italians?

**Mr. Andrea Abduba:** Yes.

**Commissioner Dinka:** Both of them?

**Mr. Andrea Abduba:** I am not sure.

**Commissioner Dinka:** But they are both non-Kenyans?

**Mr. Andrea Abduba:** Yes.

**Commissioner Dinka:** Is the Bishop in Kenya now?

**Mr. Andrea Abduba:** As we speak, he is in Marsabit.

**Commissioner Dinka:** I just want to get the record straight. The Bishop who sneaked out---(*Inaudible*)

**Mr. Andrea Abduba:** *Inaudible*)

**Commissioner Dinka:** My next question is about the person who gave you direction, who told you that he would lead you back. Is he still alive?

**Mr. Andrea Abduba:** ---(*Inaudible*)

**Commissioner Dinka:** What is his name?

**Mr. Andrea Abduba:** He is called “Galgalo”. Those people were two. There is the one who came from the opposite direction and stopped us, and the one who came from the direction we were initially coming from. The one who stopped us is called “Roba”. The one who led us to the crowd is “Galgalo”.

**Commissioner Dinka:** Thank you very much.

**The Acting Chair** (Commissioner Namachanja): Mr. Abduba, one of your expectations is reconciliation between Bishop Ravasi and Christians in Sololo as well as the Borana and Gabra people. Expecting reconciliation between the Borana and Gabra people is understood. Help us to understand why you think there is need for reconciliation between Bishop Ravasi and Christians in Sololo.

**Mr. Andrea Abduba:** ----(*Inaudible*)

**The Acting Chair** (Commissioner Namachanja): So, your expectation did not come from him?

**Mr. Andrea Abduba:** ---(*Inaudible*)

**The Acting Chair** (Commissioner Namachanja): Again, to be clear, is Bishop Ravasi a Gabra, Borana or from Italy?

**Mr. Andrea Abduba:** He is a Whiteman.

**The Acting Chair** (Commissioner Namachanja): Did you ever suspect that the bishop might have colluded with your enemies?

**Mr. Andrea Abduba:** ---(*Inaudible*)

**The Acting Chair** (Commissioner Namachanja): So, is the suspicion there because the bishop did not visit you in hospital or there is another reason?

**Mr. Andrea Abduba:** The other one is how the Father---(*Inaudible*)



**The Acting Chair** (Commissioner Namachanja): You lost one child. How many children did you have?

**Mr. Andrea Abduba:** I had only that one, and he went. I remarried and I now have one child.

**The Acting Chair** (Commissioner Namachanja): Thank you. Once again, *pole sana*.

**The Presiding Chair** (Commissioner Ojienda): Thank you very much, Mr. Wako. I wish to confirm as the Chair of this session that the Commission shares the pain that you went through. I understand what this meant to you as a person. I just want to clarify a few points that you have raised.

You have referred to Government officials coming to the scene the next day. It is not clear when they came. Please, clarify when they came and whether they came when you were in hospital or before you were taken to hospital.

**Mr. Andrea Abduba:** (*Inaudible*)

**The Presiding Chair** (Commissioner Ojienda): Do you recall how you identified those Government officials?

**Mr. Andrea Abduba:** (*Inaudible*)

**The Presiding Chair** (Commissioner Ojienda): Would you tell precisely that they were Government officials?

**Mr. Andrea Abduba:** (*Inaudible*)

**The Presiding Chair** (Commissioner Ojienda): As Galgalo led you on the road, as you were going to Bubisa, you said that you saw a group of people on the road. Is that right?

**Mr. Andrea Abduba:** (*Inaudible*)

**The Presiding Chair** (Commissioner Ojienda): What role did Galgalo play in-- (*Inaudible*)

**Mr. Andrea Abduba:** (*Inaudible*)

We went to the village to mobilize them. One lady identified him as Galgalo. (*inaudible*)

**The Presiding Chair** (Commissioner Ojienda): In your statement, you have said that the previous night there had been attack by Boranas from Ethiopia. Is that right?

**Mr. Andrea Abduba:** (*inaudible*)

**The Presiding Chair** (Commissioner Ojienda): So, you did not have that information as you left home?

**Mr. Andrea Abduba:** *(inaudible)*

**The Presiding Chair** (Commissioner Ojienda): You were in the church vehicle and the Father informed *(inaudible)*

**Mr. Andrea Abduba:** He said that if went past Turbi without any problems *(inaudible)*

**The Presiding Chair** (Commissioner Ojienda): There had been peace between the Borana and---

**Mr. Andrea Abduba:** *(inaudible)*

**The Presiding Chair** (Commissioner Ojienda): Mr. Wako, I just want to find out. In this letter you were sent Kshs20,000 by Ambrose when he was advised by Alex. Who was Alex?

**Mr. Andrea Abduba:** *(inaudible)*

**The Presiding Chair** (Commissioner Ojienda): Where is Father Alex?

**Mr. Andrea Abduba:** He is still in Marsabit.

**The Presiding Chair** (Commissioner Ojienda): What about Archbishop Ambrose?

**Mr. Andrea Abduba:** *(inaudible)*

**The Presiding Chair** (Commissioner Ojienda): I know that you lost your wife and child. I just want to ask you the very last question. Did you think you are in a position at this moment to reconcile with the attackers?

**Mr. Andrea Abduba:** *(inaudible)*

**The Presiding Chair** (Commissioner Ojienda): I know the pain that accompanies the loss of a wife and child. What would you ask the Government to do?

**Mr. Andrea Abduba:** *(inaudible)*

**The Presiding Chair** (Commissioner Ojienda): What would you want this Commission to do to ensure that such things do not happen in future, especially between the two communities?

**Mr. Andrea Abduba:** *(inaudible)*

**The Presiding Chair** (Commissioner Ojienda): Thank you very much, Mzee Wako, for the testimony. As I said, we shall ensure that we do the best that we can for you and this particular case.

Leader of Evidence!

**Ms. Belinda Akello:** With your permission, hon. Commissioners, having talked to the witness before, I feel that there is information which he has not given which should have formed a good part of the record on two points of information. First, officially a letter of invitation has been made to the Bishop. He is currently elderly and frail, but the Commission has approached and asked him to appear before it. He is in Marsabit. Secondly, having spoken to the witness before, he is a witness who would ordinarily not disclose a lot of what happened to him.

The point of asking him about the people in the car and his point of survival was that - I had personally talked to him before - when the attackers actually started stoning people in the vehicle, they did not intend to hurt Father Andrew. The attackers particularly went to the people in the car. This witness was actually saved when he tried to help his son. That is how his baby ended up being killed. All of them were stoned to death. The people stoning them assumed that he was dead as well. That is how he survived the two days in the wilderness. It was the heat of the blood of these people that helped him. He was in a comma but he survived from that heat.

He was with the wife at the point when they were being buried. He did hear the current witness's wife also speak to him before she also passed away. But the time that he totally lost consciousness, he had seen a few of them alive. He had also informed me that the other people died because of neglect and lack of immediate medical attention, having spent two days out there. He was saved because his mouth and most of his veins were filled with both blood and soil, according to the people who went to save them. That was why he was also unable to speak.

Hon. Commissioners, having gotten this from the person, I was hoping that he would elaborate on the same, but he did not. But I am also not very convinced that, that is a point we need to further question him on. But I felt that it would be a good part of the records.

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

**The Presiding Chair** (Commissioner Ojienda): (*inaudible*)

**Ms. Belinda Akello:** Yes, hon. Commissioners. Kindly admit this letter as part of our evidence and testimony from the witness.

**The Presiding Chair** (Commissioner Ojienda): It is so ordered.

*(Mr. Gabriel Bagaja Tepo took the oath)*

**Ms. Belinda Akello:** For the record, kindly state your full name.

**Mr. Gabriel Bagaja Tepo:** I am Gabriel Bagaja Tepo.

**Ms. Belinda Akello:** Mr. Gabriel, kindly confirm that you have met officers of the Commission and you did record a statement with the Commission.

**Mr. Gabriel Bagaja Tepo:** Yes.

**Ms. Belinda Akello:** Mr. Bagaja, you have been here and heard the testimony that has been given by the previous witness, Mr. Andrea Wako. Do you have any information relating to the same event or pertaining to the matters that he has spoken, that you would wish to inform this Commission?

**Mr. Gabriel Bagaja Tepo:** *(inaudible)*

**Ms. Belinda Akello:** Kindly, tell this Commission whatever you know as pertains the incident that took place on 12<sup>th</sup> July, 2005.

**Mr. Gabriel Bagaja Tepo:** By that time, I was in Marsabit where I worked. I knew that that group was coming from Marsabit. That included my wife and child. I was waiting for them but they could not reach me. I was working where a dam was being constructed between Marsabit and Bubisa. I was at my work place when information reached the diocese office in Marsabit. They told us to go home. The office had information but they did not tell me directly. They took me to my house and started giving me prior counseling. They said that they were not sure whether those people were alive. They told me to wait for some time and I felt that something was wrong. I waited as they told me. We went to the police station to gather information about this incident. Father Alex by then was the Vicar-General. I disagreed with him and he said that the office had people. He told me to talk to the police so that we could go and see what had happened to those people. Nothing was done and nobody went for them. We spent the night and the following morning without my knowledge they went and took the Father. They took the Father and locked him in a room. By all means, I got a chance to see the Father. In the short time I met him, he gave me some information. He said that those people had been stoned to death and he could not help them. He said: "Even your own child whom I tried to rescue was taken from me and slewed. I did not have the strength to rescue them all, but they died in my full view. I was forced to lie on my stomach as the bodies were taken towards the west." The Father said that he gave a lift to the same person who was involved in that incident. That is the much I talked with Father Alex. I asked him: "Are you ready to give a testimony or record a statement on this?" He said: "I will first of all take a shower and then change." I told him that I would be back and left for the police station. I told the police that there was a witness who could record a statement about this. They asked me: "How can you tell us that when you were in Marsabit and not at the

scene of crime?” I told them that the Father who was with them was now in Marsabit. When I went to pick the Father, I was told that he had been taken away. I inquired from Father Alex where he was and he told me that he was in the Bishop’s house. I told him to call the police so that he could record a statement. He told me that he was not feeling well. As we were talking, he had already been sneaked out.

The issue of recording a statement was left and nobody could be followed. We were given some security personnel to go and look for the dead bodies. We were given the pick-up of the diocese and a Land Rover TDI to go and collect the dead bodies. We were with the security personnel, including the OCPD, OCS and even the DCs from Moyale and Marsabit. We started with the Administration Police (AP) line which is about 100 metres from the scene of crime. We asked the APs but nobody could respond or tell us anything. Among the community, people were just looking at us when we tried to inquire from them. Nobody was ready to tell us that there were people who were killed at a certain place. Nobody could give us any information. We searched for the bodies for a long time. From the information I got from the Father, now I tried to look towards west and saw the vehicle tyre marks and followed them. They had been dumped in a valley about three kilometres from the scene. The security personnel also suspected that maybe there could be an ambush and they started firing. As we approached the scene where the dead bodies were, we tried to identify who was dead and who was alive. Somebody asked me: “Bagaja, which is your child and wife among the bodies.” When Wako heard the question, he made some movements and raised his hand. We knew that he was alive. He asked me: “Who are you?” I told him that I was Bagaja. I felt the temperature of my child who seemed to have died some moments before because the body was a bit warm. He was dead. I advised Father Alex to take my colleague to hospital accompanied by the security. I advised him to look for a Borana to assist him in hospital. The Father took him to hospital. We were still four people including the OCPD and the DOs. Even people from the Press were there. These people had been killed in town where there was a Government representative and law enforcement agencies like the police.

There was a chief who was an administrator. We asked them if they could take statements from people to find out why and who had killed these people. They said that they would do that. We said that now we needed to bury the dead. We collected the bodies for burial. That was on 14<sup>th</sup> July. We took the bodies to Sololo and buried them. I went back to Marsabit police to inquire whether there was any statement that was recorded. They told me that if I had brought Mr. Andrea Wako there, he could be a witness. They told me that I could not record anything because I was not at the scene. He was unconscious and hospitalized and so, the statement could not be recorded.

Personally, I was in a state of dilemma and feeling very bad because of the loss. I got some information that there were some suspects who had been arrested, but I was not called to see or meet those persons. We lost hope and despaired. We got some information from the diocese through a letter. When I went through that information, I saw something written badly. I asked him: “Why would you write this? He said: “That is how I understood or perceived.” So, I just left him. It seems these people had been killed because of vendetta or revenge. I told the bishop that what he had mentioned was not a

good thing and that I was not contented with what he had done. I told him that whenever we would meet, God willing, I would never be satisfied. I then left him. After we had buried and forgotten, this Commission revived the issue and asked us about it. That is the much I know.

This centre has security personnel. So, these were the first people who should have been questioned regarding this issue. One of them is the OCPD, Marsabit. When he got this information he immediately went to the scene. Because of negligence and waste of time, many of those people lost their lives. Had they been taken to hospital immediately, most of them would not have died. The OCPD would have helped these people, but he did not. I did not have ability to take any action against him.

We went to see Ubisa Community. These are Kenyans. They have a church and a mosque in that place. We did not get any one person who was willing to come out and say some people have been killed or were stoned to death here or they were killed by so and so. I also blame the people of Ubisa. They did not have any mercy. After that incident, the DO could have gone to assess the situation. We also have an office of peace and justice. They could also have contacted the Government. He also had vehicles. So, if he could have made some attempt he could have found that some people were alive because, on the third day, we found that some had just died a few minutes ago. Also there was negligence from the side of the Bishop.

So, I am not satisfied with everybody. Even though I did not have the capacity to tackle anybody, but this is what I feel in my heart.

**Ms. Belinda Akello:** Thank you very much. We will just make a few clarifications and pass it over to the Commissioners. What was the registration number plate of the parish car that was used to ferry the people who were coming to Marsabit for the workshop?

**Mr. Gabriel Bagaja Tepo:** It was Registration No. KAE 617A.

**Ms. Belinda Akello:** You were in Marsabit and you had organized for the workshop. As you were expecting the participants, had you heard of any massacre or disturbances that had occurred there the day before these people travelled? When you were expecting them on a certain date and they did not arrive on that date, what did you do on that day to try and find out? Did you make any inquiries on the same day that you were expecting them to arrive?

**Mr. Gabriel Bagaja Tepo:** I knew that the vehicle would just take two hours to reach Marsabit. I called our driver for the diocese to tell him, let us go and try to find out if these people have reached Marsabit. We went to Marsabit Town, but we did not find them. We went back to the place where we work. After some time, we decided to go back home because they had already got the news.

**Ms. Belinda Akello:** In your statement, you also indicated that the Bishop delayed getting them and you feel that he also fueled the animosity between the two tribes; the Borana and Gabra. Why do you say so?

**Mr. Gabriel Bagaja Tepo:** He used the word “retaliation”. This is a word in Borana language which means a vendetta or revenge. So, he mentioned that word while those people were in that vehicle. He said people who had boarded a vehicle were on a revenge mission.

When the massacre happened, it affected both Borana and Gabra communities. Boranas fought Gabras because they had been displaced from their homes. All this information came much later.

**Ms Belinda Akello:** So, you mean the bishop knew about the massacre the day before?

**Mr. Gabriel Bagaja Tepo:** I do not know.

**Ms. Belinda Akello:** Are you also suggesting that the bishop got the news of the accident earlier than he reported to the rest of you?

**Mr. Gabriel Bagaja Tepo:** Yes, he got information before us because there is a radio call system in Sololo. They normally send information time after time. When I was called from work he did not want to tell me, but he had the information. At around 4.00 p.m., he got that information.

**Ms. Belinda Akello:** You also indicated that Father Alex gave a lift to one person who was involved in the killing of the people. You have also informed us that you had a brief session and you talked to Father Alex briefly. Did Father Alex indicate why he carried someone in his car who allegedly killed his own people?

**Mr. Gabriel Bagaja Tepo:** The issue of the lift---

**Ms. Belinda Akello:** Did he carry anyone in his car when he went to pick Father---

**Mr. Gabriel Bagaja Tepo:** One thing which hurt him was that Father Alex carried a person who was among those who were killing others. He said it is Father Andrew who first heard that Father Alex was giving lifts to people who were alleged to have killed others. I was ready to write a statement, but when I came back I was not given a chance to do so.

**Ms. Belinda Akello:** To the best of your knowledge, was a postmortem done on the bodies?

**Mr. Gabriel Bagaja Tepo:** No.

**Ms. Belinda Akello:** Was one requested for?

**Mr. Gabriel Bagaja Tepo:** I requested, but they refused.

**Ms. Belinda Akello:** Do you know exactly where in Sololo these bodies were buried?

**Mr. Gabriel Bagaja Tepo:** Yes.

**Ms. Belinda Akello:** What is the name of the place?

**Mr. Gabriel Bagaja Tepo:** The place for all Catholic burials.

**Ms. Belinda Akello:** You also told us that when you were looking for the body, you tried finding information from the community, but no one was assisting you. Do you know why the community was not going to help you find the bodies of the dead?

**Mr. Gabriel Bagaja Tepo:** It shows me just (*inaudible*)

**Ms. Belinda Akello:** Has any organization ever come to assist other than the church, particularly Mr. Andrea? Has anyone ever come to his aid either for counseling or to assist with his medical, or to provide any other services?

**Mr. Gabriel Bagaja Tepo:** After Uhuru Kenyatta heard what had happened in the area, he visited us and gave us Kshs100,000 to cater for burial costs and other costs. He came to console us. He gave us Kshs100,000 to share among ourselves.

**Ms. Belinda Akello:** You also mentioned the late MP, Dr. Bonaya Godana. Was he of any assistance to you?

**Mr. Gabriel Bagaja Tepo:** No, I mentioned him because he talked about the fight of Turbi. He mentioned the militia from Ethiopia. According to the bishop, Dr. Bonaya Godana was Gabra. There is no difference between Borans and Gabras. They are the same.

**Ms. Belinda Akello:** I do acknowledge in your recommendations you have listed among other things, public apology, emoluments, machinery for reconciliation and support of the family. But today you have also indicated to us that since the incident took place, you had tried to forget about it until when you have come to talk about it before this Commission.

In addition to these recommendations that you have put in place, what to you, would be the most effective way to help you put a closure to the loss of your family members and friends in a way that will not bleed your heart?

**Mr. Gabriel Bagaja Tepo:** I would mostly to see peace prevail in my life. I would not wish to see a recurrence of massacres. These things should not happen again. Instead of remembering those issues, let us just keep them aside. Not only in that place, but in every part of the country, such a thing should not happen again. All Kenyan communities



should strive to live in peace. The community responsible for that incident should be told that what they did was a very bad thing. They should be educated and be made to understand that they have done wrong. They should accept the mistake they did so that it does not happen again. You should make sure that they accept their mistake.

We are now taking care of children or orphans who lost their dear parents. They also require assistance from the Government.

**Ms. Belinda Akello:** You have provided us with a newsletter from the parish. Do you know what date it was issued?

**Mr. Gabriel Bagaja Tepo:** No.

**Ms. Belinda Akello:** Not even the month or the year?

**Mr. Gabriel Bagaja Tepo:** July, 2005.

**Ms. Belinda Akello:** Hon. Commissioners, the two witnesses have provided the newsletter from Marsabit Diocese and the witness says it is dated July, 2005. The second witness has also provided the written testimony and statement.

**Commissioner Slye:** Mr. Bagaja, on behalf of Commission, I would like to express our sorrow to you and Mr. Wako as well for the terrible loss that you suffered. I want to thank you for being willing to come here and talk to us about it. I know that it is a very painful thing that you have had to revisit some parts of your past that are difficult to revisit. I just want you to know that we really appreciate it and that it will assist us immensely in the work that we are doing.

I just have a very simple verification. You mentioned Father Alex. Does Father Alex have any other names?

**Mr. Gabriel Bagaja Tepo:** Yes. The Vicar-General was called Father Alex Pereira.

**Commissioner Slye:** Do you know where Father Aldrin is today?

**Mr. Gabriel Bagaja Tepo:** I do not know.

**Commissioner Slye:** So, he is a Filipino?

**Mr. Gabriel Bagaja Tepo:** I do not know whether he is a Filipino or Columbian.

**Commissioner Slye:** So, he is not Italian. He is Filipino or Columbian, Father Aldrin, the man who was in the car when the attack occurred?

**Mr. Gabriel Bagaja Tepo:** I think he is a Filipino, but I am not very sure. Unless I ask the parish priest of Sololo through the phone and then I can let you know.

**Commissioner Slye:** Thank you very much.

**The Acting Chair** (Commissioner Namachanja): Mr. Bagaja, Kenyans knew so much about the Turbi Massacre. But we really do not know so much about the massacre that took place in Bubisa because it was not highlighted as much in the newspapers the way the Turbi Massacre was highlighted. What we have been encountering in this Commission is innocent people losing their lives because of a whole community. Surely, it was so wrong for people to revenge on innocent families who had nothing to do with the Turbi Massacre.

Even the people of God were massacred. That is the sad thing that happened. This Commission will investigate how innocent people were rounded up and mistreated by the Government or faced the wrath of their fellow community members because of the sins of some people. Sorry Mr. Wako that you lost your family members; your wife and child in that manner. Both of you are bitter because the truth was suppressed.

According to Mr. Bagaja the truth would have come out had the father who survived recorded a statement. That is what I have understood from your presentation.

You are both bitter with the bishop who instead of facilitating the father to record the statement, he helped him to disappear. Mr. Bagaja, have you ever met the bishop and faced him on this particular issue, especially of statement-making? When father assured you he was ready to make a statement, but when you came back you were told he was not there; have you ever talked to the bishop about this?

**Mr. Gabriel Bagaja Tepo:** I did not ask the bishop directly, but I talked to Father Alex who was acting as Vicar-General why he took Father Aldrin away. He told me that Father Aldrin was not all right. He was completely confused. I told him I lost my son and I wanted him to record the statement. I told him I had seen the father last time and he was okay. He told me he was ready to record the statement. He did not tell me where he was. So, I told him that he was the one who was hiding the facts by taking him away. I thought it was only the bishop who had authority to take father away.

**The Acting Chair** (Commissioner Namachanja): Reconciliation only takes place when the two parties meet and discuss. Are you willing, if facilitated, to meet with the bishop, so that he gets to know that all along from 2005, you have been bitter because of that action he took of taking father away? If that was facilitated, are you willing to meet the bishop?

**Mr. Gabriel Bagaja Tepo:** Very much.

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

**Commissioner Dinka:** Mr. Gabriel, I would like to tell you that I sincerely salute your courage to come to us and share with us your very sad story. I would like to ask you, you said that the next day, you went to see Father Alex, what happened?

**Mr. Gabriel Bagaja Tepo:** People were killed in his car. He was taken to church somewhere away from that point and then they just moved the car from that area. Father did not want to leave the place unless Father Alex went to investigate in order to find out whether the others were alive or not. He refused to even go in the car. He was given a lift in another car.

**Commissioner Dinka:** You are telling me that people inside his car were killed while they were there?

**Mr. Gabriel Bagaja Tepo:** Yes.

**Commissioner Dinka:** When he came back he told you he saw what happened and that he was ready to record a statement. Then you went to the police and told them that he was ready to record a statement. The police did not come with you to see him?

**Mr. Gabriel Bagaja Tepo:** Yes.

**Commissioner Dinka:** Is that normal?

**Mr. Gabriel Bagaja Tepo:** No, it was not normal for both the church people and the police.

**Commissioner Dinka:** So, it was not only the church people, but also the police who were trying to cover up the issue?

**Mr. Gabriel Bagaja Tepo:** Yes. I have even mentioned the OCPD who was trying to cover up what happened.

**Commissioner Dinka:** When you came back, first of all, they locked Father Aldrin in a small room, but you met him somehow. When you came back from the police station, he was no longer even in that room? He had disappeared. When you asked Father Alex, what did he tell you?

**Mr. Gabriel Bagaja Tepo:** He said that his Archbishop took him.

**Commissioner Dinka:** And you have not seen him since?

**Mr. Gabriel Bagaja Tepo:** No.

**Commissioner Dinka:** Do you know when he left the country?

**Mr. Gabriel Bagaja Tepo:** I heard that on that same night, he was taken to Laisamis immediately. He was removed from the parish house and then taken to Laisamis and then outside the country.

**Commissioner Dinka:** He left the same day?

**Mr. Gabriel Bagaja Tepo:** Yes.

**Commissioner Dinka:** When you went back, do you know what happened to the car?

**Mr. Gabriel Bagaja Tepo:** There was a Government vehicle. We carried the bodies in a vehicle registration No.KAH 228. Father told me that he heard a car cruising towards westwards. It was a Land Cruiser.

**Commissioner Dinka:** Mr. Andrea told us those who were killed could identify some of the killers.

**Mr. Gabriel Bagaja Tepo:** Yes, they mentioned the name of Galgalo. They were both from Marsabit. She asked: “Uncle Galgalo, why do you want to kill me? Then he was told to kill her because she recognized him.

**Commissioner Dinka:** But you also said that Galgalo came in the car and found them there.

**Mr. Gabriel Bagaja Tepo:** No, that is not Galgalo. That is Roba, the one who started the safari from Turbi with them. They went together and even Father Aldrin knew him. He was one of his customers. He owned a garage. He encouraged Father Aldrin to go with them because Mr. Roba was also going with them.

**Commissioner Dinka:** And this Roba joined the crowd again?

**Mr. Gabriel Bagaja Tepo:** They found his car there. It was a Land Cruiser. Mr. Galgalo had a lorry which blocked the road.

**Commissioner Dinka:** Did you ask the Vicar-General, Father Alex to allow Father Aldrin to record a statement?

**Mr. Gabriel Bagaja Tepo:** Yes. He told me Father Aldrin was not okay. I told him father wanted to record a statement with the police because he saw what happened, but he refused.

**Commissioner Dinka:** Did Father Alex leave the country about the same time?

**Mr. Gabriel Bagaja Tepo:** No, he left after four years.

**Commissioner Dinka:** You do not know where he is now?

**Mr. Gabriel Bagaja Tepo:** He is in Portugal. He is a Portuguese.

**Commissioner Dinka:** You said that the OCPD acted slowly and that had he acted faster he could have saved these lives. But he did not act on time. How do you know he did not act on time? Did you inform him?

**Mr. Gabriel Bagaja Tepo:** Although Bubisa is 40 kilometres from Marsabit Town, he had his agents who were working and who could have informed him through a radiophone. They did not take any action.

**Commissioner Dinka:** Do you remember his name?

**Mr. Gabriel Bagaja Tepo:** I do not know.

**Commissioner Dinka:** How far was the AP camp?

**Mr. Gabriel Bagaja Tepo:** About 100 metres.

**Commissioner Dinka:** They did not react? They did not do anything to intervene? Do you know the name of the commander or anybody?

**Mr. Gabriel Bagaja Tepo:** I do not know.

**Commissioner Dinka:** Did you talk to them?

**Mr. Gabriel Bagaja Tepo:** I do not remember their names.

**Commissioner Dinka:** Did you talk to them at that time?

**Mr. Gabriel Bagaja Tepo:** Yes.

**Commissioner Dinka:** What did they say?

**Mr. Gabriel Bagaja Tepo:** I asked them: “As a Government officer, have you seen anything? Have you seen what happened here?” Nobody was talking to me.

**Commissioner Dinka:** Thank you very much. Again, my sympathies to you.

**The Acting Chair (Commissioner Namachanja):** Mr. Bagaja, you have relived the pain of the 12<sup>th</sup> July, 2005 testimony. As you have said in your own words this the first time you are speaking about it. It is painful aftermath of the killing of your wife and son and the other people. Do you remember the name of the OCPD?

**Mr. Gabriel Bagaja Tepo:** No. I cannot remember his name. I can only recall that they did nothing. They did not take any photographs or cordon the area as a scene of crime. I saw them there, including the OCPD.

**The Acting Chair** (Commissioner Namachanja): You said that there were other people who were responsible. Have you been able to know who these people were?

**Mr. Gabriel Bagaja Tepo:** I do not know because I am not familiar there.

**The Acting Chair** (Commissioner Namachanja): When you were asked if we could facilitate you to see the bishop today, what would you ask him or tell him?

**Mr. Gabriel Bagaja Tepo:** I would tell him that as a bishop he was like a father to all those who passed away and those who were left behind. I would also ask him why he refused Father Aldrin to record a statement. He could have probably even mentioned people who were directly responsible for the massacre because it was not the whole community that was responsible for it. He could have mentioned what kind of vehicle was used and who was involved. So, as a bishop, I would want him to tell us why he concealed the truth by refusing Father Aldrin to give his testimony? Those are some of the questions I would ask him given a chance.

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

**Commissioner Dinka:** Is he still the bishop of that diocese or somebody else has replaced him?

**Mr. Gabriel Bagaja Tepo:** He has retired. He stays in Sharai in Marsabit.

**The Acting Chair** (Commissioner Namachanja): Mr. Gabriel, I just want you to know and, probably, no one has told you this, that if it were not for you bodies would not have been found. The life of Andrea was entirely saved because you actively got involved in this. You actually saved his life. If you had been there earlier, probably, you would have saved the other lives.

Thank you very much. I just want to encourage you that this Commission is about the kinds of violations that you experienced. We will then write a report which will be tabled in Parliament for adoption. We hope Kenyans will maintain peace and unity. We shall write a report that will ensure that there is lasting peace among communities in this region of the country and elsewhere. We want to see a country that guarantees a peaceful future for our children and their children.

We want to sincerely thank you for sharing with us your experience. We thank you for those wise words. Thank you very much. We have come to the end of this session.

**The Presiding Chair** (Commissioner Ojienda): We thank the Commissioners and all those who have participated. We will ask one volunteer to pray for us as we break this session.

*(Closing Prayers)*

*(The Commission adjourned at 12.15 p.m.)*