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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION ON MONDAY, 16TH MAY,
2011 AT THE NHIF MAIN BUILDING AUDITORIUM**

PRESENT

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

(The Commission commenced at 10.50 a.m.)

(Opening Prayers)

The Presiding Chair (Commissioner Chawatama): Please, take your seats. On behalf of the Truth, Justice and Reconciliation Commission (TJRC), I would like to welcome you all to this morning's sitting. Before we go into the proceedings, I would like to introduce to you the panel of Commissioners who are sitting this morning.

*(The Presiding Chair (Commissioner Chawatama)
introduced herself and other Commissioners)*

On behalf of the Commission, I welcome you once more to these hearings. This is a continuation of the hearings that we had in the northern region, from 11th April, 2011 to 12th May, 2011. We had invited several witnesses to appear before us and give their testimony. I am sure you have been following the Press and know that there were many witnesses who appeared before us. But there were some whom we had invited to appear but they were unable to do so. We were satisfied with some of the reasons that were given and hence decided that we will invite them to appear before us in the three days. These hearings take place here and the next two hearings on Tuesday and Wednesday will take place at the Kenyatta International Conference Centre (KICC). The witnesses have been asked to appear before us to share with us information that they have that came to them by virtue of positions that they held as relates to the northern region.

As you are aware, ours is to provide a platform for victims and other witnesses for truth telling. We have made an observation that there have been a number of discussions on what we can do and cannot do, and who we are and who we are not. Truth commissions have been known to strengthen prosecutions that follow. We are not a court of law.

You have heard in our opening remarks that I am referring to the people who appear before us as witnesses. They are not accused persons. You will not see us take plea or

read out charges. You will see witnesses who will appear before us, who will give their testimonies on information that they know. We have invited them based on investigations and research that we have carried out. At the end of our sittings, we will not render a judgment or convict and sentence. However, we will render a report that will contain recommendations.

I wish to call upon Prof. Slye to share a little bit on our rules and later, Commissioner Shava will share a little bit on the process and then I will continue.

Commissioner Slye: Thank you, Presiding Chair. As the Presiding Chair said, we are not a court of law and the procedures that you will see before this Commission are very different from those of a court of law. We do not allow, for example, the witnesses before us to be cross-examined other than by Commissioners and the staff of the Commission. This is regardless of whether they come here as victims or other types of witnesses.

Secondly, testimony that is given before this Commission provides that individual with immunity with respect to that testimony before any other civil or criminal proceedings. What this means is that this Commission provides a safe space for individuals to come forward and tell us all that they know about important historical events in the history of Kenya and provide us and the people of Kenya their perspectives. That is the knowledge that they have about the historical injustices that are part of our mandate.

Thank you.

Commissioner Shava: Thank you, Presiding Chair. I would just like to trace what these proceedings are all about, just to situate us in the great context.

The TJRC is about restoring relationships. It is not an adversarial forum. As such, we are here to have conversations. We are here to talk to each other and hear from each other. It is this principal that informs the way we have set up our rules and processes. We will hear from witnesses, as we have been doing. We also have a formidable capacity for investigations and research. This will further inform the testimony of witnesses and what we prepare in our report, including our recommendations. So, this forum is one that offers witnesses the opportunity to satisfy themselves as to the rules of natural justice. They can hear what has been said about them and say certain things which they believe are their own truth. They also have the opportunity to respond. Now, we do not compel people to respond. They can be invited and can come and speak. In other words, they can avail themselves at a forum or can choose not to. Other processes will be available to them, but we would just like to emphasize that this process, which is our process, is a process of the people of Kenya. It is one where we are engaging in conversation with each other in that forum.

Thank you.

The Presiding Chair (Commissioner Chawatama): Thank you, Commissioners. There are a few ground rules. I would urge you all to switch off your cell phones, if you have

them on you. Secondly, I also urge you to show a lot of respect to the witnesses, or this particular witness who is going to appear before us to give his testimony. You may not agree with everything that he says, but do contain yourself. We have assured witnesses appearing before us, as Commissioner Shava has said, that we will afford them safe space. So, let them speak. Those who do not co-operate will be asked politely to leave, so that we can go ahead with the proceedings. Our friends from the media, we welcome you and thank you for being here. We thank you for the coverage so far. I would like to say that maybe out of ten in terms of coverage, I will give you five. So, you need to prove yourselves today. You are allowed to take photos before and after our hearings but not during the time when the witnesses are giving their testimonies. What you will see take place today is that the witness will be called. He will take oath and the Leader of Evidence will then lead him through that evidence. Once the Leader of Evidence is through with the witness, the Commissioners will ask for any clarifications. Sometimes we just give words of encouragement and other times, ask questions.

Thank you and I trust that the ground rules are fair. Leader of Evidence, do we have any counsel present? Counsel, could you, please, tell us your name?

Mr. Harun Ndubi: Thank you, Presiding Chair. I am Harun Ndubi, an Advocate. I am here representing victims who are known as the Wagalla Massacre Victims and Survivors as well as Truth be Told Network. This will include individuals named Abdirashid Salat and Salah Sheikh. I have read your rules which are somewhat familiar; not that I would agree with everything, but I would subject myself to your guidance. I would maybe request to forward a slight variation, to ask a question or two regarding some information which would be helpful, but I leave it to you.

The Presiding Chair (Commissioner Chawatama): Counsel, we welcome you and appreciate the fact that we have taken time to not only look at our Act, but also read out our rules. We value the presence of Counsel. As set out in our rules that Professor alluded to, this is not a court room. Like you, I had to be constantly reminded that this is not a court room and that I am not in court and not in charge. I have learnt to appreciate the purposes for which truth commissions have been established. It is a process that I would recommend anytime.

In terms of questions or observations, could we leave that to a little bit later?

Thank you.

Hearing Clerk, could you, please, swear in the witness?

(Mr. Manasseh Tiema Ndirika took the oath)

The Presiding Chair (Commissioner Chawatama): Mr. Tiema, we thank you for making yourself available to this Commission to testify. Please, take a seat and be comfortable. Leader of Evidence!

The Commission Secretary (Ms. Nyaundi): Mr. Tiema, for the record, please, tell the Commission your full names, where you reside and your current occupation.

Mr. Manasseh Tiema: Thank you, Presiding Chair. My name is Manasseh Ndirika Tiema of P.O. Box 2629 Kakamega. My Identity Card number is there. I come from Vihiga District, which is now a county and Emuhaya Division, which is now a district. I come from East Bunyore Sub-Location of Emusalwa.

I am the bearer of the above particulars. I am a male adult, a retired civil servant. I worked from 1974 up to 2003, when I retired from the Ministry of Trade and Industry, where I held the position of an Under Secretary.

Presiding Chair, I do recall 24th January, 1984. I was transferred from the Provincial Commissioner's office in Garissa to Wajir. I was working as an Administrative Officer I in the Provincial Commissioner's office in Garissa. I was to take over from Mr. Wellington Bakya Godo, the then Acting District Commissioner who had been transferred to the Ministry of Finance and Planning Headquarters. The substantive holder of the post was Mr. Matui who was still on leave. Mr. Matui was the substantive DC for Wajir, but he was on leave and Mr. Godo was acting at that time. As I took over the office, there was a campaign going on all over the district, where those who were in possession of illegal firearms were to surrender them to the authorities. The campaign was sparked off seriously. I was told hon. Maalim Mohamed, the Minister of State by then, visited the district on 16th December, 1983, before I went to the place. He addressed leaders and a public *baraza*. As a result of the previous banditry and tribal animosity in the district, he appealed to the people who were in possession of illegal firearms, to surrender them and, indeed, gave them ten days to do so. This was a special appeal and it yielded some fruits, where after ten days, the Ajuran Clan surrendered 11 firearms and the Degodia Clan one firearm. The campaign, however, continued and the Provincial Commissioner, North Eastern Province, held another public *baraza* at Buna. Buna is one of the divisions in Wajir District. He stressed the surrender of firearms and even extended the amnesty of the Minister's period by ten more days.

Within the grace period given by the Provincial Commissioner, it was observed by the District Security Committee that the poor response in surrendering firearms by the Degodia Clan was somehow contributed by some leaders among the Degodia community. These leaders were picked up by security men for interrogation. It was decided by the District Security Committee that they would be detained for 28 days, under the provision of Cap.57, Section 1(b) of the preservations of public security, North Eastern Provincial and contiguous districts regulations of 1966. Those who were held by the security were Mr. Abdi Sirat Khalif, Mr. Mohamed Ali Noor, Omar Ali Noor and Ahmed Ali Daud.

Their detention must have contributed to the surrender of more firearms by the Degodias. After they were held, it was realized that more firearms were forthcoming from the Degodias.

As part of surrender of firearms, the DSC suggested that those suspected to be in possession of illegally acquired firearms were reluctant to surrender them. They further thought of another punishment whereby they were not allowed to have access to watering points which is very important in a place like Wajir and nearly all of North Eastern Province area.

This measure was to involve all tribal sections even those ones who had responded positively. Some of the measures that were taken by the DSC to speed up the surrender of firearms somehow offended some sections, particularly the Degodias who felt that they had been singled out because of the detention of their leaders.

On 8th February, 1984, the Kenya Intelligence Security Committee visited Wajir District. We were informed of their visit by the Provincial Commissioner; namely, Mr. Benson Kaaria. In order to welcome this Kenya Intelligence Security Committee, we presented a brief, a copy of which I might have handed over to the Chief Executive Officer. On the same day, the said Kenya Security Intelligence Committee came in a military buffalo and landed at Forward Operation Base (FOB) which is in Wajir and we received them as members of the District Security Committee. Among the visitors--- I think the list is with the Chief Executive Officer, whoever is interested can get the information from there. They were also accompanied by the Provincial Security Committee from Garissa, that is the Provincial Commissioner, EPO and other visitors as per the visitor's book. I am told it appeared later on in the annual report.

From FOB, the visitors proceeded to the CID boardroom, Wajir, where I was to host them since I was the acting DC. The meeting discussed areas in the district where insecurity had escalated. There was a report which we had prepared for these people. I handed a copy over to the Chief Executive Officer for further information. As a result of the meeting held on 8th February, 1984 and various recommendations by the Kenya Intelligence Security Committee, we resolved to mount a joint operation that is: Kenya Army, Kenya Police and Administration Police under the command of Officer Commanding Army Combat, KR, Wajir, the late Maj. Mudogo.

It was further agreed that the operation mounted should cover all the areas periodically occupied by the Degodias and round up all the male adults from those places, that is Griftu, Eldas, Buna, Dabas, Bula Jogoo, Habaswein and Elben. As agreed in the meeting of 8th February, 1984, the operation was to start on 10th February, 1984. The men were to be assembled at the Wagalla Airstrip where they were to be interrogated as to whether they knew:-

- (a) Who the bandits associated with murder, livestock rustling and attacks were
- (b) Those in possession of illegal firearms
- (c) Whether they themselves had firearms to surrender

On the same day of 10th February, 1984, at around 5.00 p.m. I visited Wagalla Airstrip when the first batch had been assembled there. I addressed them and emphasized the

reasons why the operation had to be carried out and what was expected of them and left them under the control of the security men.

On 11th February, 1984 in the evening, I did not go there because I was told there was no positive response as I learned from the OCPD, Wajir by then. I instructed my acting DO1 to get two bags of maize, one bag of beans and take them to the assistant chief, Wagalla to have them cooked for those at the airstrip together with water. We had to use water booster from the police. He came and assured me that the instruction had been carried out. We got the foodstuff from National Cereals and Produce Board store in Wajir.

On 12th February, 1984, I held a big *baraza* at the stadium near the DC's office which was attended by the late hon. Ahmed Khalif and councillors and explained to them the purpose of the operation, and assured them that those who had relatives rounded up, they would be released. I welcomed the late hon. Khalif to address the *baraza* and emphasize the same to the public.

At around 11.00 a.m., I accompanied the OCPD and DSPO to assess the situation, but when the crowd saw us they started shouting. They were agitated somehow. Those who were sitting stood up and started shouting in their vernacular and the security men told them to sit down. Some obeyed and others did not obey; they refused. They started running in different directions and the situation became chaotic. With such confusion going on, I was advised to leave the ground and left the security agents to handle the situation. However, I later learnt that some people lost their lives in the course of that stampeded. I think those visitors who were there can bear me witness. This is the report that I had.

On 4th May, I received a signal instructing me to proceed on leave with effect from 4th May, 1984 from the Provincial Commissioner quoting the instructions to have come from above as per the signal--- I gave a copy to the Commission Secretary. I was told to proceed on leave. After that I proceeded on leave and left the station under a new officer who had arrived then, Mr. Matee. I went home and stayed there for over a year before I was further given another instruction on where to go next. Later on, I was told to report to the Provincial Commissioner, Nyanza Province, for deployment. I was posted to Kisii District as a District Officer in charge of Manga Division. From Manga, I was transferred to Nyamira briefly under the same capacity. From Nyamira, I went to Kisumu as DO1. After a short while I was transferred on promotion to the Ministry of Environment and Natural Resources as Senior Assistant Secretary, Nairobi headquarters. I worked there for some time and I was transferred to the Public Service Commission. Lastly, I was transferred to the Ministry of Trade and Industry where I retired in 2003 as an Under Secretary.

That is all from me.

The Presiding Chair (Commissioner Chawatama): Leader of Evidence, have you got any questions for the witness?

The Commission Secretary (Ms. Nyaundi): Mr. Tiema, I will ask you a few questions just to clarify then the Commissioners may also ask you additional questions. To begin with, you have read a statement to this Commission dated 28th March, this year. Would you like that statement to be admitted on the record of the Commission?

Mr. Manasseh Tiema: It should be admitted.

The Presiding Chair (Commissioner Chawatama): Statement so admitted.

The Commission Secretary (Ms. Nyaundi): You have told us that you were transferred to Wajir in January, 1984. Then you said that the PC notified you that the Kenya Intelligence Security Committee would be visiting your region on 8th February, 1984. Just for clarity, is the Kenya Intelligence Security Committee the same that is referred to in literature as the National Security Committee? Is this the same body?

Mr. Manasseh Tiema: I may not know, but I just take it to be more or less the same. If they are not the same then they are contemporaries.

The Commission Secretary (Ms. Nyaundi): Is the membership the same?

Mr. Manasseh Tiema: I know only one group which came. I know that the one which came was the Kenya Intelligence Committee.

The Commission Secretary (Ms. Nyaundi): In your statement you have referred many times that it was decided by the District Security Committee to take certain actions. I want you to confirm to the Commission that you were the chair of the District Security Committee in Wajir during this relevant period.

Mr. Manasseh Tiema: As is the regulation within the setup of the District Security Committee, it is the office of the DC which normally chairs the District Security Committee. So, definitely, I had to sit in as the chairman.

The Commission Secretary (Ms. Nyaundi): On page 2 of your statement, you say that a decision was made to pick up a number of elders from the Degodia Community and interrogate them. For the record, where were these interrogations held?

Mr. Manasseh Tiema: Presumably, this was at the district police headquarters. Here I may also clarify that this information was on record in the DC's office and it took place even before I was posted to that district.

The Commission Secretary (Ms. Nyaundi): So, these interrogations had happened before January, 1984?

Mr. Manasseh Tiema: It was before. This was in December.

The Commission Secretary (Ms. Nyaundi): According to the records that you say were at the DC 's office, who presided or managed those interrogations?

Mr. Manasseh Tiema: Definitely, the District Security Committee.

The Commission Secretary (Ms. Nyaundi): What is the membership of the District Security Committee?

Mr. Manasseh Tiema: The DC is the chairman and then we have got the District Special Branch, but that was separate. It is the District Commissioner, the OCPD, a Special Branch officer and DCIO. Let me elaborate a bit. When it comes to a place like Wajir or Garissa, for that matter, where we had the military station unit they used to be incorporated into the District Security Committee.

The Commission Secretary (Ms. Nyaundi): I am trying to get from you the physical site of the detention of the four gentlemen who are mentioned on page 2 of your statement. What was the physical location of their detention? Did you get that in the records?

Mr. Manasseh Tiema: That was at the police station.

The Commission Secretary (Ms. Nyaundi): According to the report that you found when you went there as DC these people were detained for 28 days?

Mr. Manasseh Tiema: They were supposed to be detained for 28 days.

The Commission Secretary (Ms. Nyaundi): You have stated that another measure that was taken was to deny members of the community access to watering points. During what period was this denial made?

Mr. Manasseh Tiema: This was not done during the operation time. This was done when we were carrying out the usual campaign for surrender of arms.

The Commission Secretary (Ms. Nyaundi): Was this sometime in January, 1984, when that step was taken to deny access to the watering holes?

Mr. Manasseh Tiema: I cannot recollect that.

The Commission Secretary (Ms. Nyaundi): Was it frequent? Was it a measure that was taken in one instance or did you take that measure as the situation demanded?

Mr. Manasseh Tiema: It was not to be permanent, but that was a measure that was undertaken for the time being until the situation on surrender of arms improved.

The Commission Secretary (Ms. Nyaundi): When you came in January, 1994, did you find that members of the community were being denied access to the watering holes?

Mr. Manasseh Tiema: It had been relaxed.

The Commission Secretary (Ms. Nyaundi): But it was still in force?

Mr. Manasseh Tiema: In some areas, it was still in force.

The Commission Secretary (Ms. Nyaundi): This denial of water did it include the livestock or was it water for domestic use?

Mr. Manasseh Tiema: It was mainly for both.

The Commission Secretary (Ms. Nyaundi): So, the residents were denied water both for domestic use and for use by their animals?

Mr. Manasseh Tiema: Yes, because it is the same source.

The Commission Secretary (Ms. Nyaundi): Who was responsible for supervising and enforcing that procedure?

Mr. Manasseh Tiema: This one for?

The Commission Secretary (Ms. Nyaundi): The denial of access to watering points. Who was enforcing it?

Mr. Manasseh Tiema: This was enforced through administrative machinery, that is the chiefs, police and even military people had to assist. If I may elaborate here, before we carried out this joint operation each of these arms of security had their own security arrangements in the districts. The whole thing was aimed as surrender of firearms. If they had any mechanism they could use to speed up the surrender of firearms to lessen the animosity that was growing among the people and the lawlessness, then we could not stop it. It was lateral.

The Commission Secretary (Ms. Nyaundi): Just so that I am clear, what you recall was that the interrogations were handled principally by the police or the special branch? The interrogations you spoke about on page 2.

Mr. Manasseh Tiema: This was to be handled by a combined---

The Commission Secretary (Ms. Nyaundi): That was a combined operation?

Mr. Manasseh Tiema: Not combined. That is the DSC.

The Commission Secretary (MS. Nyaundi): But who was this gentleman in the room seeking that information?

Mr. Manasseh Tiema: As I stated here, I extracted this information from the record, but it took place before my arrival.

The Commission Secretary (Ms. Nyaundi): So, you would not know for a fact who was directly supervising the interrogation?

Mr. Manasseh Tiema: I would not know but I am taking it for granted that it must have been done by the District Security Committee.

The Commission Secretary (Ms. Nyaundi): What you are telling us is that the Provincial Administration, through the chiefs, enforced the denial of access to watering points?

Mr. Manasseh Tiema: When we were carrying out this security operation separately the DC had to use the chiefs. The DO may not have the machinery to go round due to limited facilities at hand. But the army had the necessary machinery to enable them to move around. They could move around to supervise. We depended very much on the chiefs for information which was passed on to us through the DC's office.

The Commission Secretary (Ms. Nyaundi): On page 3 of your statement, on the third paragraph, you have stated that you were informed that the Kenya Intelligence Security Committee would be coming. Is it correct that you received this message on 8th February, 1984 of the intended visit?

Mr. Manasseh Tiema: We received the message of the intended visit much earlier.

The Commission Secretary (Ms. Nyaundi): When did you receive the communication?

Mr. Manasseh Tiema: We received the communication at least a week earlier. Then there was a meeting on 1st February, whereby a report was compiled for this purpose to be presented to the intelligence committee.

The Commission Secretary (Ms. Nyaundi): When you say that you met on 1st February, the people who met were the District Security Committee and you were the chair of that meeting?

Mr. Manasseh Tiema: The substantive DC had to come to compile this report. Mine was just to present it later on because he was not going to be there at the time of the meeting.

The Commission Secretary (Ms. Nyaundi): So, on 1st February, who was present at the meeting where you were compiling a report?

Mr. Manasseh Tiema: The members of DSC.

The Commission Secretary (Ms. Nyaundi): Were you the chair of that meeting or was it the substantive DC?

Mr. Manasseh Tiema: The substantive DC was the one chairing.

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

Mr. Manasseh Tiema: His name is Mr. David Matwii.

The Commission Secretary (Ms. Nyaundi): You had stated that you have given me a copy of the report that was prepared on 1st February and I want you to confirm that the document I have here dated 1st February, 1984 and signed by you as the acting chairman of the Wajir DSC and District Commissioner, Wajir is the document that was prepared on 1st February.

Mr. Manasseh Tiema: I have no objection.

The Commission Secretary (Ms. Nyaundi): I believe you also have the original to this document?

Mr. Manasseh Tiema: I do. Here it is.

The Commission Secretary (Ms. Nyaundi): Would you allow the Commission to admit this document on to its record?

Mr. Manasseh Tiema: I have no objection.

The Commission Secretary (Ms. Nyaundi): When you say that the Kenya Intelligence Committee came to Wajir on 8th February, 1984, is this the document that was the basis of the meeting that you had on 8th February?

Mr. Manasseh Tiema: Yes, it is.

The Commission Secretary (Ms. Nyaundi): It comprises an analysis of the security situation in Wajir at that time and recommendations.

Mr. Manasseh Tiema: Yes.

The Commission Secretary (Ms. Nyaundi): When you had this meeting with the Kenya Intelligence Security Committee, you said that you had it in your boardroom. Who was the chair of that meeting?

Mr. Manasseh Tiema: I was presenting.

The Commission Secretary (Ms. Nyaundi): There is always a chair and a secretary to a meeting. So, who was the chair of the meeting at the time of presenting it to the Kenya Intelligence Committee?

Mr. Manasseh Tiema: The chair of the meeting was the PC. The DC cannot chair a meeting when the PC is there at the same meeting. Mine was to present the report and I presented it.

The Commission Secretary (Ms. Nyaundi): So, you presented this report and the person who was chairing the meeting then was the PC of which province?

Mr. Manasseh Tiema: North Eastern Province.

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

Mr. Manasseh Tiema: Mr. Benson Kaaria.

The Commission Secretary (Ms. Nyaundi): You said that it is the practice in Provincial Administration when visitors of this stature come to have a visitor's book?

Mr. Manasseh Tiema: Yes.

The Commission Secretary (Ms. Nyaundi): You had referred earlier in your statement that you had availed me a copy of an extract of the visitor's book that includes the names of the people who attended the meeting. That is correct?

Mr. Manasseh Tiema: Yes.

The Commission Secretary (Ms. Nyaundi): I want you to look at this document that I have. It is labeled Appendix 2 and it includes entries from 1st January, 1984 to 7th December, 1984. Kindly, confirm to the Commission that this is the document that you were referring to earlier in your statement.

Mr. Manasseh Tiema: This document here is an appendix to a report that is annual report which is normally prepared by the DC's office. This one is showing the number of people, important people and so forth, who visited the district during that particular year under report. This is the correct copy up to the time I was there.

The Commission Secretary (Ms. Nyaundi): You confirmed that on 8th February, 1984, as was the practice, the members of the Kenya Intelligence Committee who came to your office signed the visitor's book?

Mr. Manasseh Tiema: They did.

The Commission Secretary (Ms. Nyaundi): I would like you to read out the names according to that record, of the individuals who were at the office on 8th February, 1984.

Mr. Manasseh Tiema: During the photocopying there was an omission of the figure eight. So, I cannot read it. I may go astray. I can read this one which is clearer. I am concerned with the entire list of visitors to the district. If you allow me I can read this.

The Acting Chair (Ms. Namachanja): We accept that. Please, go ahead and read it.

Mr. Manasseh Tiema: We had J.S. Mathenge, PS Office of the President; P.A. Kiplagat, Minister for Foreign Affairs; David Mwiraria, PS Ministry of Home Affairs; John Kituma, PS Ministry of Information and Broadcasting; Brigadier J.R. Kibwana, Department of Defence; B.N. Macharia from Treasury; Z.J.M. Kamenchu, Deputy Secretary Office of the President; J.P. Gachui, Deputy Commissioner of Police, Police Headquarters Nairobi; J.K. Kaguthi, Senior Assistant Secretary, Office of the President, Administration; J.P. Mwangovya, Office of the President Nairobi; C.N. Aswani, Provincial Police Officer North Eastern Province; Lt. Col. H.F.K. Muhindi the Commanding Officer 7KR based at Wajir; J.K. Kinyanjui Director of Land Adjudication Nairobi; Abraham Kihure, Kenya Posts and Telecommunications Nairobi; Godfrey A. Okumu, Chief Electrical Engineer and Mr. Benson N. Kaaria, PC North Eastern Province.

The Commission Secretary (Ms. Nyaundi): You have made reference to a document dated 1st October, 2010 addressed to the regional co-ordinator, Kenya National Human Rights Commission, Northern Kenya Wajir. Would you like to have this document admitted as the record of the Commission?

Mr. Manasseh Tiema: No. The one I can accept is that one containing the names in the appendix of annual report.

The Acting Chair (Ms. Namachanja): Leader of Evidence those would be the same names?

The Commission Secretary (Ms. Nyaundi): I want him to confirm. For the purposes of confirmation maybe the witness can confirm those names that are on that document that he is not leaving with us are the same names as the ones on the document that he is leaving with us.

Mr. Manasseh Tiema: These names are here. I was reading this one because I was trying to get this figure eight correctly. Here it does not appear. I could easily read someone's name which does not indicate the date on this one. So, this one came from this, it is only the error in photocopying.

The Commission Secretary (Ms. Nyaundi): The record can read that you confirm Appendix 2 as an accurate record of the people who were at the meeting on 8th February, 1984?

Mr. Manasseh Tiema: Yes.

The Commission Secretary (Ms. Nyaundi): You have told us and this is on page 3 of the statement that you read to the Commission that on 8th of February, as a result of the meeting that you had you agreed to mount a joint operation involving the Kenya Army, the Kenya Police and the Administration Police. Could you, please, confirm to the Commission whether a decision was made on who would be in command of the operation or whether there was any established practice that where there is a joint operation a particular office or position is then in charge of the operation?

Mr. Manasseh Tiema: There is no established regulation, but it was just mutually agreed among the DCS members that Maj. Mudogo who was the commanding officer, army, since he was more mobile than the rest of the members was to lead the joint operation.

The Commission Secretary (Ms. Nyaundi): You refer to it as an operation in your statement. What did this operation entail?

Mr. Manasseh Tiema: I stated that, that operation was to speed up the surrender of firearms which was the main cause of insecurity in the district and since the response was not all that encouraging, those people had to be brought together so that they are interrogated and extract the information as to where some of these firearms could be found or to speed up the surrender of the firearms from those who were unwilling to surrender them voluntarily as per the previous campaign that had been going on.

The Commission Secretary (Ms. Nyaundi): So, Mr. Tiema, and this is based on your own knowledge. At that meeting, did you define any criteria upon which you would round up the men?

Mr. Manasseh Tiema: No, we did not have any criteria.

The Commission Secretary (Ms. Nyaundi): Did you ever discuss with Major Mudogo? Did he have criteria?

Mr. Manasseh Tiema: Unfortunately, we did not discuss anything of that nature with him.

The Commission Secretary (Ms. Nyaundi): So, according to your knowledge, the idea was to round up men from the localities that you have mentioned, Griftu, Eldas, Buna, Dambas, Bulajogo, Habaswein and Elben?

Mr. Manasseh Tiema: Yes, those were the areas mainly covered under this.

The Commission Secretary (Ms. Nyaundi): On page 4 of your statement, you said that you visited the camp on 10th February 1984. When you visited the airstrip, how many people did you find or being held there?

Mr. Manasseh Tiema: I did not get the exact figure but to my rough estimate, there were almost around 500 people. That was the first day of the joint operation and they were grouped according to the areas they were arrested or picked from.

The Commission Secretary (Ms. Nyaundi): And you say that you addressed this group?

Mr. Manasseh Tiema: I did.

The Commission Secretary (Ms. Nyaundi): Other than you as the Acting DC, who else either accompanied you to the airstrip or did you find there?

Mr. Manasseh Tiema: I was accompanied by the OCPD and we found there the major who was in charge of the operation.

The Commission Secretary (Ms. Nyaundi): While you were there, were you able to assess how many officers were part of that operation?

Mr. Manasseh Tiema: No, I was not able to because some of them had already withdrawn to their camps and a few who were left around are the ones I met.

The Commission Secretary (Ms. Nyaundi): Were the officers that you saw at the camp armed?

Mr. Manasseh Tiema: Yes.

The Commission Secretary (Ms. Nyaundi): Now, you say that you organized for the delivery of two bags of maize and one bag of beans. Is this the standard size of maize that we use in Kenya?

Mr. Manasseh Tiema: Yes, 90 kilogrammes.

The Commission Secretary (Ms. Nyaundi): And also of the same weight of maize?

Mr. Manasseh Tiema: Yes, presumably.

The Commission Secretary (Ms. Nyaundi): In your estimation, how many people were going to be fed?

Mr. Manasseh Tiema: By this time the figure had increased because it was on the second day. So, I was estimating around 1,000 or more.

The Commission Secretary (Ms. Nyaundi): Now, you then say in the fourth paragraph that you held a *baraza* at the stadium. Who attended that *baraza*?

Mr. Manasseh Tiema: This was a general *baraza* where most of the attendants were people from Wajir Township and those who had come to check whether their relatives had been rounded up. So, they attended the meeting.

The Commission Secretary (Ms. Nyaundi): Are you saying that there was concern about what was going on at the airstrip?

Mr. Manasseh Tiema: There was concern in that people were wondering what was going to happen to their relatives who had been surrounded at the airstrip.

The Commission Secretary (Ms. Nyaundi): Who called this *baraza* at the stadium?

Mr. Manasseh Tiema: Me and the idea was to clarify to the members of the public what was going on and why we were having the operation.

The Commission Secretary (Ms. Nyaundi): While we were in Wajir, we heard from the witnesses who testified before the Commission that over this period, not only were the men rounded up but women were raped. So, as the Acting District Commissioner of Wajir, by the 12th of February, had you received reports of this occurrence within your area?

Mr. Manasseh Tiema: I had not received any report of that and if there was such a report, maybe, people shied off from telling me because I do not remember getting a report that there were some rape and I could not act on hearsay because, sometimes, people can be carried away by the activities of the operation and they utter anything.

The Commission Secretary (Ms. Nyaundi): So, apart from the stadium, airstrip and your office, is there any other place in Wajir you went to during this operation?

Mr. Manasseh Tiema: No. I did not because I was very new in that place and I had not known some of these places. So, those people who were familiar with the place went around and did the necessary operation. I was expecting to get reports from them as the chairman.

The Commission Secretary (Ms. Nyaundi): At the *baraza* when you were talking to the members of the public and the Member of Parliament was present, did you avail an opportunity to those who were at the *baraza* to address you on their concerns?

Mr. Manasseh Tiema: No. I made it a very brief *baraza* because I knew if we continued and the way the situation was erupting, it would cause unnecessary commotion.

The Commission Secretary (Ms. Nyaundi): What did you assess the general mood to be?

Mr. Manasseh Tiema: The general mood was tense especially among the Degodia clan. They felt that the whole thing was skewed against them.

The Commission Secretary (Ms. Nyaundi): In the bottom paragraph of page 4, when you say that at 11.00 a.m., you decided to go again to Wagalla Airstrip, was this on the 12th February?

Mr. Manasseh Tiema: Yes. That was after the *baraza*.

The Commission Secretary (Ms. Nyaundi): And this time when you went to the airstrip, how many men did you see there?

Mr. Manasseh Tiema: It was meant that after interrogation by the security men, those who were found to have complied and surrendered some firearms had already been released. So, the figure was between 500 and 800. A number of others had been released.

The Commission Secretary (Ms. Nyaundi): In Wajir, we were told that by this time, people had been stripped of their clothes. Did you see this when you went to the airstrip?

Mr. Manasseh Tiema: No, the people I found there were in clothes. Some of them had been roughed up and their clothes were torn through mishandling.

The Commission Secretary (Ms. Nyaundi): You could see heaps of clothes?

Mr. Manasseh Tiema: Torn off.

The Commission Secretary (Ms. Nyaundi): Torn off and lying at the airstrip?

Mr. Manasseh Tiema: Not lying but some people wearing torn off clothes which were as a result of arrest.

The Commission Secretary (Ms. Nyaundi): You say that when you were there, you left but people had been talking in their vernacular. Did you ever inquire from the people who were around you exactly what was being said?

Mr. Manasseh Tiema: I did not because I thought that they were grumbling among themselves which I did not want to involve myself into but these people saw me as a last result for them to be released.

The Commission Secretary (Ms. Nyaundi): Did any of those people approach you directly or come near you?

Mr. Manasseh Tiema: They could not come near me because there were security men who had barricaded me and they could not reach me.

The Commission Secretary (Ms. Nyaundi): Did you as the acting DC taken steps maybe to talk to any of the people?

Mr. Manasseh Tiema: It was not possible.

The Commission Secretary (Ms. Nyaundi): Did you ask the people who were manning that operation that you wished to speak to any of the people there?

Mr. Manasseh Tiema: No.

The Commission Secretary (Ms. Nyaundi): In Wajir, we were told that not only was it civilians, but also some Government officers were detained at the airstrip. When you went to airstrip, did you find any Government officers?

Mr. Manasseh Tiema: I could not tell who was a Government officer or not because the people were in groups and I could not go sorting them out except I heard that some civil servants, especially teachers, were affected.

The Commission Secretary (Ms. Nyaundi): Later on, of course, the people were released from the airstrip. Do you know when eventually the operation in terms of holding men at the airstrip was terminated?

Mr. Manasseh Tiema: On the morning of 13th and some were taken away on that same day of 12th when I visited there.

The Commission Secretary (Ms. Nyaundi): Mr. Tiema, when you said they were taken away, who took them away and by what means?

Mr. Manasseh Tiema: We had some military vehicles which were to be used because the DO did not have transport facilities. But the police and military vehicles helped to transport those people back to their respective areas.

The Commission Secretary (Ms. Nyaundi): Is this the same way that they had been brought to the airstrip?

Mr. Manasseh Tiema: Yes.

The Commission Secretary (Ms. Nyaundi): Now, at the conclusion of this operation, did you as the District Security Committee compile a report about this operation?

Mr. Manasseh Tiema: We did not compile a joint report as such but as has been the practice, every morning on a daily basis, we used to send a signal - that is by a radio call - to our respective provincial heads and sent a copy to our headquarters. That if it was police, they would send to police headquarters in Nairobi and if it was me, I would send to the Office of the President.

The Commission Secretary (Ms. Nyaundi): I have another question. On page 4, in the final paragraph, you say that when you saw a commotion, you left and you left the security agents to handle the situation. What did handling entail?

Mr. Manasseh Tiema: This was just to cool them down and make sure that they do not run away the way they were doing.

The Commission Secretary (Ms. Nyaundi): So, before you left, are you saying that you saw some people attempting to run away?

Mr. Manasseh Tiema: Yes.

The Commission Secretary (Ms. Nyaundi): Is the airstrip fenced off?

Mr. Manasseh Tiema: It was fenced off.

The Commission Secretary (Ms. Nyaundi): On page 5, you say you later learnt that some people died. Did you establish or inquire---

The Acting Chair (Ms. Namachanja): Sorry, Leader of Evidence. I did mention that we do not allow the taking of photographs when in session. I do not know if you were not present. If you were not, then you are forgiven but please stop taking photographs and please switch off your cell phones.

The Commission Secretary (Ms. Nyaundi): Did you inquire or establish the circumstances under which those people died?

Mr. Manasseh Tiema: I did and I was told that they were shot by the security men when they attempted to run away from the airstrip.

The Commission Secretary (Ms. Nyaundi): Were you also able to confirm the numbers of the people who died while attempting to leave the camp?

Mr. Manasseh Tiema: I did not confirm the number and that is why I said I heard some people lost their lives but eventually, we got the whole list of the figure of the people who died during the operation. It was compiled by the Special Branch officers.

The Commission Secretary (Ms. Nyaundi): Just to confirm the fact that you were at the site on 12th February 1984 at 11.000 a.m. and people were running in different directions, the situation was chaotic, people were shot at and they died. Did you submit that information in the reports that you were making to the Provincial Commissioner?

Mr. Manasseh Tiema: I, particularly, think I sent this report to the District Commissioner's office.

The Commission Secretary (Ms. Nyaundi): Tell us the report of what happened on 12th February?

Mr. Manasseh Tiema: We were reporting those things on a daily basis. So, it could be one of them.

The Commission Secretary (Ms. Nyaundi): I am sorry to insist but it is important for the record that we clarify. You made a report of what happened on 12th February.

Mr. Manasseh Tiema: I would not be precise because there are several reports we made about the whole of the activities of that operation. So, that could be one of them.

The Commission Secretary (Ms. Nyaundi): You say you continued to serve until 4th May when you were transferred. Between February and May 1994, did you as the District Security Committee have occasion to discuss the operation?

Mr. Manasseh Tiema: During this time, we had a number of people coming in both from the provincial and the Ministry headquarters or the headquarters in Nairobi concerning the whole operation. So, during that time, most of the time we spent explaining what was happening and what had taken place during the operation. We had people from the Office of the President, the Army and the police coming individually to find out what was going on or what had taken place. So, most of the time, we were meeting those people and giving reports.

The Commission Secretary (Ms. Nyaundi): Thank you very much, Mr. Tiema. You told us that you served until 4th May, 1994 when you received a signal advising you that you were transferred. I have a copy of that signal as you had given to me. Do you have the original signal?

Mr. Manasseh Tiema: Yes, I do.

The Commission Secretary (Ms. Nyaundi): So, you can confirm that the signal is dated 4th May 1994? Is that correct?

Mr. Manasseh Tiema: Yes.

The Commission Secretary (Ms. Nyaundi): And would you like to place a copy of this signal on the record of the Commission?

Mr. Manasseh Tiema: If the Commission so wishes.

The Commission Secretary (Ms. Nyaundi): Just to increase our understanding, is this the ordinary or normal way by which transfers are effected within the Provincial Administration?

Mr. Manasseh Tiema: It is not the normal way. It was the first time I was receiving such a transfer.

The Commission Secretary (Ms. Nyaundi): In your understanding as an administrator, what is the normal procedure that officers are transferred or directed to proceed on leave?

Mr. Manasseh Tiema: To proceed on leave, unless it is under punishment is when you are told to go on leave when it is not due or when you are not due for leave. Then that will be disciplinary action that someone is taking against you and he should tell you the reason why you have got to go on leave and whether it is indefinite or definite. So, in this case, I was just told to go on leave with no reason given and it was as though--- Because I came to learn that there were some visitors who were supposed to come to the district the following morning. That is why I was supposed to go on leave on that day before the morning comes.

The Commission Secretary (Ms. Nyaundi): Did you ever come to learn who those visitors were who were to come the next morning?

Mr. Manasseh Tiema: I came to learn it was the Minister of State, Office of the President, the late ole Tipis.

The Commission Secretary (Ms. Nyaundi): So, you received this signal on 4th May and you were to proceed on leave on 4th May?

Mr. Manasseh Tiema: I left on 4th May but it was early 5th May because I left the station at around 3.00 a.m., in the morning under escort because they did not want the sun to find me there.

The Commission Secretary (Ms. Nyaundi): So, at exactly what time did you get the message then?

Mr. Manasseh Tiema: In the afternoon around 2.00 p.m.

The Commission Secretary (Ms. Nyaundi): And, therefore, you went to make arrangements and left Wajir by 3.00 p.m.?

Mr. Manasseh Tiema: Yes.

The Commission Secretary (Ms. Nyaundi): And where was the origin of this signal?

Mr. Manasseh Tiema: As far as I can see here, it was from the provincial headquarters and it was sent through the Provincial Special Branch, Garissa 4, the Provincial Commissioner North Eastern to Divisional Special Branch, Wajir for the District Commissioner, Wajir. That is how it came.

The Commission Secretary (Ms. Nyaundi): Now, when you read this signal when you received it, were you able to understand the origin of the instructions upon which you were proceeding on leave?

Mr. Manasseh Tiema: Since there was so much commotion around in the district, I thought it was because of this operation we carried out in Wajir.

The Commission Secretary (Ms. Nyaundi): Was there anything in the signal when you read it that indicated from which office the instructions came from requiring you to proceed on leave?

Mr. Manasseh Tiema: I assumed that, maybe, it came from the Office of the President.

The Commission Secretary (Ms. Nyaundi): And what was your assumption based on when you looked at the signal?

Mr. Manasseh Tiema: I was just assuming. I did not see anything indicating that.

The Commission Secretary (Ms. Nyaundi): It had nothing to do with the fact that the signal said: “Instructions from Rais: Stop the Acting District Officer to proceed on leave with effect from today”? Was that what guided you in assuming it must have come from OP?

Mr. Manasseh Tiema: Yes, because of the word “Rais”.

The Commission Secretary (Ms. Nyaundi): Now, Mr. Tiema, was your salary stopped?

Mr. Manasseh Tiema: No, my salary was not stopped. It was coming and I was taking it uncomfortably. I was subjected to psychological torture somehow. Here I am staying idle at home and being paid with no reasons being given why I should be at home when I should be on duty. It went on for almost a year.

The Commission Secretary (Ms. Nyaundi): So, when you received instructions to proceed to Nyanza Province for your other deployment, did anyone discuss with you the events that happened leading to your leave and resumption of duty?

Mr. Manasseh Tiema: Nobody bothered. I never saw any information to that effect. It was just an instruction.

The Commission Secretary (Ms. Nyaundi): The instruction this time requiring you to go to Nyanza Province, how was it communicated to you?

Mr. Manasseh Tiema: Through the Provincial Commissioner’s Office, Western Province.

The Commission Secretary (Ms. Nyaundi): Thank you very much, Mr. Tiema. Those are the questions I had for you. The commissioners will ask you further questions.

The Presiding Chair (Commissioner Chawatama): Thank you, Leader of Evidence. Again, on behalf of the Commission, I thank you for availing yourself today to come and

testify before us. You know we have a duty to come up with an accurate historical record. So, your testimony before us this morning is very important and will contribute to us coming up with a concrete record. I will ask the commissioners if they have any questions or clarifications for you. Commissioner Ojienda!

Commissioner Ojienda: Thank you, Mr. Tiema, for your testimony. I am sure you just do not know how important what you have told us is. I just want you to clarify a few questions that I want to ask you. I am looking at your report dated 28th march, 2011. My first question is: You refer to some level of tribal animosity within Wajir District at the time of the operation that you undertook. Just clarify to us what form this animosity took and what communities it involved.

Mr. Manasseh Tiema: Given the period that I was in the district, I will not precisely give you a substantive answer. But what I realized from the records that were in that office, we had a lot of cattle rustling. When you go to rustle cattle, you have to be armed definitely. There was this problem involving tribal animosity which arose from political grounds or something like that. Then there were so many other things. There was tribal tension between the Ajurans and Degodias. Honestly speaking, they were not in good terms and they could be on each others' necks at any time. I heard some incidents where some conflicts arose between the two, either on political lines or cattle rustling.

Commissioner Ojienda: Okay. Could you make us understand why the Degodia tribesmen were targeted in this operation? You have identified areas where you rounded up people like Griftu, Eldas, Buna, Dambas and so on but largely, the evidence we received in Wajir is that the people you rounded up were mainly the Degodia men. Tell me why the Degodia.

Mr. Manasseh Tiema: I think according to the records I had, when it came to campaign for surrender of firearms, the response from the Degodia clan was very poor. As such, it was felt that they were the people withholding most of these illegal firearms because the Ajurans came forward and surrendered most of the firearms they had. Even the figures that are quoted there indicate that there was positive response from the Ajurans but the Degodia were a little bit hesitant.

Commissioner Ojienda: My next question will be about the transportation. You, as the chair of the district security committee, you oversaw this operation. Is that right?

Mr. Manasseh Tiema: Yes.

Commissioner Ojienda: So you would be the person to answer anything involving whatever went wrong during the operation. Do you in your view think this operation was successful in getting firearms from the communities?

Mr. Manasseh Tiema: It was successful because according to the firearms that were surrendered physically, the response was okay. I saw the firearms at the police station and I think it improved the situation to some extent.

Commissioner Ojienda: Mr. Tiema, that is despite the loss of lives?

Mr. Manasseh Tiema: I cannot account for the loss of lives precisely.

Commissioner Ojienda: Look at page 5 of your statement.

Mr. Manasseh Tiema: Let me cut you short there. I am very sorry for the loss of lives despite the fact that we were able to get most of these firearms from the wrong hands.

Commissioner Ojienda: My next question is: You said in page 5 of your statement that you left on 12th. Remember you were holding men from 10th to 13th when you said the operation ended. On 12th when you ordered food to be given to the people, at 11.00 p.m. when you visited the OCPD---

Mr. Manasseh Tiema: That is an error. It is 11.00 a.m.

Commissioner Ojienda: When you visited, there was confusion and people started running. Again, you decided to leave. You were the DC in charge of that operation and when you left, and when people were shot at, what instructions did you give and with whom did you leave those instructions? Did you leave the instructions to five people?

Mr. Manasseh Tiema: No.

Commissioner Ojienda: What instructions did you leave?

Mr. Manasseh Tiema: I did not leave any instructions. I just left. There were some security men who were controlling the crowd under Major Mudogo and he remained behind to cool down these people who were becoming unruly. Honestly, my staying there was even fuelling them more because they could not allow me to talk. There was nothing I could do. So, I was advised to leave the ground so that those people could cool.

Commissioner Ojienda: Mr. Tiema, many people died in this operation. You do not know the exact number and yet you were the head of the District Security Committee. Is that right?

Mr. Manasseh Tiema: I was given a figure.

Commissioner Ojienda: What figure?

Mr. Manasseh Tiema: I was given a figure by the District Special Branch Officer who had collected it from various sources. It said 57 people lost their lives which I am very sorry.

Commissioner Ojienda: You are very sorry for the loss of 57 lives?

Mr. Manasseh Tiema: Yes, I am.

Commissioner Ojienda: Did you subsequently learn before you were transferred that the figure could be higher?

Mr. Manasseh Tiema: I did not have time to move out of the office to know what had happened. I said it was a very busy moment or period of giving reports for various incidences and so forth, and the situation was not calm.

Commissioner Ojienda: Lastly, in your view, do you consider your personal conduct and the handling of this operation proper?

Mr. Manasseh Tiema: The operation was handled properly but since I was not in the field to know where those complaints were coming from, I could not know because mine was to get the reports from the officers who were carrying out the exercise.

Commissioner Ojienda: Thank you.

Commissioner Farah: Mr. Tiema, I will now refer you to the brief that you wrote to the Kenya Intelligence Committee and I will draw you to page 7. Page 7 has your recommendation to the Kenya Intelligence Committee and on page 8; there is a contradiction which I would like you to explain. In the first one you say, "As you know of late, Kenya's relation with Somalia has improved. This has annoyed Ethiopia and as a result, banditry activities have shifted from our Somalia border to Ethiopia border. This means the bandits are now being supported by Ethiopia to cause chaos here in Wajir." That is one point and then you go to two and say, "We pinpointed to the Kenya Intelligence Committee that Somalia is a thorn in the flesh and the masterminds and perpetrators of banditry in this province are in Ethiopia. Whereas she has denounced claims of bandits in Kenya, she should also do the same in Ethiopia. She should not support any region like Ogaden allegedly to the pretext that she was supporting people who were trying to gain their independence." My question is: Why the contradiction here, Mr. Tiema?

Mr. Manasseh Tiema: I may not be able to expound the contradiction here. I will shy away from explaining this contradiction.

Commissioner Farah: You as the Chairman of the District Security Committee you are the chairman of the architects.

Mr. Manasseh Tiema: I said that though I had endorsed this report, I was to present it and the substantive District Commissioner was chairing the preparation of this report. He was there all the time. This issue took place after I was taken to the office two days before.

Commissioner Farah: Agreed! But after you assumed office, one would hope that you would read everything and try to understand.

My second question is on paragraph 3. It says: “A concerted ruthless effort should be embarked on by the Kenya Government to instill patriotism to Kenyan Somalis living in this province. They should be made to understand that Kenya is the best of the three countries.” Don’t you think, therefore, with that in mind, when you conducted the operation; you were actually instilling patriotism on innocent Kenyans from Wajir?

Mr. Manasseh Tiema: To instill patriotism does not mean that you go fighting people or doing anything negative. It is a question of convincing them that Kenya is the best and they should behave like Kenyans.

Commissioner Farah: In your testimony, you say that as the Chairman of the District Security Committee, you decided to round up Degodia adult men from many locations and bring them all to Wagalla Airstrip and hold them there for many days. Did it not occur to you that it would have been done differently, maybe, at the localities, instead of transporting them and then holding them all together? When you arrested them, they did not have arms and yet, you were looking for arms.

Mr. Manasseh Tiema: Those who did not have arms were released and they went away but that was the official motive of the operation.

Commissioner Farah: But you kept them in the airstrip for many days before releasing them. You released them on 13th. Are you confirming that, that was the *modus operandi* in Northern Province in those days? Was that the way of carrying out operations in those days; rounding up people?

Mr. Manasseh Tiema: Operations are carried out in many ways according to those who are planning them. At the time, I think that was the mode used.

Commissioner Farah: Thank you, I have no further questions.

The Presiding Chair (Commissioner Chawatama): Any questions or observations?

Commissioner Shava: Thank you Mr. Tiema for your testimony. While it is not our intention to put you through a grilling, we just want to clarify certain issues that may not be clear in our minds.

Your testimony is that you served in Garissa and Wajir. By this, I presume that you have some knowledge of how Government operations were conducted in the area at the time. There is a level of similarity in some of the things that would happen in Garissa, Wajir, Mandera and other areas. From that knowledge, I take you to page 2 and 3 of the document which has now been admitted as part of our records and which is your memorandum. It says; “As part of surrender of firearms, the DSC suggested that those suspected to be in possession of illegally acquired firearms are reluctant to surrender them and they should not be allowed to have access to watering points.”

In this particular instance, who exactly is the ‘they’ being referred to here?

When you wanted to go out and enforce this measure, whom would you enforce it against? Which particular people are these who are suspected to be in possession of firearms? Was it the population at large or was there some sort of mark that would identify?

Mr. Manasseh Tiema: The closure of access to boreholes was done generally before the running of the main operation.

Commissioner Shava: What you are saying is that before the operation began, the population at large was denied access to watering points?

Mr. Manasseh Tiema: We had specific areas.

Commissioner Shava: You delineated those areas based on what criteria?

Mr. Manasseh Tiema: Response to peaceful co-existence and the rate of which the firearms were coming in.

Commissioner Shava: What would be the rationale of this kind of policy and what kind of result did you expect?

Mr. Manasseh Tiema: We expected peaceful co-existence among the communities within the district.

Commissioner Shava: This was still going on by the time you got there. I visited that area in February and it is extremely hot. Temperatures go towards 40 degrees Celsius. When there is a policy of excluding people from watering points which, as you have pointed out, was for both domestic consumption and for animals--- You know that the people in that region are pastoralists. When you deny people and animals access to water, what kind of results would you expect to see on the ground?

Mr. Manasseh Tiema: As I said, this was temporary and when people responded and gave the necessary information required, those boreholes were accessible.

Commissioner Shava: We now have a new Constitution which talks about certain rights, including the right to life. Would you say that, that kind of operation amounted to cohesion or it actually threatened people's lives and livelihoods in order to extract information?

Mr. Manasseh Tiema: I am not well versed in that line, so I may not have a satisfactory answer there.

Commissioner Shava: Finally, on the issue of the watering points, how many watering points would you say were there at the time you were there within any given area? How far would people have to walk?

Mr. Manasseh Tiema: I have no idea because I was still very new in that place.

Commissioner Shava: I have a question that had been slightly alluded to on this Kenya Intelligence Security Committee. Do you have any clear idea as to its makeup and its mandate? Who were members of that committee and what were they supposed to achieve and how were they supposed to achieve it?

Mr. Manasseh Tiema: What I know is that their duty is to handle the entire national security. If there is a problem like we had in Wajir where reports were getting to them that the situation was not good and people were killing each other, it causes them concern. I do not know the membership.

Commissioner Shava: Is it safe to assume that some of the people who visited your office on the 8th were members of that body?

Mr. Manasseh Tiema: We were told that their members were coming and even if they were not members, that was not my concern. Ours was to receive visitors as members of the Kenya Intelligence Security Committee.

Commissioner Shava: I will now move to my next question which pertains to the meeting that was held on 8th February. At that time, you were the DC holding over but you indicated that the senior officer there was the PC. He was chairing that meeting. In the normal course of events, would minutes of such a meeting be taken? Were minutes of that meeting taken?

Mr. Manasseh Tiema: The District Intelligence Officer was supposed to have taken minutes in our district meeting. However, in the provincial meeting, the provincial counterpart was to take the minutes.

Commissioner Shava: To your knowledge, were such minutes taken?

Mr. Manasseh Tiema: I am not sure because we were not accessible to those minutes.

Commissioner Shava: But you were present at that meeting?

Mr. Manasseh Tiema: I was the one presenting this report.

Commissioner Shava: As you presented, you could see the people to whom you were presenting to. Was there anybody present taking official notes for that meeting?

Mr. Manasseh Tiema: A number of people were taking notes; so, I presumed that since we had the PCIO there, he was the one to take the minutes.

Commissioner Shava: Mr. Tiema, I think that that was a very important meeting and in the normal course of events, the official note taker would have been agreed on before-

hand because there would be action points arising out of a meeting such as that. How would those action points be distributed? So, I ask you again: Who was officially supposed to be taking minutes of that meeting?

Mr. Manasseh Tiema: The PCIO.

Commissioner Shava: Were those minutes actually taken?

Mr. Manasseh Tiema: I presume.

Commissioner Shava: If those minutes were then taken, whose responsibility would it be to be the official repository of those minutes and to cause those minutes to be distributed by those who participated and those who needed to know?

Mr. Manasseh Tiema: The Provincial Security Committee.

Commissioner Shava: So, those minutes would essentially be held at the Provincial Headquarters?

Mr. Manasseh Tiema: Precisely.

Commissioner Shava: On page 4 of your memorandum, you talk about the Acting DOI and Assistant Chief of Wagalla as the people whom you charged to ensure that the prisoners at the airfield were given food and water. Are you able to remember their names?

Mr. Manasseh Tiema: I cannot remember their names.

Commissioner Shava: From what you found out later, was food and water actually delivered and was it provided to the prisoners?

Mr. Manasseh Tiema: It was confirmed to me that, that was done and when I went to the site, I could see the cooking points at the airstrip. So, definitely those points were used to prepare food.

Commissioner Shava: On the same page, you talk about the OCPD and the DSBO; OCPD, I understand is the Officer Commanding Police Division but I do not understand the term DSBO.

Mr. Manasseh Tiema: DSBO is the District Special Branch Officer.

Commissioner Shava: Do you remember their names?

Mr. Manasseh Tiema: Mr. Wawire was the OCPD and Mr. Mbole was the DSBO.

Commissioner Shava: You have confirmed to us that on the 12th of February at 11 pm, you visited the airstrip. Is that correct?

Mr. Manasseh Tiema: It was 11 a.m.

Commissioner Shava: You said that the situation became chaotic. My fellow Commissioners have alluded to this but I would like you to describe in your own words, what you saw. When you say chaotic, you have said that some people were running and others were shouting. Can you describe it for somebody who was not there at the time? What did you see, feel and hear?

Mr. Manasseh Tiema: Here, I was as an Acting DC. I would go to the places where people were gathered. When I got there, they would all come to you expecting to hear some information that they are all set free. During the commotion, the security team tried to push them back and tell them to sit down and listen to what they were to be told. Some at the back tried to escape because the security had come in front. That is how the situation was and it could not cool down until they suggested that I move away and come back later to see whether I could cool them down.

Commissioner Shava: For how long were you there; five minutes or half an hour?

Mr. Manasseh Tiema: It was not even more than five minutes.

Commissioner Shava: So, all this happened in a space of five minutes? As people surged toward you, others tried to escape from this encampment through the back because it was a fenced enclosure? When they started moving in that direction, how did the security forces on the ground react while you were there?

Mr. Manasseh Tiema: They tried to bring them back.

Commissioner Shava: How did they try to bring them back? Did they speak to them or chase them?

Mr. Manasseh Tiema: Those were people who were trying to run away and the security shouted to them to stop running away because they realized that they were going towards the fence so that they can sneak out before we finished the exercise.

Commissioner Shava: What you are saying is that you did not witness any display of force?

Mr. Manasseh Tiema: At the time, no.

Commissioner Shava: This question was put to you earlier about who was targeted for rounding up and you said that you were not very sure and you have not been very clear on that issue. In the first place, we see that it was agreed in your meeting of 8th February that the operation to try and recover firearms should cover areas periodically inhabited by

the Degodia. Periodically, I imagine means that because those people were pastoralists, then those were the areas to which they would return. Is that what is meant by periodically?

Mr. Manasseh Tiema: So, it should cover areas periodically inhabited by Degodia and we have also heard that before that, the District Security Committee had agreed that they were dissatisfied with the response of the Degodia to the disarmament operation to the extent of imprisoning four of the elders for 28 days. You have also said that you visited the airfield in the company of the local OCPD and the Major who was in charge of the operation on the ground. That leads me believe that you would have heard information on the causes and effects and the political make up of those who were imprisoned in the airfield. You signed off on the brief of the District Security Committee to the Kenya Intelligence Committee and the brief analyzed the problems on the ground and made recommendations. All this leads me to believe that you would have been in a position to understand who was on that airfield. Would you agree with this background in mind that the target of the operation was the Degodia male adults?

Mr. Manasseh Tiema: To some extent, that was the case.

Commissioner Shava: Would you say there were any other individuals on that airfield that did not fit that description?

Mr. Manasseh Tiema: It was largely Degodia and if they were, I never noticed them.

Commissioner Shava: Thank you very much for those clarifications Mr. Tiema.

The Presiding Chair (Commissioner Chawatama): Ambassador Dinka, do you have any question for the witness?

Commissioner Dinka: Mr. Tiema, thank you very much for your testimony. You were a new person deployed to a new area from Garissa to Wajir; from the Provincial Commissioner's office to this place, were you given any briefing of the goings on in Wajir before you left Garissa?

Mr. Manasseh Tiema: I was given a brief and having been in the PC's office, I was aware of what was happening in Wajir. As I said, I was DO1. I was third in command from the PC and so, I was informed of what was going on.

Commissioner Dinka: When the decision was taken in the District Security Committee chaired by the PC and with the attendance of Kenya Intelligence Committee members, was the modality of the operation to be mounted decided at that time or was it decided later on?

Mr. Manasseh Tiema: The operation was mainly to speed up the surrender of illegally possessed firearms from the community which was suspected to have them and who were not surrendering.

Commissioner Dinka: So, it was a general decision? Did that Committee which included the Kenya Intelligence Committee which met on the 8th of February also know that this policy of denial or access to water was in existence at that time? Were they informed and when they discussed it, what did they say?

Mr. Manasseh Tiema: They were informed that this was one of the measures that were being taken to speed up the operation. The methods that were being used to collect those illegally held firearms were summarized in the report and one of the methods was stopping them from having access to water points.

Commissioner Dinka: Did the Committee, which included the Kenya Intelligence Committee, know about that decision? Did the participants at that time know that the denial of water to human beings and animals was on-going?

Mr. Manasseh Tiema: That was not contained in the report that I read to them but I am not sure whether it was mentioned outside the report.

Commissioner Dinka: Was the decision to round up all Degodia men taken on the 8th February or later on at the District Security Committee level?

Mr. Manasseh Tiema: The advice to round up and interrogate the men in order to find out who had firearms came on the meeting held on 8th February.

Commissioner Dinka: Who decided on the choice of the airstrip at Wagalla as a collection point?

Mr. Manasseh Tiema: The choice of Wagalla airstrip was decided because we did not have any other secure place where those people could be put. We thought that since Wagalla was a fenced ground, it would be suitable.

Commissioner Dinka: Was that done at the policy level or at the operational level?

Mr. Manasseh Tiema: I think at the operational level.

Commissioner Dinka: You went to visit on 11th and 12th and when you went on 12th at 11 a.m., a commotion was in progress, people got up and when they were told to sit down, they refused and some were running out. Was there any kind of shooting at that time?

Mr. Manasseh Tiema: It must have been there because as I said in this report, I was later on informed that some lives were lost.

Commissioner Dinka: Was there any shooting while you were there?

Mr. Manasseh Tiema: Within the five or so minutes I was there, there was no shooting.

Commissioner Dinka: When did you know that there was shooting and people had died?

Mr. Manasseh Tiema: I was given the report the same day by the special branch officer who remained there.

Commissioner Dinka: What did you do? Did you send a special report or did you send a normal regular report?

Mr. Manasseh Tiema: I sent the normal report.

Commissioner Dinka: You have been in the civil service for a long time. Normally, there are reporting procedures and reporting channels and then, there is a point where the buck stops. When you sent a report to the PC, did you make copies to other agencies or individuals or what does the PC do with it?

Mr. Manasseh Tiema: When we sent reports to the PC, we also sent copies to the President.

Commissioner Dinka: After you reported the deaths that occurred in Wagalla Airstrip and the situation that was prevailing at that spot and the suffering of the people because they were in some cases denied water or food, did you receive any reaction from anyone?

Mr. Manasseh Tiema: We only reported the loss of lives to the PC. We did not report about the suffering. I had given the people some water and some food and I told the PC that I had taken some food from the Cereals Board and I had instructed it to be prepared for the people on the ground.

Commissioner Dinka: I understand that you did that. My question is: When you sent the report about the death of the people at Wagalla Airstrip to your superiors, what kind of reaction did you receive from them?

Mr. Manasseh Tiema: I did not get any response.

Commissioner Dinka: Have you tried to find out whether the two bags of maize and one bag of beans that you instructed your deputy to send to them continue or whether it was a one off?

Mr. Manasseh Tiema: I did not get any reports of deficiencies that time. Otherwise, we would have given them more.

Commissioner Dinka: You never received reports of people starving or lack of water?

Mr. Manasseh Tiema: No, I did not.

Commissioner Dinka: What was the name of your deputy who you asked to distribute the food?

Mr. Manasseh Tiema: He was an Acting DO I but I cannot even remember his name.

Commissioner Dinka: How many guns or rifles were collected?

Mr. Manasseh Tiema: Twenty seven were surrendered before mounting the operation and after the operation, I did not get the figure. But they were much more than 27.

Commissioner Dinka: You said that at the end of the whole exercise, the military started moving those people out in their trucks. Did you try to check if they were releasing them or taking them back to their villages? Did you as the DC, try to find out what happened to them?

Mr. Manasseh Tiema: It was confirmed by the officer that they had taken the people to the points where they had picked them from.

Commissioner Dinka: Who reported this to you?

Mr. Manasseh Tiema: The officer commanding. He was called Major Mudogo.

Commissioner Dinka: I thank you very much Mr. Tiema for your testimony.

Commissioner Slye: Mr. Tiema, I also want on behalf of the Commission, to thank you for volunteering to come and testify to us about that incidence, issues and meetings related to it. I would like to start by asking you about the signal you received on 4th May, forcing you to go on leave. How did you feel when you first received that signal?

Mr. Manasseh Tiema: I did not feel well because when you are told to go on forced leave, it means that you do not know what is going to happen to you next. Maybe, that was pre-empting the sacking from your occupation. I was uncomfortable.

Commissioner Slye: You were uncomfortable because it was not the normal procedure and if I understand you correctly, you assumed that it was some sort of disciplinary procedure?

Mr. Manasseh Tiema: It is not a normal procedure to be sent on leave in such a manner, unless it was a disciplinary case.

Commissioner Slye: Do you have any idea about why that sort of procedure was applied to you, particularly given that you had only been in that area for a very short period of time; from January to May?

Mr. Manasseh Tiema: I do not know whether it was done for me to give way for them to perform the necessary investigation or if they felt that my presence there would not give them access to the information they wanted. As I said, there was a high ranking officer who was supposed to come the next day and I was not supposed to be there when that person came. That was why I had to leave before sunrise.

Commissioner Slye: You speculated that one of the reasons you were asked to leave was that there might have been suspicions that you would not have given full information to individuals who would be visiting to investigate the incidence. Did I understand that correctly?

Mr. Manasseh Tiema: I am just imagining that, perhaps, my being there would reveal certain information which may not be good for them or alternatively, I may be a hindrance to them to get the necessary information.

Commissioner Slye: Had you stayed, would you have given that information to them?

Mr. Manasseh Tiema: I would have given the information that they required, though I do not know what information they were going to require from me.

Commissioner Slye: You received the signal at 2.00 p.m. on 4th May?

Mr. Manasseh Tiema: By 3.00 p.m. on the same day, my successor had arrived with his luggage and ready to take over the station.

Commissioner Slye: You left 12 hours later at 3.00 a.m. Were you given more time before you left or were you just required to leave?

Mr. Manasseh Tiema: I was not given any time. I was just told to leave that same day.

Commissioner Slye: So, you were dismissed summarily and without being given much time to put your affairs in order? When you left and went home, did any individuals from the Government come to visit you to discuss with you what happened in Wagalla? Did anybody from the Government come to visit you in that entire year?

Mr. Manasseh Tiema: Nobody came until after I had been reinstated and posted to Kisii District. That was when I was called by the District Commissioner, Kisii and he told me that I was required to report to somebody in the Office of the President by the name Hola, about the incident that took place in Wajir. I went to see Mr. Hola and he took me to the AG's Chambers and that was where we met a State Counsel who talked to me and then told me I could go back to my station.

Commissioner Slye: That was a year after you had been sent from Wajir?

Mr. Manasseh Tiema: That was a year after I had been in the cold.

Commissioner Slye: During that year in the cold, nobody came to see you?

Mr. Manasseh Tiema: Nobody came.

Commissioner Slye: After that year in the cold, when you were re-assigned, did anyone ask you or discuss with you what had happened in Wagalla?

Mr. Manasseh Tiema: No! Not officially. However, people would like to know why you were not at work. At least, you may tell them you do not know whether it was because the operation was carried out.

Commissioner Slye: In those unofficial conversations, were you able to ascertain why you were asked to leave on 4th May?

Mr. Manasseh Tiema: I was not given time to respond. When disciplinary action is being taken against you, you should show cause why it should not be taken against you. I was just told to go. I was not given any alternative way of going back to ask why.

Commissioner Slye: I imagine it was quite confusing and shocking to be treated that way. I assume that you wanted to know why you had been treated that way; is that right?

Mr. Manasseh Tiema: I would have liked to know.

Commissioner Slye: When you were re-assigned after a year in the cold to use your terminology, did you undertake any effort to try and understand why you had been treated that way?

Mr. Manasseh Tiema: I did not.

Commissioner Slye: Why did you not do that if it was something that you were interested in?

Mr. Manasseh Tiema: Since I was getting my normal salary, I did not see what I missed. I just went back to the system.

Commissioner Slye: But you said that when you went back, people would ask you why that had happened and then you would repeat the speculations that you have repeated here. Was anybody in those conversations able to give you any information to help you to understand why it had happened?

Mr. Manasseh Tiema: I did not get into any official conversation with anyone and even privately, I was shying away from talking about this matter with people not within the service. We could chat with those who were in the service, but it was an informal chat.

Commissioner Slye: I understand that it may not have been any official communication, but as we all know in large organizations, one has a lot of informal and unofficial conversations. What I am trying to understand is based upon those conversations that you had after you had been summarily dismissed from your post in Wajir. After you had been sent back to your home for a year with no contact with Government and no idea what was

going to happen to your career. Based upon those informal conversations, were you able to understand better why you had been dismissed that way?

Mr. Manasseh Tiema: I did not put forward any claim or ask the reason why those people treated me that way. I did not accuse anyone.

Commissioner Slye: Did you ask other people if they knew why you had been treated that way?

Mr. Manasseh Tiema: I did not find any suitable person I could ask about such a situation.

Commissioner Slye: If I understand you correctly, you are saying that from May 4th 1984, when you were placed on forced leave from Wajir until today, you have not had any conversations, informal or formal, that has helped you to understand why you were summarily dismissed.

Mr. Manasseh Tiema: I did not have any conversations.

Commissioner Slye: I would like to move to the memo you presented to us. If you recall, you informed us that you arrived on 24th January, 1984. In your memo, you include information with activities prior to that point. You would have come into the office and there would have been files and other information that would have helped you to understand what had happened, although you were not directly involved in that. One of the things you mentioned was the detention of four individuals. How were you able to refresh your memory about who those four individuals were, that were detained back in either late 1983 or early 1984? How were you able to remember the names of those four individuals?

Mr. Manasseh Tiema: They were on record and the officers who had arrested them were members of the District Security Committee and they were there in the meeting.

Commissioner Slye: Were those names written in a document that you were able to see?

Mr. Manasseh Tiema: The members who had taken action were in that meeting.

Commissioner Slye: Maybe, you misunderstand my question. If you go to page 2 of the memo you presented to us, you mention the four elders of the Degodia Community and that happened before you arrive in Wajir. How did you know the names of those four individuals?

Mr. Manasseh Tiema: I had that report with me.

Commissioner Slye: You had the report concerning their detention?

Mr. Manasseh Tiema: I had the report that was presented and I extracted that information from it.

Commissioner Slye: I apologize because I have not had a lot of time to read this particular document. I do not recall that those names are there. You have the document in front of you; so, could you just remind me where those names are? You are referring to the briefing paper of 1st February 1984. Is that correct?

Mr. Manasseh Tiema: The information about those people was contained in the statement that we made to the police about the operation.

Commissioner Slye: Just so I am clear; are the names of the four elders mentioned in that 1st February 1984 in the briefing document?

Mr. Manasseh Tiema: No, they are not mentioned there.

Commissioner Slye: Is that report something that you were able to see in preparation for your appearance before the Commission here today?

Mr. Manasseh Tiema: I mentioned it because it was mentioned in my report to the police.

Commissioner Slye: Is that the document that you currently have in your possession?

Mr. Manasseh Tiema: Will you be willing to share that police report that you wrote that includes the names of the four elders that were detained with the Commission? Detention of the people who were suspected to be advocates for the people refusing to surrender their firearms was one of the methods that were used to speed up the surrender of the firearms.

Commissioner Slye: I understand the purpose that you had stated for detention of those four elders. What I am trying to verify is that those four individuals were, in fact, detained and you have informed me that those names are in a police report that was given to your superiors? You have also said that you have been able to look at that police report to remind you of those names for the purposes of the presentation you made before the Commission. I am asking whether you will be willing to share with the Commission that document that you used to refresh your memory.

Mr. Manasseh Tiema: I did not carry the document with me, but it is there.

Commissioner Slye: Is that something you will be willing to share with us?

Mr. Manasseh Tiema: I do not see it being relevant because that was a statement we made to the police and that one was general information which is summarized in these documents I have presented to you.

Commissioner Slye: Is that document part of a number of documents that you were able to look at to remind yourself and refresh your memory for purposes of your appearance before this Commission? Are there any other documents?

Mr. Manasseh Tiema: That is the only document.

Commissioner Slye: Is that the only document that you have besides the ones you have given before the Commission today?

Mr. Manasseh Tiema: It is the only one I have not given out here.

Commissioner Slye: Appendix 2 of the annual report had the list of the visitors. When you read out the names on the copy that I have, there are two additional names that you did not mention and I am wondering if that was an oversight or whether those two individuals were not there. The two that you did not mention were J K Mwaniki and G W Murugu. Do you recall whether those individuals were there for that meeting?

Mr. Manasseh Tiema: I do not know because most of those people were new to me; so, I cannot remember their names.

Mr. Harun Ndubi: Can I help? Those two names appear on 7th.

Commissioner Slye: It is the seventh and not eighth--- Those two, perhaps, were not at that meeting?

The Presiding Chair (Commissioner Chawatama): Thank you counsel; it is so useful to have counsel.

Commissioner Slye: I now want to move to that meeting. In the briefing paper of 1st February 1984 that you presented, you did not give a specific recommendation for an operation like the one undertaken. That was rounding up of all male Degodia or some other category of individuals and confining them at the airstrip. My understanding from that document is that you, yourself in that meeting did not recommend, at least as reflected in that document that such an operation be undertaken. Is my understanding correct?

Mr. Manasseh Tiema: We could not mention that because it came later and it could not appear here.

Commissioner Slye: Did it come during the discussion in that meeting of 8th February? You have recommendations in the briefing paper and that paper was used for the DSC to present to the KIC, both the description of the state of affairs on the ground and a brief history as well as to give some recommendations for the way forward. In those recommendations, I did not see a specific reference to a specific operation like that. My assumption is that when you met on 1st February, the DSC had not come up yet with the idea to round up all the male individuals.

Mr. Manasseh Tiema: We did not have that one.

Commissioner Slye: Where did that idea come from?

Mr. Manasseh Tiema: It came from the meeting of eighth.

Commissioner Slye: So, it came from the joint meeting of the KIC and the DSC?

Mr. Manasseh Tiema: Are you able to remember who first suggested that idea?

Mr. Manasseh Tiema: I cannot remember because people were talking, unless we capture in the minutes that were being taken by the PCIO.

Commissioner Slye: Do you remember how long that meeting lasted?

Mr. Manasseh Tiema: It took long. It started at around 10 a.m and went on up to around 3.00 p.m. when they broke for lunch at the military base.

Commissioner Slye: So, it took about four to five hours? Out of that discussion, came the decision to round up individuals to search for illegal weapons?

Mr. Manasseh Tiema: The main talk was about security and this was sparked off by the possession of the illegal firearms.

Commissioner Slye: Out of that meeting, you came up with the decision to round up people in the Wagalla Airstrip. Do you recall whether that discussion was heated or was everybody mostly in agreement? Do you remember the tone of the conversation? Did people argue different positions and suggest things that were, may be, rejected and others accepted?

Mr. Manasseh Tiema: A unanimous agreement was reached after discussion.

Commissioner Slye: So, it was a unanimous agreement to round up individuals and to hold them for a number of days out of that joint committee meeting.

Mr. Manasseh Tiema: It was agreed that a joint operation be carried out because they realized that it is the Degodia that seemed not to be responding. They said that the best thing will be to try to bring them together and have them interrogated. From that, perhaps, they could find out who were likely to have the firearms. If they did not surrender, then they could know what action to take.

Commissioner Slye: That was the decision taken at that joint meeting. You were in discussion with my colleague to my left here and you indicated that at that meeting, the decision to hold the individuals at the Wagalla Airstrip was not taken there but was taken somewhere else. Where was that decision taken to hold them at the Wagalla Airstrip?

Mr. Manasseh Tiema: After rounding them up, the commanding officer's idea was to take them to the army camp but we felt that that would appear bad. We decided to have it at Wagalla Airstrip because it is neutral and it is not a military facility and it looked secure because it was fenced.

Commissioner Slye: The military had the idea of taking the individuals to the military camp but you thought that was not a good idea.

Mr. Manasseh Tiema: It was not my decision alone; it was a decision of the District Security Committee.

Commissioner Slye: The people had already been round up and the question was where we take them.

Mr. Manasseh Tiema: We had to tell the officer who was in charge of this operation where to take these people. His suggestion was that they be taken to the military camp because they felt that it was safe and secure but we felt that that would not be the right place.

Commissioner Slye: Did that conversation happen in the joint meeting?

Mr. Manasseh Tiema: No it did not happen there. The joint meeting was just to give us a mandate to carry out the operation. Where to put the people was an internal decision.

Commissioner Slye: There was a joint meeting from about 10 in the morning until about 3 in the afternoon with the Kenya Intelligence Committee and the District Security Committee. At that meeting, it was decided that an operation would be undertaken to round up all the male Degodia individuals for interrogation. After that meeting, there was another meeting of the DSC in which more operational issues were addressed. The military was of the opinion that these individuals should be taken to the military camp to be interrogated.

Mr. Manasseh Tiema: There was a meeting of District Security Committee to implement that suggestion of the Kenya Intelligence Committee and this question of where to gather them came in.

Commissioner Slye: The joint committee made the decision to undertake the operation and then you said that there is a District Security Committee meeting that happened after that joint meeting to plan the operation. When did that meeting occur and who was present at that meeting?

Mr. Manasseh Tiema: The members of the District Security Committee were present and the meeting took place on the morning of 10th.

Commissioner Slye: On the night of the 9th and the morning of the 10th is when people started to be rounded up and the operation began. Are you saying that from the start of the round up in the middle of the night, there was no idea of where the individuals should be brought? We received testimony that on that evening, people were already being brought to the Wagalla Airstrip.

Did the decision to take people to the Wagalla Airstrip happen before or after individuals started to be rounded up?

Mr. Manasseh Tiema: The meeting was before they were rounded up.

Commissioner Slye: And you think it is not the same day as the joint meeting between the KIC and DSC.

Mr. Manasseh Tiema: It was almost two days after.

Commissioner Slye: You visited the airstrip on the 12th of February and you said that you estimated between 500 and 800 individuals at that point and that from what you were able to see, everyone was clothed although some people's clothes were ripped and tattered. Did you see anyone naked on the 12th of February in the morning meeting you went for about five minutes?

Mr. Manasseh Tiema: No I did not see anybody naked. This was a crowd of people and there could have been naked people but I did not see them. I cannot absolutely rule it out.

Commissioner Slye: When you saw them, were they standing or sitting?

Mr. Manasseh Tiema: The clusters had already been disbanded and they were just in groups. They had been clustered during the time they were being interrogated by the security officials about the firearms and the people they suspected could be holding them.

Commissioner Slye: When you arrived, you saw people in the field and I understand that it is hard to estimate.

Mr. Manasseh Tiema: That was the third time I went to that place. I had been there twice before, on the day they were surrounded and on the 12th.

Commissioner Slye: When you went on the 12th you said that you saw military people with weapons and you remember seeing cooking pots and there were a lot of people who you estimated to be 500-800. You do not think anyone was naked but because it was a large crowd, they could be naked people there. How were those people situated; were they standing around talking to each other, were they sitting down, were some standing and some sitting?

Mr. Manasseh Tiema: When I went there, most of them were seated but when they saw me, they rose up. They were tired and desperate.

Commissioner Slye: Were you able to see whether any of them had any marks of beatings or other forms on them?

Mr. Manasseh Tiema: I was there for a very brief time but the first time I went there, I did not notice anything because they had just been rounded up. They were calm and there was no upheaval.

Commissioner Slye: That last time you went, did you notice any shelter that was available either for the guards or for the individuals being interrogated? As my colleague said, I also visited Wajir in February and it is very hot during the day.

Mr. Manasseh Tiema: What I am telling you is what I saw when I went there and if I left anything happening behind me, then it would be very difficult for me to know. You have people doing something but when you go there, they will look like innocent flowers but when you leave, they could be serpents so I do not know whether they stripped these people after I left or not. When you ask me whether I saw it and I am telling you the situation I saw, you are forcing me to accept what I never saw and I am telling the truth.

Commissioner Slye: I appreciate that and I apologize if my question was misunderstood. I was not asking you about what might have happened when you went there. I just want to understand what you saw during that five minutes or so visit on the 12th. I understand that it is difficult for you to talk about what might have happened and what happened after because you were not there. When you visited that day and you saw the cooking pots and the people sitting and then they jumped up and you saw military men.

Mr. Manasseh Tiema: We had military men, the administration police and the police. It was not exclusively military.

Commissioner Slye: Do you remember whether there was a shelter for those individuals who were there and for the military and police?

Mr. Manasseh Tiema: There was no shelter apart from the vehicles that had brought these fellows and the crowd.

Commissioner Slye: Do you know how many weapons were recovered during that operation?

Mr. Manasseh Tiema: I only know of the ones that were surrendered and they were on record but I did not have the exact figure of the ones recovered during the operation.

Commissioner Slye: I want to ask you a hypothetical question. Let us say that only seven or at most ten weapons were recovered from that operation. By your calculation 57

people were killed and let us just assume that those were the facts. If those were the facts, would you consider that that operation was a success?

Mr. Manasseh Tiema: If it was only one person who died and we collected all those things, I would not say it was successful comparatively because we have lost some life.

Commissioner Slye: Would you say that the operation was not a success if even one person died?

Mr. Manasseh Tiema: You cannot say it was a success but we felt that some good job had been done, we had received some firearms but I never knew that we were going to lose some lives. When I saw the firearms, I was happy but when I got the figure of the people we had lost, I was not happy. Hypothetically, I may say yes or no but I am sorry for the lives that were lost.

Commissioner Slye: We appreciate that expression of sorrow. Given your understanding today of what happened there and I know that it is difficult to predict what might have happened so that it may have been a particular intention with respect to this operation and may be that intention did not come to pass in the way that everybody would have wanted to. We now know that at least 57 people and by some accounts thousands of people were killed, hundreds of women were raped and houses were burnt down. Sitting here today, if you were advising today's Government with respect to a similar type of operation somewhere in Kenya, what sort of advice would you give them? Would you recommend that something like what happened in Wajir be undertaken or would you recommend something else?

Mr. Manasseh Tiema: In view of what happened in Wajir and what the reports say, I would say it is not the right way to do it.

Commissioner Slye: What would be the right way to do it? What would you recommend?

Mr. Manasseh Tiema: The administrative approach would have been better where you talk to people, let them see the need for surrendering these firearms, tell them the reasons and then provide them with alternative protection. That would have helped rather than going forcefully because maybe these weapons were buried and after we left, you took them out. If we talked to them, they would have understood that a civilian approach could have been better than the armed and forceful approach.

Commissioner Slye: You would have recommended that no force be used in trying to disarm individuals in possession of illegal weapons?

Mr. Manasseh Tiema: An administrative approach would have been best where you talk to the people and let them see the need and let them respond.

Commissioner Slye: Suppose they do not respond?

Mr. Manasseh Tiema: From there, we will see what action to take because now you will be dealing with an individual who has refused to respond. That will be a better way of handling it rather than en masse.

Commissioner Slye: Thank you Mr. Tiema. As you know one of our purpose as my colleague has mentioned, is to get a complete history of historical injustices in Kenya. Again, I want to thank you for the contribution you have made for that part of our mandate.

Another part of our mandate is that we are also required to make recommendations to make sure that something like this does not happen again. You have given the recommendation and I asked you about a specific recommendation. I wonder if you have any other recommendations that you would like us to consider not just at the operational level but at institutional level in terms of how the state engages with, in this case, the people of the northern region and how the state engages in security operation throughout the country.

Mr. Manasseh Tiema: Well, here I may not be very competent to say it but the state of northern Kenya and the possession of firearms is, indeed, pathetic in some cases. We have pastoralists and some of the activities that take place there are more or less cultural. This situation compels you to use all means possible to acquire wealth and wealth to them is livestock, which means now using firearms or whatever means. We ought to find a way of handling these people and giving them an alternative way of living, maybe proper farming through irrigation or something like that.

We have water and it is just a question of harnessing it, directing it there and having some people who can move the cause. We have seen some of these things happening in some of the dry areas like Israel and so forth. Here we have plenty of water around us. Maybe if these people can be introduced to some alternative methods of diversifying their economy that would help them do something. I saw that some areas in those places have good arable land for farming. They do not have to depend on livestock, but at the same time let the Government offer security in the area by intensifying administrative machinery, because once people are assured of security, no one will go for these firearms.

The problem is that we cannot guarantee that because we have porous boundaries; at least it will be reduced. If these people feel they are safe and protected, they will look for an alternative way of advancing their economy other than depending on livestock, which they have to get by all means. When you read that thousands of camels were driven away, you wonder how, and feel that it calls for someone to think seriously about how to improve security in different areas.

So, let the Government itself come out to offer a security machinery. Let these people see that there is security here. Let them also have alternative means of living instead depending on livestock. But if we just think we shall always send them food then it may not be very helpful. At the same time, even the livestock they have, they should have

proper markets which can generate some income because some of the animals die when there is drought. They then start looking for more and to get more, you have to have the means, and the means is might. That is my observation. If you had given me time to come up with some other points, perhaps I would have looked for them.

Commissioner Slye: Thank you; we appreciate the recommendations and this is something that we will take very seriously. I have no other question. Thank you.

The Presiding Chair (Commissioner Chawatama): Thank you, Mr. Tiema. I am thinking that we do not want you to leave this place thinking that we are not concerned about your wellbeing. I am going to ask you whether or not you want a short break before we continue for just a few questions from the remaining commissioners; that is the two of us, and maybe one more that we wish to ask. I can now give you time to take a short 5-minute break. We will take a break of 5 minutes to allow the witness to stretch his legs and we will be back. Thank you.

[The Commission adjourned temporarily at 1.55 p.m.]

[The Commission resumed]

The Presiding Chair (Commissioner Chawatama): Welcome back. I hope, Mr. Tiema, that you were able to stretch your legs. Thank you. We have a few questions for you and I would like to call upon the Acting Chairperson to put a question to you.

The Acting Chair (Ms. Namachanja): Thank you presiding Chair; most of the questions have been asked. So, if I repeat them it will be just for clarification. Concerning the denial of access to the watering points; it is the women and children who were affected more; do the women and children in this community also hold firearms?

Mr. Manasseh Tiema: I think this method was used before I went there. I thought if as a parent you see your family suffering to that extent because of lack of water, maybe if you have a firearm in your possession you will feel like giving it out in order to solve this problem, and so that you get the essential commodity. That is what I think those who imposed the embargo had in mind.

The Acting Chair (Ms. Namachanja): In total, how many soldiers, APs and regular policemen were involved in this operation?

Mr. Manasseh Tiema: I cannot precisely tell.

The Acting Chair (Ms. Namachanja): Not precise, but approximately.

Mr. Manasseh Tiema: I think roughly, they should have been fifty.

The Acting Chair (Ms. Namachanja): So, the decision was made and the day for the operation was decided; when they were giving the soldiers the instructions on how to carry out the operation, were you present?

Mr. Manasseh Tiema: I was not present. That mandate we had given to the commanding officer, Kenya Army, Major Mudok. So, he was the one who had them go to the field and gave them the instructions to carry out.

The Acting Chair (Ms. Namachanja): I am asking this because during the hearing the number of women that were raped and the method that was used, you will think that this was part of the instructions and a tool to subdue the community. So, you want to tell us that with so many women, because almost three quarters of women were raped during this operation, you never heard any complaint about rape and other sexual violence?

Mr. Manasseh Tiema: I cannot say something that I never heard; if this talk was there, it never reached me.

The Acting Chair (Ms. Namachanja): Apart from this operation in other incidents---

Mr. Manasseh Tiema: But I cannot rule it out.

The Acting Chair (Ms. Namachanja): How about other incidents, you never heard of rape or sexual violation reported to you?

Mr. Mbiliki Tiema: I never got any information.

The Acting Chair (Ms. Namachanja): Thank you Sir, for deciding to feed the people during this operation. Why did you come up with that decision and for how many days were you going to feed the people?

Mr. Manasseh Tiema: For so long as they were still in the field, and this is the reason we--- It was my own decision, feeling that it was inhuman to keep people in the field there without water and some food. I thought it was necessary that at least I use my own initiative; even if the National Cereals and Produce Board (NCPB) had refused to supply food, I think we would have used another forum to get food for my own people. It was my own initiative.

The Acting Chair (Ms. Namachanja): Of late the story of Wagalla massacre has been highlighted a lot in the media. Have you ever watched the documentary series, or read the newspapers concerning the Wagalla massacre?

Mr. Manasseh Tiema: Especially the newspapers, I have been following on a daily basis the goings on. That one I have seen and once in a while I have seen it on TV; some flashes have been on television.

The Acting Chair (Ms. Namachanja): How do you feel when you watch, or when you read, it?

Mr. Manasseh Tiema: It is bad. It is a bad situation which I think is sympathetic, if what is shown there is true; it must be serious. We cannot know whether it was drama; if what we see on television happened to human beings, it was a serious thing.

The Acting Chair (Ms. Namachanja): It was not drama Sir, because we visited the area. We have seen the victims and most women need reconstruction; so many lives were threatened. We visited the dumping places. So it was not drama, Sir. Another question, does the Catholic Church in Wajir provide any services to the communities? During your time there, was the Catholic Church supporting with any services to the communities in Wajir?

Mr. Manasseh Tiema: There was a lady there - I do not know whether she is still there - by the name Analina during the operation. She was moving around seeking those people who had problems, injuries or something like that, taking them to hospital in her vehicle. She donned the Red Cross flag on her vehicle and security officers never interfered with her. She would render the services of taking these people to school and elsewhere.

The Acting Chair (Ms. Namachanja): She was a Catholic nun, God bless her soul to rest in peace because she is no longer with us. Now, at one point Sr. Analina was declared as a security risk by the District Security Committee; why would a nun with such support and the heart that you witnessed be declared a security threat, Sir?

Mr. Manasseh Tiema: I personally do not remember interfering with that lady at all. She was free, she was moving around and I do not know where that security risk came from. Whether she was interfered with, I do not know because I was never privy to such information.

The Acting Chair (Ms. Namachanja): Thank you, Presiding Chair; those are all the questions I have.

The Presiding Chair (Commissioner Chawatama): Thank you; maybe the advantage or disadvantage of being last is that all the questions have been exhausted, but all the same I would like to have some understanding; I think you said there was a time when some people were arrested because they did not give up their firearms. You thought there were people who may not have had firearms and what decisions did you make over people who came and said they did not have any firearms?

Mr. Manasseh Tiema: You know, on this question of relief, people came to me from the operations in the field, the people who were carrying out operations in the field. I said I never went to the field myself as there was a man who was handling the situation, and this report I got from him; why should he not be asked about the same?

The Acting Chair (Ms. Namachanja): Maybe amongst the reports that you received, there should also have been an estimate of the possible number of firearms, because you would have had to know that now this operation is successful let us stop it. So, you would have an estimate of the number of the firearms that you wanted to mop up.

Mr. Manasseh Tiema: We could not have an estimate, because we did not know how many there were in the field, but when we saw the number that had been surrendered we felt that at least to some extent there had been some success.

The Acting Chair (Ms. Namachanja): So, what number satisfied you?

Mr. Manasseh Tiema: What I am saying is that I cannot remember the number of firearms that were in the police station. That is why I am saying we could get records from the police that time. I was moved before we could collect some of this data.

The Acting Chair (Ms. Namachanja): This issue of firearms does not make sense to me; the men would be rounded up and kept at the airstrip, and then you would ask those with firearms to come forward. Did you want their wives and children to bring those firearms to the airstrip?

Mr. Manasseh Tiema: Of course there were those who admitted that they had the firearms we were sending them to bring them; others could go with the security men to look for the firearms and bring them. Not all had firearms.

The Acting Chair (Ms. Namachanja): Would you agree with me that the operation that you undertook could be classified as a collective punishment?

Mr. Manasseh Tiema: I would not agree it was.

The Acting Chair (Ms. Namachanja): You would not agree with me that it was collective punishment?

Mr. Manasseh Tiema: It was not collective; it inadvertently turned out to appear as if it was a collective punishment. In the course of the operation someone would have thought that it was something premeditated.

The Acting Chair (Ms. Namachanja): You mentioned the fact that you called for a *baraza*, and then that was the time when you went to the airstrip but on both occasions you did not manage to speak to the people, maybe, because of hostility. Did you ask if there were leaders amongst those two groups, just so that you were able to ask certain questions or satisfy yourself of certain things by asking questions? Did you ask for leaders at the *baraza* or at the airstrip?

Mr. Manasseh Tiema: At the airstrip we did not have leaders but at the *baraza* we had leaders. But the *baraza* was mainly to inform the public what was going on and what was expected of them, about their behaviour and so on. When you are an administrator you

cannot just keep quiet. People were seeing things happen. That forced me at least to hold a baraza. I called to it political representatives, talked to them and told them what was happening.

The Acting Chair (Ms. Namachanja): The reason why I am asking the question is that you did not think that on both occasions that you got a positive result---. That was why I asked if at all you explored other methods of handling the situation; apparently you did not.

Mr. Manasseh Tiema: Well Chair, earlier on we had had these leaders meetings. We held such meetings like *barazas*, where the chief and the Minister invited would address them though they might not appear in the report. But that is one of the methods of approach we had been using administratively previously. When we failed to get results that was why they had to look for some other methods.

The Presiding Chair (Commissioner Chawatama): If minutes of those reports could be availed, they would certainly help us proceed. What sort of effort would the committee make in order to avoid what to play? Do you also have any reports that outline the impact that this operation had on women and children?

Mr. Manasseh Tiema: No!

The Presiding Chair (Commissioner Chawatama): Is there a report in your possession or in someone else's possession that talks about the loss of property that the community suffered?

Mr. Manasseh Tiema: I do not know if there is, but I never came across any. But there could be a report.

The Presiding Chair (Commissioner Chawatama): Would you be shocked to learn that up to now, which is the 16th of May, 2011, that people are still suffering as a result of the operation that took place 27 years ago?

Mr. Manasseh Tiema: As a human being, I would be shocked.

The Presiding Chair (Commissioner Chawatama): You would be shocked to hear that people are still suffering?

Mr. Manasseh Tiema: I am shocked.

The Presiding Chair (Commissioner Chawatama): You are shocked to hear that. We have been to the area and people are still suffering as a result of the impact of the operation. Their lives have never ever been the same. That is the extent to which the operation had impacted on the lives of people in this area. That was my last question to you on behalf of the commission.

Mr. Harun Ndubi: I wonder; I sought your direction this morning and I was not adversarial at all. There are a couple of things in response to various questions to put to him; I would like to clarify, if you may very kindly permit me to ask for your permission.

The Presiding Chair (Commissioner Chawatama): Counsel, I am sure you will bear with us, because should we allow you to ask any question even if it is “did you feel hot”, we will open a Pandora’s box. Since we are so clear, I was hoping that we have gained a lot of ground. I am afraid that we are unable to allow you to ask these questions today. But we appreciate your presence. Thank you so much.

Mr. Tiema, on behalf of the commission I would like to thank you for accepting to come and appear before us. It is important for us to hear testimonies from people like yourself, because we are here to ensure that we have a complete and accurate record, and your contribution is appreciated. I hope some of the witnesses that have had an opportunity to testify before us, maybe there are some heavy burdens that have been lifted from their shoulders, because maybe you looked forward to a time such as this, especially in the presence of a number of people, and as you can see, people from the northern region, I am sure you had thought ‘would I ever be given an opportunity to speak in the presence of people from that region?’ I hope that you have had an opportunity to say what you would have wanted to say to them concerning the operation that took place. We acknowledge your presence and we thank you so much for coming all the way to today’s hearing. We also thank the members of public who are here, and also our friends from the media who have covered us so well. This is the end of the hearings today. We will meet again tomorrow at 9.00 O’clock!

The Commission Secretary (Ms. Nyaundi): With your kind permission, Chair, before you adjourn the proceedings counsel, Mr. Ndubi, has passed on some questions to me and I think his request is whether these questions can be put to Mr. Tiema before he leaves.

The Presiding Chair (Commissioner Chawatama): Is counsel looking for a second bite at the Chair?

The Commission Secretary (Ms. Nyaundi): He has requested if the commission can put the questions to the witness. I am proposing, Chair, that you can look at the questions, confirm that none of them has been raised and then make a decision.

The Presiding Chair (Commissioner Chawatama): I do not know whether consulting with one Commissioner is sufficient, but we may pick two of your questions and I will ask Commissioner Shava to ask them.

Commissioner Shava: Mr. Tiema, just two additional questions for you before we finish. Of the 57 people that you acknowledge died at the Wagalla airstrip, how many bodies of them were disposed of, given that the area was under a security operation guided by Administration Police and soldiers in a joint operation? The people who died there, in your own estimation what happened to their bodies?

Mr. Manasseh Tiema: The bodies were interred.

Commissioner Shava: Where and by whom?

Mr. Manasseh Tiema: I think there were those who were buried around the Senate, close to the PP Manyatta. That is after Analina's house; there is a graveyard somewhere there. I was told that some were buried there and others were buried in a grave in the reserve.

Commissioner Shava: How were those remains transported to those places? Who transported them? Who transported the bodies towards Analina's house? I have been there; it is a distance. It is not next to the airstrip. How was that number of bodies transported to where they were buried either near Analina's house or the reserve?

Mr. Manasseh Tiema: Analina herself transported some bodies, and then I am told that the military Land Rovers brought some bodies to that site; for others I think the chief was told they should be allowed to be buried there.

Commissioner Shava: We have heard your explanation. The last question is; being a former administrator and a civil servant for many years, having worked amongst the people in this area, and having seen for yourself documentaries and so forth, do you think that a formal apology by the Government of Kenya to the people of Wajir would help in the healing and reconciliation process?

Mr. Manasseh Tiema: In this case I personally feel that there should be an apology, because as a human being I feel any loss of life is very unfortunate. On my side, I must apologize because I said our purpose was not to kill but to carry out the operation and achieve what our goal was, to disarm the community, in order to bring peace to the people. But in the course of that, inadvertently, the whole thing went haywire and I think I apologize on my part. For the Government I cannot speak; the Government is here and it is listening. The recommendation is up to the commission to come up with, and then the Government will take the necessary action, either to apologize or otherwise.

I cannot take responsibility of telling the Government to do A, C, B, D. As you put it, you are going to make your report and that report may answer that bit.

Commissioner Shava: Thank you, very much; on that note I would like to thank you once more for making yourself available to come and testify before us. I would also call upon Mr. Mbisia to say a prayer for us, to pray for peace and healing in the northern region and then the master of ceremony can take over from there.

(The Commission adjourned at 2.35 p.m.)