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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION ON WEDNESDAY, 18TH MAY,
2011 AT LENANA HALL, KENYATTA INTERNATIONAL
CONFERENCE CENTRE, NAIROBI**

PRESENT

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

(The Commission commenced at 10.15 a.m.)

*(The Presiding Chair (Commissioner Shava)
introduced herself and the other TJRC Commissioners)*

(Opening Prayers)

The Presiding Chair (Commissioner Shava): Good morning, everyone. Welcome to this session of hearings. Today, we shall continue with a series of hearings which are centred around the northern region of Kenya which comprises the former North Eastern Province and upper Eastern Province. We held hearings in that area over a period of a month. We then held hearings in Nairobi on Monday. We shall have this session of hearings centred on northern Kenya this morning and in the afternoon after which we shall adjourn until the 2nd of June, when we will hear more witnesses on the issues pertaining to northern Kenya. So, today, I would like to welcome our first witness, hon. Mohammed Elmi and the rest of the witnesses present today who will be speaking to the issue of Wagalla and Malkamari massacres.

I would like to restate our ground rules. We ask that anyone with a mobile phone should kindly take a moment now to switch it off. Even if you have your phone on silent mode, it may disturb you and disrupt the proceedings. So, we ask that you kindly switch them off all together. This is a forum for truth telling. It is a forum that is witness and victim centred. So, we ask that you kindly respect the persons who are speaking as witnesses to this Commission. You will hear things with which you agree; things which coincide with your own experience. You may hear things that you may find very painful and which disagree with your own experience of life. Whatever your experiences, as you hear the witnesses speaking, we ask that you will respect their right to speak and the fact that they have come here to speak. I would like to state at this stage that anyone not co-operating with the rules that we are laying down will be politely asked to leave. They will be excluded from the proceedings.

Those with cameras, we ask you to observe the rule that you may take photos of witnesses before and after they have finished speaking, but not during their testimony; not as they are speaking. I am informed that I need to wait for the translation. We have behind us people who are able to provide simultaneous interpretation in Kiswahili Language. So, will speak a bit slower to allow them to repeat what I have said in Kiswahili.

Kindly, switch off your mobile phones. We ask that you respect the right of witnesses to speak to this gathering whether you agree or not with what they are saying. Please, allow them to speak. Those no co-operating will be asked to leave. For those with cameras, you may take photos before the witness speaks and after they have finished speaking. We ask you, please, not to take any photos while the witness is speaking. So, the procedure which we will follow today is as follows: We have a leader of evidence. Today's leader of evidence is Mrs. Patricia Nyaundi. She will lead the witness in providing testimony. We have also our regional co-ordinator, northern Kenya, Mr. Mohammed Abdi Noor who is assisting in these proceedings. He is our MC for today. The clerk of the session will ask the witness to take an oath after which the leader of evidence will guide the witness through the testimony. The leader of evidence will in this process ask questions after which members of the panel may then wish to ask the witness some questions.

I would now like to ask if there are any counsel present today, to state whom they represent. I see no counsel present here today and so I will ask the hearing clerk to proceed.

(Mr. Mohammed Ibrahim Elmi took the oath)

The Commission Secretary (Ms. Nyaundi): Thank you and welcome to the Commission. I will request that for the record you, please, state your name and your current occupation.

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): My name is Mohammed Ibrahim Elmi. I am currently the Member of Parliament for Wajir East. I am also the Minister for the Development of Northern Kenya and Other Arid Lands.

The Commission Secretary (Ms. Nyaundi): I have here with me a statement that you recorded on 18th May, 2001. I request that you present it to the Commission.

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): First, I would like to make my statement on the basis that I am Member of Parliament representing an area whose bulk of the victims of the Wagalla Massacre come from. I would like to go ahead and read my statement, I hope I will be able to manage my emotions.

Secondly, I give this statement as an individual who witnessed the worst of the violence, including going to the site when the operation was underway with an intention to rescue the people; and a Minister for the region where numerous atrocities have been committed over the years, including Wagalla. In this statement, I want to give an eye-witness account of what transpired during the period of the actual operation, that is, between 9th and 18th February, 1984 and my knowledge of subsequent events during the period of operation.

At the time I was a nursing officer in charge of TB, Manyatta. During the week of the operation, I was doing night rotation and in charge of the District Hospital. This was Thursday 9th February, 1984. I was on night duty at the hospital which is adjacent to the police station and the police lines. Sometime, between 2.00 a.m. and 3.00 a.m. there was a police alarm which is usually a signal to call all policemen to duty. I know it because I was brought up in the police lines. A lot of movement of vehicles, followed until morning. On Friday, 10th February, 1984, that is that morning between 7.00 a.m. and 8.00 a.m. having handed over my duties I was passing in front of the police station and found a lot of men being kept outside and being herded into lorries. At the very moment when I was passing by with colleagues from the hospital, my elder brother, Hassan Ibrahim Elmi, who was a retired police officer was being put on one of the lorries. I stopped to ask why. The officer was rude and told me to go away. However, I persisted and managed to talk to my brother. He was able to give me the keys to his shop which I took to his family to be able to open the shop.

One of the staff, Abdi Ibrahim, who was walking with me was a night watchman at the hospital. He chose to go ahead while I engaged the police and my brother. Later in the day, I learnt that he was picked on his way home and taken to the airstrip where he died. I continued to walk home and found different people in small groups. I learnt that my other elder brother, Ugaz Ibrahim, was among those who were also picked.

There were soldiers and KANU youth wingers all over the place identifying male Degodias. On being asked to identify themselves, anyone who said that they were Degodia were arrested. By mid-morning, most people were aware that the soldiers were looking for Degodias and were not identifying themselves as such any more.

However, a few KANU youth wingers and some local chiefs continued to identify some men. On that Friday, I learnt that similar operations targeting the Degodia were taking place in all the adjacent trading centres as far as Buna and Modogashe which is hundreds of kilometers away. Anyone who was identified as such was picked and taken to the airstrip. There were reports that herders who had brought their animals to watering points were also picked and the livestock left without people to herd them. Some livestock were taken by some security forces.

In a number of trading centres, herders were refused access to water. Women and children were beaten very badly. On the whole of that Friday, people continued to be brought from all over Wajir to the airstrip. By the end of that day, we witnessed a lot of lorries with additional military personnel which were said to come from Moyale,

Mandera and Garissa, join the operation. On Saturday, 11th February, 1984, the operation continued. It was particularly bad in Bula Jogoo in Wajir Town where all non-permanent houses called *Herios* belonging to the Degodia were torched and burnt.

That was when women were raped. I distinctly remember that a disabled person was burnt in one of those houses. Sister Analina Toneli went to remove the remains for burial on Sunday morning. Three Degodia men who were remaining in town stayed hiding for the whole of this period. On Sunday, 12th February, a public baraza was called by the acting District Commissioner, Mr. Ndiema, in which he asked among many things for those whose houses were burnt to go back to where they came from. At the time, it was understood that he meant people should leave Kenya and go to Ethiopia.

On Monday, 12th February, I learnt that on the previous day, a number of those who were kept at the airstrip had escaped and many of them killed. The story I was told was that a security team visited the airstrip and the majority of the people learnt that they had no hope of surviving. They were told that all of them would die until they brought back the guns. In their desperation, people started running away. A number of the wounded came into town. I first saw people in the morning at the hospital brought by the headmaster of Sabule Secondary School, Mr. Ibrahim Wude. Sabule is on the side of Wagalla in the town. Many students went out and helped some of the people they saw.

After I saw this man, there was information going round that people had been released which proved to be false later. Sister Analina and I went to see the DO, Central, whose name I do not remember, and told him that the people had been released and that a lot of them were wounded and that we wanted to provide assistance. He offered to accompany us. We went to the airstrip while he was preparing to join us. I remember it was mid-morning. As soon as we went up to the gates of the airstrip and got out of the vehicles, the soldiers at the gate looked at us a bit bewildered. It took them a few seconds to realize that we were there. During that short period that we stood there, what I saw and what has remained very distinctly in mind today is a pile of bodies to my right and two naked people carrying yet another body to put on the pile.

On the left side of the field, I saw a young man who ran to a water boozer where water was leaking and flowing to the ground. Two soldiers came from two different directions with sticks, beat him up like an animal until he ran back to the crowd which was at the centre of the field.

(The witness broke down and wept)

By then, the military officer in charge ran up to us and started asking why we were there. Sister Analina said that we had been told that people had been released and we were coming to help them. He asked: Who told you that? At this point, it dawned on me that I had put the sister at risk. So, I told him that I was the one who told her and that I was a member of the International Red Cross. Actually I was a member of the local one. But I said this to give her some protection. I said that I had heard that information from injured people who had come to the hospital. When we said that we had come to look for injured

people, I remember him saying that then he would give us soldiers to accompany us and to bring back those people because they had escaped. At that point, the DO Central arrived which I believed is what saved us. The army officer quarreled with him telling him that he did not know what he was doing. They all cocked their guns and told us to leave the place and we left. That DO was very pained and upset. I believe he was a very good man.

When we reached town, we learnt that there had been a breakout and many people were shot while attempting to escape. We also learnt that many were wounded and were hiding in the bush. So, we went back later that day scouting for those who were injured during the escape of the previous night. We moved around the area. I remember we were joined by two Norwegian volunteers. I remember in particular, there was one man we found sitting under a shade who was naked, whose legs were burnt up to the knees. His story was that as many people came off the lorries they were told to remove their clothes. A number of these clothes were put aside and set on fire. They were told to step on them. This is how he got burnt. We took him to the hospital.

As we were searching, we came across many women ---

The Presiding Chair (Commissioner Shava): The gentleman who has just taken photographs, I ask you to respect our rules. The next infraction will be punished with exclusion from the proceedings.

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): These women were moving around carrying water and looking for their loved ones. We spent the whole of that day combing the bushes and collecting injured people, especially those identified by some of the women. But it was not easy because people were running away from vehicles. In my view, many people died that day.

On 14th February, between 4.00 a.m. and 5.00 a.m. - I cannot remember exactly, I was woken up by one of my brother's children to say that my elder brother Hassan, the ex-policeman, had come home. I went there and he told me how he got off the lorry on the Wajir Mandera Road, somewhere not far from Wajir Town. He told me that all the people who were alive were put in lorries and taken to different routes. The vehicles were moving very slowly because their lights were off. So, he managed to lower himself down with the help of another ex-policeman. He was totally naked and walked all the way to his house.

I ran to Sister Analina's compound and we went off to the route that he mentioned and started picking people. You might want to know why I kept going back to Sister Analina. This is because she is a foreigner and that accorded her some protection; and, of course she was also a very brave woman. We stopped public vehicles and they helped us to collect and bring people to the hospital. We took the very injured to the hospital which quickly became very full. At the time, the hospital had only one male ward. We took the rest to her compound for treatment.

We mobilized the hospital staff to start treating them. Some volunteered to work even day and night. They were many, but I want just to mention a few. These were Dabo Diriye, Anashiago is deceased, Dabar Abdi, the Medical Officer of Health at the time was called Jawor, Sister Panasero and many other nurses.

By the end of Tuesday, both the hospital's only male ward and Sister Analina's compound were full of sick and injured people who had been beaten. On the same day, between 10.00 a.m. and 11.00 a.m., by then we had collected most of the ones on Wajir-Mandera Road. I remember there was an international delegation from the leader of Red Cross Societies Switzerland led by C.E. Aquest. They were visiting the local branch. I believe this visit was organized earlier and they had somehow managed to get through the net. The security was determined to control the visit. They were taken from the airport to the DC's office and not allowed to see anything. However, Sister Analina went with me to the DC's office. She went in to the meeting and told the visitors that there are a lot of people dying and that we needed assistance. When she called me, she heard the DC saying that that was not true. I believe those sisters were taken back to the airport without interacting with the people in the town.

While I was waiting outside in the car, I was confronted by the OCPD, Mr. Baobera, who insisted that I remove the Red Cross emblem that we had put on the vehicle which we did afterwards. In the late afternoon of the same day, we got word that another group of survivors had been dumped along the Wajir-Moyale road at a place called Dela. We got a guide and left with two vehicles. One was driven by a Norwegian aid worker accompanied by Ahmed Jele and Ibrahim Khamisi. The other was driven by Analina Towele, myself and the guide. The guide was very good and he managed to make us escape the roadblocks and eventually we ended up on the main road of Moyale at a place after the roadblocks when it was getting dark. After a while, we picked up an elder who was among those who were dumped there. He had survived and tried to walk back to the road. He explained to us how the site looked like and in his description, there were dead people there. We went there and found in the first week dead bodies before we reached the main place. As we parked our cars with their doors open, two military vehicles came to us. The soldiers asked us for directions. I remember them asking where Eldasi is. They were wearing masks more like handkerchiefs on their noses. They told us to remove our vehicle from the road so that they could pass. They went ahead and as they passed, there was a stench coming from the lorries. We later learnt that they were the ones dropping the dead bodies and one of the sites not far from that area was visited by the senior investigating officer from Nairobi SP Amarati. We went ahead and eventually brought back 16 people alive in our vehicles although one of them died on our way back. We saw many dead bodies in that general area. At that point, we were only interested in rescuing people rather than counting dead bodies. We came back and took the injured to Analina's compound for treatment. The one who died was buried at Analina's compound. One of those who survived out of those 16 is now a councillor in Wajir and he is called Abdullahi. I know of some who died much later on Wednesday 15th February 1994. On the following day, we went to Giriftu Eldas in that general direction because we were told that people who were dropped in that area walked in that general direction. We told the

public that it was safe and people could be brought to the hospital. By then, many people had joined the rescue. After we came back, we went to Wagalla that afternoon through a back route because the main roads of the town were also blocked. We went back behind the fence on the other side of the airstrip where a lot of people who had been shot had been scattered around the place. We spread out into the bush to look for bodies with the intention of burying them. They were all over and very many. At that point, we decided because there was a lot of disbelief in the part of the town, that we should carry some of the bodies into town so that they could be buried there. There was total denial by the police that anything was happening even at that point. An ex-police sergeant Bashe who had a pick-up volunteered to drive the bodies from Wagalla through town to the catholic compound of St. Analina. Commissioners, you might wonder why Muslims were driven to a catholic compound but at the time, it looked the only safe place because people were not being allowed to bury the dead. Because the bodies were decomposed, the vehicle could only carry about 12 of them. They were driven and we deliberately did it in the police station until they were eventually buried at Analina. On Thursday, 16th of February, the following day, we returned with grave diggers and buried the rest. We dug one mass grave and started pulling some of the bodies there. However, by then, it got dark and so we agreed to finish the work the following day. This time round, we decided to go through the main road because it was dark. There were several of us in two vehicles but they had set up several ambushes and right at the entrance of Wagalla town, we were ambushed, beaten thoroughly and taken to Wajir police station. We spent the night in the cells and we were released the following morning without any charges. We were not allowed to go back to Wagalla to continue the burials which was left for others to do. Those mass graves remain unmarked behind the airstrip. Now, comes the period of cover-up where people are continuously being killed. By the middle of the week beginning February 13th, we were overwhelmed at the hospital. Because of the high volume of supplies that we asked from AMREF, they did not have enough and I am told they went to the Ministry of Health (MOH). I am told the MOH wondered why they were asked for this high volume of supplies. I learnt from Dr. Nancy Caroline who was the head of medical wing of AMREF at the time that the Ministry of Health had to ask for clearance from the Office of the President (OP) to send the supplies. At this time, OP stopped them including getting supplies for Sir Michael Wood who was the founder of AMREF, I am told they mobilized a number of European countries to come to Wajir to assess the situation but this was blocked. They reached Habaswein but they were returned. So, a lot of people died weeks and months after the operation for lack of adequate supplies. It was some time before any outsider was allowed to come to Wajir, mainly Red Cross, AMREF and Oxfam and even then, they said they were there because of the drought. Every move of theirs was covered by the Special Branch. Weeks after the operation, Dr. Daba Abdi and some other hospital workers and I were arrested and taken in front of the District Security Committee. The questions that we were asked were largely geared towards knowing my knowledge of things and I got again from one of the corporals who arrested me that they would check what I knew and if I knew too much I would be detained or the worst could happen. This was another good officer. Therefore, I was generally truthful about what I described above and I would have displayed the numbers that I saw. Subsequently, I was told by nomadic pastoralists that a team of

soldiers went out and poured chemicals on the dead bodies that completely decimated them and even the bone structure. That is why it was subsequently hard to find them.

SP Amariati was sent from the CID headquarters in Nairobi to carry out the investigation almost a month later, which could hardly be independent. I remember organizing a number of people to see him to give their testimony at Analina. I remember bringing my elder brother, the ex-policeman. I sat through the first preliminary parts when he was asking my brother's opinion on what were the numbers at the airstrip by the second day when everyone had been brought in. As someone who was used to estimating crowds, my brother said that he thought they were up to 5,000 people. To this day, the people of Wajir have never seen a report of that investigation. The Government has continuously denied that a massacre took place. However, in October 1992, just before the elections, the former President Moi indirectly admitted it by promising to set up a Wagalla Trust Fund. I attach three sample letters sent to ten persons. I was one of them and the local Member of Parliament, A.D.M. Amin, who were supposed to be members of the trust fund. After the elections, the Fund was never established. It is this period that we were rescuing people and, therefore, heard a lot of testimonies of survivors on the kind of things that had happened to the people inside the airstrip. There were those who were burnt, beaten and sodomised. They had no food and water all through that period. The worst thing is that, that day at 3.00 p.m., there was a water bowser which was just pouring water into the ground and nobody was being given any. Clubs, sticks, machetes and gun butts were used. On Sunday, the people who broke out were shot. Here are some of the stories that have stuck with me over the years. The testimony of Hassan Gure who is currently a DLPO in Ramu, Mandera and how he survived during the breakout is very telling. He says whichever way he ran, bodies were falling around him as they were shot. The story of the hospital watchman whose Maasai machete was used by an infamous sergeant whose name kept coming up. He killed him and many others using his machete. The sergeant was so brutal that he killed very many people. There is a captain who put a pistol in people's mouths and blew their heads. There is a story of a young man, and this one is still alive since I saw him recently on Sunday, when he could not hold his thirst any longer. He pretended that he had a gun and led them back to town to their homes, went in, drank water, came out and said: "I do not have a gun and take me back at which point they took him back to the airstrip."

(The witness broke down)

The story of that particular young man showed how desperate people were. His family was very upset with him for bringing the soldiers to their home because then they did more things in their home. That shows you the desperation. Another was the murderous stint of a soldier who beat a young man with the butt of his gun and got tired and then just decided to catch him and bite him. He had a bite mark on his left arm. I believe that young man joined the Kenya Army a few months later. Then there was the story of many civil servants picked from their work places who died there and whose families had to contend with the fact that their departmental heads were told to declare them as having absconded from duty.

(The Witness shed tears)

Then there is the story of the many people who have not been found even today. Rumours circulated for months after the massacre which gave people hope that their loved ones would still be alive somewhere. My brother, Hugas Ibrahim Elmi, is one of those whose bodies have never been found.

(The Witness shed tears)

The Presiding Chair (Commissioner Shava): Waziri, please take your time. I will give you all the time that you need to compose yourself.

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): I am just about done. My recommendations are that in my view, that was a systematic well planned operation and well covered later. To date, no serious investigation or inquiry has been done until this process. I and the people I represent were affected by this incident seek the following: First and foremost, to know the truth and, therefore, urge all those who were involved to come forward and testify to this Commission so that once and for all we can close this chapter. Two, an additional judicial inquest to carry out an in-depth investigation, something we have been asking from the courts since 2005. The purpose is to establish precisely how many people died and what happened at what point. To date, it is impossible to establish the exact number of people who died. I would like to give an example of an old man who was visiting his son who had come from abroad and was returning to Mandera. The bus stopped there and he slept in a lodging. He was picked from there and he died there. There were many people who were picked from far away places or towns and so it is very hard for the elders to know exactly how many people died. Thirdly, we want justice and justice can take many forms and, therefore, that is what we ask for. We ask for reparations both general and individual. We ask for memorialisation to ensure that events like those never happen anywhere in Kenya again as the motto of the Commission say: "Never Again". On a personal note, I would like to say that Sister Analina did extraordinary things. Without her, many lives would have been lost. She has since died. Apart from ways to remember her service to humanity, I would like her to be posthumously cleared of the false allegations that I am aware of that were made by district security committees as part of their cover up by telling the headquarters that she was a spy and all that. I can without doubt under oath say that Sister Analina was very forthright and did her things very professionally. She was interested only in service. For the many years until she died, I have known her. She had refused to talk to journalists. She told me that she would talk to only proper authority. I wish she was alive today to talk to this Commission. She had told her story to the--- For example, to the ASP who had come and, therefore, I was very sure that she was there to serve and help the sick. A year after the massacre and when her work permit came to an end, she was declared a *persona non grata* and given 24 hours to leave the country – a callous decision that caused her great pain as well as suffering to the children and patients for whom she was caring.

In conclusion, first of all, I want to thank all Kenyans who have been part of the struggle to make this day possible. We can now discuss this openly including politicians and activists who were detained and tortured for a free Kenya. At that time, it was not possible to even seek legal redress let alone talk publicly about it. I believe Ibrahim Khamisi is in this audience and we went to a lawyer at that time but it did not bear any fruit. I also thank Ahmed Khalif and countless others who kept the case of Wagalla on the agenda. There are many and I could not mention them. But across the world, two Norwegian aid workers who one of them wrote a book, those who kept vigil outside the British and Canadian embassies for many years until it was possible to commemorate this event annually in Kenya, the many young people, men and women, who have kept this agenda on the table so that we can bring this chapter to an end. Lastly, I want to thank the Commission for their work that will help not just those who were affected by Wagalla, but those who were affected by other atrocities in northern Kenya and the rest of Kenya. I wish you well and please continue with the good work. Thank you.

The Commission Secretary (Ms. Nyaundi): Thank you very much, hon. Minister Elmi. On page 9 of your statement, you have mentioned a sergeant and a captain. I want to ask you if those individuals are known to you by name and if so, if you could write their names on the memorandum.

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): I do not know their names otherwise I could have written them. The thing is that as you drive people around and see them, they say that sergeant was so brutal but they do not know his name. But I am sure it will not be hard for some of the survivors to identify them and the list of those officers involved in the operation to be made available for them to be identified by their colleagues or some of the survivors.

The Commission Secretary (Ms. Nyaundi): Thank you very much, Minister. Will you have your statement admitted to the records of the Commission?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): Yes, they can be admitted.

The Commission Secretary (Ms. Nyaundi): There is a letter dated 27th October 1992 signed by P.O. Raburu as the District Commissioner, Wajir and the letter dated October 27th 1992 also signed by Raburu together with a memo addressed to Abbas Sheikh Mohamed signed by P.O Raburu? Would you have all those documents?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): Yes, they can be admitted. The letters I gave are just samples. Recently, one of us discovered them in their drawers. I was given one and I cannot find them. But the others have theirs and we were ten of us. So, at least, that is testimony that the Government at that point, as high as the President, admitted that Wagalla did exist.

The Commission Secretary (Ms. Nyaundi): Thank you very much, Minister. I will now ask you to take some questions from the commissioners.

The Presiding Chair (Commissioner Shava): The Commission admits the documents as part of its official record. I would now like to ask the commissioners to ask questions beginning with Commissioner Dinka.

Commissioner Dinka: Hon. Elmi, I would like to take this opportunity to thank you for your testimony and also for your courage to come back with these very painful memories and relive them again for the sake of your people and also to enlighten and provide more insight to the work of the Commission. I thank you very much and with everything you have said, I have no questions for you.

Commissioner Farah: Hon. Elmi, I also join my fellow commissioners in thanking you for having brought your very elaborate witness statement and as painful as it was as you recounted, we were also feeling but nevertheless, it clarified a lot of things and it will help the Commission.

The Acting Chair (Ms. Namachanja): My brother, Elmi, thank you so much. We have worked together in peace building and now I understand your passion for peace building. I would just want to find out. How old were you when this incident took place?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): That was in 1984. I am now 52 and so you can calculate backwards.

The Acting Chair (Ms. Namachanja): You were very young then?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): I graduated in 1982/1983. That was my third year of work.

The Acting Chair (Ms. Namachanja): You were very young but then, you were very brave. Thank you for helping save the lives of many.

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): At that time, I did not feel brave at all. Really, when these kinds of things happen, they could have added me to the lorry when my brother was being taken but mostly I believe one dies when his or her time comes.

The Acting Chair (Ms. Namachanja): Was the DO Central who wanted you to assist the people of Somali origin?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): No, I believe he was from Central. I would really like to

know him again because he tried. There were a number of officers who were kept in the dark of what was happening and yet, they were in positions and they really struggled to help people.

The Acting Chair (Ms. Namachanja): The Commission will do its best really to trace this DO if he is alive because we have had horrible things that the people in the forces and the local administration did. We are encouraged to hear that some were human and wanted to help the situation.

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): There is one more person who went there and actually rescued people from inside. It is Dr. Damdere, a Ugandan doctor at the hospital. He was from Mandera. One of the staff from Mandera happened to be there. When he heard about it, maybe, because of his experience from Uganda, drove like a mad man into the place and got there and rescued the people. The following day there was a lady who was a staff in the Ministry of Agriculture and she knew the army major. That is how the teachers were removed and how some of the civil servants came out. So, these are individuals who knew somebody and went to plead their case.

The Acting Chair (Ms. Namachanja): Thank you, hon. Minister. I have no further question but I would just like to congratulate you for the courage that you had even to share this painful story. Honestly, I thought you will not be able but you have done so. God bless you.

Commissioner Chawatama: I join the other commissioners in thanking you so much for the testimony that you have shared with us. As a stranger to your land, I am still trying to come to terms having been to the region you come from, what really went wrong. I think one of the things that I have tried to understand and maybe you might be able to help me with is the collective punishment of people in the region that you come from. I asked a witness yesterday whether it was a Government policy to collectively punish even when it was known who the wrongdoer was. Do you have anything that might settle my mind on this?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): In the case of Wagalla, I am still seeking the truth on how it could have happened up to today. Terrible things happened in that particular period; soldiers went out in a very clear operation and in the heat of the moment, they beat people and raped women. All those kinds of things have been reported across Northern Kenya region but what was strange about this was the fact that it was planned. PC Kaaria threatened and said that very soon, we would see naked men being beaten in front of their wives.

To answer your question, it traces back to colonial days where part of the ruling, particularly of pastoralists, was through collective administration. If one clan killed somebody from this other clan, they would then pay blood money and things like that, which I think they borrowed from the culture. Before two groups make peace, the whole

clan would probably pay for blood money and therefore, there would be peace. That has been the practice and the main trend in northern Kenya. I still see remnants of it though it is dying out where people threaten communities with operations. That meant senseless collective punishment and it has gone on for many years and any administrator in Kenya will tell you. If you look at social psychology, then it becomes part of practice. It is like you would see leaders coming to meetings demanding for an operation because things are getting worse. I cannot understand but it has its roots in the colonial times.

The thing that really puzzles you is how we actually intended to disarm a tribe, collecting people from distance towns and people working in other places and how many guns were collected. I do not know how the notion of disarming a community was arrived at but at the time, the Provincial Commissioner, Mr. Benson Kaaria, and I hope he will come and testify in front of you, was notorious for making statements in public *barazas* that had no regard of what he was saying. I remember being in college at that time in 1981 where he said that we were just a few hundreds and they could kill all of us and the rest of Kenyans would remain in peace. It was reported in the newspapers and it was not something hidden and if we can get the tapes of KBC, the District Officer I who was the acting DC said as much in this baraza on Sunday. It was a time in our country when you could not talk. That is why I was glad for all the people in this country who fought for openness.

My plea to those remnants who try to hold back is just to let it go because Kenyans have made up their minds and the Constitution has been passed. We should, in my view, extend the period of this Commission so that it can go to every part of this country and there would be some story. Most of the time people think it is to punish but people just want closure. They want to know what happened and individuals who are known will know more than I am talking about. I am giving you a glimpse of what I can remember and I am sure the various officers who were there can come and say what they heard and as a country, we will move forward.

Commissioner Chawatama: Thank you very much. You have prompted my second question because I wondered whether you had heard of the searches of the houses that were burnt for the so-called arms that they were looking for. Did you hear of any houses being searched before they were burnt?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): I can assure you that there were no searches going on. Many women carried the materials that are used to make houses and brought them all the way to some houses they were building. The following morning as I was coming to my house, I found a soldier wanting to burn some houses and I stopped him. The sense of authority and acceptance was so high and the mother of the disabled kid who was burnt in the house was crying that there was somebody inside and if they had searched, they would have got him out. The OCPD was told about it and he said that he was sorry because this had not been planned. He told blatant lies in front of somebody who had seen it. We thought that people had been trained to do that. We do not know how much the headquarters knew.

Commissioner Chawatama: You also described that when you were walking in the bush, you met some women who were carrying water. We heard a lot of testimonies from women and the impact that this operation had on their lives and how nearly all the women's lives have come to a standstill and they are still mourning. Could you describe what you saw when you came across those women? Did they say anything to you? Did you say anything to them? How did they carry themselves and what did you see?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): If you noticed earlier, that was one of my most painful part because I remembered how we found the guy that I picked. I remember another one who literally went through the whole night carrying water and she actually rescued her brother who was among the ones who broke. The stories are all over the place and it is quite hard. When we were driving around, when people heard the vehicle, they would run away. When that old woman, who was called Abdia, was going through that, she did not know that she was going to find anybody. She was just going.

Commissioner Chawatama: You also mentioned that you were summoned to appear before the District Security Committee. Do you remember the name of the Chair of that DSC or all the members before whom you appeared?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): That is a bit hazy in my mind but I am almost sure and he can testify because he is alive, the District Commissioner Mr. Matui was on the Chair because he had come back. That is another question we were asking, if it was not cleverly organized, how come the District Commissioner is away and there is a DO I in charge? In my view, Mr. Godo knows something because he was removed and that is how the Acting District Commissioner was brought for that particular period and then the other DC came back from whatever weeks of study. So, he was on the Chair at that particular time. When I gave my reasons for what I did, his face changed. At least, he had a heart but some of the army guys were very rude. Major Mudogo was in charge of the army. I believe he is now deceased.

Commissioner Chawatama: I would like to thank you for being able to even answer the questions. I was very hesitant whether or not I should ask but there were certain things that I needed some clarification on. I join the other commissioners in celebrating your life. The fact that you made a decision to continue to live, I am not shocked that you are a leader in this nation. I would also like to acknowledge that you have led by example because when we visited your constituency, you came and welcomed us and you are here now. You are truly a leader of your people and may you continue to have wisdom to lead your people.

Commissioner Slye: Minister Elmi, I am truly humbled in sitting here listening to your testimony. Somebody of your accomplishment and as my fellow commissioner just said, you are someone with such a strong leadership role not only for your own community but also for this nation. I have heard first-hand what you saw now more than 27 years ago and the courageous things that you and many others did. I know you said that you were

not really thinking and that you were reacting. I think that is how many good people react when faced with really bad situations.

My first question which is a little abstract is to ask you to reflect a bit upon what you think explain how some individuals in such a situation act in a constructive positive way to provide support to individuals to help people some of whom they may know and some of whom they may clearly not know. Why do others, in fact, contribute to the evil that is taking place among them?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): That is a hard one to answer but you have given me an opportunity to expound. I was hesitant to mention people because they were just too many. As I told you, women went out. Let us just go back to Sister Analina and all the accusations against her. All the things that we did and gave to our Member of Parliament like the photographs were taken by people from Wajir on borrowed cameras. Some of the pictures were taken by somebody who had never taken a picture before because the rest of us were being watched. One of them who I must acknowledge was Ibrahim Kamis who went all the way and found a spot with dead bodies.

When I mentioned that we went in two vehicles with two more people, it was not for lack of volunteers. But we needed space to carry people if we found them. They were there and in my view, in this kind of story, there would be those who are part of the sickness and there are those who were paralyzed by what was happening. I am sure within the various schools of the security personnel, there are those who could not stop their colleagues and there are those who managed to stop them. Like the night I mentioned, as we were coming from Wagalla having identified the graves, we were beaten. As soon as I told one of them that my elder brother was a policeman and he was also there, he completely changed and he shielded me from being beaten any more. There were good people and you could see that they were being sent out there by individuals.

I studied human behavior and to date in any crowd, you will find one or two people really bad but then they paralyzed the rest. They somehow find a way to make the rest collaborate or do nothing about it.

Commissioner Slye: This may be another impossible follow up question but how do you encourage people to not stand on the sidelines? If you were before a group of young people today given your experience, people who would eventually go on to run this country, what sort of lessons, values and sensitivities would you want to convey to them?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): I am now part of national leadership and I think that as a country, we must, first, address the culture of violence in a systematic approach using experts to do it. I remember that many years before that when I was in Form II in Garissa Secondary School, when Idi Amin was claiming part of Kenyan, effigies were made and burnt, I remember one of the leaders of the Catholic Church asking why we were teaching our children a culture of violence. This was being done countrywide and in my

view, we slowly became a country with a culture of violence. You see mob justice and people being killed in the streets. In another incident recently, there was the search of the Mungiki sect members and a picture that stays in my mind is a picture in which a young woman carrying her small baby on her back comes out of those shanties in Mathare Valley. A group of soldiers is waiting outside for her and as she walks, she falls and they beat her when she is on the ground. I do not think that is trained anywhere in the police force and I do not think it is a Government policy. It is that national culture of violence that we must find a solution to. I am not exonerating the authority and Government from putting the right measures, training and the right punishment if people go out of the way.

Commissioner Slye: I also had a few questions specifically about the Wagalla incidence. You mention how you visited the airstrip on 13th February and as you may know we had Mr. Tiema testify before us on Monday and he spoke a little bit about the visit that he had made on 12th February the day before you had been there. One of the things that he said he saw there were cooking pots that he assumed were used to prepare food for the detainees. I know you were there briefly and there was a lot going on but I wonder whether you remember seeing cooking pots or other instruments used to provide food or water for the individuals there.

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): I mentioned that it was a very short period but three things stuck in my mind and the worst one is the one of a young man running to water that was pouring. If you had cooking pots, why would you stop somebody from drinking water that was pouring on the floor and beat him badly? We pastoralist have a way in which we herd the animals to the wells and you release them in groups so that they do not trample on each other. Once in a while, when the cattle are very thirsty, it is very hard to stop them. You always have two young people stopping them because if one manages to break through, the rest will. That is the picture I got of that young man running to the water and not being allowed to reach there. Not a single person who was there mentioned any food being cooked.

Commissioner Slye: Mr. Tiema also said that when he visited the day before, he did not notice that anyone was naked. He said that most people were clothed, although some of the clothes were ripped. You were there a day later and you mentioned that you saw some naked people. Was it your impression that most of the people were naked or only some of them were? Are you able to remember?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): The bit I remember was that a number of people were naked, though there were few people in clothes. It is very hazy though, because it is 27 years ago. The testimony of the people is that they were removed clothes. The guy I picked under the tree whose legs were burnt explained that there was a heap of clothes. If you go to that place, you will still see it today, even after they constructed the airstrip. My brother, the ex-policeman's testimony is that he was completely naked and he walked all the way and people ran away from him. February is one of the hottest months in Wajir and for that period, there was not a single cloud in the sky. I want to say that Tiema's

visit with the security people is what triggered people to break away. So, he is right in that sense. Among the people who ran away was one with a gunshot in the hand whom the headmaster thought is what triggered our going there the following day. So, it actually matches. I encourage you to look for Hassan Ngure who is a DLPO because he is educated and he is a Government worker who had to run for his life during the day. He describes how the automatic machine guns were fired and he does not know how he survived. Whichever side he ran to, bodies were just falling and he just kept running. He was also a very young man who qualified around the same time as me.

Commissioner Slye: We asked him a little bit about Analina and he said that Analina was not bothered by the security forces and, in fact, even suggested that the authorities assisted her at times in providing medical assistance. Would you like to comment on that?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): Analina had been in Wajir since the 70s. She was well known and respected and called to every district meeting. She helped the TB patients, the disabled and the mentally sick and she had a whole rehabilitation center. I was closely working with her in the TB manyatta which she supported and apart from blocking road blocks, she went to the bullas rescuing some women whose houses were burnt. When we heard that people might have been released, she went into the army camp and talked to Major Mudogo who was a really callous man. He kept telling her to relax because there was nothing going on and that they were giving them food and all they wanted were guns. After that, I met her and we went to the DO Central who said that he would go with us because he feared that something could happen if we went alone. He took his Land Rover, he had one AP, took some water in his vehicle and we went with it. I cannot remember who was in charge at the time but he was a tall man, very authoritative. He ran from the main crowd in the center and came towards us and asked us what was happening. He was quite rude to the District Officer. There were very few officers and so, it should be possible to pinpoint who was there around eleven to midday, who was the military officer in charge at the camp. Major Mudogo kept going in and out. The deception of it is that they were coming to the hospital and we met for lunch on the second day in one of my colleagues' houses when all this was going on.

Commissioner Slye: When you and Analina and others were going around assisting people who had been injured, did you come across women who had been raped or sexually assaulted and was Analina able to provide assistance to them?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): Quite a number of them. I mentioned earlier that Oxfam and Red Cross came in and Sister Analina had a list. She had records of over 300 widows whom she assisted. She did counseling, gave them money, food and a lot of things. Much later when Ole Tipis came, all those women were wearing the white mourning scarves. For the widows who were willing to go back to pastoral life, she restocked their livestock.

Commissioner Slye: Do you remember coming across women who had been sexually assaulted yourself?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): Yes. They told Analina because it was much easier for them.

Commissioner Slye: I want to thank you again for coming here and sharing this with us. I know that it has been a difficult thing to do but I know that based upon the conversations that you and I had and also conversations that we have had with other individuals from Wagalla, there was a period of silence almost up to 2002/2003. It is only now that people like you have been able to speak openly and publicly about this. While on one hand all that happened 27 years ago, it is clear to me that for those of you that lived it, and for those of you that were not allowed to think about it, have spoken about it for close to 20 years. It is not so long ago and it is coming back and it is a part of you. When we visited Wajir, it was clear in talking to the men and women there that the effects of that event are still very present as though they happened yesterday. One can see in the bodies and souls of the people that damage that, that event did and continues to do; so, I want to thank you again.

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): You are quite right in that and in my statement, I kept myself strictly to that period and what I saw. When you think of the economic impact of animals lost, water points held and all the children who could not go to school because to date, as a Member of Parliament, I get people saying that they dropped out of school because their parents died--- The economic opportunity and social cost is quite huge.

The Presiding Chair (Commissioner Shava): Thank you very much *waziri*. I want to ask you a question that will take you a little bit outside your statement. I would like to understand and, maybe, it would also help Kenyans to understand what it was like for you growing up as a young boy in Northern Kenya and what it took for you to reach where you are today. What special challenges do you think you faced?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): I think mine is different in the sense that apart from being a nomadic pastoralist child up to my eighth year, my elder brother who survived but later on died of some of the consequences of Wagalla, took me to school. My whole primary, secondary and college life was outside Wajir. I schooled in Marsabit, Machakos, Meru, Modogashe and then Garissa because I was going round with a policeman. I still believe that there are good policemen. There were parts of the early years of our country that were good. By the time I was going to secondary school, my brother had retired and so, I did not have fees and the Jomo Kenyatta Foundation paid for my fees. The fact that it was done by a headmaster who was not from North Eastern to be precise; he was from Embu. He asked other children were I was. When he heard that I did not have fees, he put me on Jomo Kenyatta Foundation. Once I passed in Form IV, I remember going to a number of interviews and for me, the important thing is the fact that there was no

corruption. I am sure that there are still many good headmasters doing that today but they are getting fewer by the day.

The Public Service Commission was very strict. One of the Provincial Range Officers who is a lecturer at Egerton at the moment was trying to encourage young people to join range management in Egerton University at that time. He wrote me a letter and I went to the Public Service. The interview was in Mombasa. At the gate, I was asked to show the recommendation letter. I was asked who I was and they threw it away. They were that strict about influence. I went back with my result slip and I qualified to be admitted to Egerton. It is those kinds of things that I think as a country, we should be moving back to, where systems work; where the vulnerable are taken care of and where you can go for justice.

The Presiding Chair (Commissioner Shava): My second question has to do with events at the airstrip. You said that when you found the then DO, Sister Analina joined you shortly thereafter and that the person who appeared to be in charge then had an altercation with the DO. At which stage were the guns cocked? Do you remember the rank of that army officer? In your estimation, who was in charge there and who could actually cock a rifle because this seemed to be a threat aimed at the DO?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): He was an army officer and, therefore, he could only have been a lieutenant or a captain. He did not have a gun himself. However, he ordered and all the soldiers around him suddenly swung to action and cocked their guns and then we left.

The Presiding Chair (Commissioner Shava): Did you see any police presence there?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): The administration police were also there but not during that incidence. The first day up to midday, it was only a few administration policemen who were looking after them and I remember the SPC asking why they did not escape and they said that the flag of Kenya was flying for them. We were all outraged that people were waiting for the bosses to come so that they could complain. They said that there were many ex-military and ex-policemen in that crowd who could have easily disarmed those people but they respected the law and the flag of Kenya.

The Presiding Chair (Commissioner Shava): Thank you very much Waziri. I think that those are all the questions that we had for you. For me as a Kenyan, this has really been a great day. I think what you have done today is to demonstrate the change that we have been hoping for and the change that we had hoped that we will live. For a Minister of Government to come and speak about atrocities committed by Government whose authority is perpetual is a great day. I was alive and conscious of what was going on in the world at that time and I can also attest to that atmosphere of fear and secrecy. For you to come and speak here today at a personal level and the official capacity is a really good sign of moving forward in this country. I want to join my fellow Commissioners in

thanking you and recognizing the difficulty through which you have gone, you have survived and you have come out at the other end.

I wonder now whether it would be a good moment for us to acknowledge some of the people who I have seen as the testimony was going on, and who have been going through some very difficult moments as they remember. I understand that one of the untrained photographers is here and I recognize myself certain people who I know experienced these kinds of detention and they were in the airfield. We just like to ask them to stand and be recognized and if there are any in particular that you would like to point out, we invite you to do so. Those members of the audience who have come from Wajir and Wagalla, we would be happy if you stand so that we can recognize your presence.

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): The one on my left was a chief at the time of Wagalla. That old man in spectacles is Hussein Mohamud and he had been detained the week before. Ibrahim Khamis is a Foreign Affairs staff member whose father was one of the civil servants who was taken there. Abdullahi Ali is the Chairman of the County Council and his father died in Wagalla. The man next to him is Noor and he was with us the day we went out there to pick the bodies. Roble was working at the DCs office as a clerk and he was in the army at that time. So, I am sure he can tell you lots of things and he was among some officers who were disarmed.

I did not mention that on that particular day, local administration policemen were disarmed for fear that they might react to what was happening. I am sure that there are some women who have their testimonies here.

The Presiding Chair (Commissioner Shava): Are there any of our sisters who have come from Wagalla or Wajir who would like to stand, so that we can recognize their presence?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): These are the women who were affected, but I do not know them all. There are many who have not stood, but who played a role. Ali Mohammed was a teacher at the time and I told you how we stayed up to 2.00 a.m. making the list and he had to sneak out the list to take to the Member of Parliament. If you went around that particular group, you will not miss somebody who is affected. There are later generations of people who were young like Salla, who during his university days decided to write a book. I have the book somewhere here. It was the beginning of public hearing and there was an event where he asked a speaker to come and speak about it. It caused such a shock to the system. Dr. Kunon is also here. He is a member of the Truth be Told Group; this is a group of young people who came together. Abroad, we have Abdi who went into exile together with others; they demonstrate every year in the High Commissions both in London and in Canada. The list is endless.

The Presiding Chair (Commissioner Shava): Thank you very much waziri for coming here today and sharing with us the facts and your memories of that painful period. Clerk, we ask you to escort the witness back to his seat and swear in the next witness.

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Mohammed Ibrahim Elmi): Thank you very much and long live Kenya.

(Mr. Zakayo John Kamenchu took the oath)

The Commission Secretary (Ms. Nyaundi): Thank you very much. Please, state your name and your current occupation for the record.

Mr. Zakayo John Kamenchu: My name is Ambassador Zakayo John Kamenchu. I am a retired public servant doing some small business in Meru.

The Commission Secretary (Ms. Nyaundi): Ambassador, in 1984, where were you working and in what capacity?

Mr. Zakayo John Kamenchu: I was working as a Deputy Secretary in the Office of the President at Harambee House. I was in charge of finance. At the time, among my other duties, I was coordinating famine relief in the country.

The Commission Secretary (Ms. Nyaundi): By virtue of that position, you were a member of the Kenya Intelligence Committee.

Mr. Zakayo John Kamenchu: I was not a member of the Kenya Intelligence Committee. There is a charter that established who was to be a member of the Kenya Intelligence Committee. It was a committee of Permanent Secretaries and service heads, including the Director of Intelligence. So, I was not a member of the National Intelligence Committee.

The Commission Secretary (Ms. Nyaundi): But you appear to understand its mandate and its composition. As a public service official, did you understand what the mandate of that committee was?

Mr. Zakayo John Kamenchu: I understand how the committee operated because some years later as a Permanent Secretary in the Ministry of Home Affairs, I was a member of both the National Intelligence Committee and National Security Committee.

The Commission Secretary (Ms. Nyaundi): Based on your membership when you were a Permanent Secretary, what were the operations of the National Intelligence Committee?

Mr. Zakayo John Kamenchu: As I said, there were a number of Permanent Secretaries who were members like the Permanent Secretaries in the Ministry of Home Affairs, Foreign Affairs, Finance and Information and then service heads. Intelligence normally is a matter pertaining to security in the country which can cover all kinds of things like

crime and famine; generally, the things that make people satisfied in the running of the country. There are professional gatherers of this information. It is a day-to-day kind of thing, even now as we sit here.

The Commission Secretary (Ms. Nyaundi): Therefore, because you say that they were an intelligence gathering, my understanding is that in Government structure, there is always a ministry responsible for internal security. As someone who has served in the membership of the National Intelligence Committee, what was the relationship between that committee and the Minister in charge of Internal Security?

Mr. Zakayo John Kamenchu: The business is really to brief the Minister and eventually the President on what is happening in the country. This is very essential, so that the Government is aware of the pulse of the country. Whether people are satisfied or dissatisfied and how some of the problems may be addressed.

The Commission Secretary (Ms. Nyaundi): In a manner of speaking, the National Intelligence Committee has the ear of the Minister in charge of Internal Security?

Mr. Zakayo John Kamenchu: I would understand so.

The Commission Secretary (Ms. Nyaundi): What is the relationship between the National Intelligence Committee and the Provincial Security Committee?

Mr. Zakayo John Kamenchu: I have been out of Government for close to 15 years, but then the Provincial Commissioner would be the chairman of the Provincial Security Committee. At the district level, the District Commissioner would be in charge of the District Security Committee. They would then frequently forward information to the chairman of the respective committees for purposes of compiling and briefing the Government and copies would be provided to other Permanent Secretaries or other organs that are involved in security matters.

The Commission Secretary (Ms. Nyaundi): Just so I understand clearly, does the Provincial Security Committee communicate to the National Intelligence Committee or does it communicate directly to the Minister in charge of Internal Security?

Mr. Zakayo John Kamenchu: The Office of the President which used to be in charge of all these things had a secretariat where they would compile the information for purposes of briefing the PS in charge of Provincial Administration and Internal Security who would then decide on the next course of action. I believe he would then brief the minister and the other organs of the Government that needed to know.

The Commission Secretary (Ms. Nyaundi): Who was the head among the Permanent Secretaries and the other members of the National Intelligence Committee? Who was the head of the National Intelligence Committee?

Mr. Zakayo John Kamenchu: This has differed from time to time. When we got independence, it used to be the PS, Ministry of Home Affairs. However, over time, this was transferred to the Office of the President to what is now called Provincial Administration and Internal Security.

The Commission Secretary (Ms. Nyaundi): In 1984 based on knowledge and information that you may have, who was the head of the National Intelligence Committee?

Mr. Zakayo John Kamenchu: There was the Director of Intelligence, but at the time, my PS was Samuel Mathenge.

The Commission Secretary (Ms. Nyaundi): So, would you say for the National Intelligence Committee then, the convener was Mr. Mathenge?

Mr. Zakayo John Kamenchu: He had the secretariat to support him, but that was not my schedule. I cannot know how he used to run it.

The Commission Secretary (Ms. Nyaundi): The only information I sought from you was the membership and the convener or the chair of the Intelligence Committee.

Mr. Zakayo John Kamenchu: I have said that when I was PS in the Ministry of Home Affairs, we used to meet at Harambee House. There was a secretariat with an officer of an undersecretary level who was doing that business and he was referred to as Under Secretary, Security. I have seen that you have summoned him; he was called Mr. Mwangovia.

The Commission Secretary (Ms. Nyaundi): In 1984, you were the Deputy Secretary. Our records show that you were part of a delegation that went on a trip to the northern part of the country in February that year. Could you, please, confirm that?

Mr. Zakayo John Kamenchu: There is a background to that because 1984 was a very bad year, in terms of famine in this country. Our President even appealed for external assistance of famine relief to help the country to beat the problem. In February, a team visited the northern part of Kenya. I cannot confirm whether the date was 8th but I do know for certain that we visited the northern part in February to see how the situation was. Cattle were dying, water was scarce and there was no food and so, we went to assess the situation. We visited Mandera for two days and then we went to Wajir, Garissa and Tana River and did the same. In each case, there were all those national officers and the District Commissioner and his team at each of those districts as well as the Provincial Commissioner at the province. The situation was very bad. It was later on declared as a national disaster. That was the purpose of that trip. I was a member of that trip.

When we came back, I had a system as a person coordinating famine relief where I was in touch with all the provinces. I prepared a cabinet paper and took it to my PS. After reading it, he told me to pass it to Minister Mohammed who was then Minister of State

for cabinet to discuss. That was done and we began the operation of providing famine relief throughout the country.

The Commission Secretary (Ms. Nyaundi): In that trip where you went to Mandera, Garissa and Wajir, can you remember the other people on that trip?

Mr. Zakayo John Kamenchu: You know, it is 27 years ago but I recall that our leader was my PS, Mr. James Mathenge. We had David Mwiraria who was then PS, Home Affairs. We had Mr. John Gituma who was PS Information, Bethwel Kiplagat who had just returned from London as our High Commissioner and had been deployed as PS, Foreign Affairs. It was a very good opportunity for him to familiarize himself with the country. We had Brigadier Kibwana who later on became Chief of General Staff, Mr. Gatui who was from Police Headquarter and Mr. Mwangovia. It was a large team and we were using military aircrafts to ferry us around those areas. Those are some of the people I can remember.

The Commission Secretary (Ms. Nyaundi): I notice that a number of them came from different disciplines. You had people from police and the military. Would it be correct to say that the trip had many objectives apart from addressing the famine situation?

Mr. Zakayo John Kamenchu: When you have a trip like that, all kinds of issues come up. Officers on the ground are interested in knowing what is happening in Nairobi and we were also interested to know what was happening on their ground. We discussed security, education, famine relief and the welfare of the people. We even visited a place where officers were making an effort to plant trees so as to have a forest. We were interested in such kind of things.

The Commission Secretary (Ms. Nyaundi): We have heard a number of witnesses who have appeared before the Commission and just looking at the composition of the delegation, one can safely assume that one of the matters of interest and concern to the team was security in the northern region. Is that so?

Mr. Zakayo John Kamenchu: Yes, of course. Security was of paramount importance in the northern part of Kenya because there was emergency and the *shifita* problem earlier. I had worked in that area as a District Officer and it was very peaceful.

The Commission Secretary (Ms. Nyaundi): Could you, please, confirm that you were present when you visited Wajir.

Mr. Zakayo John Kamenchu: Yes, I was part of the team.

The Commission Secretary (Ms. Nyaundi): You were part of the team that visited the Acting District Commissioner's office on the 8th of February 1984 in Wajir?

Mr. Zakayo John Kamenchu: I cannot be sure of the date, but the Government representative in the district at that time was the District Commissioner. He is the one

who could coordinate activities of a group like that. He was the one we would rely on as the chief representative of the Government in that district to brief us on what the position on the ground was, on security, education, roads, water and many other things. He has also had team in the district who regularly met to review these things.

The Commission Secretary (Ms. Nyaundi): Mr. Tiema who was the Acting District Commissioner appeared before the Commission on Monday this week and confirms what you are saying. He said that he did present a brief to the delegation of which you were part of and he gave you the general position in Wajir South; Wajir East and Wajir West. Do you recollect that Ambassador Kimenchu?

Mr. Zakayo John Kamenchu: I cannot recollect the contents of the brief, but it is a natural thing in such kind of visits where he would have a brief ready.

The Commission Secretary (Ms. Nyaundi): When you reflect and try to remember your visit in Wajir with that delegation, do you remember having a discussion around the measures that had been taken to disarm in particular, the Degodia Community in Wajir?

Mr. Zakayo John Kamenchu: I cannot remember the details, but it has always been a concern even now about people illegally having guns and causing insecurity should be disarmed. In fact, the Government has been very soft about it. They give ultimatums; later on, persuade people that they surrender their arms. It was certainly one of those things we would express concern considering that, that area was a security area, so that would have been a paramount agenda.

The Commission Secretary (Ms. Nyaundi): You say the membership there was Permanent Secretaries. You yourself were a Deputy Secretary and would it be right to say that the people on that delegation were decision makers?

Mr. Zakayo John Kamenchu: Yes but depending on the level of decisions. There are decisions that can be made by a District Commissioner, District Officer, PS or a chief and there are some decisions that may require cabinet clearance.

The Commission Secretary (Ms. Nyaundi): Just to go back to the people who were present, apart from the district level representatives, we have heard that members of the Provincial Security Committee were also present at that meeting on the 8th of February 1984. Would you recollect and confirm that the Provincial Commissioner, Mr. Benson Kaaria was present at that meeting?

Mr. Zakayo John Kamenchu: Yes, Ben Kaaria was present because he was in charge of the province. It would have been out of protocol for us to visit the province without him knowing because he was the chief representative of the Government in the province. He was there and he was our host.

The Commission Secretary (Ms. Nyaundi): Can you also confirm that minutes of that meeting would have been taken?

Mr. Zakayo John Kamenchu: I believe so, although I do not remember seeing a copy.

The Commission Secretary (Ms. Nyaundi): As we are discussing the practice and procedures of high level people coming down to the district, you will find serious issues being discussed. What was the practice of the Kenya Intelligence Committee? Would you receive information and make decisions there or would you retreat to Nairobi and then communicate your thoughts and decisions on the issue?

Mr. Zakayo John Kamenchu: I do not remember any decision being made on exactly what to do and when we came back to Nairobi, my business was to deal with famine relief and I have told you what I did. I did not have the privilege of attending meetings of National Intelligence Committee or National Security Committee at that particular time, so I do not know what they did with the information that they might have gathered.

The Commission Secretary (Ms. Nyaundi): When Mr. Tiema appeared before the Commission, he mentioned that part of what he briefed you on was that certain measures had been taken to deal with the security situation in Wajir. One measure was to detain people who had been identified as leaders of the community. Another measure was to deny access to the water wells both for the animals and for domestic use. Did you hear that brief in Wajir?

Mr. Zakayo John Kamenchu: I cannot vouch for that, but I know the problem of water in Wajir. It is one of the districts that do not have a single river crossing. There are boreholes and water wells that sometimes cause people to fight. I cannot vouch about the details you are asking me because of the time that has gone. Yes, the problem of water is there and it will take a long time to solve it.

The Commission Secretary (Ms. Nyaundi): Actually, it was Mr. Tiema who was the source of this information and he mentioned that you were present at the meeting and, therefore, we are seeking confirmation. One of the other things that Mr. Tiema mentioned to us was that it was their observation and concern as the District Security Committee that the Degodia were not responding well to the disarmament. Therefore, there needed to be action because there were concerns around security. Do you remember that briefing by Mr. Tiema?

Mr. Zakayo John Kamenchu: I cannot vouch for that, but there were tensions occasionally between the various clans like the Arjurans, Degodia and the Borana on the other side. In 1974 and 1975, I worked in a place called Modogashe in Garissa as a District Officer. This borders the Eastern Province side where we have the Boranas and Merus. On the northern eastern side, I was bordering Wajir near Abwaswein and Degodia were not very far from there. Some of my staff were Degodias. Occasionally, there were clan conflicts because of water. I remember one time in Modogashe; the Borans told the Somalis not to look at their dances. So, those kinds of things were there occasionally.

The Commission Secretary (Ms. Nyaundi): Mr. Tiema also mentioned to us that a decision was then made on the 8th of February that males of the Degodia Community would be rounded up and interrogated, so that they would surrender any ammunition that they had. Do you remember or recollect that discussion or that decision being made?

Mr. Zakayo John Kamenchu: No, I do not.

The Commission Secretary (Ms. Nyaundi): You then left Wajir and went to Garissa and then I assume you proceeded back to Nairobi?

Mr. Zakayo John Kamenchu: From Mandera, we went to Wajir, Garissa and then we crossed over to Tana River and then came back to Garissa and wound up before returning to Nairobi.

The Commission Secretary (Ms. Nyaundi): From the time you departed from Wajir, after how many days did you get back to Nairobi?

Mr. Zakayo John Kamenchu: I think it took between three days and a week.

The Commission Secretary (Ms. Nyaundi): We have heard testimony that beginning on the 9th of February and almost for an entire week in Wajir where you had visited, men were rounded up from various parts of Wajir and taken to the Wagalla Airstrip. Did you at any time hear or get information of that operation?

Mr. Zakayo John Kamenchu: I am very sorry to hear about that. I never heard of it at the time, but some years later when I was in Foreign Affairs, Bethuel Kiplagat who was our PS briefed us on how we should be treating our people properly because this affects our image. He was giving us an example of the ambassadors of the Western bloc based in Nairobi who had called on him to protest about the Wajir Massacre. That was the only time I heard about it and the other times was when I read about it. When it happened, I was not in the security area; so, it never occurred to me.

The Commission Secretary (Ms. Nyaundi): When did you receive the briefing? What year was it? I assume you were then an ambassador; so, can you remember what year was that?

Mr. Zakayo John Kamenchu: We have ambassador's conferences every two years. I joined the diplomatic service in 1984. We had one and I think the next one was in 1986. I think that was the time.

The Commission Secretary (Ms. Nyaundi): Can you remember the briefing that you were getting as ambassadors; was it in 1984 or in 1986?

Mr. Zakayo John Kamenchu: I strongly feel that it was in 1986, but it was just one of the things we were told about how we should take care of our image and behave properly. It was not a central part of our discussions.

The Commission Secretary (Ms. Nyaundi): I believe as ambassadors, you may have had very many issues to tackle. I am very interested to know and understand when Ambassador Kiplagat was giving you directions that we must treat our people well, what did you understand that to mean?

Mr. Zakayo John Kamenchu: The purpose of Foreign Service of any country is to create a good image for that country. So, it was within his responsibility to tell us how we should create a proper image in the world community.

The Commission Secretary (Ms. Nyaundi): Did he disclose to you when the diplomats of the Western bloc had confronted him? Did he tell you what time that had been? Was it soon after the incidence or sometimes later?

Mr. Zakayo John Kamenchu: I do not remember him going into details because it was not a central part of our discussion but it was just one of those things one mentions. He just told us that there was that incidence where diplomats visited him to discuss or protest about that particular incidence.

The Commission Secretary (Ms. Nyaundi): I am sure he shared with you the incidence that had happened. Could you confirm that, that was the Wagalla Airstrip incidence? Was that the incidence he was sharing and giving you advice on?

Mr. Zakayo John Kamenchu: Yes, he mentioned Wagalla.

The Commission Secretary (Ms. Nyaundi): Did he give you advice? I imagine he was your senior in the ambassadorial service; so, did he give you counsel on how if such an incidence were to happen, how you should brief people with the aim of protecting the national image?

Mr. Zakayo John Kamenchu: It was his responsibility to coordinate us in protecting the image of our country and he was doing this within his responsibilities.

The Commission Secretary (Ms. Nyaundi): I would wish for you to tell the Commission what was his specific counsel to you as ambassadors. How should you deal with situations such as these? Did he give you specific counsel?

Mr. Zakayo John Kamenchu: It was not a one day thing and I think it still takes place. Every two years, all our ambassadors come home and you get a full secretariat noting whatever you are discussing. You have an agenda and you may have various Government experts or even parastatals or people in private sector that may have something to contribute to our image. For example, I remember one time, we went to visit KPCU to familiarize ourselves because coffee was such an important crop to us. We also visited tourist areas. So, it was a full briefing; it was not a one day kind of thing. We used to be put in touch with reality, so that we were able to speak about our country with confidence

and deep understanding. Notes would be made and we could also read them for purposes of refreshing.

Notes would be made and then we would also read those for purposes of refreshing your mind.

The Commission Secretary (Ms. Nyaundi): Thank you Mr. Kamenchu, I was only interested because we have received information that the ambassadors confronted Ambassador Kiplagat then and sought an explanation on the role of the Government in the Wagalla massacre. Therefore, our interest, or my specific question was ambassadors advice to you as to how you should deal with difficult situations when foreign ambassadors are asking you difficult questions about the possibility of the Government having played an active role in a massacre. Was that the specific counsel they gave to you as ambassadors?

Mr. Zakayo John Kamenchu: No; as I said, this was just a by the way; you know that this incident was there; it was not a major subject of discussion. It was not even in the agenda; as you explain things, something comes up and you say this and that happened. So it was not a major thing; it was not even in the agenda. It was just one of those things that one mentioned as an example.

The Commission Secretary (Ms. Nyaundi): Thank you very much Mr. Kamenchu; that is all from me. Please, be patient; the commissioners will ask you a few questions.

The Presiding Chair (Commissioner Shava): Thank you very much, Leader of Evidence. I will start on my right; Commissioner Dinka.

Commissioner Dinka: Mr. Kamenchu thank you very much for your testimony. I have one question. At the beginning of your testimony you mentioned how when the PC and the security committee sent reports to the Kenya Intelligence Committee or National Intelligence Committee as you called it, then the reports would be copied to all the members and sometimes would be sent to the President, depending upon the gravity of the situation. Now, have you in that case received any report, not necessarily the minutes of 8th February, 1984 which you said you have not seen, but any report regarding Wagalla, whether it originated at the DC's level or the PC's, PSC's level; have you ever seen any in your capacity as a member of the intelligence committee?

Mr. Zakayo John Kamenchu: I need to correct you; at the time these things happened or are alleged to have happened, I was not a member of the intelligence committee; it was later on after even I had left the foreign service that I became a member of the intelligence committee. Now, when I was a PS, Home Affairs, and member of the intelligence committee I would get copies of the reports that were directed to the PS, Internal Security. I would get copies of the reports on various things, and that was common with the other members of the intelligence committee, so that when we went for a discussion we would have an idea. At no time have I ever received a report about the

Wagalla massacre; I was not supposed to receive it, because it was not on my schedule; I had not reached that level at that time.

Commissioner Dinka: After you became a fully fledged member of the NIC did you have any access to anything having to do with Wagalla, or any file after that?

Mr. Zakayo John Kamenchu: No.

Commissioner Dinka: Now, in 1986 when you became an ambassador and you came for the ambassadors' conference and Ambassador Kiplagat was briefing you on probably how to explain things, or some situations in your country, to foreign Ministries and different foreign embassies; was he mentioning Wagalla only as a case in point on which the foreign ambassadors came and protested to him and then stopped. Was there any ambassador who was curious enough to say, "What is Wagalla? What are you talking about?" Did he explain it?

Mr. Zakayo John Kamenchu: As I was saying, this was kind of incidental really, and nobody would interrupt the speaker when he was speaking. So, it was within what he was saying; he just mentioned this as incidental; just as he was mentioning about our tourist facilities, about our own people, about education facilities for our people in the country. We were representing our people. As I said, it was not in the agenda.

Commissioner Dinka: Even if he said it as a by the way, was it not curious for a collection of ambassadors, who had not heard of Wagalla before, for somebody to mention something about the Wagalla massacre, and he was not asked what it was? This was after all a closed door briefing between ambassadors, who had access to high clearing security issues! You do not remember or you really think no ambassador asked: What is this Wagalla issue?

Mr. Zakayo John Kamenchu: I do not remember anybody raising that issue.

Commissioner Dinka: I want to go back to February 8th, 1984; you said you do not remember the date, but you remember the meeting in the DC's office. Who chaired that meeting?

Mr. Zakayo John Kamenchu: Naturally, it would be the PS, Provincial Administration and Internal Security.

Commissioner Dinka: Ok; if you remember that the PC actually chaired the meeting and the ---

Mr. Zakayo John Kamenchu: No; No; Permanent Secretary, not Provincial Commissioner!

Commissioner Dinka: It was the Permanent Secretary, Ministry of Provincial Administration and Internal Affairs who Chaired it?

Mr. Zakayo John Kamenchu: Yes, if I remember correctly he was the one who chaired it. I mean when he comes, protocol requires that he is the one who takes charge of the discussion and the briefing.

Commissioner Dinka: You do not remember anything about the Degodia clan causing trouble or refusing to hand over guns? You do not remember any of those?

Mr. J. M. Kamenchu: Now, those guns were there, whether with the Degodias or the Merus; we have a lot of guns in this country; so, the Degodia are no exception. We have a lot of illegal guns and every time the Government is appealing to the people to surrender them. In fact, it is a concern in much of East Africa and Central Africa; illegal guns are in the wrong hands, and the appeal by the governments to the people to surrender guns is common. So, the Degodia are no exception.

Commissioner Dinka: No; no; I am not talking about Degodias being an exception or the only focus of the Government. What I am asking you is very specific; in that meeting which you attended in the DC's office, which was chaired, as you said, by the PS of your Ministry, no issue of guns surrender by the Degodia or any other clan was raised? You do not remember?

Mr. Zakayo John Kamenchu: I said right from the beginning that this was a thing that would come up and then emphasis would be put on asking the people with these illegal guns to surrender them. So it must have been part of what was said.

Commissioner Dinka: Was it there or you are guessing?

Mr. Zakayo John Kamenchu: It is natural; what is the purpose of a Government? It is security. So, when you have insecurity you have to find a way of restoring security and this security is threatened by people who hold guns illegally. So it is natural as part of Government duty, which we were representing, to talk to people with illegal arms to surrender them. At the grassroots level, the DC is the one with these people and if--- I do not know if you are a Kenyan, but if you read our newspapers quite often you will see this; we are always appealing to people to surrender guns. The purpose of any Government is security.

Commissioner Dinka: Mr. Kamenchu, I totally agree with you that the Government is responsible for the security of citizens and the country and to take away unauthorized firearms and so on. My question is very specific; was that discussed in that meeting, and was the name of the Degodia clan mentioned in that connection?

Mr. Zakayo John Kamenchu: I would request that the secretariat of this commission try to access the minutes of that meeting then you will be able to ascertain whether actually the point you are asking about was addressed.

Commissioner Dinka: Probably we have already; thank you very much.

Commissioner Farah: Mr. Kamenchu I would like to commend you for coming before us to testify before this commission. I also would like to commend you for your personal achievements in the service of our nation. In 1984 you were a Deputy Secretary; later on you rose to Permanent Secretary, and then you became an ambassador to represent this country outside. That is no mean achievement; so, I commend you for that.

But Mr. Kamenchu, I would like to tell you two things. The first is that this is a very serious commission trying to unravel atrocities committed against our people from 1963 to 2008. As a senior retired officer, it is your responsibility to assist this commission to get to the facts because that is what we are after. The second thing that I want to tell you is that any information you give us will not be used against you in any other proceedings in future. The purpose of this commission is to say the truth, so that this nation can put its bad history behind itself, and so that we can move forward with our new Constitution. Please do not be tense; relax and try to jog your memory and please give us the truth as much as you can.

Now, the National Intelligence Committee on the 8th February, 1984 went to Wajir; you gave us the names of all those people who were members and went; you said you were not a member but I can see that you were sent by PS Mathenge who was the PS in the Office of the President in charge of internal security, and you were a Deputy Secretary responsible for alleviation of poverty via famine relief and distribution of food to those who needed it. You have also told us that particular year was a drought year. You flew in a Buffalo aircraft. You flew to Wajir, you landed and you were received by the Provincial Security Committee and the District Security Committee. From the airstrip you went to the DC's boardroom, you sat and you discussed many issues concerning internal security of this nation.

Before I go to other issues, Mr. Kamenchu, what discussions were undertaken particularly with regard to famine relief and alleviation of the people's suffering, which was your docket in that particular meeting and what decisions were made?

Mr. Zakayo John Kamenchu: I take it that this is a very important and serious commission. That is why our MPs created it. That is why tax payers are paying for it. I take it as a very serious one and I think it is a very good approach it unravels where we have inflicted wounds on each other, either as people in authority or those not in authority, so that we can heal. That I take is very important and I want to help you very much. I am not tense; I took an oath here to speak the truth, nothing but the truth and that is what I am doing.

Commissioner Ahmed Farah: Answer the question which I asked you.

Mr. Zakayo John Kamenchu: I would like to correct something; the Provincial Security Committee did not meet us in Wajir. Our first destination was Mandera and they became part of us. We visited places, the rural Mandera, places like Ramu in Mandera; a number of those places we visited with them; so we became part of the team all through. So when

we left Mandera we left the District team there. When we came to Wajir we joined the District team there. But understand that we were with members of the Provincial Security committee all through, even after Wajir; so; they became part of us. They were the ones who were connecting us with the District Security Committee.

Commissioner Ahmed Farah: That is why I mentioned the Provincial Security Committee, the District Security Committee and you members of the KIC met in the boardroom of the DC, Wajir. I am concerned particularly about the DC; I am not interested in Mandera; I am talking to you about the meeting of the 8th of February in the DC, Wajir, boardroom, where you, as the representative of the PS, office of the President, presumably you accompanied them because it was a drought year. There was maize to be distributed and food to be accessed. What I am asking you, and answer the question please---. Remember the question; the question is, in that meeting, what drought alleviation did you discuss and what decision did you make in that boardroom?

Mr. Zakayo John Kamenchu: If I take you back to what I said, we noted the seriousness of the famine. That was, in fact, why we had gone to get information. When we came back to Nairobi I crafted a Cabinet Paper with recommendations on what to do and I took it to my boss who looked at and then told me, “Now take it to the Minister to sign so that it can go to Cabinet for processing”. After that we began distributing food in Wajir and other areas with the support of the army.

Commissioner Ahmed Farah: I am still not interested in what you came to do in Nairobi after you visited; I am interested in the proceedings in the board room in the DC’s office. Surely, you cannot come to Nairobi and formulate a Cabinet Paper without having discussed something in that boardroom.

Mr. Zakayo John Kamenchu: We noted the problem, that is what I had said. Wajir was one of the districts from which we were gathering information. I was in touch with our provincial commissioners who were providing me with information on the famine relief situation in the country. So Wajir, among others, was the subject of my paper, but there was nothing we could do about that particular thing. It was part of information gathering. Getting first hand information on the seriousness of this matter such as; that cattle were dying in droves because of drought, people were suffering because of drought, and we got the people on the ground who told us the same, we went around, we saw. So it was part of information gathering.

Commissioner Ahmed Farah: Thank you very much Mr. Kamenchu. In that boardroom really, the information was that the cattle were dying for lack of water, the need for food to be given to the public; all that was what was discussed?

Mr. Zakayo John Kamenchu: You know when you visit people you ask them how they are, particularly this kind of thing, and how is development here and there. So, that was among many other things we discussed.

Commissioner Farah: Thank you very much, Mr. Kamenchu. Now let me come back to the other--- because drought, famine relief alleviation, all that is a security issue. Now you mentioned something like the other security issue about guns being held by clans and how it was to be tackled. Can you, please, I am begging you on this, reflect back because you are helping us, what was discussed in that boardroom again to do with the guns that were being kept by the clans and what was to be done about it?

Mr. Zakayo John Kamenchu: I am more than happy to help you, but I will just repeat the same thing I said, that guns were held illegally and it was our appeal that they be surrendered and the people on the ground, the District Commissioner and his team were continuously to continue getting people to surrender these guns. As I was saying even today, it is still being done not only in Wajir but throughout the country where there is this menace.

Commissioner Farah: No, I am not interested in the--- I am talking about what happened on the 8th of February, 1984 in the boardroom of the DC; you were the Deputy Secretary sent by the Permanent Secretary, Internal Security. Presumably, you were not only taking notes about how many bags of maize to be sent to people and what have you, because that was a security problem also, but also about clans and the guns they were holding, because that was also another security problem. You were hoping to come back to Nairobi to report to your PS, Mr. Mathenge. I am trying to jog your memory for you to try to remember the kind of things that were discussed and any decisions that were arrived at in that boardroom regarding disarmament of the clans.

Mr. Zakayo John Kamenchu: You will forgive me; I feel you were not alert when I was speaking. I was with my Permanent Secretary on that trip; so, I was taking notes and he too was taking notes. We received more notes and others were taking notes. So, when we came to Nairobi I took the decision which I said I made. I wrote a Cabinet Paper and took it to him; he read it, he was satisfied and he told me to pass it to the Minister for signature.

Commissioner Farah: I was paying attention; in fact, it was the person who was assisting the PS that I am trying to elicit information from, the PS is not here. Whether he was with you or not, you went there and you still have not told me what decision was made to disarm the people or what was discussed. My other question, because this one you seem not to be answering is; if you received the report from the joint PSC/DSC to you as the members of the KIC, could these commissioners have the privilege of having that report which was handed over by the DSC and the PSC to the KIC? We have read it? Please, remember again what decisions you arrived at.

Mr. Zakayo John Kamenchu: It is 27 years ago; I have jogged my mind, and have told you what I can remember.

Commissioner Farah: Thank you very much; I have no further questions.

Commissioner Chawatama: Thank you Sir, for taking the time to come and give your testimony before us. I would like to know, you said that you served in the northern region from, was it 1974?

Mr. Zakayo John Kamenchu: Yes, 1974-975; that was North Eastern Province.

Judge Chawatama: So you were there for a year?

Mr. Zakayo John Kamenchu: About two years; I registered voters. I also supervised voting in--- Actually I was in Garissa, but I remember we registered voters in 1974 and when it came to elections, I was a presiding officer in one of the stations in Wajir.

Commissioner Chawatama: Did you enjoy your stay in North Eastern?

Mr. Zakayo John Kamenchu: Yes, very much.

Commissioner Chawatama: Did you have some fond memories of being in that place?

Mr. Zakayo John Kamenchu: Yes, I had friends. That time there was really no problem; when we were going to register voters, we would just go and because the people are nomadic and keep on moving we would go to *manyattas* and spend the night there, so that the following morning we would then register them. In a very friendly manner, we would drink milk, joke and do all those kind of things. Then it happened also that my birth place more or less neighbours that area; we have the kind of things they like such as *miraa*, coffee. I used to carry coffee berries to some of my friends which they used for some of their functions. There is a way they make coffee with honey and they enjoy it. So I made very good friends.

Commissioner Chawatama: I am so happy to hear that because as we travelled throughout the region one of the things that we heard was how unhappy civil servants were in that region, and that transfers to that place come as a punishment and really you did not do well to serve the people. I am happy that you have fond memories of that region. Coming to my next question, then help me understand how having lived there for two years the happy memories that you have shared with us--- When you went back you do not seem to recall anything about the place. You do not recall what was discussed in the meeting, you do not recall what Ambassador Kiplagat shared with you, because I would have thought maybe amongst all the ambassadors who were gathered, having served in that region, and having gone there just before the massacre you would have gotten instantly what happened after you left, after you went there to assess the famine situation. How is that possible, Sir?

Mr. Zakayo John Kamenchu: Now there are Government functions; Mr. Kiplagat was playing his role to ask the DC what actually happened, to satisfy curiosity, to address the problem of how it arose and how it should be---

Commissioner Chawatama: Let me help you a little bit, because I do not think you have understood what I am asking you. You had lived in, and you have very fond memories of, North Eastern; you had lived there, you had friends there. So when Ambassador Kiplagat in 1986 mentioned Wagalla you were not curious to find out what had happened in Wagalla? This is my question and I think this one is a follow up to the question that Ambassador Dinka asked you.

Mr. Zakayo John Kamenchu: Ok; I did not ask but that does not still diminish my fond memories of the area.

Commissioner Chawatama: Secondly, I am trying to understand how you went to Wajir and in assessing the famine situation I would think that one of the things that you would really take note of was, are we going to come back to a safe place? Are we going to distribute food in the same--- Again your lack of assessing what was on the ground, including the fact that there was a curfew is also mind boggling. You want us to believe that you do not have any information as to the security obtaining at that time in Wajir; some of the things that were happening, the tension, the curfew?

Mr. Zakayo John Kamenchu: Are you through? Now, as I said, I had worked in that area. Even at that time we were distributing famine relief food; so, it did not seem to me that a problem would be there that--- our officers on the ground would find it impossible to distribute food. In any case people are needy; they are informed and they come for it. I am not aware of an incident where unruly people kind of attacked food convoys meant for the benefit of the people. So, it was a welcome thing and whatever the case, people welcomed that assistance. It did not appear to me like an impediment; distribution of food was possible.

Commissioner Chawatama: Could you help me? I need some understanding on this. I am taking you back to the ambassadors' meeting, where you said that one of the things Kiplagat said to those who were gathered was to exercise care in the treatment of the people; did you understand there and then that there had been mistreatment of people?

Mr. Zakayo John Kamenchu: As I was saying this was an incidental remark, that he was making in the course of the advice he was giving to us; he said it among other things. There was nothing spectacular or exceptional about it. It was not, as I said, an item in the agenda; there was no discussion on Wagalla massacre or that kind of thing; it was just a coincidental remark. I said this in the context of; when did I hear of Wagalla massacre? It was when he made that incidental remark.

Commissioner Chawatama: Thank you so much.

Commissioner Slye: Thank you so much Mr. Kamenchu; I want to start by repeating what my colleague and Commissioner Farah said earlier, which is that none of you had a chance to look at the Act particularly Section 28 of our Act. Anything that you say here or any evidence you give here cannot be used against you in either criminal or civil proceedings. What I mean is that evidence that is not part of you could not be used in

such a proceeding. I would like to ask you specifically about that meeting in February, 1984 in Wajir. Do you remember how long that meeting lasted?

Mr. Zakayo John Kamenchu: I can only estimate it was about an hour, because after the meeting then we went to the field to see the situation. I can estimate but I cannot be sure.

Commissioner Slye: So the meeting lasted approximately an hour; can you remember anything specifically that was said or discussed during that hour?

Mr. Zakayo John Kamenchu: Yes, I said primarily security, general development, but maybe the commission can also use its position to get information on that meeting from the PS, Office of the President, who will get it from Wajir.

Commissioner Slye: Thank you, Mr. Kamenchu. We actually have been able to extract some information about that meeting. I think we were here interested in what your memory of that meeting is. So, you say that famine relief, development and security were discussed; can you give us any more details with regard to what was discussed during that one hour meeting? Can you give us any more information about what was discussed about security in that meeting?

Mr. Zakayo John Kamenchu: In that meeting, as in any other, we began with introduction of the members who were there. In our normal official meeting you begin by introducing members present in that meeting, so that they know each other.

Commissioner Slye: I am sorry Mr. Kamenchu, but are you saying in that meeting people introduced themselves, or this is what you expected? Can you get what specifically happened in that meeting?

Mr. Zakayo John Kamenchu: Of course they introduced themselves.

Commissioner Ronald Slye: So you remember them introducing themselves?

Mr. Zakayo John Kamenchu: Yes!

Commissioner Slye: What specifically do you remember about the discussion in that meeting about security?

Mr. Zakayo John Kamenchu: I will just repeat what I said. Famine in a country itself can precipitate a very serious matter in the security of the country. So, that was a central matter that was discussed. Then the question of holding illegal firearms which threatened security; so, it was urgent and there was a message that appeals should be made to the members of the public who were holding illegal guns to surrender them.

Commissioner Slye: If I understand you correctly, are you saying that in that meeting the issue of illegal arms held by members of the public was specifically discussed? Is that what you are saying?

Mr. Zakayo John Kamenchu: Yes, illegal guns and then the other thing was general development of the area.

Commissioner Slye: And then with respect to the illegal guns, was any reference made to any specific clan, including the Degodia clan?

Mr. Zakayo John Kamenchu: Well, as I said that this is 27 years ago. I think in the absence of the minutes I may not be able to remember exactly which clans were specified as holding guns, but illegal guns tend to cut across many clans, which want to defend themselves.

Commissioner Slye: Do you remember whether the issue of clans was always discussed in connection with security issue?

Mr. Zakayo John Kamenchu: Well, as I said one thing was resources, particularly water. At that time the water shortage was acute. It causes, and was causing, tension. Some clans have their own wells where they feed their camels and animals. If others use it without their permission you can even have deaths resulting from that infringement. We discussed all these things as the cause of these tensions.

Commissioner Slye: When Mr. Tiema testified before us on Monday he said that the meeting that you attended made a specific decision with respect to security issues; with respect to the illegal guns, and that the male members of the Degodia tribe should be rounded up and interrogated. Do you remember the discussion that led to that decision? Do you remember that decision or do you deny that such a discussion or decision took place or do you have no memory at all of that discussion?

Mr. Zakayo John Kamenchu: I have no memories of that discussion.

Commissioner Slye: So you have no memories of a discussion about the Degodia clan, with respect to rounding up individuals and interrogation for illegal gangs?

Mr. Zakayo John Kamenchu: I have no specific information on that. However, let me let you know that I have friends who are Degodia. I had staff who were Degodias when I used to work there. They are comparable to any other community. I do not remember them being singled out there. You can refresh your memory by looking at the minutes.

Commissioner Slye: The last issue that I want clarity on is, if I understood your testimony correctly, you have not heard anything about what we now call the Wagalla massacre until 1986 at this ambassadorial briefing that Amb. Kiplagat hosted; is that correct?

Mr. Zakayo John Kamenchu: Yes. I remember I heard about it.

Commissioner Slye: So, if I understand you correctly, Amb. Kiplagat made reference to, “We need to treat our people well” and his answer specifically mention the word, “Wagalla”; is that correct?

Mr. Zakayo John Kamenchu: Yes, he did. Of course, among other things but he did because he was giving an example. You know there was this incident which was not good and the diplomats from the western block had called on him to protest that particular incident.

Commissioner Slye: So all that he said was that there was an incident at Wagalla and we need to treat our people well. Is that all the information that he gave you?

Mr. Zakayo John Kamenchu: Yes. It was not an agenda in our discussions. It was an illustration that we should shape up because other people were looking at how we were running our affairs.

Commissioner Slye: I understand that it was not part of the agenda, but obviously it was significant enough for you to remember it 25 years later. What I understand is that when he made that somewhat thin reference to Wagalla--- That was a suggestion that we need to treat our people better, what did you understand Wagalla to mean?

Mr. Zakayo John Kamenchu: I have no more to say than what I have told you.

Commissioner Slye: What lesson did you derive from the advice that he was giving; that we should be concerned about things like Wagalla, we should treat our people better? What lessons did you learn from that based on something that, as I understand your testimony you really had very little idea about?

Mr. Zakayo John Kamenchu: We should treat our people better to shape our image for the goodness of this country.

Commissioner Slye: Treat your people better than what? What was the comparison that he was trying to bring to your attention, that you should be treating your people better? I assume that you can recollect that what he was referring to were the people of Kenya; for example, as your own staff in your embassy. What is it you understand had not been done well that should now be avoided?

Mr. Zakayo John Kamenchu: Probably that would be answered in the context of the whole politics of the country. You know, I think we are very dynamic people compared with others. There is always a lot of politics in our country. There are people demonstrating and all kinds of things happening. The idea is we should behave properly and do things properly. Because of power play, people may create situations where they may want attention. They may be genuinely concerned about certain treatment. You have

to read our whole history like when there were demonstrations. This is always happening in our country. So, the advice from Kiplagat is that we do our best to shape our image.

Commissioner Slye: I am just going to ask one last thing, and then I will finish. What specifically did you understand the incident of Wagalla to mean when Amb. Kiplagat was using that as an example? If I understand your testimony correctly, it was an example of how Kenya should not treat its own people. Amb. Kiplagat was trying to send the message that we should not do something like what happened at Wagalla; we should treat our people better. What did you understand had been done before that he was urging you and the country to avoid?

Mr. Zakayo John Kamenchu: We had had incidents in the history of Kenya. You can have people detained for doing the wrong or right things, I do not know. This causes criticism. So, the advice is, let us do things correctly to avoid being criticized unfairly.

Commissioner Slye: So, I am correct to conclude that you had no idea on what Wagalla was? When the example was given, you have no memory of what it was and that it had very little, if any, meaning to you; in fact, when he said that you thought about things like detention and other bad things, but the incident of Wagalla had no meaning to you at that point?

Mr. Zakayo John Kamenchu: Well, it did not receive my attention because it had not been brought to my attention. I had not seen the seriousness of it. It was not within my schedule when I was in the Office of the President, because there were people who were dealing with security. When I was dealing with projects and famine relief, somebody else was dealing with that. It is not that I would not care about our people being hurt. I would care, if that is the image you are trying to create.

Commissioner Slye: I am not making a comment upon whether you care or not; I am trying to understand your memory about what happened or not and what your understanding is. I have asked you a number of times and I am not going to ask you again. So, thank you.

Mr. Zakayo John Kamenchu: Thank you.

The Presiding Chair (Commissioner Shava): Thank you very much Mr. Kimenchu. We have taken quite a while with you; so, we will not be much longer. I want to assure you that we will soon come to the end of this session. I just had a few questions and observations.

It is my observation that your testimony has been elusive. You still have very clear and sharp memories and you display a good knowledge of northern Kenya. You have understood that area and facts very well; the inter-clan conflicts, the topography, water, drought and tree planting. I have no doubt that you are familiar with the area in which you are working. Leading on from that observation, when you went back to Nairobi and prepared this Cabinet Paper, this meeting took place on the 8th and two days after the

situation began at the air field. You say that in your capacity as the focal point for famine relief, you were preparing and did, in fact, thereafter, distribute famine relief.

The meeting on the 8th was about fact finding. I think that the facts on the ground then changed dramatically by the time you reached Nairobi. Did this affect the way in which you planned your food distribution programme? The population had dispersed and people had moved to different places. The needs were probably different because animals had been destroyed. Did you change your recommendations or what did you do?

Mr. Zakayo John Kamenchu: First of all, I think it is important we get a working environment in Harambee House at that time. There were officers in charge of security who would be receiving briefing on a day to day basis on what was happening and what needs to be done. It was not in my docket to receive that information, and it was not necessary for the officer who was receiving that kind of information to brief me. He had his senior boss to brief.

Regarding change of logistics in terms of distributing food, we relied on our officers on the ground, the District Commissioners, the District Officers and the Chiefs who would also involve elders in distribution of food. People did not disappear. People were expecting the Government to help, and so I did not change tactics. To do that I needed to put in place a very different kind of infrastructure, but the infrastructure for distribution was there. The thing is we were going beyond normal famine relief food, because the President had declared famine a disaster in the country. Our friends and donors came to assist us. What we had in our stores was distributed. I can tell you the whole country had a very difficult time in that particular year. In fact, when I left for foreign service a whole secretariat was set up to deal with that situation. Some of them even became ambassadors as a result of success in that particular exercise. It was terrible.

The Presiding Chair (Commissioner Shava): Thank you very much. From that I presume that you judged the distribution of food operation there to have been successful.

Mr. Zakayo John Kamenchu: Yes, it continued.

The Presiding Chair (Commissioner Shava): I believe I heard correctly earlier on when you said that in the context of the discussion on disarmament, when you explained that guns are held illegally in many parts of Kenya and that this issue was not particular to any one community specifically the Dagodia. I believe I heard you say words to the effect that the Government had been quite soft on this issue, and ultimately resorted to persuasive measures. Could you expound on that?

Mr. Zakayo John Kamenchu: When I was in Government, we used to preach to our people; it is important to have peace and security for the development of the country. Without security you cannot do any development. We preached all the time good neighbourliness. I think slowly and slowly we are succeeding. The problem as it was in North Eastern at that time or earlier it used to be--- You have been to Mandera and those places recently. That time it was very difficult to move. You had to be escorted by the

army and the police combined. Convoys used to be organized. This was before I went there. It went down and as a result of this preaching and people understanding that the Government was caring for them, the curfew was lifted. I used to have my small car; I would move in the night from Garissa through Isiolo and find wananchi stranded. They asked me for tools to repair their vehicles. I was not armed and I was not escorted. That was a good response to the persuasion.

The Presiding Chair (Commissioner. Shava): Thank you. Those are interesting memories. I will take you back to the meeting when you landed in Wajir with the people that you have named. During that meeting which you said lasted an hour, was there any time that the delegation split up? Were there separate meetings held or was there just the one meeting?

Mr. Zakayo John Kamenchu: It was a team effort. We were all moving together.

The Presiding Chair (Commissioner Shava): So, it was just one meeting with all the persons you named?

Mr. Zakayo John Kamenchu: Well, if there are projects we are going to see, then the people in charge of the project would be there. We in Nairobi and a provincial team would go to a particular district. We would have the district team; they would take us around and brief us. Then we would move to the next district and that was how it was.

The Presiding Chair (Commissioner Shava): Now, in March 1984, were you still at the Office of the President?

Mr. Zakayo John Kamenchu: Yes. I was in the Office of the President until July 1984 when I left the country.

The Presiding Chair (Commissioner Shava): I would like to ask you two things relating to that period. Twenty seven years is a long time and we do not expect you to remember verbatim everything that happened. However, I will try and refresh your memory by reading something to you. This is a document that was generated by the Office of the President during that time. It reads like this:-

“Operations by security forces here have a daily routine and patrols have to be organized on a daily basis to track down bandits. Seeking the approval of the Minister before an operation is mounted will seriously delay action, making it too late to save a situation. The alternative would be to withdraw all the security forces and confine them to barracks. The PSC request the KIC to review the directive. In the meantime, the DIC seeks clearance to continue with operations as before, but was to keep the KIC informed of the progress of such operations”.

The directive being referred is a directive issued by the KIC through the Office of the President asking that such operations should be done only after direct consultation with the Office of the President. Do you remember this directive and do you remember that reaction?

Mr. Zakayo John Kamenchu: No. As I said there were officers dealing with security issues on a day to day basis. So, I do not remember that now.

The Presiding Chair (Commissioner Shava): Mr. Kamenchu, you have also told us that your “understanding of security is not just the issue of guns and war, but that security needs to be looked at in a holistic manner; at the end of the day, what makes people satisfied and what does not”. I think those were your words. I think from that I would infer that one affects the other and one cannot just focus on one particular area to the exclusion of others, if one is going to provide effective security. Would you agree with that?

Mr. Zakayo John Kamenchu: Absolutely.

The Presiding Chair (Commissioner Shava): Would you then agree that it would be important for Nairobi officers, who were going to distribute food, to know even if it was not directly, the situation on the ground with regard to guns as part of the security arrangement, because how would the food move? How would the logistics work?

Mr. Zakayo John Kamenchu: The person in charge of security at the province level will be the provincial commissioner and the DC at the district level. They are also the ones who handle the distribution of famine relief food. This was a very special case with the help of the army. The Army kindly agreed to assist in this situation. I did not have to go and check from my friends’ dockets what the situation was on the ground. You know there is also something called the official courtesy. Somebody has a responsibility and it is not necessarily reporting to you and you are not going to do that kind of thing. There were officers responsible for security on a day to day basis.

I do not know whether I have answered your question.

The Presiding Chair (Commissioner Shava): Well, it sounds a little like a case of the right hand not knowing what the left is doing.

Mr. Zakayo John Kamenchu: Now, the thing is, there is coordination. At the permanent secretary’s level, he will know this because he is in charge of us. I mean there is division of duties in an organization.

The Presiding Chair (Commissioner Shava): I think earlier in your testimony you had indicated that it was yourself who generated a Cabinet Paper, took it to the PS for approval so that it could be signed and discussed at the Cabinet. So my understanding is that actually you had a key role to play in those kinds of decisions.

I will move on to my final question; the Minister for Justice, hon. Ole Tipis read a Statement in Parliament on the incident in Wagalla indicating that 57 people had died. Do you recall the Minister reading that Statement and did you have any input into it?

Mr. Zakayo John Kamenchu: We had I think three Ministers of State in the Office of the President. Other than making sure that Minister Ole Tipis' vehicle was well serviced, I did not have anything to do with him on a day to day basis. If he wanted anything it was the PS and the PS would tell me what to do. So, I believe the Statement he read must have been prepared by the officers dealing with the docket and those were the security people.

The Presiding Chair (Commissioner Shava): Fair enough, were you aware of that Statement? Do you remember it?

Mr. Zakayo John Kamenchu: No, I am sorry I cannot.

The Presiding Chair (Commissioner Shava): Thank you Mr. Kamenchu for coming here today and sharing with us your version of events. I will ask the session clerk to release you and lead you back to your seat unless there is something you would like to say.

Mr. Zakayo John Kamenchu: I was reading the other day about the death of Ndebaso Wabera, who was the first African DC in Isiolo. When he was shot I was informed--- I read something and I think I can piece things together.

I was in a school called Meru School. We had students from North Eastern, Central and Eastern provinces. I remember the late Gen. Abdulahi Adan. He was a Form One that time. He was in our first 11. He was very good in football. When Wabera was shot I remember him swearing that he would join the army, so that he could revenge for this. Adan went on to be the Commander of our Army. When I went to serve in North Eastern Province as a District Officer (DO) - DOs are also security officers - I took interest in this matter. That time the current Isiolo had headquarters in what was called the Northern Frontier District (NFD) that existed before Independence and immediately after. They were paying Meru County Council for being allowed to use it as headquarters.

So, Wabera was on a mission to move the district headquarters from Isiolo to a place called Garbatula. He took his chiefs and senior chief to address a meeting which we in the Provincial Administration we call *barazas*. He addressed the meeting and told them of the wish to move the district headquarters to Garbatula. From there he went to places called Sericho and Elsamburu. They were to pass through Modogashe, just before you reach Habaswein, you turn to the left.

I put the ideas together. When I was in Standard Four the Mau Mau was at its height in my place. We had an inspector called Farah who was in charge of the police in that area. There were two white DOs at a place called Miathene. He used to come and they discussed security matters. Years later, I think I had left the service, he was the one who was alleged to have shot Wabera. There was a white man PPO called Pregeon. That is the name I was given. Pregeon was the PPO and he was based at Isiolo. Obviously, at that time there were a lot of anti-African Government feelings; these people would not succeed, and killing of Wabera was to sabotage the African Government.

As they were going down Lagga, Farah and his people were ready with their machine guns so they opened fire. The DC, the senior chief and others died. They then took the Land Rover and crossed over to Habaswein and Wajir border and within a short distance they were in Somalia. The reason for killing Wabera was to sabotage the success of the African Government. I think our Government realized that soon. Pregeon was transferred to Central Province, and when investigations were done he was declared persona non granta and left the country. When I read about it, I mentioned to madam the little I know about it.

The Presiding Chair (Commissioner Shava): Thank you very much---

Mr. Zakayo John Kamenchu: By the way, can I also add that the person who was around Habaswein was Mohammed Murie who was a police corporal. When I was in Modogashe he was my chief. So, this was how I was getting this first hand information. He saw even when the Land Rover was running across to the border.

The Presiding Chair (Commissioner Shava): Thank you very much Mr. Kamenchu for shedding light on those events which are very much part of our mandate and which, as I observed earlier, have been recounted in a most lucid manner, despite the fact that they probably happened over 40 years ago.

Hearing Clerk, I think we have now come to the end of this session, please, lead the witness back to his seat.

Leader of Evidence, do you have any more witnesses?

The Commission Secretary (Ms. Nyaundi): Thank you very much Presiding Chair; I just wish to confirm whether these persons are present and then you make a determination on how we shall proceed.

For the record, A. H. Ndabisa, the former DC, Garissa, has communicated to us that he is currently based in the United States of America (USA) and, therefore, shall not be coming. This was witness No.19 and was scheduled for 10.00 a.m. today.

Commissioners, if these individuals are present I will request that they stand; I. N. Muthuri and King'ori. Those individuals had been summoned to appear the Commission today. I then will confirm that the matter we have is for 3.00 p.m. We have Fred Obachi Machoka at 3.00 p.m.

The Presiding Chair (Commissioner Shava): Thank you very much. So we will reconvene at 3.00 p.m. to hear the final witness for the day.

I will hand over to the Master of Ceremony to lead us through the next process.

[The Commission temporarily adjourned at 2.05 p.m.]

[The Commission reconvened at 3.35 p.m.]

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

The Presiding Chair (Commissioner Ojienda): Leader of Evidence, please call the witness.

(Mr. Fred Obachi Machoka took the oath)

The Commission Secretary (Ms. Nyaundi): Welcome to the Commission. Please, tell the Commission your full names and your current occupation.

Mr. Fred Obachi Machoka: My names are Fred Obachi Machoka. I am a radio and television producer and a public relations consultant.

The Commission Secretary (Ms. Nyaundi): The Commission has summoned you. We received information that you served as an officer in the northern region and specifically Mandera. We are interested to hear your experiences as a person who served in the northern region. What years did you serve in the northern region?

Mr. Fred Obachi Machoka: I served in the northern region from 1973 to 1975 December.

The Commission Secretary (Ms. Nyaundi): You were working with which people?

Mr. Fred Obachi Machoka: I was working with the police force in the signals department. My responsibilities were specifically to send and receive security messages in form of coded language then known as Morse code.

The Commission Secretary (Ms. Nyaundi): In what areas of the northern region did you work?

Mr. Fred Obachi Machoka: During that period, it was not really an issue of working in a specific place. We were more or less doing border patrols. The specific place that I served really was in Garissa and Wajir districts. They were all under the Northern Frontier District (NFD).

The Commission Secretary (Ms. Nyaundi): Thus far, we have heard extensively from the residents of that region about their experience. You are the first witness who is going to tell us the experience of a serving officer. So, when you were sent to the northern region, how old were you?

Mr. Fred Obachi Machoka: I was a young man of 19 years.

The Commission Secretary (Ms. Nyaundi): Was this your first employment?

Mr. Fred Obachi Machoka: Yes.

The Commission Secretary (Ms. Nyaundi): When you were sent there what was your brief?

Mr. Fred Obachi Machoka: My brief with all the security forces was to protect the Kenyan borders and repulse any insurgents and generally look after the Kenyan people. As you know in the NFD then and as it is now, we were specifically protecting the people living in northern Kenya who are Kenyan Somalis and other people along the Kenya/Ethiopia border. Those are the main borders in the north eastern part.

The Commission Secretary (Ms. Nyaundi): What was the situation there in the region that required this intervention on your part? What did you observe? What was happening?

Mr. Fred Obachi Machoka: It is not an easy thing considering that when I was serving there, there was the *Shifty* War. The security forces were supposed to protect the Kenyan Somalis. When you go to a place where your brief is to protect people from their own brothers, they look at you and ask: “Hey, how do you protect me from my own brother? When I look at you, you look different and you cannot even speak my language.”

The Commission Secretary (Ms. Nyaundi): Apart from the police, were there any other arms of security that were present in the northern region at that time?

Mr. Fred Obachi Machoka: From time to time, the GSU, the army and the Administration Police were there.

The Commission Secretary (Ms. Nyaundi): Mr. Machoka, I want you to give us a little bit more detail as a person who served there. What situations were you dealing with?

Mr. Fred Obachi Machoka: Difficult situations, I guess. First it was an area that was then very much undeveloped. Three quarters of the time you would be in a desert more or less. In the remaining time, when it rained, you could not communicate with people. I was privileged because I was in the Communications Signal Department, so I could communicate with a lot of people outside the province. You wake up in the morning and you go for operations. Sometimes you lose members of the detail to raiders. At that time, there were *Shiftas*.

There was also the challenge of dealing with huge snakes. That place has huge snakes, wild animals and so on. Those were some of the hazards really. We were in uniform and the people we were supposed to deal with, that is, the raiders, were non-uniformed. So, you would not know the enemy from the person on the ground. There were mines that were left during the Second World War, which we believe were exploding from time to time killing people. Others were buried on roads. In NFD, then other than the main Garissa-Habaswein-Wajir-El Wak-Mandera Road, there was no other road that I could

think of except the one through Griftu-Bunna-Gurar to the northern part and another one through the Liboi border.

The Commission Secretary (Ms. Nyaundi): These explosives in that region, did you try to identify where they were removing them from?

Mr. Fred Obachi Machoka: That was not our brief. Really, our brief was to protect the citizens and our borders. Beyond that, those are things we came across while travelling or when going to the range to do exercises.

The Commission Secretary (Ms. Nyaundi): You said that there were difficulties with regard to relationships with the local community. How were you able to see that?

Mr. Fred Obachi Machoka: When you asked for information, you would see reluctance from the person you would be dealing with. A person would be willing to give information, but as soon as a person from the same origin comes around, they pretend that they do not speak Kiswahili. You could see that disconnect immediately others come into the vicinity.

The Commission Secretary (Ms. Nyaundi): The people here, from what we have heard over the past one month, feel that they were deliberately and systematically attacked by the uniformed forces and often without justification. Did you observe this during your time in the northern region?

Mr. Fred Obachi Machoka: I do not think we had such an incident during my time, frankly, that I can recall that involved security forces attacking civilians. I cannot think of any. If it happened, then it is not something that I am aware of other than what I hear in the media about the Wagalla Massacre that happened in the 1980s when I had already left the forces. That was five or six years down the line. I can neither discount that nor confirm.

The Commission Secretary (Ms. Nyaundi): I was not saying your own unit. What kind of things were you hearing on that radio?

Mr. Fred Obachi Machoka: I could hear, for example, that our forces had been attacked and others killed. I could hear that *Shiftas* had been attacked, others killed and others disappeared. These were normal occurrences in the NFD.

The Commission Secretary (Ms. Nyaundi): Thank you, Mr. Machoka. I am resisting calling you Fred. I do not know whether I can switch to Fred.

Mr. Fred Obachi Machoka: Feel free.

The Commission Secretary (Ms. Nyaundi): Now, Fred, you say that you heard that your forces had been attacked and some officers killed. Did you ever hear that forces had been deployed to respond to that situation?

Mr. Fred Obachi Machoka: Once police officers or any security officers get attacked, it is routine for the culprits to be apprehended. It is routine for security forces to follow and find out. When I was in Liboi, though, it was very difficult to know who the bandits were. This is because in the Liboi border, people would come during the day to ask for food from us and we would give them. Unfortunately, at night they would attack us and disappear because they understood the terrain pretty well. Their disappearance was normally towards Kismayu which was in Somaliland. The brief was that you could not pursue an enemy beyond the border. So, we could do nothing about it.

The Commission Secretary (Ms. Nyaundi): You say that it was difficult to distinguish between the person you were protecting and the enemy. Were there incidents where it is the civilians who were attacked as opposed to the person you had probably identified as the enemy?

Mr. Fred Obachi Machoka: None that I can testify to that I saw.

The Commission Secretary (Ms. Nyaundi): What about in discussions? You told me that you were in the Signals Department.

Mr. Fred Obachi Machoka: The people we were supposedly protecting the locals from, were not in uniform. It was difficult to assume that attacks like those did not take place.

The Commission Secretary (Ms. Nyaundi): These messages that you heard about people being attacked and there being a deployment, how frequent were these occurrences?

Mr. Fred Obachi Machoka: Frequent enough. In the NFD there could not lapse two months before you hear that our security forces had been attacked. It was the norm more than the exception during my time.

The Commission Secretary (Ms. Nyaundi): How long would the mission be?

Mr. Fred Obachi Machoka: There are people who could last there longer, but it was normally three years and then you move. For me, it was three years with a break in 1974 when I came for advanced courses in communication. However, it was three to five years normally.

The Commission Secretary (Ms. Nyaundi): So, did you stay there uninterrupted?

Mr. Fred Obachi Machoka: I got like a week off to attend a funeral, but I stayed there throughout from May, 1973 to the end of the year. In 1974 I came for advanced training for six months and I went back. I cannot remember. It is a long time ago.

The Commission Secretary (Ms. Nyaundi): What I am trying to determine is the work conditions under which some officers worked.

Mr. Fred Obachi Machoka: The work conditions were difficult. If you went there for six months uninterrupted, you could go crazy. You could not see anybody other than strangers. Everybody talks about Kenya like it is another country. You eat wild fruits and so on. I think one needs to be in the forces and that environment to understand what a security person goes through.

The Commission Secretary (Ms. Nyaundi): Thank you Fred. Earlier today, Mr. Elmi, the Minister was here. He told us that although there are people who made life difficult for the people of the northern region, there were some people who did the best they could. He recognized them. Part of what this Commission is meant to do is to make recommendations on matters that happened between 1963 and February, 2008.

As a person who worked in the uniformed forces, are there recommendations you would make to this Commission?

Mr. Fred Obachi Machoka: First I think I want to be very clear that I know this Commission is also investigating the Wagalla Massacre which took place, I think in 1980. I had left the force by 1976. There are records at Vigilance House to vindicate my position. So, I really cannot speak on behalf or for or against the people who were involved positively or negatively.

I want people to understand that in any institution there are good and bad people. There are people who get a brief and work with it. There are those who create their own brief and destroy an institution that would otherwise be worth respect. I want to appeal to the Government of Kenya to understand the problems that the security forces go through. They are many. During my time, we lost friends and others got injured. I know that there are many families out there which lost their loved ones and they are still mourning them to this date.

I met great people in the NFD. These are people who are like brothers to me to this date. I also met extremely hostile people. The Government needs to do a lot of counselling to the people they send there and also the people along common borders. This is because it is not possible to distinguish a Kenyan Somali from the one from Somalia. They see each other as brothers. It is the same thing on Kenya/Uganda boarder. People will not know that this is a Luo from Kenya and the other one is from Uganda or one is a Maasai from Kenya and the other one from Tanzania. It is only in Mandera at Beacon One where you can tell that you are crossing into Ethiopia or Somalia. There are no borders. Even in Mandera, it is just a river. The Government needs to do a lot of public relations along the border lines to educate the communities that the security forces that are deployed there are doing their job and they are not people who are just there to limit them to access their brothers across the border.

In the NFD, there are still mines that were left by the Italians during the war. I do not think the Government has made any deliberate effort to sensitize people about these mines. In January, 1975, I witnessed kids who were playing at Wajir Airstrip detonate a landmine thinking it was something to play with and three kids died on the spot. We were

there to collect bits and pieces of their bodies. It is not a good thing. This Government has to be sensitive on the situation at the borders. For me, it is more of a diplomatic issue than a security issue and the Government has not done that.

The Government should find out where the security people who served in this volatile area are. It needs to find out where their families are, if they are affected and what the Government can do in form of counselling.

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

The Presiding Chair (Commissioner Ojienda): Thank you, Mr. Machoka for the evidence you have given. I want to ask my colleagues to ask questions.

Commissioner Shava: I have no questions, but just to thank Mr. Machoka for coming over. He is a well-known Kenyan personality and many people, perhaps, did not know this side of him. I certainly did not. Thank you, for coming here to share your perspective.

Commissioner Slye: I also want to thank you Mr. Machoka for coming over to share this part of your life. I have one specific question: Do you recall whether any efforts or policies were implemented to make a distinction between the innocent persons and the enemies?

Mr. Fred Obachi Machoka: In the forces, the brief is fairly clear. If you hold one as a suspicious character, then you apprehend that person and then take him or her to the command post or the station nearest you for further interrogation. The other brief is that you do not, for example, shoot somebody who is running away from you. You can only shoot somebody who is facing you with a gun, if you have to.

In NFD at that time, you could not ask somebody to stop while standing and looking at them. If you suspected that someone is approaching, the first thing was to lie down and then ask that person to stop, raise up their arms and inspect them.

Commissioner Slye: As we travelled through the northern region, one thing we have heard constantly is about collective punishments whether it is mass curfews over the entire district, or precluding individuals from accessing watering places, or rounding up an entire community and so on. Some have been candid with us on that. One gentleman said that if you take water from households and harm the women and children, the men of those families would be more likely to identify somebody who is a murderer or something like that. I wonder if that has any resonance with you.

Mr. Fred Obachi Machoka: I am not here to deny everything. Food in the NFD is not something you access easily. For us who were doing border patrols, we could go for long hours without food. It was not like we had to drink water or eat. We had to do 100 kilometres a day on foot. We had a ration. Personally, I had to carry food on my back and

a gun which is 11 pounds heavy. I had to carry an extra belt with bullets. I had to carry grenades and communication pack unit and a ground sheet that could be used as a tent. We had to carry some food and water that could last you a week in a bag. It was not easy to share the food with the locals.

Unless the people came to the camp, one could not feel free to share food. For that, I can confess that I denied people food. However, North Eastern Province is not a place that you find water everywhere unless it has rained. There were no boreholes. I do not want to say that, that is a part we played.

Commissioner Slye: Thank you.

Commissioner Chawatama: Thank you very much for your testimony. I heard you say that if you worked for six months continuously you would go crazy. You see strangers and everyone else talks about Kenya like another country. That is what is still obtaining. That is the question that was on people's lips; this is Kenya, are we Kenyans? And, it was from the little things such as the right to have an identity card, the right to have a birth certificate, health facilities or education that would cause a question like that to be asked. Simple things that we all take for granted. So, the questions that were going through your mind are still the questions that are going through the minds of many people in the region where you worked and the trauma that you exhibit is still the trauma that some men and women are still coming through. So, we hear you and we see you. Mine is just to thank you for sparing time to come and share with us. Maybe on a light note, I went for a national service and I was asked to carry a whole lot of things that you talked about. I had a gun on one hand and a cup of cocoa in the other hand, I was very hungry. I passed out with a cup of cocoa and left the gun. So, you were a better soldier than I. Thank you.

The Presiding Chair (Commissioner Ojienda): Thank you very much, Mr. Machoka, for your testimony. I have only one question: When you left Mandera in 1975, did you go to the Police Headquarters or you left the police?

Mr. Fred Obachi Machoka: Both! I came to the headquarters and two months down the line I resigned.

Commissioner Dinka: So you left?

Mr. Fred Obachi Machoka: Yes.

Commissioner Dinka: Therefore, you did not stay long?

Mr. Fred Obachi Machoka: No!

Commissioner Dinka: I do not know how close to each other the police personnel are. But after you left, were you having some kind of network of former police officers getting together from time to time and exchanging stories?

Mr. Fred Obachi Machoka: Not specifically because I branched out to a totally different field. Yes, I could communicate with former communications personnel, but they were not an exclusive lot within the police force or the army. It was like all people could communicate in that language called Morse Code, and these people were in the police force; the GSU, Air Force, postal corporation and navy. Under me we formed what we called signalers club, but that was communication to promote radio communication.

Commissioner Dinka: This was after you left?

Mr. Fred Obachi Machoka: Yes, that was after I left.

Commissioner Dinka: If something as huge as what happened in Malkamari or Bulla Karatasi or Wagalla happens, do you exchange information that this is what has happened because you are the guys who first get the information from all these stations?

Mr. Fred Obachi Machoka: No! This was specifically a radio programme that I had started with---

Commissioner Dinka: Not with the radio communication?

Mr. Fred Obachi Machoka: No! We were just communicators who could understand what that Morse Code was all about. I do not know whether you know what Morse Code is.

Commissioner Dinka: I do. Well thank you very much. I just wanted to find out if you continued to have a network of former police officers.

Mr. Fred Obachi Machoka: No! This was Voice of Kenya.

The Presiding Chair (Commissioner Ojienda): General questions!

Commissioner Farah: Fred, thank you very much for coming forward. It takes a brave person to share the other side of the story. As a good citizen you have really told us that even though the people of the Northern Province are in pain up to today, because of what they suffered under the security forces there were few casualties or quite a number of security officers also affected. And you were trying to tell the Commission your experience. Now, we are all Kenyans and we want to put our past behind us. So, since you are a valued witness before the Commission, what would you recommend? This is because what has happened is that, during all those years, the people whom I called the civilians or the citizens have always seen the security forces as instruments of torture and suppression. But now you painted another picture. In order for us to be one country and in order for us to go forward and forget what others have said, what would you recommend this Government to do?

Mr. Fred Obachi Machoka: I am hoping that you are asking for my very personal recommendation.

Commissioner Farah: Yes, because any evidence you give cannot be used against you. We assure you that whatever you give us cannot be used against you in any criminal court or in any civilian court in future. So, you are safe. Whatever you give us is going to help us to get to the truth so that we as a Commission can recommend.

Mr. Fred Obachi Machoka: Sir, what I think honestly is that the people of northern Kenya have been marginalized for far too long. Thinking that you cannot move from Garissa through Mbalambala, all the way to Habaswein, Wajir up to Mandera; hundreds of kilometres of rough road after 47 years of independence is marginalization that should not be allowed in a country that purports to look after its citizens. I think it is evil!

Secondly, to have a community that is perpetually under the mercy of security forces where even most of them are not from that community is equally evil. That we can have thousands and thousands of people who struggle to get basic rights in the form of an identity card for years; some of them die without getting it, is equally evil. But at the same time, people who are leaders of North Eastern Province specifically need to get involved. It is the people who live in northern Kenya who can say, “you are my brother or my sister, but you are from the other side of the border”. This is because I would want to believe that, that is why they take a long time to get identity cards. So, they must stop that influx of people coming in under the guise of brotherhood.

I think the Government is victim number one in terms of marginalization and I think even our Parliament needs to shift focus and move to northern Kenya and see first-hand what is happening because people trek for days without access to water. I do not know how it is now, but I know that during my time, even to bath you had to be protected by other soldiers. I do not know what it is like in other places, but I think these are things which should be forgotten for now.

Commissioner Farah: Thank you very much.

The Acting Chair (Ms. Namachanja): Thank you Fred. You have shared a lot of difficult situations that you went through. Is there any situation that you would like to share with us that you found extremely hard for you during your service in the Northern Frontier District; any one incident that you would really want to share with us?

Mr. Fred Obachi Machoka: No.

The Acting Chair (Ms. Namachanja): Thank you. Did the leaders give any support to the armed forces people working in such places? For example, when you came back for six months, was there any support that was given in terms of briefing or counselling to staff like you?

Mr. Fred Obachi Machoka: No. We were left on our own and we were not given any counselling. I came for training during those six months. But we had to go through Isiolo when going to the Northern Frontier for further training as security persons because the kind of experience in the northern part was different from what we see here. So, one had to go for specialized training through Isiolo. But on your way back, really there was no deep breathing or any counselling. You were just left on your own. I think, perhaps, is not a good thing.

The Acting Chair (Ms. Namachanja): During the time that we were there during the hearings, we also heard testimonies of so many rape cases and extra-judicial killings. I wonder whether during your time there, you witnessed any of these incidents.

Mr. Fred Obachi Machoka: I do not know. If rape cases are done in Somalia or in the northern region they have to be done either during the day or under very weird circumstances. The Somali community, from my understanding and what I saw, is not a community where you would do such a thing without being seen. They lived in manyattas and these Manyattas are more or less like camps. If you go to a manyatta, you would see very many houses around. Their houses have no walls; they are made of wood and paper. So, it is not possible to do such a thing without people seeing you. That is why I would not want to believe that many people committed rape. That is my take. At least for me, luckily nothing like that happened during my time.

The Acting Chair (Ms. Namachanja): Thank you.

The Presiding Chair (Commissioner Ojienda): Thank you Fred for your testimony. I want once again to thank you. But I want also to ask you a few questions. I am impressed that in the course of your answering the questions, you said you are not here to deny everything. So, I want you to make a few disclosures before you leave because I am the last person to ask you questions. The first question that I will ask you Fred is to tell us what form of operations you took part in and what form those operations took. What did you look for when you were looking for a *Shifta*? And when you found them, what did you do? And, did it include the livestock of those people? How did you treat them?

Mr. Fred Obachi Machoka: In my brief understanding, *Shiftas* were people of Somali origin from Somalia as a country who were coming into Kenya to claim part of Kenya and in the process telling the Kenyan Somalis and anybody who cared to listen that they were in a foreign land and that their land been grabbed from the larger Somalia which was supposed to extend to somewhere near Isiolo. So, our understanding was that anybody who tried to capture or repulse security forces that were protecting the Kenyan border was, indeed, a *Shifta* and that person had to be arrested and taken for questioning. That is my understanding of a "*Shifta*".

In terms of what encounters I got, we arrested many people especially at the border in Liboi because that was the main road from Kismayu coming to Daadab, I do not know whether you have been there. Many people were arrested in Mandera and in Gulale and parts of Moyale. But those were people who were infiltrating or coming into Kenya

without identity cards and some of them could not even speak Kiswahili and, a lot of people, indeed, confessed that they were not Kenyans. At every border point, for example, there were immigration personnel who had to travel with security forces to identify the non-citizens. That happened almost routinely when we were along the border and the station that I have specifically mentioned including Ruaki.

The Presiding Chair (Commissioner Ojienda): Could you specifically remember how many people lost their lives during these operations?

Mr. Fred Obachi Machoka: No, I cannot!

The Presiding Chair (Commissioner Ojienda): The other question is: I am sure you played a great role as a radio signaler. But if you were to rewind back the years, and you are 19 years old again, is there anything you could do differently in terms of service and choice of place of work?

Mr. Fred Obachi Machoka: Please, rephrase that.

The Presiding Chair (Commissioner Ojienda): My question is: If you were to rewind back the years and become 19 years old today and had the opportunity and choice to serve in north eastern Kenya at that time, what position would you take with respect to that service?

Mr. Fred Obachi Machoka: That is a difficult question. However, it was quite an experience and, perhaps, I will never get anywhere serving in the forces. But I would not have chosen to work in the Northern Frontier because of the dangers that were lagging. The aspect of insecurity is so high, where you are told that your brother, mother and father are the gun that you are holding and the bullets that you have in your possession. I think that is a bad life. Yes, I would not! I would not want.

The Presiding Chair (Commissioner Ojienda): You described North Eastern as bad life.

Mr. Fred Obachi Machoka: Yes.

The Presiding Chair (Commissioner Ojienda): Lastly, Fred, why did you leave the service?

Mr. Fred Obachi Machoka: I think I wanted to do something else. Frankly, I do not know! I just thought I needed to do something else. I had had an experience like no other. I had come back to “Kenya” and I needed a different experience. I did not want to live in the same situation every time. It was sensitive because every time you are with somebody you want to check who is behind you to see whether someone is coming after you. You want to go for your gun just in case. That kind of life was not good and I did not like it.

The Presiding Chair (Commissioner Ojienda): Fred, how do you describe the life now?

Mr. Fred Obachi Machoka: Yes, very happy! I am a happy and lucky person.

The Presiding Chair (Commissioner Ojienda): We want you to be happy. Thank you very much.

Mr. Fred Obachi Machoka: Thank you, Sir.

The Presiding Chair (Commissioner Ojienda): Leader of evidence, any other evidence to be given?

The Commission Secretary (Ms. Nyaundi): Thank you Chair. That is the only witness we had for today. The only thing Chair that we would want to clarify, I heard in the media today that we adjourned our hearings until 2nd June, 2011. We may take this opportunity to confirm that we will be having hearings beginning next week up to the time we come back on 2nd June, 2011.
Thank you.

The Presiding Chair (Commissioner Ojienda): Thank you very much leader of evidence. The media, let me take this opportunity to confirm that the sessions today shall be adjourned until 2nd and 3rd of June, 2011, when we shall reconvene in this venue to hear the witnesses whose matters were adjourned yesterday upon application by Mr. Kioko Kilukumi, the counsel and any other witness that we may invite to appear on that day.

The session is not adjourned *sine die*. It is adjourned until the 2nd and 3rd of June, 2011. Of course that is for the witness here. Next Monday, the sessions shall proceed in Mt. Elgon and, after Mt. Elgon we will proceed to Bungoma and then come back to proceed with the sessions here.

I hope that is clear. We are a Commission that will continue with hearings until the end.

Thank you very much.

(Closing Prayers)

(The Commission adjourned at 4.40 p.m.)