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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION ON MONDAY, 18TH APRIL,
2011 AT THE KENYA RED CROSS HALL, WAJIR**

PRESENT

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

(Opening prayers)

(The National Anthem was sung)

(The Commission commenced at 9.40 a.m.)

*(The Presiding Chair (Commissioner Slye) introduced
himself and other Members of the Commission)*

The Presiding Chair (Commissioner Slye): We have decided to begin here and on behalf of the Truth, Justice, and Reconciliation Commission, (TJRC), I want to welcome you to the first day of public hearings in Wajir. I will particularly welcome the regional Commissioner, Mr. W. Anyagah, the DC, Wajir East, Mr. Kennedy Yaya, DC, Wajir South, Mr. George Otieno, the representative from the Kenya National Commission on Human Rights (KNHCR) and the representatives from GIZ, including Addy Wambu. I also particularly welcome the witnesses who are here today to give their testimony.

As you know, we decided to start our public hearings in the northern region of Kenya. We began in Garissa last week where we had three days of public hearings. We will be here in Wajir for three days, and then we will proceed to Mandera, Moyale, Marshabit and Isiolo. I think this is the largest crowd that we have had at a public hearing. That tells me that you are anxious to give your story, and more importantly, to hear the stories of your fellow Kenyans. During the three days we will be here, we will be hearing 37 different witnesses. They will be speaking either on their own behalf, telling their own stories, or they will be representing and speaking on behalf of their communities. We will have individuals testifying from a variety of communities, including the Ogaden, the Degodia, and the Ajuran. We will be hearing stories about a wide variety of violations that occurred in this area.

We will hear stories about the Wagalla Massacre, the Bagalla Massacre, the *Shifita* War, extrajudicial killings, violations to the right to property, detention, sexual violations and other violations of civil, political and social-economic rights.

The main purpose for these public hearings is for us to listen to the truth of our fellow Kenyans. So, we ask that when an individual is speaking, we listen respectfully and try to understand why they have experienced what they have experienced. While I suspect that many of you will hear stories that you are familiar with, there are many others who will hear stories that are similar to your own; you may also hear stories that differ from your experience. That is part of this process. We are not here just to hear what everybody knows. We are here to hear things that we may not know, from which we may learn, out of which we may seek justice, and through which we may pursue reconciliation. So, when you listen to the witnesses and respect them, I would like to ask all of you to please turn off your phones. Anyone who does not co-operate, or does not respect the individual testifying, will be asked to leave.

I would also like to ask members of the media, and those with cameras, not to take photographs of the witnesses while they are testifying.

Let me say a few words about the process you will see today. Those testifying will be asked to swear on oath. The Evidence Leader will then lead that witness in his or her testimony, and when the Evidence Leader is through with questioning the witness, members of the panel may additionally ask questions. We have tried to design our structures with respect to the dignity of the witnesses and members of the public. We will very much appreciate your co-operation in that respect. Before we move to the first witness, I would like to ask whether there are any counsel present and if there is, I ask them to identify themselves. If there is no counsel present, I would like to ask the Hearing Clerk to, please, bring the first witness.

(Mr. Mohamed Degane Osman took the oath)

Mr. Tom Chavangi: Kindly tell the Commission your names.

Mr. Mohamed Dagane Osman: My names are Mohamed Dagane Osman.

Mr. Tom Chavangi: Mr. Osman, thank you for coming before this Commission.

Mr. Mohamed Dagane Osman: I live in Wajir South and also in Wajir Town.

Mr. Tom Chavangi: Mr. Osman, you know the reason as to why you are before this Commission?

Mr. Mohamed Dagane Osman: Certainly, yes!

Mr. Tom Chavangi: You presented a memorandum to the extent that it talks about multiple and systemic violations.

Mr. Mohamed Dagane Osman: I remember that very well.

The Presiding Chair (Commissioner Slye): I do not think the audience can hear your questions; so, I wonder if you could bring your microphone close so that you can speak up!

Mr. Tom Chavangi: Thank you presiding Chair. Mr. Osman, kindly note that we are here to talk about this memorandum that you presented before the Commissioners. Kindly take the Commission through the memorandum.

Mr. Mohamed Dagane Osman: Thank you very much, Mr. Presiding Chair, Sir. I would like to take this opportunity with humility and sincerity, and appreciate getting this golden opportunity to tell your Commission about the atrocities that were meted out on the people of Northern Frontier District, in particular in the North Eastern Province, and especially in Wajir, where this sitting is taking place. Before I start narrating what is in the memorandum that I prepared, I seek your permission, for the sake of clarity, to take you through the pre-colonial era, which, I hope, will give you a mirror of what happened.

We, Somalis, live in the whole of Africa. When the whitemen came in the late 19th Century, there was one Somali militant called “Said Mohamed Abdir Hassan”, who fought the British insurgency gallantly. Mr. Hassan fought the whitemen because of two reasons; he was coming to Christianize the people of Africa and the Somalis were known evangelistic Muslims. For that reason, Hassan fought gallantly the entrance of the whitemen into Africa.

Secondly, the whitemen also needed slaves; so, this fight continued between the late 19th Century and early 20th Century when the British Government used their Royal Air Force to bombard Hassan’s Headquarters. Having seen the militancy of the Somalis, the whitemen decided that the race called Somalis should be divided, because if they remained together they would be a threat to the interests of the whitemen. That is why the Somalis were divided into Italian Somaliland, British Somaliland---

The Presiding Chair (Commissioner Slye): Can you hear the witness? Can I ask that the members of the public, please, be quiet, so that we can hear the witness. Thank you.

Mr. Mohamed Dagane Osman: That is why the Somalis were divided into five settlements; the Italian Somaliland, the British Somaliland, which is now Somalia, the French Somaliland, which is Djibouti, the Ogaden region in Ethiopia and the NFD in Kenya. This was a deliberate move by the colonial Government to suppress the militancy of the Somalis, who were fighting for the dignity of the black man.

Mr. Presiding Chair, Sir, this is a prefix to the events. We, Somalis, are not aliens in Kenya. We lived in this part of the country before even the Bantus came to Kenya from South Africa. So when the whiteman was coming to Kenya, or Africa in general, he had three main interests, one of them was to Christianize the African population, taking into

consideration that the Royalty of England was the head of the Church of England. Secondly, they were looking for raw materials for their industries, and thirdly they wanted strong men whom they could enslave to develop their country. So, when the first Christians came to Kenya through the Coast, they settled in a place called Rabai, where they started a church and a school. They progressed into the interior of Kenya, where they met our African brothers, who had no religion and some of whom were praying to Mount Kenya, calling it “*Ngai*”. Others had their own gods called by whatever names they called them. We, Somalis, were predominantly Islam, and did not want the whitemen to come and disturb our religion. We, Somalis, took part in the struggle for independence of this country, and some of our great fathers went to the Lancaster Conference with the other freedom fighters. We know that during the Mau Mau struggle, the whiteman committed a lot of atrocities; they created concentration camps for the Africans, dehumanized the Africans, detained them without trial and did all sorts of dehumanizing acts to them. At that particular time, we in the northern part of the country were saved from this persecution by the whitemen, but we sympathized and fought side by side with our African brothers for the liberty of this country.

During the countdown to independence, the whitemen conducted a referendum among the people of the NFD. I want to put the record straight, Mr. Presiding Chair, Sir. People say that the first referendum in Kenya took place in 2005. No, the first referendum in Kenya took place in 1962, and we had two political parties in the NFD. One was the Northern People’s Progressive Party (MPP), which was agitating for secession from Kenya and joining their brothers in Somalia and the other party was the Democratic Party (DP) which was led by the whitemen and which agitated for the people of the NFD to be part and parcel of independent Kenya. The MPP had the support of 80 to 85 percent of the population. To our utter surprise, the results of that referendum were never published. From the narration that we got from our forefathers the MPP supporters, who were the majority and wanted to join their brothers in Somalia, the whitemen stole the votes of the people in North Eastern Province. Our Kenyan Government inherited the culture of rigging from the colonial masters. Similar rigging resulted into the recent fight after the 2007 General Election; it is a culture we inherited from the colonial Government.

As we were waiting for the results of that referendum, the whiteman gave Kenyans their independence in 1963. The people of NFD saw that their votes had been stolen; some of them opted to revolt and seek their rightful vote that they had cast. This resulted in the *Shifita* War. I would like to put the record straight. The *Shifita* War was not about a dislike that we had for the Kenyan independence. It was only that the people of NFD wanted to get the results of their referendum. So, the colonists, having in mind that the Somalis were very militant, left the issue of the results of the referendum to the young independent Kenya. They gave the script they had used against the Mau Mau to the Government of the time headed by the late *Mzee* Jomo Kenyatta. The young Kenyan Government, instead of talking to the people, adopted the script of the whiteman and meted out torture, similar to what was done to the *Mau Mau*, on the people of NFD. For 40 years, we were getting systematic harassment from the Kenyan Government, and all sorts of degrading and inhuman treatment including rape. Destruction of our wealth also

took place. It has been very unfortunate, though I am pleased to have this Commission here today; we feel belittled.

We feel that the Kenyan Government did not care about the people of North Eastern Province, or the NFD in general. It was only after the post-election violence - I am sorry to say only about 1,000 lives were lost - that the Kenyan Government saw that it was prudent for us to have a Commission of this magnitude. I am not ashamed to say that this Commission was not meant for us. Through your honourable Chair, Mr. Presiding Chair, Sir, the atrocities that have been committed in North Eastern Province cannot be covered by your Commission within such a short period.

Secondly, there are thousands who are suffering down there in the bush, courtesy of atrocities that have been committed. So, Mr. Presiding Chair, Sir, I would like to beg your hon. Commission to tell the Government that we are demanding a special commission for the NFD people to give the picture of the atrocities and the suffering that we have undergone for over 40 years.

Mr. Presiding Chair, Sir, the atrocities that we faced at Wagalla, Malkameri and Garissa are a drop in the ocean, compared to the suffering that we underwent for 40 years. In my introduction I forgot to tell you that I attended school here; Wajir Primary School and also Wajir High School. I joined the Kenya Navy; retired Maj-Gen. Farah and I worked together for 15 years. When we completed our course in the military academy, in the oath of allegiance that we took, we swore that we would protect property, the Republic and the people of Kenya at large. During my tenure as a naval officer, I did not slap a single Kenyan. Maybe the only crime Maj-Gen. Farah and I have committed at any time is that we offended the fish in the Indian Ocean; this may not have been deliberate but because the ship's propeller might have hit one of the fish. We kept the oath of allegiance, according to the training that we got.

One thing that surprised me was how a soldier, a Government officer, the President of this Republic, who equally took the oath of allegiance that he would protect the interests of his people, would persecute his own people for 40 years and show no regard for their human rights. If I may narrate a few of incidents, sometime in 1964, one District Officer by the name Harry Arnold Kenneth, who was attached to the District Commissioner's office in Mandera was gunned down by *Shifita* bandits near a place called Laheley, along the Wajir-Habaswein Road. Minutes later, though the Kenya Government was very young, we saw planes and infantry. I was about ten years by then, and this incident happened in Wajir South Constituency. What we saw was something that I could not fathom; it was in the rainy season, people were watering their animals in various dams such as Eyrib, Sorkosa, Siriba and Aleludumal. People and animals were brutalized indiscriminately.

In that particular year, another DO was shot by another bandit in a place called Buna, and the same thing happened. People in Wajir Central were persecuted, killed, their animals looted, and women rapped indiscriminately. In 1965 when the military were going to Mandera, the *Shifitas* were also using land mines; at a place called "Sengo" one of the

military lorries was blown off by a landmine. The military started shelling people in Maza Dam, Afad and Sengo; thousands of animals, especially camels, were slaughtered. Besides this inhuman treatment that we have undergone, we also underwent deliberate marginalization, especially on education, health, infrastructure and in so many other spheres. Today I think your Commission is a witness, because I am made to understand that you came here by road. I think you have seen the pathetic condition of that road. Anybody cannot imagine that people who have been living in an independent country for the past 50 years can still travel on such a road.

The first schools in Kenya were built in the early 20th Century, especially the one in Rabai. I think it was built in late 19th Century. A school like Lenana High School, which was previously known as the Duke of York Secondary School, was built in 1912. Alliance High School was built in 1920 by the Christian missionaries. We in the NFD got our first secondary school in 1965. I will leave that to your discretion to see the gap in education between us and the rest of Kenya.

We, Somalis, had a fight with the whiteman but we had no quarrel with our African brothers. So, our wish to become Kenyans has been completely dented. Our hearts are filled with mistrust. Considering the culture in this country I even find it--- There is a culture in this country where when something happens, a Commission is appointed and the results are thrown away. So I have my doubts whether this Commission's decision will be honoured or will follow the same route as other decisions.

One of the darkest days in our minds, after this great persecution for about six to seven years, the Prime Minister of Somalia, at the time Abraham Regal, and the Government of Kenya, under the leadership of Kenyatta, met in Arusha and reached an understanding to stop *Shifita* War. The Somalia Government, which was assisting the *shifita* with arms, stopped assisting and also disarmed them. By then half of our people and 90 per cent of our livelihood, which was nomadic, had been completely destroyed. The Government of that day, having seen that these atrocities had been perpetrated, in 1972, the August House of this country shamelessly came up with something called the Indemnity Act. This was considered a deliberate move by the August House to protect the culprits who had abused, raped, maimed, and tortured the people of NFD. Despite all our cries for justice, this Indemnity Act has become a stumbling block. I will ask for the guidance of the Chair whether that Act has been repealed or still exists.

I would also like to take this opportunity to thank the whistle blowers – the Truth Be Told Movement - who highlighted the incident at Wagalla which actually became a reason for all the people of NFD to present their grievances.

Mr. Chairman, Sir, today as we sit here the only referral hospital we have is Garissa Provincial General Hospital. It is ill equipped. It does not have a blood bank. It is just a hospital by name. There is nothing you can compare with. We suspect that in other parts of Kenya district hospitals or health centres are better equipped.

If you have time to ascertain the truth of my claim you can go and visit what is called “Wajir District Hospital”. It is not even worth being called a dispensary. To add salt to injury, the Kenya Government has refused completely and arrogantly to give us infrastructure of any sort. Today, if you buy a lorry to ferry your goods, that lorry will not last six months. The Government has been gossiping that the people of NFD are lazy; they do not want to work and we are very poor. That poverty is as a result of the Kenya Government killing our animals. There is systematic killing of animals. Today I am 100 per cent sure that if bandits raided a bank in Wajir here, we would have an operation. This culture of impunity is with us even right now as we sit here. Although your Commission is mandated to take statements for the period 1963 to 2008, mid last year there was another massacre in Wajir North.

There was a small problem there. Our soldiers went there. They actually beat even the chiefs who are Government employees. We are not immune as we are sitting here today. I am not proud to be a Kenyan. I feel very sad that we have been abused. Some time back I was working with the Red Cross. I was the Regional Chairman for the Red Cross. We did a research; we saw these maize bags from the United States of America (USA). We asked how much it cost to take a bag of maize from USA, put it on a ship and later on a lorry and bring it to the people of Wajir; take it out there to the bush. The end result is the mother of somebody getting two kilogrammes of maize. We saw that the cost of that 50 kilogrammes of maize is US\$130. The end result is about a half a kilogramme for everyone there. This is an abuse of our integrity. We are requesting the Government, through your hon. Commission--- We are tired of being given fish; we want to be taught how to fish. We can catch millions of fish out of the ocean.

Mr. Chairman, Sir, today as I sit here I am very proud to say that the Somalis are doing wonderful business in Kenya. The volume of business the Somalis are doing in Nairobi, Kisumu and elsewhere demonstrates that if given a chance we can transform this country. I am proud to say that our Somali traders employ a lot of people. They have made so many Kenyans to be able to venture into business on their own. They employ even more people than even the Kenyan Government has employed.

You stand to be my witness that if Somalis are given proper education--- We have the likes of hon. Abdikadir who played a big role in ensuring that this country got a new Constitution. We have a lot of talent but our dear Kenyan Government has blatantly refused to give us our fair chance to develop our country like any other Kenyans.

Mr. Chairman, Sir, with your permission, I want to bring in front of you one or two people who have been beaten. One of them is my maternal mother. With your permission I would like to call *Mama Fatuma Jeri*, *Mama Olei* and *Mzee Abdullahi Shurie* to come forward in front of the Commission, so that you can see the torture on them. These are a few of those tortured.

Atrocities that took place in this area are beyond us talking about. We require a special Commission. We know the suffering that we went through. With the guidance of your Commission and the KNCHR, we need your guidance to take the Colonial Government

to court for distorting the history of the people of NFD, and for also making us be enemies of our fellow Kenyan brothers. We have no problem with our brothers; the Somalis coexist very well with our brothers. However, the catastrophe we have gone through and the 40 plus years of our waiting have been a deliberate advice by the Colonial Government. The colonialists are still colonizing us today. After giving us independence 50 years ago, they formed their own club called the “Commonwealth” which they use to control the interests they have in those former colonies.

You know very well that the Mau Mau freedom fighters went to court. The other day I was reading in a newspaper that one of the State counsel rejected the pleas of the Mau Mau fighters. He said that the thing complained of happened in colonial Kenya and not in Great Britain. It was called the “Colonial Protectorate of Kenya”. The Queen had her Governor here who was answerable to her.

Can we have one of the ushers bring those people in? They are seated outside there. The main worry we have today is that impunity is still on. I am a 58 years old person who served this Government diligently for about 15 years. My sons and daughters cannot get their ID cards here. We are subjected to a sort of vetting. Our children, who finished school three years ago, cannot get employment because we are told we have to be vetted. This is despite the pleas we have made to the Government. We feel that is a culture of impunity.

Mr. Presiding Chair, Sir, everytime the Government prepares a Sessional Paper we are told that the people of NFD are few. Our numbers do not go up. Maybe our women and men do not reproduce here. We, Somalis, marry four wives not one. We find that four factors contribute to that:

- (i) Maternal death and death of children is very high because of lack of hospitals.
- (ii) People die of very simple diseases.
- (iii) There have been repeated massacres by the Government.
- (iv) Our census numbers are understated deliberately by the Government, so that we do not get our fair share of national development.

In Wajir where we are seated today, we use a peculiar type of latrine. We use bucket latrines. If you go to Wajir District Hospital, most of the deaths are as a result of people drinking contaminated water. Is it not a shame that people who live in a country that has been independent for 50 years cannot get a sewerage system?

The Presiding Chair (Commissioner Slye): Mr. Osman, we very much appreciate your testimony, in particular its depth and breath. You have the history of the violations that have occurred in this part of the country. It is incredibly helpful to us as we try to understand not only what happened here, but also why it happened. It is not only important and useful to us but also to the rest of Kenya. The media is here and we are here. We will do everything we can to make sure that the rest of Kenya hears your story and the story of your community. You had asked us to acknowledge certain individuals

who have suffered. I do not know if they are here in the hall. If they are here, we welcome them to come to be acknowledged.

*(Mzee Abdulahi Shurie, Mama Fatuma Jeri
and Mama Olei moved to the front of the Hall)*

I would like to ask either our clerk or the Master of Ceremony to make sure that we get their names.

Mr. Mohamed Dagane Osman: Mr. Presiding Chair, Sir, I would like to windup my narration. This catastrophe that has befallen our people for the past 40 years, and the acts of impunity that is still continuing as of today--- I think my son and daughter have every right to be given national ID cards.

We, as a people, feel that we need to get official apology from the Kenyan Government, if at all the Government cares about the people of this area. We also need reparations because after 48 years of independence we do not have any infrastructure to be proud of. As we go into the devolved system of governance----

Mr. Presiding Chair, Sir, Mr. Abdullahi Shurie, that old man who is being led to the chair, has been brutally beaten by the Kenya Army in the area where I come from. His brother Omar died as a result of those beatings. We have given photos of the torture of *Mzee Abdullahi*.

That lady who is seated next to that gentleman is my mother, Fatuma Jeri. In 1964 I was a young man in Korofarar. I was born in Korofarar. My mother comes from the Degodia clan; I also come from the Ogaden tribe. I am a mixed breed. When my uncles suffer, I cry. When the side of my father is brutalized I also cry. On that particular day, my mother had just given birth to a baby boy who is 45 years old now. The *askaris* went to her hut and beat her up. On the right, at the back of her shoulder there is a very big scar. That was as a result of the beating. She was also beaten on this side of her head.

Haji Dagani, who was my father, was the first to have settled in Korofarar. He had about 500 goats and about 80 cattle. He also had a shop worth about Kshs30, 000 at that time. Those animals were all shot dead. The shop was looted by the soldiers.

Mama Olei, who is a wife to my late brother--- My father Haji Dagane, his brothers Moktar and Bashir are late; they all died as a result of severe beatings. *Mama Olei Isak* was a young beautiful lady during her youthful days. This posture you are seeing is as a result of the beatings by the Kenya Army personnel. As the bread winner of the family it cost me about Kshs100, 000 plus in terms of medication to make sure that these two ladies are alive. This is not because they have been naturally sick. These are injuries inflicted by soldiers. I brought them in front of you, and I think they are the people with the slightest injuries. Some of them are very severe.

Mr. Presiding Chair, Sir, taking all that into consideration, we never had acknowledgement or an apology from the Government. It was only this year during the celebration of the Wagalla Massacre that the Right Hon. Prime Minister gave what looked like an apology. Through your hon. Commission, we want an official apology like the one the Prime Minister of Australia gave to the aborigines. We need reparations. If the President and the Cabinet and our brothers in other parts of Kenya--- We have lost about 60 to 70 years. What we are living with right now are injuries and sufferings. Nearly 60 per cent of the people seated in this hall are somehow traumatized by these events. We need a special marshall plan for us to be proud to be Kenyans. We need a special marshall plan like the one that was given to Europe after the Second World War, so that we can catch up with the rest of Kenyans.

Mr. Presiding Chair, Sir, in the 1980s there were oil explorations and companies were coming around saying they wanted to prospect for oil. There was this Great Well Commission at a place called Arbajan. Even His Excellency the President then, Mr. Moi, visited Ndovu Well. For exploration, these people were digging everywhere and as a result, we are experiencing throat cancer in this area. Through your hon. Commission, you can ascertain this claim by looking at the number of throat cancer patients in this hospital. We suspect that there was no oil exploration. The whitemen brought nuclear waste into this area.

In 1997 when we had *El Nino* rains and all depressions were filled with water, many wild animals died. Through your hon. Commission, we want experts to be sent to ascertain whether there is poisonous stuff hidden in holes.

Mr. Presiding Chair, Sir, the Kenyan Government has shown us that they have no regard for the people of northern Kenya. They care very much about wild animals so as to attract tourists to this country. Elephants and rhinos are well protected and cared for. However, the Government does not care about the people of North Eastern Province. What we get in turn are acts of impunity and so forth.

Mr. Presiding Chair, Sir, I am sorry to have taken a lot of your time. I would like to sum up. The Mau Mau veterans filed a case in the British courts, but in our case we demand an official apology from the Government together with reparations. There has been brutality visited upon us because of our ethnicity. I believe your hon. Commission has absolute and unquestionable jurisdiction, and authority to address the historical injustices that we have suffered. Only by you doing so shall we be able to see ourselves as Kenyans.

Adopt a new philosophy of producing an actual Kenyan regional reality that reinforces Kenyan beliefs and portrays the nobility of the human soul that sustains the aspirations of all Kenyans living in peace, and as one sovereign and indivisible nation, which will never again make a mistake of subjecting her citizens to such treatment. Out of that extraordinary human catastrophe that we suffered, will be born a new Kenya of which humanity will be proud. That is the daunting task and challenge that the Commission has to deal with as a test of your performance and integrity.

May God help your Commission! Thank you very much.

The Presiding Chair (Commissioner Slye): Thank you very much, Mr. Dagane Osman. I thank you not only for your testimony but also for the recommendations that you have given to us, which will prove quite helpful in our work. I want to acknowledge the elders whom you have brought forward to us. I have asked an interpreter to be here so that they can understand what we say when we speak to them.

First, I would like to welcome all of you on behalf of the Commission. We have heard the violations which you and members of your community have suffered. We see that you have brought documents.

We can also see that you have documents for us as trustees. I want to thank you on behalf of the Commission and the people of Kenya for your willingness to come and share with us your suffering. We can see from your bodies and on your faces the history of the suffering that you have gone through. I would like to mention in particular, to the women among you, that we appreciate the suffering that you have gone through, not only to the rest of your families and the rest of your livelihood, but also the direct violence against yourselves.

So, I would like to inform you and the other women here and elsewhere, that we recognize the special circumstances of women and violations against women. For that reason, we will be holding a hearing tomorrow morning for women only. So, I would like to invite you to attend that hearing so that you can tell your story there. I would like to know if any of my Commissioners have anything to tell you today.

Commissioner Ojienda: Thank you very much for bringing forth to the Commission the plight of persons who sustained injuries through torture. I just want to acknowledge the pains. As the presiding Chair said, I hope that the people who are before us have recorded statements. We as the commission shall ensure that we get to the bottom of this matter, just to reassure these five people that we deeply share the pain of what they went through.

Commissioner Chawatama: I would like to join other Commissioners in celebrating the lives of the great men and women before us. My celebration of your lives is that you continue to live and you have not given up. I am sure you inspire a lot of people and generations to come. For the women, I look forward to interacting with you and hearing your testimonies.

Thank you.

The Acting Chair (Commissioner Namachanja): On behalf of my mother and all the women from the region where I come from, I would like to apologize that while they were suffering especially before the multiparty elections, in Western Province where I come from, we were very peaceful. When we were living in peace, you and other fellow

women went through what you went through and we were not able to be of any help to you. I am deeply sorry and I apologize on behalf of those women from those regions.

The Presiding Chair (Commissioner Slye): I want to thank all of you for your willingness to come and share with us what you went through. Our agenda is that, we will continue with our investigations so that we and the rest of Kenya understand and appreciate how you suffered. At the same time, as Commissioner Chawatama said, we also celebrate your life and your survival and your willingness to give us and the people of Kenya your stories. Does the Evidence Leader have any questions for the witness?

Mr. Tom Chavangi: Thank you, presiding Chair. Before I ask Mr. Elkana any questions, for our record, we want to capture the names of the witnesses before us. So, could the microphone be passed to each one of them so that they can introduce themselves, just for our record?

The Presiding Chair (Commissioner Slye): Could the interpreter explain that to the witnesses; that we would like them to say their names into the microphone so that we get them correctly pronounced?

Ms. Fatuma Abdi Chore Eloye: My name is Fatuma Abdi Chore Eloye.

Mr. Olei Eli Gure Mohammed: My name is Olei Gure Mohammed.

Mr. Abdullahi Shurie Hassan: My name is Abdullahi Shurie Hassan.

Ms. Fatuma Jele bdire: My name is Fatuma Jele Abdire

Mr. Dagane Seid Ali: My name is Dagane Sied Ali

The Presiding Chair (Commissioner Slye): Thank you. May I ask the witness; when you finish speaking, turn off your microphone because when it is on, it interferes with others. There is a button for turning off.

Thank you.

Mr. Tom Chavangi: Thank you, Mr. Presiding Chair. Mr. Dagane, thank you very much. I will have a few questions for you. Then I will pass you over to the Commissioners who will ask you a few questions just for clarification purposes.

Mr. Dagane, you have produced ten pictures of atrocities against *Mzee* Shurie and one newspaper cutting showing the story of *Mzee* Shurie and his sufferings. Would you like to produce the ten pictures and the newspaper cutting as exhibits in this Commission?

Mr. Mohamed Dagane Osman: Yes, your honour!

Mr. Tom Chavangi: Commissioners, before us we have ten pictures showing clearly the sufferings of *Mzee* Shurie and one newspaper cutting detailing the story of *Mzee* Shurie. We would like to produce these as exhibits before you for the purposes of the record.

The Presiding Chair (Commissioner Slye): Yes. Please do and, mark them as exhibits.

(Mzee Shurie's pictures and newspaper cuttings were marked as exhibits)

Mr. Tom Chavangi: *Mzee* Dagane, I am now going to ask you a few questions about this incident of the beating of *Mzee* Shurie. When did it take place?

Mr. Mohamed Dagane Osman: Your honour, this incident of *Mzee* Shurie happened in 1993 at a place called Diffu. *Mzee* Shurie and his late brother Omar Shurie, who died as a result of torture, had not done any mistake. The only thing that the military said was that they owned firearms. This is an old man who is not even able to carry any firearm. I do not know where they got that information from and, I think the Government is better placed to investigate and ascertain such claims but not to brutalize, maim or kill. Have I answered your question?

Mr. Tom Chavangi: Yes, *Mzee* Dagane, you have answered my question. My next question is about the systematic killings of your animals. Do you have an estimate - just off-head - of how many animals have been killed, according to your memorandum?

Mr. Mohamed Dagane Osman: Mr. Presiding Chair, the killing of animals has been systematic from 1964. The Somalis value an animal called camel. Not that we like it, but this camel has been mentioned several times in the Holy Koran. During this time when we had the *Shifita* War, the Kenyan authorities believed that any camel herder--- Camel milk can sustain the lives of the people for a long time. So, the soldiers were actually killing the camel and human beings in the same manner. I cannot imagine the number of animals that were killed because I have not taken the census. But I witnessed thousands and thousands being killed; there where heaps of bones of these animals that were killed. So, to ascertain my claim that people lost animals, it can be seen from the poverty index of the people of our area.

Have I answered your question?

Mr. Tom Chavangi: Yes, *Mzee* Dagane. You have answered. You talked clearly about health, infrastructure and education and you described Lenana and Alliance high schools very clearly. This first secondary school that was established in 1965 in the NFD region; what is the name of this secondary school?

Mr. Mohamed Dagane Osman: It is called Wajir High School and it is here in Wajir.

Mr. Tom Chavangi: What is the state of this school at the moment?

Mr. Mohamed Dagane Osman: It is very pathetic, Mr. Presiding Chair, Sir. If I elaborate on that question; today in the whole of NFD, we do not have a single national school or any centre of excellence. So, from there you can see that we have been completely marginalized.

Secondly, our primary schools are not well equipped; we do not have enough teachers. So, actually, we have been marginalized on that line.

Have I answered your question?

Mr. Tom Chavangi: Yes, *Mzee* Dagane. My second last question is about vetting for the purposes of getting identification cards and discrimination in terms of employment. Do you have any specific offices and officers that you have in mind that have committed this?

Mr. Mohamed Dagane Osman: Mr. Presiding Chair, Sir, I think I have talked about the issue of identification cards. I think even the DCs are here to tell us about these vetting issues. I just gave you an example saying that an ordinary Somali youth cannot walk into any office and get an ID, as opposed to other parts of Kenya where a youth can go straight to the registration office and get an ID. This is because of the mistrust and the marginalization that is being practised by the current Government.

I gave you a typical example of myself; I worked as a navy officer and I was not an ordinary soldier, anyway. I was trained as a marine engineer for three years in HMS Britain. I served my country with honour and diligence but today, my son and daughter cannot get an identification card without vetting.

With regard to job opportunities, I can show you thousands of boys and girls who completed school three to four years ago and have very nice grades which can enable them join university or get employed but they cannot because they do not have identification cards.

Just recently, I was in Garissa with some elders to find out what had happened to the vetting system and he told us that some of our people registered as refugees and as such there was delay in issuance of IDs. But the one million dollar question is: Are we suffering because of the refugees or is it the Kenyan Government that has made those arrangements through the United Nations High Commissioner for Refugees (UNHCR)? It is not our problem and we cannot suffer because of the refugees! This is impunity by the Government to suppress our youth so that they can be discouraged. It is even on record that some of the PCs claim that our youth were going to fight alongside the *Al-Shaabab*. Why should my son and daughter be subjected to vetting?

Mr. Tom Chavangi: Thank you Mr. Dagane. You have actually answered my last question. So, I will pass you over to the Commissioners who will also ask you a few questions.

The Presiding Chair (Commissioner Slye): Thank you again, Mr. Dagane. I would like to ask whether any of my fellow Commissioners have any questions.

The Acting Chair (Commissioner Namachanja): Thank you for sharing that information with us. I would like to ask questions related to education. You said that the first secondary school here was Wajir High School. Is it a mixed, boys, or girls school?

Mr. Mohamed Dagane Osman: Thank you, Madam Commissioner. The school was started in 1965 and it was a mixed school then but now it is a boys' school only. We have other girls' schools somewhere.

The Acting Chair (Ms. Namachanja): When did it turn to a boys' school?

Mr. Mohamed Dagane Osman: I do not have the specific date. I completed school in 1973 and joined the navy. I left when it was a mixed school but when I came back in 1979, I saw it written "Wajir Boys' High School". So, I do not have the specific date as to when it became a boys' school.

The Acting Chair (Commissioner Namachanja): I am asking this question for my own understanding because I have women friends from this region; like Deka Ibrahim. When you ask them about their high school life, they say they went through Wajir Boys' High School. So, I just wanted to understand how women could study in a boys' school. Does it mean that at that time, there was totally no high school for girls and, if that is the case, how did the girls who completed primary school proceed to high school? That is where I am driving to.

Mr. Mohamed Dagane Osman: Madam Commissioner, as I told you, when the school started, even in our class, we had Ms. Rukia Subow who is the Chairlady for *Maendeleo ya Wanawake*. The retired Major Farah's wife was also my schoolmate at Wajir High School. There are several prominent ladies we studied together with. But I told you that I do not know the specific date when they transformed it to a boys' school.

Commissioner Ojienda: Thank you, Mr. Dagane. You have requested or demanded for two things: One is an apology from the Government for the systematic violations that have occurred in this region and, secondly, you have told the Commission that there is need for reparations to the residents of this area who have suffered. What specific forms of reparations would you want this Commission to document?

Mr. Mohamed Dagane Osman: Thank you very much, Commissioner Ojienda. First and foremost, we want an official apology. I think if I wrong you, the first thing is to tell you, sorry. Secondly, we want reparations because in front of us here today are mothers whose husbands and bread winners died. There are brothers and sisters who have been brought in front of you who need medication as they have been maimed. I think your honourable Commission has the legislation to compensate those people for the damages.

Thirdly, I asked for a marshall plan. By that I mean the Government should set aside a special budget to put in place proper infrastructure to enhance the growth of the region and to create wealth for the people. If I may elaborate on that issue; for example, we wanted Kshs20 billion for about 20 years to be given to each county in the NFD so that we can upgrade our infrastructure so that within a short period, we can be at par with the rest of Kenya. Have I answered your question sir?

Commissioner Dinka: Thank you, Mr. Dagane. You have given us a full and detailed summary of what is happening in the region. Given the fact that you had the first high school in 1965 and the only referral hospital for the region is in Garissa, which is ill equipped and does not even have a blood bank, could you tell me if you have the figure of the literacy rate compared with the rest of Kenya for the northern region and the life expectancy of the people of northern Kenya compared to the rest of Kenya?

Thank you.

Mr. Mohamed Dagane Osman: Thank you. I think you asked the literacy level of the area and the life expectancy. I think the educationists are better placed to tell us that. But the last time I attended a symposium on education, the literacy level in North Eastern Province was about 30 to 35 per cent whereas the survival rate is very low. People die early because we do not have proper medication and food security. Our people are purely nomadic and the Government of Kenya has shown that they only care for their cash crop and the wild animals that attract tourists. We even do not have proper infrastructure in place to water our animals. Putting all that into consideration, the life span of the people of this area is very short. Does that answer your question?

Commissioner Dinka: Yes.

Mr. Mohamed Dagane Osman: Thank you very much.

The Presiding Chair (Commissioner Slye): I want to thank you again, *Mzee* Dagane. I just wanted to address two things which you had raised in your testimony. You had raised the issue of statement-taking and the Indemnity Act. With respect to statement-taking, this Commission is privileged to have taken the largest number of statements ever collected by a truth commission in the world. We have now collected over 30,000 statements from individual Kenyans and the largest number came from this region. That tells us that a lot of people in Kenya, particularly from this region, want or need something like this Commission. We also heard your plea for a special commission for this region and this is something that we will consider when we come to make our final recommendations.

We will continue to do statement-taking. In fact, our statement takers are here at this venue and they will be here during our hearings. We have also tried to deploy statement takers strategically to try to reach those areas and those communities that we previously had not been able to reach successfully. I would also urge you and other members here to, in fact, do what you have just done; come together with your communities, talk among

yourselves, remind yourselves of your history and put that down in the form of a memorandum and simulate to us.

Our research and investigations do not end with statement taking. We will continue to collect and analyze information and all of that will be taken into account in our final report.

With respect to the Indemnity Act, I am sorry to inform you that it is still in the box. As some of you may know, Parliament did well to repeal the Indemnity Act but the President saw it right not to approve that repeal. This Commission is clear that we support the repeal of the Indemnity Act. We have worked and we will continue to work in support of those who continue to try to get that Act repealed. If it is not repealed by the time we finish our work, we will probably include that as a recommendation in our final report.

I want to assure you that under our statutes, our recommendations are binding as a matter of law against the Government of Kenya. So, again, I want to thank you and particularly, the five of you who came up here to share your stories with us, the people here and out there, the people in Kenya and, indeed, the whole world.

Thank you.

Mr. Mohamed Dagane Osman: Mr. Presiding Chair, Sir, are we allowed to ask questions?

The Presiding Chair (Commissioner Slye): You are allowed to ask questions.

Mr. Mohamed Dagane Osman: I want to ask you a question.

The Presiding Chair (Commissioner Slye): I think if you have a question, you could direct it to our staff if it is related to your testimony.

Mr. Mohamed Dagane Osman: I have heard what the Presiding Chair has told us about the Indemnity Act. The elders and the community were of the opinion that those people who were adversely mentioned to have recommended the Wagalla Massacre; former Permanent Secretaries, Mr. Kiplagat who was supposed to be the Chairman of this Commission and Mr. Mwiraria, as we have seen on television, be questioned.

Secondly, is the Indemnity Act barring this Commission from taking recommendations from them?

The Presiding Chair (Commissioner Slye): That is a very important question. The question is whether the Indemnity Act applies to individuals that were involved in or were responsible for the Wagalla Massacre.

Let me say two things about that: First, the Indemnity Act only applies to acts that occurred between 1964 and 1967.

So, anything that happened here after 1967 is not affected at all by the Indemnity Act.

Secondly, even with respect to those acts that occurred between 1964 and 1967, the Indemnity Act does not affect us and our ability to undertake investigations, research or the hearing of testimony with respect to individuals who were responsible for atrocities during that period.

So, we are sure that the Indemnity Act does not affect our ability to do our work, and we want to assure you that it does not affect our ability to do our work. You can come before us and speak about violations that occurred during that period without violating that law.

At the same time, we recognise that the Indemnity Act affects far more than this Commission. It prevents individuals from going to court or from initiating criminal prosecution or seeking compensation outside our process for anything that happened during that period. It is for that reason that we support the efforts to have that Act repealed.

Mr. Mohamed Dagane Osman: Thank you, Mr. Presiding Chair. Last but not least, I think your Commission, besides looking at the truth, also deals with reconciliation. We, in Wajir, had one of the worst massacres in the name of the “Wagalla Massacre”. On the day when that massacre took place, we, people from Wajir South, especially the Ogaden people, gave a helping hand to our brothers and sisters. Some of them even lived in our houses.

In particular, the Degodia Clan is where my mother comes from, and I feel very sorry for them. Most of these ladies wearing white veils, who are sitting in front of you, are my step-mothers who lost their husbands. In the Islamic and Somali tradition, when a woman loses her husband, she wears a white veil.

Putting that into consideration, I hope this Commission will not leave any stone unturned to make sure that justice is done.

Secondly, there is a young man who wrote a book called *Blood on the Runway*. I have read the book. I want your Commission to read that book because it could be a source of defeating your reconciliatory effort. That book has a lot of distortion of history. So, I will leave that to the discretion of your Commission to read that book and recommend whether it is fit to be sold in this country.

Thank you very much.

The Presiding Chair (Commissioner Slye): Thank you, *Mzee* Dakane. The ultimate purpose of this Commission, as you have rightly stated, is to further reconciliation and national healing. In fact, having public hearings where people like you can come forward and tell your story, and where members of the public sit respectfully and listen to your

story, as members of the public here have done this morningt is part of the process we have undertaken to further reconciliation and national healing.

But as you have also rightly said, you cannot have reconciliation or national healing without justice. I cannot ask you to reconcile with me if I stole your land and I have not been willing to compensate you for that theft. So, justice is also part of the agenda of this Commission. But, of course, you cannot have justice without truth. We need to understand who did what, who suffered what, why they did what they did and why people suffered what they suffered.

So, we need to stay with the truth, and we will use that truth to vouch for justice. It is through the achievement of justice that we will then push for reconciliation and national healing.

So, thank you again.

Mr. Mohamed Dagane Osman: Thank you, Sir.

The Presiding Chair (Commissioner Slye): May I ask the Hearing Clerk to escort the witness to his seat and bring in the second witness?

(Mr. Dagane was escorted to his seat)

(Mr. Bishar Ismail Ibrahim took the oath)

The Presiding Chair (Commissioner Slye): I want to welcome you, *Mzee* Bishar, to give your testimony before this Commission. On behalf of the Commission, I want to ask you and other witnesses, who will be appearing before us this morning, that you cannot repeat facts and issues raised by the first witness, but you can either elaborate on those issues, if you find that necessary, or raise new issues before this Commission, in the interest of time.

We appreciate your patience and that of the audience, particularly in view of the periodic power outages that we have had. So, can I ask the evidence giver to proceed?

Mr. Tom Chavangi: Thank you, Mr. Presiding Chair.

Mzee, kindly, tell the Commissioners your name.

Mr. Bishar Ismail Ibrahim: Mr. Presiding Chair, Sir, I am Bishar Ismail Ibrahim.

Mr. Chavangi: *Mzee* Bishar Ismail Ibrahim, where do you live?

Mr. Bishar Ismail Ibrahim: I live in Bulla Jogoo.

Mr. Tom Chavangi: Mr. Ismail, you gave a statement to the Commission?

Mr. Bishar Ismail Ibrahim: Yes, I gave about two statements, one on Wagalla and one on my own issues.

Mr. Tom Chavangi: I would like you to tell us about the two statements. Kindly, start with the Wagalla issue, which actually led to your dismissal. We are here to share your story. So, feel free to tell us your story.

Mr. Bishar Ismail Ibrahim: Hon. Commissioners, we welcome you very much. With full confidence, we shall give you what we have at hand.

I appreciate that the former speaker talked much about common problems; in respect of most of them, I felt that he was stealing from my heart. That was beautiful. What he talked about generally reflects the feeling of the people at this gathering.

With your permission, I will speak on the issue of Wagalla at this moment. I will request the Commission to give me another chance for my personal issue and explain how my services were terminated, *et cetera*. So, at this sitting, I will only elaborate on what happened at Wagalla.

Before I go into the details of the issue, I request that we observe one minute's silence in honour of what happened in Wagalla. That is my request, if it is accepted.

(The gathering observed one minute's silence)

Mr. Presiding Chair, if all the water today is turned into ink with which to write, all the trees are turned into pens with which to write, and all the land is turned into paper on which to write, the history of Wagalla cannot be covered. It is very wide. So, I will deal with only a few aspects of it. The women you see here in white veils lost their husbands at Wagalla. However, these are not the only ones whose husbands died. This is just an example for this Commission to see that several people died.

I would like to take this opportunity to request those witnesses who are going to speak after me to elaborate further how the Wagalla were killed. If anybody speaks otherwise at this gathering, it will cause a problem. I want the Commission to ensure that, that does not happen.

Mr. Presiding Chair, I have brought my memory in terms of files I have labelled for each Commissioner. Possibly, our friend will hand over these files to you. The document is self explanatory. Everything I am going to talk about is indicated in that document, which I will hand over to the Commission on this day of 18th April, 2011, the venue being Kenya Red Cross Hall, in the presence of seven Commissioners, its skeleton staff and others, including the Executive Officer of the TJRC plus the Kenya Human Rights Commission representative, Ms. Fatuma and their other workers.

On 6th February, I personally came to the Acting District Commissioner, Mr. Tiema's office. He called and told me: "On the 8th, I need you. What I wanted to discuss with you today is not possible. I need you on 8th. Please, come to my office."

On 8th, I went to his office, and he told me: "Today, we have visitors from the Provincial Security Committee and the National Security Committee, including our brother, Amb. Kiplagat. So, I will not have a chance to discuss with you. Go back to your station at Wagalla." That is one thing I have forgotten. I was the Chief, Wagalla, by then. I am very sorry to have omitted that bit in my statement. The Acting DC said to me: "Go back to your location of Wagalla. I will call you when necessary."

On the 10th, I discovered that a lot of people were brought by military vehicles to Wagalla Airstrip. This was a wonder to me. I was wondering whether there was to be a public baraza about which I was not informed. Those people were rounded up by Kenya security forces, comprising of the Military, Regular Police and Administration Police.

The Armed Forces comprised of troops from the Seventh Kenya Rifles Battalion, the 844 Squadron of 82 Air Force, 75 Artillery Battalion; others were ADCU 82 Air Force based in Wajir. More troops from Langata Barracks and 9th Company from Moyale were all brought to Wagalla as reinforcements.

That morning, at around 8.30 a.m., the Officer Commanding Police Division (OCPD), Mr. C.M. Obwere, came to the place in a Land Rover vehicle, with full security. He told me: "Chief, can you come with me? The DC is calling you." I told him: "The DC knows how to call me. You are not his office messenger. Goodbye, brother." I refused to go with him.

After he left, I went to the DC's Office. I followed one of the military vehicles. I was in uniform. I went to the DC's office. I told him: "The OCPD told me to come with him. He said that you sent him, but I refused to accompany him." He told me: "You did good to have refused to accompany him."

I asked him: "What is wrong today? A lot of military vehicles are ferrying people there." He told me: "The Provincial Security Committee and the National Security Committee had instructed on that day of 8th that all water points where the animals of the Degodia Clan were watering should be closed. Today, all male persons of the Degodia Clan, excluding the uniformed officers, will be taken to the airstrip." He said that he did not know what their fate would be, but they would be kept there. That was what he told me.

He added: "Today, at 2.30 p.m., come back to my office. There is another function, where you will be with me." I went back to his office as instructed and then he told me: "Let us go to Wagalla." So, we left for Wagalla.

We drove up to Wagalla; immediately we arrived, we discovered that the field was filled with people, and it was surrounded by heavily armed security personnel. Members of the Provincial Security Committee and the District Security Committee were all there. The

PPO addressed the people and said: “Today is the Government against the Degodia. There is a war against the Degodia by the Government. If you have enough strength, protect yourselves.”

Then one of the persons who were arrested, whom I can identify at this sitting as Gerat Sene Osman – that tall man who has lost his hearing and other things – said: “I am a KANU official in Wajir East. If this is the same Government we have elected, and now we are prisoners, let us be provided with water and food. Otherwise, we do not have guns. We are not able to fight the Government. We have been removed from different places. We are not fighting the Government; unless the military today has staged a coup, which you have not said, that would be a different case.”

That is what Mr. Gerat Sene Osman said. The Acting District Commissioner, Mr. Tiema, said in English: “I think that is right. Let us provide them with water and food”, but all the other security officers moved in protest. Other instructions were given to the soldiers. They were told to take care of these guys at this place. The Acting District Commissioner removed me and told me: “Come into the vehicle. This is now an issue of the military; we do not know whatever ranks they have. Come to Wajir.”

That was one of the scenarios I was a witness to.

In my investigation, you should not wonder that sometimes, I can be out of my mind. These people spent the night of 10th and the day of 11th. In the morning of 12th, again, the District Commissioner and his team came back. I was not accompanying them in an official manner, but I was, again, following them while I was not in uniform. I just wanted to see what my friends were going to do to my location.

I am a practical witness. When they went there, the people there stood up and sang the National Anthem. I could hear them. They stood up and sang the National Anthem, expecting sympathy from the security committees. They expected that they would be assisted. The OCPD, himself, instructed the soldiers: “Anybody who is not seated should be shot”, and they left. So, there followed shooting here and there, without control.

From that 12th day up to the end of the 14th, the people who were taken there were beaten up. I am sorry to have forgotten to indicate in my statement that those people were naked. On the night of 12th, they were all naked and lying on their bellies. Their clothes were collected, put together and set ablaze. That is what happened.

I feel that, that was unrecognised genocide against people of a certain tribe. Those people were collected from their places of work and mosques. One would be asked: “What tribe are you?” And if he said; “Fayu”, which is part of the Degodia people, he would possibly be left alone, but if he said “Degodia”, he would be arrested.

Those people were also brought from Wajir town itself, Elben, Dambas, Bateleu, Eldas, Garbach, Griftu, Buna, Korbaharar and Wajirbor. Some of them were even brought from

Modogashe, Garissa and Mandera. Some of those who were beaten up by the security personnel will say much more than I am saying.

When I tried to do my own investigation, which you cannot ask me how I went into it, I found that the commander was Maj. Mudogo; the deputy commander was Capt. (Rtd) Njeru; four platoon commanders were then Lt. Changole, who is currently a colonel and Lt. Kioko, who is currently a colonel. Here, the use of the word “currently” means as at the time I was gathering this information. One might be dead since then.

Another commander was Lt. Ikiara. Capt. Wachira, who was also a doctor, was involved. The 844 Squadron of ADCU 82, as I said, was a Kenya Air Force unit in Wajir. It was under the command of Maj. D.W. Situma, who is now retired; Capt. J.R. Mwangi, who retired as a major; Lt.-Col. H.F. Muindi has since died, but one of his sons is already a big man in the military.

The following other officers were involved, and they are potential witnesses for this particular Commission: M.M.Tiema, Acting District Commissioner; C.M. Waibera, the OCPD; Mr. Mbole, who was the Acting DSO; Mr. Wachira, who was the DCIO, and used to drive car registration KSN 412.

Some of the vehicles that were used during that operation, whose number plates I managed to get, are: 14KA 53, a lorry of the 7KA Battalion; 60KA 60, a Milan vehicle which used to carry artillery weapons; 60KA 77, also a Milan vehicle; 03KA 17, a Milan vehicle; 60KA 29; KA 248, Land-Rover vehicle, which was used by the OC himself; 06KA 84, Land-Rover of OC cargo.

From the Transport Company, seven lorries and one communication Land-Rover vehicle were used. An army aircraft was also used. Several police vehicles, including the Land-Rover of the OCPD, were used for the operation. Amongst those who were in that car was Inspector Wachira. It was real mobilization.

The said security officers may not explain to these men where they were being ferried to. People were not allowed to ask where they were being taken to and why.

Another thing I would like to add, just for the sake of this Commission, is that there was somebody who came to Wajir on 13th March, 1984. He was sent from Nairobi to unearth the Wagalla issue. His name was Steven Amaratia. That man went to all the places. He was the one who reported the 57 deaths. I am not accusing him, but he is a potential witness. Otherwise, he shares the problem with his friends.

Mr. Presiding Chair, I have sat with you previously and I was comfortable. However, I am sorry that because I am talking about what happened at Wagalla, I am no longer in my normal senses. That is something which is uncontrollable.

For your ease of reference, I am talking on behalf of 20 people who have all signed an annexure. On top of what I have partially read out, I have attached as an annexure, a

classified letter from the late hon. Khalif, which you will see for yourself. When the late hon. Khalif was launching the book *Blood on the Runway*, he talked about this classified letter. I expect that there were military officers who discussed the issue of Wagalla. I am sure that if you read this letter, you will understand whether the military or the Government accepts that Wagalla people were killed, and whether they were killed innocently or not.

The Weekly Review issue of 13th April, 1984 had a Ministerial Statement by the late hon. ole Tipis - an open letter to the President, dated 5th March, 1984; also an open letter to then Minister Hussein Maalim is attached.

Mr. Presiding Chair, in addition to giving you this information, we have recommendations, which we shall leave in the hands of your Commission.

Our first recommendation is the setting up of a public inquiry to investigate the Wagalla massacre. For the last 27 years, victims of the Wagalla Massacre have not gotten the attention they deserve. In order for them to secure substantive justice, and in order for people to learn the truth, it is paramount to set up an independent inquiry. Establishment of a public inquiry will demonstrate the Government's willingness to address past misdeeds and enable victims to access justice.

The Wagalla massacre is an example of the undocumented gross human rights violations that were perpetrated by the Kenyatta and Moi regimes against the people of northern Kenya. The TJRC should conduct a special investigation into the Wagalla Massacre within its broader mandate, and release a separate report with its findings and recommendations for action.

Prosecution should be undertaken against the individuals suspected to have been directly or indirectly responsible for the Wagalla Massacre.

The Provincial Commissioner, Mr. Benson Kaaria, was instrumental in the success of this operation. He is a clear defendant. The late Minister, ole Tipis and Mr. Hussein Maalim Mohamed have a case to answer. Mr. Hussein Maalim Mohamed was the Minister of State for Provincial Administration, Office of the President. The late ole Tipis was the Minister of State for Internal Security, Office of the President. He was quoted in the Press following the Wagalla Massacre as absolving the forces of any blame. A letter was written to Mr. Hussein Maalim Mohamed. He replied to it. What he said in that letter, possibly, somebody else will bring it to the Commission. Mr. G.G. Kariuki opposed this issue to be addressed in Parliament. Above all, the former President Moi is also a key suspect in the Wagalla Massacre. This Commission has summoned 30 people to appear before it. Most of them were civil servants. However, they have not summoned the political class. Although, it is possible, you can do so at your own time. I do not know. We do not want to tie your hands. But I think it is important to summon the President and Minister Hussein, among other politicians. It is the only way we can know who ordered them to do so.

With regard to recommendations, compensations and reparations, I would like to say the following. Both reparations and compensation are very critical to secure redress for the affected individuals, families and communities to correct the wrongs of the atrocities. Hon. Commissioners, frankly, those people who died during Wagalla Massacre, left children and their families. For a long time, I have been educating orphans of Wagalla. Because of the physiological problems they underwent, they could not concentrate in classes. I know of a mother whose husband, son, brother and two brothers-in-law who were sole breadwinners in their families, but all of them were killed in Wagalla. The mother became mad. She was bed ridden for 15 years before she passed on. Some of the children we see in our streets who take hashish and other drugs lost their parents in Wagalla Massacre. There has been no support or assistance from the Government. The victims are now in very poor conditions, resulting from the crimes, while others, succumbed to injuries. We want the victims/survivors and their families to be compensated by the Government of Kenya for the losses they suffered.

The compensation must also be timely. Delaying such payments would be an additional injustice for the victims of Wagalla Massacre. Those people who died must be compensated according to Islamic law. The law states a male person, if he is killed, be paid 100 camels. A camel is about Kshs50, 000. So, a male person who was killed, his next of kin will be paid Kshs5 million. This money is not much. Possibly, some of the perpetrators can pay this money with a lot of ease.

The fifth recommendation is on unfulfilled Government promises to the people of North Eastern Province. Wagalla Airstrip was a death camp for the victims of Wagalla. It is, therefore, a constant reminder of heinous crimes committed against innocent people. When the Government came into power in 2003, it promised to construct a memorial secondary school, library and monument on the site of the Wagalla Massacre. It is evident the Government's promise has not yet been fulfilled. We want the Government to promptly fulfil its promise to our people.

We also request completion of Wagalla monument. The proposed monument will serve as a permanent historical record of what happened. The monument is not meant to have special significance but it will instead symbolize the insurgent renewal and healing that will be needed to face the future. The survivors, victims and friends have already started the foundation of this important monument. We now request financial support from the Government for us to complete this project.

In 2003 when the NARC Government took power, it promised to construct a primary, secondary and college for our people. It is really a wonder that this has not happened. We all know the famous *Nyayo* House torture chamber was demolished and converted to serve other purposes. Why not Wagalla? We were not able to provide the names of the deceased. We have established a Committee to verify those names. Within one month, I promise that we shall provide a list of those names to this Commission. It will be an annex of this particular document.

Before I conclude, I would like to talk about Mr. Wako who is the Attorney-General of the Republic of Kenya. During this event, he was working with the United Nations. He was the head of the investigation team on Wagalla Massacre. His team established that an atrocity was committed. Unfortunately, when he was appointed the Attorney-General of this great nation, he forgot all about the massacre. When we filed a case in the High Court, it was not treated with the seriousness it deserved. I was among the people who sued the Government. Immediately we filed the case, I was transferred to another place to serve in a lower rank. That case is still pending at the High Court. Whenever we talk about it, we, Degodias, are accused of refusing to surrender guns. I wish to add to what the previous speaker said. The allegation of the presence of the bandits and tribal fights among our people was all instigated by the Government representatives. How? They were getting huge allowances over insecurity. Anybody who instigated this insecurity was drawing a lot of money from the Government coffers. There were other allegations that most of illegal arms came from Ethiopia, Somalia and other countries. It is not true. Ours is an independent country. If these people had guns, they would have protected themselves. When the bandits were fighting the Government, our people were not being stripped naked, killed or tortured. This was a systematic plan by Government officials. God knows why they did that to our people. God will punish on their behalf one day. I believe the genocide that took place in one of the African countries; its genesis must have been this massacre. That idea was exported from here. Normally, people export materials, but from here this seed of genocide was exported to other countries. Even chaos of 2008 can be attributed to this.

Wagalla people were not able to protect themselves. They suffered a lot. There is a story told in Somaliland of a mother who had two children; one of them belonged to her. She was the biological mother. The other child belonged to another woman. There were many hyenas in that area. She used to live in a small *herio* with her two children. The child of the other woman was sleeping near the door. She really protected her own child. But when they were attacked by hyenas, she took her child and ran away. The other child was left right at the door. When she heard the cry of that child, in Somali she said: *Habar la hoge* (the one whose mother is not there is suffering). The child answered and said: *Edoy ani wafadaa*, (mother, I am around), which means she picked the other child and left hers at the mercy of hyenas. So, what happened in 2008 did not affect us in North Eastern Province, but Wagalla Massacre affected us more than any other Kenyans. We are here crying for justice. This is what this Commission should address.

If I go back to conflicts of tribes and reconciliation, in 1993, there was an open tribal fight. Every tribe here was arming itself and fighting the other, possibly, with the help of the security personnel. It was like an uprising. However, the wise men and religious leaders discovered what was happening. The *Al Fatah* Committee was formed. I congratulate, Ms. Deka and her team. This committee is still there. It is being chaired by Mohamed Hassan Mumin, who is nicknamed Dukow or Obama. That Committee reconciled the tribes. They urged our people to forget all that had happened in the past. They said anybody who will kill another person, will pay in accordance to the teachings of Islam religion. Any animal or land grabbed from a person, he will be paid ten times. That particular Committee is working and is doing very well. They have reconciled

communities. So, what does the word “reconciliation” means? It is the Government which caused problems to us. How can we reconcile with the Government that has cause all these sufferings to us? As far as tribal conflicts are concerned, we have reconciled. You think there are no guns hidden in some places? We have guns, but there is peace. At that time, one of the special branch officers asked me how we could end banditry in this area. I told him the day the composition of members of the Provincial Security and District Security Committee will consist of Somalis or local people, banditry will be the thing of the past here. A G3 gun is very expensive here. Why? Its bullets are easily obtained at the Government armoury. Other sophisticated guns, if bullets run out, we do not know where to get them. But with the G3 gun, you will get them at cheap price at the Government armoury. After three months, he called me and told me that a person had been arrested in Molo with four donkeys; each carrying ten G3 guns. He agreed with me that G3 is a very expensive gun in some areas because bullets are readily available. When Swaleh was appointed the Provincial Commissioner, North Eastern Province, it became very peaceful. Therefore, in 2008 when Kenyans were killing each other in other provinces, this was the most peaceful province. So, by reconciliation, how do we reconcile with the Government. Possibly, if they do these recommendations, and it is promised that this thing will not be repeated, there will be peace in this country. If they do not fulfill their promises to us, there is nothing we can do. But God will protect us from these hyenas. I am sorry, if I used any abuse language. I am referring to what happened.

With the permission of the Chairman, if I call victims of the Wagalla Massacre who have injuries here, they will fill this place. However, allow me to call Mr. Geret Seney. I would like the Commission to see the injuries he sustained. Mr. Geret was a married man. He had five children. From that day, he sleeps alone. He has grown old and he is suffering.

So, with your permission, Mr. Chairman, I want Mr. Greta Seney to come here and show the Commission what happened to his testicles and his private parts in general. Mr. Chairman, if there was a room, I wish he is seen by the Commission, especially male members. What happened to his testicles is terrible. He was taken 90 kilometres away from Wagalla where he was picked by Analina.

The Presiding Chair (Commissioner Slye): If he is willing, the Commission will be willing to take a short recess and male Commissioners could go back in a room that we have to view his scars, if he is willing to do that.

Mr. Bishar Ismail Ibrahim: He is ready.

The Presiding Chair (Commissioner Slye): Okay; then, we will take a brief recess and go and view the witness’ scars and injuries.

(The Commission adjourned temporarily)

(The Commission resumed)

I want to first thank the members of the public for your patience, while a number of the Commissioners went to view the wounds of Mr. Geret Seney Osman.

First of all, on behalf of the Commission, I want to thank Mr. Getet Seney Osman and his son for coming here and sharing with us the stories and, in particular Mr. Osman's injuries. The male Commissioners have met with him. He has shown us his wounds. We saw parts of his body that had been burnt. We saw parts of his body that had been crushed with a boot. We could also see parts of the imprint of the boot. We are told that these injuries occurred at the Wagalla Airstrip during the Wagalla Massacre. It is important that he was willing to come forward and show us those wounds, so that we can clearly document for the historical record the specific atrocities that occurred during those terrible five days, back in 1984.

I would like to ask the witness, *Mzee* Bishar and the Evidence Leader to continue with whatever testimony he may have. So, could I ask the Evidence Leader to continue with this witness to continue with whatever testimony he has? We will have one more witness before we adjourn for lunch break.

Mr. Tom Chavangi: Thank you, hon. Commissioners; before us, we have seven files containing evidence and documents which Mr. Bishar was referring to. The seven files are for each of the Commissioners, namely; the Presiding Chair (Commissioner Slye), Commissioner Maj-Gen (retired) Ahmed Sheikh Farah, Commissioner Judge Getrude Chawatama, Commissioner Tom Ojienda, Commissioner Amb. Berhanu Dinka, Commissioner Margaret Chava and Commissioner Acting Chair, Namachanja.

In these files, hon. Commissioners, we have a memorandum of the Wagalla Massacre, presented by Mr. Bishar Ismail to the Commissioners, which has recommendations and names of 20 witnesses who survived the Wagalla Massacre. In these files too, we have the Wagalla incident of 1984, background. We have also a document about the Wagalla Massacre written by the late Ahmed Khalif Mohamed, who was the former MP, for Wajir West. We have a newspaper cutting from the *Weekly Review*, about genocide alleged. We also have a Ministerial Statement by Mr. Justus Ole Tipis, the then Minister of State in the Office of the President.

The then Minister of State in the Office of the President read this statement in Parliament on 12th April, 1984. We have in these files, a letter written to the then President, hon. Daniel Toroitich arap Moi, the then Commander-in-Chief of the Armed Forces. This letter was written by hon. Ahmed Khalif Mohamed, MP Wajir West, hon. Abdi Mohamed Sheikh, MP, Wajir East, the then provincial representative, North Eastern Province, D.M. Amin, the then councillor of Wajir Township Ward, Sugal A, the then Chairman of Wajir West sub-branch, Mr. Allas S. Hassan, the then Vice-Chairman of Wagalla Location, KANU, Mr. Abdi Billow and the then Assistant Kadhi, Wajir Religious Scholar, Al Hajj Seid Abdulahi Elmi. We have an open letter to hon. H.M. Mohamed, Minister of State, Office of the President, which was also written by the same

persons that I have just mentioned. I would like to produce these seven files for perusal by yourselves and they be marked as exhibits accordingly.

Hon. Commissioners, before I embark on asking questions, the witness before us did two statements. One of the statements is the one he has just talked about and the other statement is about his wrongful dismissal as a result of the Wagalla Massacre. If you allow me, I would like to produce the documents regarding his dismissal. I had a discussion with him and he says that he has no problems with these documents being produced as evidence. In general, the documents are compiled here and they are all about his wrongful dismissal, communication between himself and the then District Commissioner, the then District Officer, the then Provincial Commissioner, and the Minister in charge of Provincial Administration. If you allow me, I would also like to produce this document as an exhibit.

Hon. Commissioners, if you allow me, I will embark on asking the witness a few questions.

The Presiding Chair (Commissioner Slye): Thank you, Evidence Leader. I just want to say that we appreciate the documents that you have presented before us. We will peruse them, particularly the ones related to your dismissal. If we do have questions or want clarifications with respect to those documents, we appreciate your offer to come back before this Commission to provide those clarifications.

Thank you.

Mr. Tom Chavangi: Thank you, Presiding Chair. *Mzee* Bishar, I will ask you a few questions and then pass you over to the Commissioners for purposes of clarity. In your concluding remarks, *Mzee* Bishar, you mentioned that there was a case filed by yourself and others against the Government of Kenya. Do you recall the case number and probably the High Court where this case was filed?

Mr. Bishar Ismail Ibrahim: I do not recall right now, although I have the documents at home.

Mr. Tom Chavangi: So, *Mzee* Bishar, you will be in a position to produce the documents when you find time?

Mr. Bishar Ismail Ibrahim: Yes. I will provide them tomorrow.

Mr. Tom Chavangi: Also, in your testimony, Mr. Bishar, you mentioned one Stephen Amarachi, who came to Wajir and reported about the deaths. Who was he?

Mr. Bishar Ismail Ibrahim: He was a Superintendent of Police who came from police headquarters in Nairobi.

Mr. Tom Chavangi: So, what are you confirming, Mr. Bishar?

Mr. Bishar Ismail Ibrahim: I am confirming that Mr. Amarachi came to Wajir and I took him up to where the dead bodies were in Griftu. He was witnessed by somebody who I do not see now, but he promised that he was to be here. He was Mr. Uas Abdulle. He only counted the skulls that he had seen, which were 44. At Analina, he counted 13 and we saw one near Wagalla Airstrip. So, he reported 57 dead bodies.

If I go back to that small story about him, Mr. Stephen Amarachi was introduced to me by the then OCPD and District Special Branch Officer. They called me and told me: "This man wants to unearth the issue of Wagalla; can you tell him anything?" I said: "You are the culprits, the people who killed other people. You have taken people somewhere, so why can you not tell him? If you, Mr. Stephen, has no confidence in these guys, how would you ask me in front of them?" He took me to the District Commissioner and took a statement from me. I told them that I had not seen the dead bodies, but it was reported to me by somebody called Uas Abdulle that some were at Analina. I told him the stories. The following morning, they came with the security committee and we went to Griftu where he witnessed himself. Immediately he finished, he told me: "You know, Mr. Ismail, I am now under fear. Go with that vehicle while I call the medical officer to do a post mortem on the dead bodies. Just for your sake, go to your District Commissioner." That is where I wrote the other letter that you have seen in my document. I said: "I should not be victimized because I have collaborated with the person who is doing the investigation." I presented the letter to the District Commissioner, Mr. Matui, who was there at that time. On 17th and 18th March, Mr. Matui was there. He told me: "They called you to ask questions and then you fear?"

Mr. Tom Chavangi: Thank you, Mr. Bishar. When you started your testimony, you said on 6th February, you went to the District Commissioner's office, but you did not mention the year.

Mr. Bishar Ismail Ibrahim: I am sorry. It was on 6th February, 1984.

Mr. Tom Chavangi: Thank you. You went back on 8th February and you did not mention the year.

Mr. Bishar Ismail Ibrahim: It was in 1984.

Mr. Tom Chavangi: On 8th you were to meet the District Commissioner, but you did not.

Mr. Bishar Ismail Ibrahim: I met the District Commissioner on 8th, but he told me that he had no chance to tell me what he wanted to tell me, because on that day, the Provincial and National Security committees were there.

Mr. Tom Chavangi: You mentioned one Bethuel Kiplagat. Who are the rest of the people who accompanied him?

Mr. Bishar Ismail Ibrahim: Actually, they were several. The Provincial Commissioner was there and Mr. David Mwiraria was also there but I did not know the others. Other than calling them the Provincial and National Security Committee, I never knew them by name. I did not even know Mr. Kiplagat by name. I only knew his position as the Permanent Secretary, Ministry of Foreign Affairs.

Mr. Tom Chavangi: On 10th February--- You did not mention the year.

Mr. Bishar Ismail Ibrahim: Again, it was in 1984.

Mr. Tom Chavangi: You said that people were taken to Wagalla Airstrip. Do you recall how many people were rounded up and taken to Wagalla Airstrip?

Mr. Bishar Ismail Ibrahim: I cannot exactly say the number of people. It is not only that particular day, but up to 13th, those people were being dumped there. It was not only on 10th that people were taken there. That particular day and at the end of the day, I cannot tell the number of people who were taken there.

Mr. Tom Chavangi: Mr. Bishar, the purpose of this Commission is to establish the historical injustices, its causes and consequences. As you were narrating your story, it came out clearly that there have been reconciliation processes within certain communities in Wajir. Which are these communities in Wajir?

Mr. Bishar Ismail Ibrahim: Actually, the reconciliation I talked about was in 1993/1994 and not 1984. I do not know whether you understand.

Mr. Tom Chavangi: I understand. Who are these communities? I just want to establish.

Mr. Bishar Ismail Ibrahim: There are several of them within the Somalis, but the major ones were the Ajuran, Ogaden and Degodia.

Mr. Tom Chavangi: So, the communities are Degodia, Ajuran and Ogaden? For the Commission to get to the root of the historical injustices, you mentioned in your testimony that the Degodias surrendered some arms. Why were they ordered to surrender arms?

Mr. Bishar Ismail Ibrahim: Actually, I must have been misquoted. I did not say that guns were surrendered. I did not say that.

Mr. Tom Chavangi: My last question will be about the rounding up of the Degodia. That one, you must have said.

Mr. Bishar Ismail Ibrahim: I have said it.

Mr. Tom Chavangi: Why were the Degodia males rounded up?

Mr. Bishar Ismail Ibrahim: This is an atrocity that is not known to us. That is the wonder we have. As I said, it is genocide.

Mr. Tom Chavangi: Thank you, Mr. Bishar. I will hand you over to the Commissioners for clarification.

The Presiding Chair (Commissioner Slye): Thank you, Evidence Leader and *Mzee* Bishar. I would like to ask if any of my fellow Commissioners have questions.

Commissioner Dinka: I just have one question. First of all, thank you very much for taking your time and giving us full explanation of what happened and for the two memoranda. You said that there has been reconciliation among the clans in 1993/1994. Which clans have been reconciled? What was the conflict for and how was that conflict manifested? Which clans are they?

Mr. Bishar Ismail Ibrahim: Mr. Commissioner, the clans were Degodia, Ajuran and Ogaden. They were the majority. That reconciliation is not connected to Wagalla. It is connected to the uprising in 1993/1994; when the multiparty uprising came. People were arming themselves and there were killings here and there. There was fighting among them and they were reconciled. That is where I said *Al Fatar* was created. It reconciled and everything became normal.

Commissioner Chawatama: Thank you very much for sharing your testimony. We commend the clans that have made efforts for reconciliation. Where there is peace amongst people, development is easy. I just have a few questions. I know you have said that you will bring documents from the court process, but for the sake of the public hearing, we would like certain information on record.

My first question is not related to the court process. You mentioned the *baraza* where a certain official said that the operation that they were undertaking was aimed at teaching some rebellious clans a lesson. What was the rebellion and lesson? Did he mention this to you?

Mr. Bishar Ismail Ibrahim: Actually, as I started when I was reading my memorandum, the PPO said: “Today, there is a fight between the Degodia and the Government and if you have the strength, protect yourself.” I feel that, that man means that exactly. The lesson means that killing; what I call the genocide.

Commissioner Chawatama: On the court issue, how many people make up the plaintiff? How many people have sued the Government?

Mr. Bishar Ismail Ibrahim: About 19 people, including the Minister for Development of Northern Kenya and other Arid Lands, Mr. Elmi.

Commissioner Chawatama: You are represented by a lawyer?

Mr. Bishar Ismail Ibrahim: Yes, Mr. Gitobu Imanyara.

Commissioner Chawatama: Has any of you been called to testify?

Mr. Bishar Ismail Ibrahim: No, the hearing was blocked by the CGS.

Commissioner Chawatama: When you say the hearing was blocked, that means that the matter is not active in court or is it still active to your knowledge?

Mr. Bishar Ismail Ibrahim: Actually, it is shelved according to me. Nothing is moving.

Commissioner Chawatama: In which year was the matter taken to court?

Mr. Bishar Ismail Ibrahim: In 2003. I do not want to make a mistake. I will bring even the Kenya Gazette.

Commissioner Chawatama: That is the information I wanted. I am sure the other information will come from the documents that you will submit to the Commission.

Thank you.

The Acting Chair (Commissioner Namachanja): Thank you, Sir, for sharing your bitter experience. As a chief of the area and person in charge of your people, what was your most difficult moment when the Wagalla Massacre was going on at that particular time?

Mr. Bishar Ismail Ibrahim: According to the Chief's Act Cap.128, it is the responsibility of the chief to bury all dead bodies in his location. That is one of the actual statements. At the same time, I was not allowed to bury the bodies. Relatives brought me rolls of cloth to bury the bodies, but I was not able to bury them. When the relatives came to me, I told them: "Take this cloth."

Secondly, when people came out of the fence and wanted my help, I was not able to help them because I feared for my life.

I was forced to prepare a big pot of tea and give to the social aid workers to help those people.

Thirdly, I was also fearing for my life and job as well. So, I had difficulties and problems, because it was the same Government that I represented which was killing people. So, in my mind, there was a conviction. The much I was disappointed, I was not able to sleep in my own house. So, every night, I was shifting and sleeping in a different place for fear that I would be picked and killed at night. So, those are the most serious and notable issues that I experienced at that time, as the chief of the area.

The Acting Chair (Commissioner Namachanja): As a chief of an area, you are in charge of security. As you continued searching and investigating to find out what sparked off the

Wagalla Massacre, did you get any answers? Was there any clan conflict that the Government was to intervene? What did you find out as a spark of the Wagalla Massacre?

Mr. Bishar Ismail Ibrahim: Actually, there was a hyena which had three cows near him. Then everyday, he said that this cow was black. So, he said: “The lions are coming and they will eat you. Let me eat the cow.” The three cows were finished that way. Therefore, it was not a mediation of any clan, but a systematically planned genocide and I do not know the interest behind it.

Commissioner Shava: Mr. Bishar, thank you very much for sharing all this information and your testimony with us. I just have one question for you, which is of a personal nature. You have presented before us two statements, one which represents a lot of what the community is talking about and the other is a more personal one in terms of your unfair dismissal. I just want to ask you if you are able to tell us. As an individual, you have talked about reconciliation and the difficulties of reconciliation. How is it that people are to reconcile with the offender, which in this instance is the Government? For you, what would comprise the important first step towards that reconciliation?

Mr. Bishar Ismail Ibrahim: Madam Commissioner, I have taken your question as: “What will satisfy you as reconciliation?” Is that the question?

Commissioner Shava: Yes.

Mr. Bishar Ismail Ibrahim: I think I do deserve to be paid the salary that I was not paid before my age of retirement, from the day that they removed me. My Identity Card indicates the day I am due for retirement. My salary should be paid and then I be retired normally and get the pension that my fellow chief is getting. The trauma that I suffered also leaves a lot to be desired. I do not know its measurement. I am going to leave it in the hands of the Commission. I was jailed for 56 days and used to sleep on my back. I really suffered in jail and there are a lot of scars now on my back. Up to now, my back is not well. So, I leave that part to the Commission. I do not want to be made a chief right now. I need an apology and that can satisfy me.

The Presiding Chair (Commissioner Slye): Thank you, Mr. Bishar. I just have one last question. You just spoke about the steps for reconciliation between you and the Government. I wonder if you could also reflect, from the community point of view. What would be the most important first step the Government or that anyone could make to start that process of reconciliation?

Mr. Bishar Ismail Ibrahim: Mr. Presiding Chair, the former speaker said that the Government should apologize officially, not only to Wagalla but to everybody in North Eastern. Equally, Wagalla deserves compensation. There is a recommendation there and it never came from my mind, but from the whole community and the people who suffered. If no compensation is done, that gap will be very big. Of all the other recommendations, compensation is very necessary. Those who are already living with

wounds should be attended to. If it is not done, there will be a gap that will be left. I think I have answered you.

The Presiding Chair (Commissioner Slye): Yes, you have answered me. Thank you, *Mzee* Bishar. I want, again, to thank you for your testimony, the documents that you handed over to this Commission and really, your dedication to your people and the suffering that they have experienced. It is almost 30 years since the massacre and it has still not been adequately addressed. Truth be told, you and others have courageously carried on that faith. We are honoured to be with you as part of that fight. So, we thank you again.

Could I ask the Hearing Clerk to escort the witness?

Mr. Bishar Ismail Ibrahim: Mr. Presiding Chair, finally, I also thank the Commission for its perseverance. I should not forget TBT who has worked on this, plus my community which has been helping me in this job and persevering with this pain.

The Presiding Chair (Commissioner Slye): Thank you, *Mzee*. Can I ask the hearing Clerk to escort the witness back to his seat and bring the next witness? As I said, I think we will hear one more witness and then break for lunch. While we are switching witnesses, I want to also, on behalf of the Commission, to acknowledge the women who stood up earlier – the women who are wearing white – who lost their husbands and loved ones. They lost part of their livelihood. We want to acknowledge you and also want you to know that we empathise with you and what you have suffered. I want to remind you that tomorrow morning, we will be dedicating a hearing only for women to speak about, among themselves, the violence that you and your communities have suffered.

Could the Hearing Clerk, please, swear in the witness? Can we be told what file number this is?

Mr. Chavangi: Thank you, Mr., Presiding Chair. We have made a quick switch of the witnesses because of time. The first witness talked about the general socio-economic violations in the region. The second witness talked about his involvement in the Wagalla Massacre. The third witness is called Hilowle and his file number is Wajir 3. Actually, he was supposed to come after 2.00 p.m. but because he is a victim and he actually suffered at the airstrip, we decided to introduce him, so that we can have a blend of the stories.

Thank you, Commissioners.

The Presiding Chair (Commissioner Slye): Thank you. You may proceed.

(Mr. Abdi Ismael Hilowle took the oath)

The Presiding Chair (Commissioner Slye): Thank you. May I just also say that I realize that a number of you would like to go for prayers. I apologize to those of you who have chosen to stay instead of going for prayers. I hope that we will be able to finish by 2.00

p.m. I hope that those of you who are still here may still be able to go and pray. So, again, I apologize for the delay.

Because we are recording these proceedings, could you start from the beginning of your testimony? Could I ask you to try and speak a little slower, so that we can follow your testimony?

Mr. Abdi Ismael Hilowle: Thank you, Mr. Presiding Chair. I am Abdi Ismael Hilowle. I am from Griftu. By the time this incident was happening, I was working for the Government of Kenya as a Livestock Development Officer in charge of Griftu Division which was very large. It started from Griftu Town which is the district headquarters now, Eldas, which is again another district headquarters today and goes round to Arbajan which is a divisional headquarters today, Hadado which is again, another divisional headquarters today; up to Ademasajida, round up to Lagbogol, down up to Wagalla, Elnur and back to Griftu. That was by then the divisional headquarters in Griftu. The larger clans which were living there were the Degodia and the Ajuran. Since I was a livestock officer in the area, I was manning all the problems pertaining to livestock in that area. I was getting a lot of clients and work in the area. I was given enough transport by the Government. I had two vehicles under me to man the whole division because it was wide. As I have told you, the area is largely inhabited by the Degodia and the Ajuran, although if you go to Adimasajida, you will get the Ajuran and other clans. Their neighbours on one side are the Ogaden.

When the incident happened in the morning of 7th, I went to Eldas to inspect what could be happening to the livestock in the area.

I spent that night there and on 8th, I came back to Griftu. When I came to Griftu I came across the wells of Griftu which give enough water to the livestock and people of that area. Approximately 300 wells were closed for the Degodias. All the people were running away saying that they had been denied access to water.

I happened to go to the police officer in charge at the division and inquired on what was happening. He told me these are orders which have come from the Divisional Security Committee which was not in his jurisdiction. That is why he deployed his askaris to go and stop the community from accessing water. I had nothing to say because the orders were from above. I had to do my level best to get any assistance that I could get for the community. This was because I was living in a Government camp which is almost as large as this site where we are at Red Cross Hall. It had water which was being pumped from the wells in that area. It had enough water taps all round with my subordinate staff living in the area. I told my colleagues to be a bit lenient and give water to the community that is coming right from the bush.

In the night, we slept and the next day, we continued the same day. There was nothing we could do because this was a Government order. On the night of 10th at around 5.00 a.m., in the morning, some askaris came to my house where I was living in a Government camp. They knocked on the door. I asked my colleague who was my wife to go and see

what was happening on the door. She came and told me that there were a lot of askaris standing in front of the house. So, I came out dressed in only one *kikoi* and a bed sheet wrapped on my shoulders and asked the askaris what the problem was. They asked me: “Are you Degodia?” I told them unfortunately, this is not a place where we keep tribes. This is a Government quarter and we harbour all tribes. There are Kikuyus, Kambas and Somalis of all clans, among other people. So, it is not only Degodia who are staying here.

They asked me: “Are you Degodia or what clan do you belong to?” I told them: “I am a Government officer in charge of this camp.” These were my colleagues. They went out, but immediately came back again. They told me: “What you will do is that, let us go to the police camp and you will be identified there to find out which clan you belong to.” Since these were Government soldiers, fully armed, I had to go with them. When I arrived at the divisional police headquarters, I met all the people in the town of Griftu, the Degodias. They were my workmates who were all living in different houses, whom I never knew that they had been brought there. The OCS who was there told me to sit down. He was somebody called Onyango. He told me to sit down and that there was no problem. He told me that it was a Government order that had come from Wajir and above. I sat down because we knew one another. I had to join my colleagues and sit there.

The OCS gave us a brief speech because he also knew most of the traders who were there, some of the workers who were there, and most of the area residents who were living there who had all been removed from their houses at night. He said: “My colleagues, I cannot help you today. There is something somewhere. You will all go to Wajir and there is something that will be clarified to you. Screening will be done and you will be screened there.”

At around 7.30 a.m., the same police officers with many soldiers ferried us to a Griftu Police Station and took us to Wagalla Airstrip. There, I met so many people whom I knew. They were almost about 3,000 people. It was still early in the morning. I knew most of them because we were all from the same clan. Most of them were town people and traders while the others were Government workers and some of them were livestock traders. There was nothing we could do, but just to go there on the ground. We were kept on the murrum stones. We were told to stay there and we stayed there for the whole of Friday on that murrum. There was a lot of sun, no water, no food, no shed, nothing was there. We sweated there. To make it worse, the sun was very hot at that time. We stayed there the whole day. In the evening at around 5.00 p.m., an army officer whose name I have forgotten, plus all his soldiers came there. We were told to sleep on our stomachs on that soil. There is murrum and soil on Wagalla Airstrip. We were told to sleep on that sand. Everybody was told to sleep on his stomach. In the night, there was a lot of torture. When people requested for water or something of the kind, the soldiers would beat them. Some were beating us with stones. Most of the people were collected from the bush. Some were watchmen and they had Somali local weapons called *simis*, knives, pangas or clubs. Most of them were working as watchmen in Government quarters or private places. The soldiers took those weapons from them and started beating people.

I think you all know Maasai panga is normally sharpened on both sides. This is the ones the watchmen had with them. The soldiers could just use these weapons on you without any mercy. We were told to sleep on bricks which were on the soil. They were walking on us as if we were the hard ground. This happened until early in the morning. On Saturday morning, we started singing the Kenya National Anthem. The soldiers then took the butt of their guns and started beating us. At around 10.00 a.m., the Divisional Security Committee came whereby the OCPD was in charge. This was somebody called Wabwere. Also with him was the Acting DC who was the DO I of the district, plus the OCPD, the DSO and that man in charge of the army. They told us: "Bring the weapons that you have and that you have been keeping in your houses." We said we had nothing. Some of my colleagues who were my workmates tried to approach them and told them that they were workers. They were told: "*Wewe ni mfanyakazi wa shifita sio mfanyakazi wa Serikali*"

They started beating us. At around 11.00 a.m., we were told to strip off all our clothes. We were ordered to go back and sleep on the sand again.

On 11th, we were still sleeping on the sand. The sun was hot. We were not wearing any clothes, we were not given food or shelter. They continued beating and hacking us using knives, pangas and rungas. This went on throughout the night. At night, soldiers could use big stones to beat us. I remember somebody called Mohammed Jilo who is well known in Wajir. He asked them why they were playing with us. Are we not Kenyan citizens? Why are you doing this to us? Are you not Government soldiers? Are you not Africans like us? Why are you mistreating us?

Two soldiers took a very big stone and started beating him. The man was smashed on the ground. The third day, which was Sunday morning, the same security people came with their provincial bosses. The Police Provincial Officer and all those big bosses of the province came there. When they came there, some of us collected one another, went to the Deputy PC and we told him: "We are Government officers. We were brought here by mistake. We are not local people." He said: "*Wapi askari? Twanga hawa watu. Wanafanya nini chini yangu?*" We were all beaten.

On Saturday evening, there were some Government workers who escaped. The officer in charge of the army who was there, Mr. Mudogo, had his girlfriend at Griftu. She was a home economic officer. She was working with one friend of hers who was brought to Wagalla. He was called Farah Salah. That woman asked him: "Mudogo, why have you taken my friend from here? He is out there in the field. He is among those people who have been tortured."

That man came and said: "Farah, come out" because he knew him as well. Some people escaped that evening. We continued being kept there in the same conditions.

On Monday morning, all the provincial bosses came. They told us to sit down and we were beaten again. Some of the people started singing the National Anthem again. They went away and said: "*Hawa watu wasitembee tembee.*"

The OCPD remained behind and he ordered the soldiers who were there to make sure that so many people died. Since it was the third day and there was no alternative, people started jumping and running away. Half of the people stood up and started running away. The soldiers started firing at us. So many people were killed with bullets. So many of them started rushing and they were put on the wires which surrounded Wagalla Airstrip. On the same night, so many people were there and so many died that day. That night found us there. At around 8.00 p.m. or 9.00 p.m., those people who could walk were told to come and collect all the corpses which were around there. Vehicles were brought and all the corpses were ferried to the bush. The previous night, the same thing had occurred. Those who had died were also ferried to the bush. But on that chilly night, the deaths were so many because the Government bullets were used to finish the people. That night, so many corpses were collected. Almost two vehicles of corpses were collected and taken away. I do not know where they were taken to. On Wednesday at around 10.00 p.m. in the night, army and police vehicles came. All the people were told to get into those vehicles. That night, we were taken away. I happened to be one of those who were taken to that road of Tarbach. I was taken to a place between Tarbach and Wajir. I was thrown there. When I could not help myself on the next day, the current hon. Member of Wajir East, his colleagues and a woman called Analina who was looking for people came and ferried me from there. I was brought to her clinic. I was treated and given some drugs.

That is the much I could give within the period. Actually, there was no mercy. We, the Degodias, who were at the airport asked one another why we were being massacred. We wondered why only this clan was brought there. That is the much I can tell you.

So many people were burnt on the ground. I happened to be one of those who were burnt on the ground. If the Chairlady can give me permission, I can show you the scars on my body so that you can see with your eyes here because I am not hiding them. I am standing here in front of you with a lot of scars on my body. My chest was also burnt, my leg was burnt. So many people were also burnt at the airstrip.

Thank you.

Mr. Tom Chavangi: Thank you, very much, *Mzee* Abdi. You told the Commissioners that on 10th February, 1984, at about 5.00 a.m., some people in the form of askaris came and knocked on your door. How did you recognize them as askaris?

Mr. Abdi Ismael Hilowle: Actually they had definite uniforms. I used to see them in their camps with weapons on their hands.

Mr. Tom Chavangi: You also told the Commission that you were taken to the Wagalla Airstrip and told to stay on the murrum. What do you mean by stay? Were you told to sit down, lying on your stomach or back?

Mr. Abdi Ismael Hilowle: We were told to sit there and sleep on the murrum. It was very hot and the small stones were hot. That is how they were torturing us. They told us to sleep on the ground.

Mr. Tom Chavangi: You said that the current MP and one Anna Lina rescued you from between Tarbach and Wajir. Who is this current MP that you are talking about?

Mr. Abdi Ismael Hilowle: He is Mr. Mohammed Elmi.

Mr. Tom Chavangi: He is the MP for which area?

Mr. Abdi Ismael Hilowle: He is the MP for Wajir East.

Mr. Tom Chavangi: Does he hold any Government position?

Mr. Abdi Ismael Hilowle: No, he is the MP. By then, he was a clinical officer.

Mr. Tom Chavangi: Does he hold any Government position?

Mr. Abdi Ismael Hilowle: He is the Minister of State for Development of Northern Kenya and Other Arid Lands.

Mr. Tom Chavangi: If the Commission asks you to produce witnesses, would you be in a position to produce them?

Mr. Abdi Ismael Hilowle: My body is the witness actually. I also have two witnesses.

Mr. Tom Chavangi: You have two witnesses that you can produce?

Mr. Abdi Ismael Hilowle: Part of my body and also I have witnesses because those who were with me are there.

Mr. Tom Chavangi: For how long were you kept at the airstrip before you were taken to Tarbach?

Mr. Abdi Ismael Hilowle: From Friday up to 14th, we were there. I was there throughout the whole period.

Mr. Tom Chavangi: Friday was 8th?

Mr. Abdi Ismael Hilowle: No, it was 10th. We were freed on 14th.

Mr. Tom Chavangi: So, you were there for approximately five days?

Mr. Abdi Ismael Hilowle: Three days. We were freed on the fourth day.

Mr. Tom Chavangi: You have mentioned some names of Government officers. Is it possible for you to repeat those names just to help the Commission?

Mr. Abdi Ismael Hilowle: The OCPD is called Wabwere. The acting DC was called Kiama.

Mr. Tom Chavangi: Those are the only officers you can recall?

Mr. Abdi Ismael Hilowle: Those are the ones whose names I knew.

Mr. Tom Chavangi: Have you recalled the name of this army officer?

Mr. Abdi Ismael Hilowle: He was called Mr. Mudogo.

Mr. Tom Chavangi: What are your expectations from this Commission?

Mr. Abdi Ismael Hilowle: It is several years since the Wagalla Massacre, but no Commission has ever come here to inquire from us what happened. Since this Commission is here today to hear our views, we expect that something will come out of it. We hope that there will be some compensation, reconciliation or people being taken to court. We expect that justice will be done.

Mr. Tom Chavangi: In your statement which I have here, you have mentioned that your wife was also affected. What happened to your wife?

Mr. Abdi Ismael Hilowle: She was beaten and her house was burnt. I had a private house. All her property plus the house was burnt and she was beaten.

Mr. Tom Chavangi: When these police officers came to your door, they asked you severally if you are a Degodia. Did they ever tell you why they were rounding you up?

Mr. Abdi Ismael Hilowle: No. When I asked them what the problem was, they told me there was no problem. They asked me: "Are you Degodia? I told them that it was not just one tribe that was living there, but that all tribes lived there; there were Kambas, Kikuyus and Somalis of all clans. I asked them: "But what is the problem?" They told me: "We do not know. Are you Degodia?" the next thing that they told me was: "Let us go to the police station so that you can be identified."

Mr. Tom Chavangi: So, to date, you do not know why you were rounded up?

Mr. Abdi Ismael Hilowle: I cannot tell.

Mr. Tom Chavangi: Thank you. I will hand you over to the Commissioners and they will clarify a few things from here.

The Presiding Chair (Commissioner Slye): I would like to ask my fellow Commissioners if they have some brief questions for the witness.

Commissioner Ojienda: Thank you, Mr. Abdi, for your moving testimony. Your tale is painful to listen to. I want to ask you to clarify one thing. Do you remember if any person died in the airstrip as you were watching?

Mr. Abdi Ismael Hilowle: Yes, I know several of them.

Commissioner Ojienda: What number do you remember?

Mr. Abdi Ismael Hilowle: I saw 10 dead bodies.

Commissioner Dinka: As my colleague just said, for you to go through that experience is very painful and we all empathize with you. I just want to ask you one question. On the second day at the airstrip, you said you were visited by the Acting DC Kiama, the PC and the Provincial Police Commander?

Mr. Abdi Ismael Hilowle: No, they came the third day. The second day is the time when only the DSU came from Griftu. On the third day, the provincial and district people came.

Commissioner Dinka: So, who came on the second day?

Mr. Abdi Ismael Hilowle: The DC, OCPD and the man in charge of the Armed Forces and the man in charge of the Air Force came there.

Commissioner Dinka: When they came, you appealed to them and said you were a Government Officer and that you should be released?

Mr. Abdi Ismael Hilowle: Yes.

Commissioner Dinka: And then you have mentioned they said they will take care of you, but beat you up? Who said that?

Mr. Abdi Ismael Hilowle: The OCPD immediately asked: "*Wapi askari? Fagia hawa watu? Usiwalete karibu nami.* Take them away."

Commissioner Dinka: Who said that?

Mr. Abdi Ismael Hilowle: The OCPD.

Commissioner Dinka: Not the Acting DC?

Mr. Abdi Ismael Hilowle: No, that was the order from the OCPD.

Commissioner Chawatama: Thank you very much. I have a few questions for you. Apart from yourself and your wife, who else was in the house?

Mr. Abdi Ismael Hilowle: I am married to two wives. I had two wives in the house and my brother's wife was also there

Commissioner Chawatama: Did you have any children in the house?

Mr. Abdi Ismael Hilowle: Yes, there were four children there; one boy and three girls.

Commissioner Chawatama: When your wife opened the door, was she abused in any way, verbally or physically?

Mr. Abdi Ismael Hilowle: Actually she never told me whether she was abused. She was only asked: "*Wapi bwana yako?*" she said: "He is in" and that is what she came back and told me.

Commissioner Chawatama: Was your house searched before you were taken away?

Mr. Abdi Ismael Hilowle: After they took me, they went to the house see whether there was any man there. They did not search the Government house. They searched my private house which was in the town. That is where one of my wives was. They beat her and robbed her of some money. They burnt the house.

Commissioner Chawatama: So, the house was searched and then it was burnt?

Mr. Abdi Ismael Hilowle: Yes.

Commissioner Chawatama: Do you know of others whose houses were searched as well?

Mr. Abdi Ismael Hilowle: Actually my colleagues' houses were also burnt. They were my neighbours.

Commissioner Chawatama: Did you hear other stories from other people that their houses were searched?

Mr. Abdi Ismael Hilowle: There were some people who told me that their houses were searched and even their wives were raped.

Commissioner Chawatama: Do you know approximately how many people were at the airstrip? How many people were rounded up? Was it in the hundreds or thousands?

Mr. Abdi Ismael Hilowle: It was in terms of thousands not hundreds. The first day when we were brought from Griftu, we saw about 3,000 people there. The last day we saw there were over 5,000 people.

Commissioner Chawatama: After the 14th when you were rescued and treated, did you go back to work?

Mr. Abdi Ismael Hilowle: I stayed without working for two months here in Wajir because my Officer in Charge here in the district knew I was mistreated so he did not give me any duties. I was just attending the clinic. He gave me a sick sheet, so that I could go for medical treatment. So, for two months, I did not go to work. On the third month he approached me, he counseled me and told me that everything would be done and that I should just go back to my duties. That is the time when I went back. In my absence, somebody else had been taken there.

Commissioner Chawatama: So, you continued working?

Mr. Abdi Ismael Hilowle: Yes.

Commissioner Chawatama: Are you retired now?

Mr. Abdi Ismael Hilowle: I am retired now.

Commissioner Shava: These people came to your house and they asked you to identify yourself by your ethnicity?

Mr. Abdi Ismael Hilowle: Yes.

Commissioner Shava: You said that was a Government facility that housed people from different backgrounds. So, there is no *kabila* there?

Mr. Abdi Ismael Hilowle: Yes.

Commissioner Shava: Then they conferred amongst themselves and came back and took you away. Did you respond to them?

Mr. Abdi Ismael Hilowle: These were Government officers who came there and they were all armed. When they told me that I had to go to be identified at the police station, I complied because I feared that if I resisted, they might do something. So, I felt that I had to go with them.

Commissioner Shava: So, you had been identified through your ethnicity by somebody else who was at the police station?

Mr. Abdi Ismael Hilowle: Yes.

Commissioner Shava: Were they actually right? Are you actually Degodia?

Mr. Abdi Ismael Hilowle: Yes.

The Presiding Chair (Commissioner Slye): Mr. Abdi, I just want to thank you again on behalf of the Commission. I know that the story that you have told us is similar to the story that many people here in the room could also tell. I want to thank you for speaking to us on their behalf and for giving us greater detail and understanding of what happened during those days in 1984.

You had offered to show the Commission your scars. Is that something you would still like to do?

Mr. Abdi Ismael Hilowle: Yes.

The Presiding Chair (Commissioner Slye): Are you comfortable doing that here in public or would you prefer to do that in private?

Mr. Abdi Ismael Hilowle: No I can show my scars in public. There is no problem. This scar on my chest occurred when they put a piece of clothe in the fire.

(Mr. Hilowle showed the Commissioners scars on his body)

The Presiding Chair (Commissioner Slye): Thank you, Mr. Abdi. For those of you who could not see, he showed us in some cases, very deep scars on both of his legs that, probably, came from a beating or maybe even a knife or panga cut. He has scars on his chest and arm indicating that he had been burnt.

I want to thank you for both sharing your story and being willing to show us those injuries. I apologize to the members of the public that we have run late. We will break now and come back at 3.30 p.m. Thank you.

[The Commission temporarily adjourned at 2.20 p.m.]

[The Commission resumed its proceedings at 3.55 p.m.]

The Presiding Chair (Commissioner Slye): I want to apologise for the Commission and the hearings having to run past the time of prayer earlier today. I know that some of you missed the 1 o'clock prayers because you stayed here to listen to the testimony. We understand that some of you would like to go to the 4 o'clock prayers and we understand that you can do that instead of staying here and listening to the hearings. Again, I apologise that our schedule is conflicting today with the time of prayers. We hope that we will not have that same problem tomorrow. So, thank you again for your patience and understanding. I would like to now move to our next witness and I would like to ask the Hearing Clerk to swear in the next witness.

(Mr. Ibrahim Ali Hussein took the oath)

Mr. Tom Chavangi: Please tell the Commission your name?

Mr. Ibrahim Ali Hussein: *Naitwa Ibrahim Ali Hussein, Mjumbe wa zamani wa Wajir Magharibi kutoka 1969 mpaka 1974.*

The Presiding Chair (Commissioner Slye): Excuse me. I do not think the translation in English is coming.

Mr. Ibrahim Ali Hussein: I am Haji Ibrahim Ali Hussein. I am the former MP from 1969 up to 1974. I come from a tribe called Ajuran. I was a former MP for Wajir West. Since I was not elected again, I just sit here in Wajir.

Mr. Chavangi: Where do you live?

Mr. Ibrahim Ali Hussein: Now, I just live here in Wajir Town at a place known as Bula Barwok. I live in Wajir Town. The Ajuran are people who are found here in Wajir. The Ajuran are mainly found in Wajir here since pre-colonial times. They have been here and also they come from one of the communities of the Somalis. Most of us speak the Boran Language and also the Somali Language. Since 1963 when Kenya got Independence until today, I have lived in Kenya and I have never gone outside the country. In 1963, when Kenya gained Independence, I was working as a police officer. Therefore, the Ajuran were found here when the colonialists came. When the first colonialists came to do a survey for the British, they found the Ajuran living here. They were found in an area known as Lakbogol.

It was a great man known as Phillip Saviro who came and found the Ajuran in this area known as Lakbogol. He took all his wealth which he used to build Wajir Town in 1912. He also arrested them and made the Ajurans slaves and used them to build Moyale Town in 1915. During that time, we had only the Somali and Ajuran. Since that time, we have been living here in Wajir and Somali. When they came, they found us here. When they came, there were ethnic clashes between the Boran and the Ajuran. Also, a white man tried to move some of them to Garba Tulla and to Boran but the Ajuran people were left here. We were told to remain here. They told the Somalis not to kill all the Ajurans. When the British came to live here and make this place their territory in 1947, they carried out land demarcations between the Somali and us who were living here. They made this place because there were the Somalis, Ogaden, Degodia and us, the Ajuran. The white man gave the Ajuran a place where they could graze their livestock because this area was dry and there was no enough rainfall. The only thing that can survive here is livestock. For that case, the Ogaden were placed in Wajir South, the Degodia were placed in Wajir East and the Ajuran in Wajir West. All those people were then living in these areas which they claimed to be their territory.

We were living in Wajir alone but when the white man came, he demarcated the land, put a boundary and pushed us to this other part up to Moyale. It is us who built Moyale and not the Borana. The Borana are found in Sololo. When Kenya gained independence, 60 per cent of the people who were living in Borana were the Ajuran. That is our area where we have been living in two districts; that is, Wajir and Moyale. When the Government of

Kenya was formed, it moved us from Moyale District. They told us that we should not live in Moyale and yet, it is us who built that town. Our livestock was killed there during the construction of Moyale and we were treated as slaves. When Kenya got Independence, we were moved out of Moyale and they brought us to Wajir District. That is one injustice that we, the Ajurans, experienced. It is the Government of Kenya that did that and not the white man. People came and took all the arms that we had during the time of socialism in 1963. When we were forced out of Moyale, all our firearms were taken. The people who remained armed with their livestock were placed in one village. That village was only meant for the Ajuran. That village was at Habaswein Sabajida. All the people were placed here in town but us, the Ajuran, were placed at a place called Manyatta Bima just around the town. Also, we were placed at Diritu, Buna and Salburan. All the people who were outside that village were tortured by the military. The military killed them and even their livestock. In 1964, there was a vehicle that was attacked by the *shiftas* but when the military came, instead of pursuing the *shiftas*, the soldiers came and attacked people who were living there plus their livestock and killed everything. From that day, we left to the west of Buna. There is one old man whose head was chopped off. This is something that has never happened in Kenya. His head was chopped and taken to the District Commissioner's (DCs) office. The DC was told that the Ajuran are troublesome people. The person who was killed was known as Dahir Mohammed. His remains are there even today.

When the soldiers were pursuing the *shiftas*, there was a lieutenant in the military known as Tumbo. There were other soldiers in Buna Forest. When the soldiers killed the *shiftas*, they could come back to town and kill people in town. When the DC was killed by the *shiftas*, the military said that it was the Ajuran who killed him. About 1,000 livestock was taken and auctioned. The money was taken by the DC who was called Charo. It went on and things became tough. People went through hardship. All their wealth was taken and people decided to scatter to other areas in order to earn a living for their livelihood. They looked for jobs and did other things to get some income to cater for their lives. Things went like that until 1969 when there was a referendum and an election. That is when I stopped being a soldier and came to vie for the post of an MP. By that time, it was a bit peaceful. I won the elections and I was an MP for five years. There was one person known as Abdulahi Abdi Omar who vied after me and he led for five years and there was no problem. When I went for re-election, I was not elected but Ahmed Khalif was elected in 1979. Since that time, the Government and the family of Ahmed Khalif started entering the territory of Wajir West. It was found out that it could be better if they moved all the Ajuran here. That is because they were being defended by the colonialists before, but they had gone. It was deemed better to remove the Ajuran from there. The Government came into agreement with the Provincial Administration and politicians and organized for all those people to be removed from that area. After a short time, the bandits came with weapons which were used during the Ogaden War. They were taken back. The few Ajurans who were left were killed. When we reported the issue to the police, the Government said they could not help us because they said that we were being protected by the colonialists who had gone and there was no way they could defend us. The Government refused to protect us and almost the whole Ajuran tribe was finished in Wajir West.

The MP of Wajir West was born in Mandera. The Government pushed us until we gave up. All the chiefs who were employed were not Ajurans. This land was only a grazing area and not a settlement scheme. But now, it was turned into a settlement scheme in five different areas. Government vehicles were now supplying this dry area with water. The people who came to this area were not the original inhabitants. Our living here for the past 1,000 years was all in vain. The Government of Kenya made everything we did to go in vain. The Government of Kenya comprising of the PC and DC moved people from Ethiopia. We, the Ajurans, lost our land because of the gifts we got from the Ethiopians. We missed our justice and were killed because of the administration. We do not blame any civilian for the loss we incurred but we blame the Government for not helping us. People could use guns but the Government refused to help us. There was a time when two *manyattas* were burnt down. A DC called Yatumbi told us when we reported the arson to him that we, Ajurans, should go and defend ourselves from the attackers. We had nothing that we could use to defend ourselves. So, the Provincial Administration was responsible for our problems. It is the Provincial Administration that was responsible for the Wagalla Massacre. The only thing they needed was to get the gifts from other areas but they did not want people from this area to live peacefully. When they brought anybody from this area to be a PC like Mohammed Halisalla, all the attacks on the highways were in vain. We found out that the PC and DC were the ones who were organizing them so that they could achieve their goals. They used us as an excuse to say that they were the ones who were fighting with the *shiftas*. For that case, we feel that it was only the Ajuran tribe that was targeted by the Government. I am still so depressed when they say that we were protected by the colonialists and yet, they found us here. They felt so sad and depressed because they thought that we were under the colonialists.

Today, we are not here. In the grazing area, there are about 200 chief and sub-chiefs. Every day, the MP from that area employs a sub-chief who is not known to the civilians. For that case, they are making us to fight amongst ourselves. We are fighting because of the administration which is inciting the tribes around this area. So, all these tribes have the right to be compensated. The Provincial Administration and also the DC got land and they are very rich. How many dollars do they have in their bank accounts and yet we are very poor? We need compensation from the Government. Since they do not want to protect us, militias come from the neighbouring country to attack and kill us. If people were killed in Wagalla, they should be compensated. This administration was the one that was given a chance to do anything they wanted. I will repeat. They could just arrest somebody and take him to prison or take the person to write a statement. They would just take somebody to Wagalla Airstrip and shoot him. I was in Nairobi when these things were happening but you, as the people of the TJRC, I want you to help us the people of Wajir to be compensated maximally. The Degodia were killed in Wagalla and they should be compensated. The Ajuran who were killed by the soldiers and bandits should also be compensated. At this moment, people are very poor. Two or three people like the PC or DC are the only people who are rich. In that case, we demand for compensation. We have been forgotten by the Government since Kenya got independence. By that time, English soldiers gave us very minimal wages. But the English did not want to take us to school. They said that we were muslims and we should remain like that with our own

religion. Today, religion does not prohibit somebody from going to school. Transport from here to Isiolo is non-existent. We cannot do any business. We only live here with our livestock. That is the biggest resource we have. That is only milk and meat. When it rains, the roads are impassable until, maybe, after six months. When there is drought is when the roads are passable. We only have one school which was built in 1965. There is another primary school here which was built in 1948. There is another primary school with only one teacher. It serves Moyale, Marsabit, Garissa, Wajir and Mandera. In that case, the white man was joking with us. However, when he handed over the leadership to Jomo Kenyatta, he also finished us completely in the wilderness. When President Moi came into power, he never changed anything. He is the one who really finished us. When Moi was President, an old man was beaten and now he is impotent and he is just here. He told us to tell you his story. He has even gone to court. The soldiers beat him and his livestock was taken away. He does not have a wife today because he cannot sire children. He was castrated by the police. We will bring the letter of memorandum tomorrow. We are making our memorandum with the people who are far like the Borana and Rendille. The communication is slow because there are no telephone services. Even today, there are no telephone services. There is no means of communication in Borana. That is the big problem that we have and we are going to make our memorandum which I request you to give us time to bring it to you. I want to remind you that the Ajuran are still here even if we are two people.

Mr. Tom Chavangi: Ilikuwa jamii gani dhidi ya jamii gani?

The Presiding Chair (Commissioner Slye): Can we have the English channel?

Mr. Tom Chavangi: Can I proceed?

The Presiding Chair (Commissioner Slye): Yes.

Mr. Tom Chavangi: Mzee Ibrahim, umetaja ya kwamba Serikali ya Kenya iliweza kuleta uhasama ya ukoo.

The Presiding Chair (Commissioner Slye): Could the interpreters let us know which channel will have which channel? So, one is English and two is Swahili.

Mr. Tom Chavangi: Mzee Ibrahim umetaja ya kwamba ilileta clan animosity? When you say clan animosity, what do you mean by that? Was it one clan against the other?

Mr. Ibrahim Ali Hussein: What I can remember is that some people went to Somalia. Those people who remained here started moving to the Government offices. They wanted to behave in a way to impress the Government. Others said that they were being mistaken for being *shiftas* from Somalia. They became very close to the DC. At that time, they said that there were people who were not patriotic to the Government and who were fighting it. They were now supporting the Government. Some people remained here. They are the ones who incited such kinds of activities until the Government took the Ajuran as the only *shiftas* in this area. It is claimed that the Ajuran *shiftas* killed the DC of Bejuna.

There is nobody who is sure if it was the Ajuran, Degodia or Ogaden tribes. It was written in the OCPD's records.

But they just wrote there "Ajuran killed the DC". There were some people who were against the Ajuran tribe until the Government came in targeting the tribe. It was only the Ajuran who were focused. There was a black thing in the office of the DO which was written: "Ajuran are the *shifita*." Until now the only people who were the *shifita* in this area were mostly the Ajuran. That is according to the Government. At that time, there was somebody who was given the responsibility to do that job until the Government saw there was no way they could survive but to clear all the people known as the Ajuran and bring another tribe to the area. Maybe they could bring other people who could assist to beat the Ajuran and the Ogaden. That was the time the Ajuran and the Ogaden started fighting over water. If the Government brought some people and cattle from Ethiopia--- This is because they never checked those livestock to see whether they had diseases. This was the case and yet the people who were living in that area had healthy livestock. The Government did not stop them when they brought their livestock together. Automatically, that could cause conflict and war between the two tribes.

Mr. Tom Chavangi: Mr. Presiding Chair, Sir, my last question is about this old man. You have said that he was beaten and castrated by the police, if you can remember.

Mr. Ibrahim Ali Hussein: His name is Hussein Swaleh. In fact, he is here. Can I call him here? He is the man who is standing.

Mr. Tom Chavangi: So, you said that he will write a memorandum?

Mr. Ibrahim Ali Hussein: It is true. We have some papers and we had even taken them to court. Even the Government refused to take our papers. This also included the court. Even now, we have a file which we can give you. I even have all the photocopies of those files here and you can take their copies as evidence.

Mr. Tom Chavangi: So, you say that you will write a memorandum and, also, we shall approach *Mzee* Ali for him to give us his own personal statement plus the documents that he has. So, I will pass you over to the Commissioners if they have any clarifications.

The Presiding Chair (Commissioner Slye): Thank you very much, Mr. Ibrahim. On behalf of the Commission, we thank you for your testimony. You have given us very useful information and picture of the history of the violations of your community. We look forward to reading the memorandum and the supporting documents that you will be submitting to us in the next few days.

I would now like to ask if any of my fellow Commissioners have any questions for you.

Commissioner Ojienda: Thank you, Mr. Ibrahim---

Mr. Ibrahim Ali Hussein: Can I tell him, maybe, to bring that file that you wanted? He is just here and he can bring the file.

The Presiding Chair (Commissioner Slye): He can do so later. Thank you very much.

Commissioner Ojienda: Thank you, Mr. Ibrahim, for that testimony that you have given on behalf of the people of Ajuran. I want you to just clarify one thing. You have said that there were several DCs and other administration officials who were involved in violating the rights of the Ajuran over the years. You talked about land and livestock that was taken away. Can you name any one DC that you remember over the period you have referred to?

Mr. Ibrahim Ali Hussein: I know a person who was inciting these people. He was a DC by the name Charles Muregi. He was under the PC of North Eastern Province. There is another man who was a Meru, but I cannot remember his real names at this moment. He used to change uniforms. He was replaced by Osare. That DC was a bit short and was from Meru. I forgot his name, but I will bring it tomorrow. He was the one who, any time our livestock were taken by the militia from Ethiopia, he would come and take them away. He could come to Gurar and collect all the animals from the village. Those animals numbering more than 2,500 were taken by people from Ethiopia and the PC said that even if those people who took your cattle brought milk here, we should buy it from them and not revenge for what they did to us. Mr. Muregi said: "You, people, who were there were only people of the British and one day, one time, you will move from here to the British." Sometimes he could say that even if our properties were taken, they would go to Meru and bring what we need. He said that if we needed, maybe, a post or a chair to sit on, he would go to Meru and bring a seat for us to sit on. He said that we should not revenge against the people who took our cattle. At that time, we were very angry as we had no food to eat. The PC could not even bring any relief food like maize. I will bring that PC's name tomorrow.

There was another PC by the name Bore. When he came here, he would ask us very funny questions. He said that even the money he got, he bought a shamba in Kitale and that he had even built a house there and he had a very good Pajero car which he was given as a present. He was only given that present because of, maybe, inciting people to fight. That is what I can say. There was a man by the name Peter Gachumbi who used to shoot people here and the gunshots could be heard all over. It was said that, maybe, if these people could agree and have peace in Somaliland, then people should go down to Kenya to be attacked. If the Ajuran people living here could come and agree, reconcile and be at peace, then they could go and fight in Kenya. The people in this area are always busy fighting each other. That is what I know.

The Presiding Chair (Commissioner Slye): Thank you very much, Mr. Ibrahim. We appreciate your being able to try and remember some of those names and we look forward to seeing them when you have been able to give it more thought in your memorandum. I want to thank you for contributing to the truth that we have heard here in this community. I also want to thank you and acknowledge the statement you made

earlier with respect to reparations and compensation. As for reparations you said that it is not only for members of your community, but also for members of other communities who have suffered here during this period – not just during the Wagalla Massacre, but in other violations that have occurred here. I think it is that sort of spirit of recognizing people of all backgrounds who have suffered in this community, reaching out and pushing for justice both for them and for your own community that we would like to encourage here. We salute you for modeling for us in front of this crowd.

So, thank you, again. Can I ask the Hearing Clerk to escort the witness back to his seat and to bring in and swear the next witness?

Mr. Ibrahim Ali Hussein: I also thank the Commissioners because I believe that you are going to take our complaints to the Government. I believe that you are collecting the evidence as it is required and I only pray that, maybe, you continue like this and push the Government to pay us something. Thank you.

(Ms. Fatuma Yusuf Abdullahi took the oath)

Mr. Tom Chavangi: Ms. Fatuma Yusuf, welcome to the Commission. Kindly tell the Commissioners, for the second time, your names.

Ms. Fatuma Yusuf Abdullahi: Mr. Presiding Chair, Sir, my names are Fatuma Yusuf Abdullahi.

Mr. Tom Chavangi: Where do you live, Ms. Abdullahi?

Ms. Fatuma Yusuf Abdullahi: I live in Halale, Wajir Town.

Mr. Tom Chavangi: Ms. Abdullahi, you know why you are before the Commission?

Ms. Fatuma Yusuf Abdullahi: Yes, I know.

Mr. Tom Chavangi: You did a memorandum which details the atrocities against you and others?

Ms. Fatuma Yusuf Abdullahi: I am representing persons with disabilities who are actually victims of the Wagalla Massacre.

Mr. Tom Chavangi: Yes. So, in brief, kindly tell us what took place in 1984 during the Wagalla Massacre?

(Ms. Fatuma spoke in Somali)

The Presiding Chair (Commissioner Slye): Ms. Fatuma, if you prefer speaking in Somali, that is fine. We have translators if you are more comfortable with that. Use whatever language you are comfortable with.

Ms. Fatuma Yusuf Abdullahi: I am already a victim because I lost my grandfather in the Wagalla Massacre. After the death of my grandfather – and even now, I cannot tell where the body lies – and after a narration by my grandmother, who gave us the death tale, I tried to follow it up. I developed interest to find out what really caused the Wagalla Massacre, who died and how many people died in the massacre. After I finished my O Levels, I had the feeling that many disabled people suffered during the Wagalla Massacre.

So, I tried to interrogate the victims. I even tried to ask my father where the body of my grandfather was and whether he was decently buried. It was sad to know that he was not decently buried. It is like running away with the body and dumping it somewhere to make sure that wild animals do not take it away. So, it was painful to me. I made a decision to follow up the Wagalla Massacre which happened from 8th to 12th February, 1984. From 1984 to 2003, we could not even talk about the Wagalla Massacre because anybody who talked about it would be arrested. If you speak about it in the village, somebody will go and inform the officers and you will be put in a cell. So, I was among the first people who tried to commemorate the Wagalla Massacre. I personally took patronage of the women, trying to see how they were raped and how the knives used to cut their private parts mostly when they were trying to force them to have intercourse. So, I had this difficulty. I had to sit with the mothers, go with them and see the bodies which had some cuts. So, it was painful to me and from that time, we started commemorating the Wagalla Massacre.

When the commemoration started, the mothers were even violent because they were not happy. They told us: “You are adding insult to injury.” This is like we were doing nothing for them and yet we were reminding them about the Wagalla Massacre. However, that was a step forward to me because if, today, we can talk about that massacre, then it is the way forward. It was sad, but the people could not tolerate the pain. They could not be compensated because their houses were torched, women became widowers and the child who was in the womb by then could not see their parents. They just hear stories about what happened to their parents. So, it was sad to me and that is why I took the initiative, being the Chairperson of the Disabled Group in the District, to reach every disabled person affected.

I decided to go to the disabled. Through the Chair, with your permission, I have some members who are disabled who are present who lost their parental roots after the Wagalla Massacre. Even some of them lost their eyesight. Some are physically challenged and they are members of my group. I would like them to come to the front so that you can also witness for yourself the pain that these people are going through. They are poor and to make matters worse, they are now disabled due to the actions of the Government. We started this movement for the disabled when one of our members was knocked down by a vehicle and then he was told: “You are disabled; you should stay at home and not go to town.” He is a father and the breadwinner of almost six children. At that time, I was young, but I felt it and I said: “That is wrong because this person has the right to earn a living for his family and not to be told he is a disabled person.” Even if he is disabled, he

is the breadwinner of the whole family of six. That is when we came up and joined as a group and made sure that we have a voice in the district.

The representation of the disabled was very poor and, now, we have a lot of people who are paralyzed. We have the physically disabled, the mentally disabled, the deaf and those with hearing problems, but worse still are those who are bedridden because they were tortured during the Wagalla Massacre and now they are not accepted either in the old age group; and not even in the disability sector, which is now giving stress to the individuals because they do not have medical covers and there is no way they can earn a living because they are bedridden. That is painful to us.

So, actually, the other thing I experienced in Wagalla is that, I visited the Wagalla Airstrip several times, which is actually causing us pain. It is giving us the trauma from the remembrance of what really happened during the Wagalla Massacre. As for the Kenyan Government, yeah, we said that after the NARC Government came to power, at least the bit of improvement was that we had the commemoration, which was never there. The pain for me is that, the person who is supposed to protect you is here killing you and telling you--- You know, it is like now I do not understand how the Government could do that; who do I trust to call the Government? Because without people, there is no Government for me! That is what I believe in. But the Government came down to the ground, selected individuals and killed them. So, it is painful for us and I have two witnesses--- I have many of them but I could not bring them here, because bringing them here means they need something to rest on. I do not want to add more problems to their already existing problems. If I bring them here and I leave them outside waiting for their time to come, I am putting them into more problems rather than giving them solutions. So, I have Mr. Bishar Adan Osman, who became a victim after the Wagalla beating. He lost his eyesight. We also have Mr. Bishar Adan who was paralyzed. He has some bruises and marks on his body.

With your permission, Mr. Presiding Chair, Sir, I would like them to come forward.

The Presiding Chair (Commissioner Slye): That is fine; if they are here, just bring them forward.

Ms. Fatuma Yusuf Abdullahi: Mr. Presiding Chair, Sir, this gentleman was a young man by then. He is Bishar Abdi Osman. He is now visually impaired not by nature or any disease. It was caused by the Government which was supposed to protect him, but it brought him more harm. He used to be the breadwinner in his family but today he cannot see and he has to be guided, fed and clothed; he cannot even wear his clothes without assistance. So, it is very painful to me for the Government of the day to try and bring---

(Ms. Fatuma broke into tears)

The Presiding Chair (Commissioner Slye): It is okay, please take your time. We appreciate the incredibly strong work you have done for this community and I know that the individuals that you have brought here and other individuals that you have worked

with, their lives have been blessed by your presence. So, I am sure that not only are they grateful, we are also grateful for all that you have done.

Would you like us to take a short break?

Ms. Fatuma Yusuf Abdullahi: No, Mr. Presiding Chair, Sir. I am okay.

The Presiding Chair (Commissioner Slye): Okay. Take your time.

Ms. Fatuma Yusuf Abdullahi: I am sorry, Mr. Presiding Chair, Sir. It is very painful. I do not see why we call ourselves--- Sometimes I feel like, why should I call myself a Kenyan while my own people who are supposed to protect the people's lives, their animals and their rights are actually here to kill? This is the case and yet they still occupy big positions in this country. I am very sad! He is a very innocent man. The other one is Mr. Bishar Adan, who is also physically disabled. The only option left for him now to feed his family is making shoes. In this world today, repairing shoes in this area is not going to help him make any livelihood for the family. I do not know--- I think the Government should be responsible for what they did. You know, when you die--- For me, I would rather die than live such a life, because once I leave, may be my children will think of how I died. But the person who survives is now faced with problems. He sees the wound or bruise on his face; he is physically challenged; you are visually impaired – you have nothing to do – you cannot even accuse the Government and tell them “This is my right” and when you go to an office anywhere today, you are told “you are disabled”!

(Ms. Fatuma broke into tears)

These people became disabled because some individuals took a weapon and used it against them; you know, that sharp weapon or equipment. Even a gunshot is better than when you use a knife or an axe. It is really better for me because once I am shot, I am dead.

The other thing is the developmental issue; these people are using devices which come all the way from Nairobi. The nearest you can go for repair is in Garissa District. Now, these people were able-bodied but they became disabled and there were no devices because as you can see, development in North Eastern Province ends where the tarmac ends. Decisions being made for North Eastern end where the tarmac ends and I am happy the Commissioners experienced the rough roads, which we use daily. The buses break down on a daily basis and every time we travel, we have to spend two days on the road. So, you have to pray and prepare yourself. Now it is raining and there is nowhere you can go. The price of foodstuff has gone up because the roads are closed and the Government has a responsibility. We have been loyal to the KANU Government because we never voted for any other party. I remember I was a clerk in 2003 when we had the elections and a mother said that if I do not vote for KANU, we will be taken back to the Wagalla Massacre! That is an elderly mother who said that and I was shocked and I could not control myself. I asked her: “*Mama*, why do you say that?” and she said: “This is the

Government that killed us; we have to go by them.” That is the challenge and the mentality implanted in these people of northern Kenya, particularly in Wajir District.

So, for me, the Government has to take the responsibility; first things first. Actually, people in power are changing only shirts; not actually changing individuals because the person who is the President, the Prime Minister and the Ministers are still the same people who were in this Government by the time the Wagalla Massacre took place; not only Wagalla Massacre but even Bagalla Massacre! These are the guys who came all the way; Benson Kaaria is still alive and he is enjoying his life; he is enjoying everything in his life. Benson Kaaria was actually promoted. All the people who took part in the Wagalla Massacre were promoted for doing a good job! Because in life we know that when you perform better, you are promoted, and for them to perform better was to eliminate one part of the community. One community was eliminated and there was actually a promotion to be given to the individuals. I do not know, but may be on the Day of Judgment, some people will be compensated.

I have a recommendation and a request for these persons with disabilities and for those who died. I request for a decent burial for the people who died because some were buried in mass graves because there was no time to give decent burials to individuals. By the time you are told, for example like in the case of my grandfather, my father told me “Your grandfather was buried under a tree” and that they dug a small part to make sure they just covered the body. I asked why? Because if you are seen digging a grave, you will be the next victim because the soldiers were going round checking what was happening so that there is no evidence to be found. To hide the evidence, everything was tampered with and bodies were taken all over Wajir District. If now those people do not get decent burials, I do not see Kenya doing anything and, sometimes, I feel like biting--- I do not know what to say! I would like to see those people in front of me just to see how they feel in their lives, because I know their conscience is always haunting them day and night. That is one.

The other thing is compensation for the victims, because these people left children and widows behind. In fact, 90 per cent of these women are breadwinners for their children, and most of them are victims of the Wagalla Massacre. Even today, the torture is there. The people are still singing the KANU tune or saying “Yes, Sir!” I do not understand when this “Yes, Sir!” will end in this district. The perpetrators should be brought to book.

My other request is that the perpetrators – Benson Kaaria and his team, even if there was a Somali involved – to be brought to book. Let justice prevail so that the people, at least, feel that if I wrong somebody, there is the law. I think the Constitution is above anybody else. Even the President is under the Constitution and he has taken an oath to unite all these people. He is a servant and everybody in this county is a servant of the civilians and not the boss.

That is all I have to say.

(Applause)

Mr. Tom Chavangi: Thank you, Ms. Fatuma Yusuf. You must be a very courageous young lady. I just have two questions and then I will hand you over to the Commissioners. You are representing the disabled?

Ms. Fatuma Yusuf Abdullahi: Yes, I am.

Mr. Tom Chavangi: In your representation, are you representing the disabled--- You have brought before the Commissioners disabled persons as a result of the Wagalla Massacre and, in your representation, are you also representing disabled persons as a result of relatives killed out of the Wagalla Massacre?

Ms. Fatuma Yusuf Abdullahi: Okay, if I explain a bit further on disability, we have four categories of disability. We have the physically, mentally, visually and the hearing impaired or disabled. I am representing any kind of person with disability because some of them were disabled as a result of the inter-clan community fighting in which they lost their hands and legs. Some of them were shot; some lost their kidneys while some had spinal injuries after the fight and now have to go on wheel chairs. I am representing all categories of disability.

Mr. Tom Chavangi: My last question is about yourself. Were you a victim of the Wagalla Massacre?

Ms. Fatuma Yusuf Abdullahi: I am in one way a victim because I lost my grandfather in the Wagalla Massacre. He was the breadwinner. Most of my family members were in the bush and he was the only person in town who used to be the central person for our family. Now, the other thing is that our grandmother became mentally disturbed since we lost our grandfather and, now, I am the one who is taking care of my grandmother who is now 80 years old.

Mr. Tom Chavangi: Thank you very much. I will now hand you over to the Commissioners. They will ask you a few questions.

The Presiding Chair (Commissioner Slye): Thank you, Ms. Fatuma. Again, I want to acknowledge the words of our Evidence Leader by thanking you for your courage, first for what you have done and for what you are doing today by bringing out this story and these individuals to this Commission. I would like to ask whether any of the Commissioners has any questions.

The Acting Chair (Ms. Namachanja): I just want to thank you for the courage that you have for being the voice of the voiceless. Thank you very much and God bless you!

Ms. Fatuma Yusuf Abdullahi: Thank you.

Commissioner Chawatama: Fatuma, I am just trying to find words to express what I felt while listening to your testimony. I am a High Court Judge and many people have

appeared before me. However, none of them has moved me the way you have moved me today. I have not had an opportunity to see your memorandum but I hope it is detailed enough for us to understand, in terms of numbers, the membership of the people that you serve and the extent of their injuries. You have talked about wheelchairs and I hope that your memorandum has enough information. If you feel that there is some information that you need to get to us, I encourage you to do so before we leave on Thursday. Mine is just to encourage you to continue doing the good work that you are doing. Never ever be discouraged. You have a good cause.

Ms. Fatuma Yusuf Abdullahi: Thank you.

The Presiding Chair (Commissioner Slye): Thank you again Ms. Fatuma. With your permission, and with the permission of the individuals you have brought here, the Commissioners would like to greet you and to acknowledge your worthy work and the suffering of these individuals. Thank you again. To the men that you brought here, could I ask the Hearing Clerk to escort Ms. Fatuma back to her seat and bring in the next witness?

[The Commission adjourned temporarily at 5.18 p.m.]

[The Commission resumed at 5.23 p.m.]

(Mr. Osman Noor Abdille took the oath)

Mr. Osman Noor Abdille: My names are Noor Osman Abdille. I live in Wajir, at a place called Bulajor. I am 61 years old.

Ms. Belinda Akello: Thank you very much. In February this year, you recorded a statement with our Commission staff. Kindly, show to the Commission the statement you recorded.

Mr. Osman Noor Abdille: I thank God that today I am in front of this Commission. Before I go into the details of what brought me here, I am carrying books and files but I am not literate. My statements may not be in order. I am sorry because I may not put the statement the right way. I am not also used to talking to many people although I am an old man. The first thing I want to say is that I am a man who knows a lot about the Wagalla Massacre. I have been working all these years, since it happened, following issues of Wagalla. Let me explain what I can remember about Wagalla.

When I go into this story, I may become emotional, cry and lose control. If I am not able to speak then, I will request that you give me time to rest. I am not used to crying but since Wagalla and the experience I had, I cry a lot. Let me start with another topic which is less painful. I think you know about it. I would like to tell the Commission that I came to Wajir in 1963. I have been living here in Kenya since then. I know about many things which have happened in Kenya. I have been here for long and I know many things. I know about many Commissions which have been formed. Whenever I heard that a

Commission had been formed, I would feel pain. The first Commission I heard about was the one that was set up to investigate the death of the late Tom Mboya.

There was also a Commission of Inquiry which was formed to investigate into the death of J.M. Kariuki, whom I loved, as a politician. He was a politician. I waited for the report of that Commission but it was not made public. What I know is that a Commission is a hole where the truth is hidden. It is a place where money is exchanged and nothing comes out of it. This one is named the Truth, Justice and Reconciliation Commission. If truth and justice is found, then all problems will end. I hope that this Commission is better and will be better than the other Commissions. For 27 years, I have been following the Wagalla issue. Before 1983, it was a crime to talk about it. We would talk about it silently. However, today, I have been given the opportunity to speak in public about Wagalla. That gives me the kind of hope that I have. People have been asking me what has happened to me. However, this Commission has given me hope. I am requesting that we get justice. I will tell the truth.

I hear people asking why people were killed in this region of the Northern Frontier District. If you want to know why people were killed and why they died, it is because of what they believed in and their religion. Since 1963, there are people who have refused to be part of Kenya. Some of us have accepted to be part of this Government. However, the Government is not ready to accept us. The Government does not also want to let us go. I do not know what it wants. There is a Somali saying that goes, “a strong person is the one who does not leave you alone and does not feel any mercy The worst person is the one who hurts you and does not want to release you”.

There was a man who was the DC at the time the Wagalla Massacre happened. The DC said that if all Somalis were killed, Kenyans would develop very well. I will produce the evidence to this Commission. People of Garissa were also tortured. The reason they were punished was because of one bandit or a poacher. They killed the poacher that they came across one time and killed his wives. They also castrated them out of anger. He went crazy and killed several people out of that anger. How can a whole community be punished because of one poacher? We used to urinate in containers in our houses because we could not get out of our houses. The DC said that if the 360, 000 Somalis in Kenya were killed, the country would develop. The Indemnity Act was applied on this. I do not know how to speak in English. If the people who kill are not arrested, does that mean that the soldiers are allowed to do as they please and that the law will not catch up with them and they will never be brought to book? I have an ID card and a passport. I got my birth certificate from Nairobi in 1970. I have a different card called the Identity Card (ID) of Somalis. I do not know whether you know about it. I think you have not heard about it. We call it “*kadi ya woria*” which means the card for Somalis. This card is only issued to people from North Eastern. They used to tell us that we should not be given the same ID cards with other people. If everyone was killed in our district, what would you think about it?

That is the reason why we were killed. It was an order from the Government. After that, I fear talking about Wagalla. I have a lot of information about the Wagalla Massacre.

There is not a single person who was killed in Wagalla that I did not see. There is no single injured person that I did not meet. I was helping those who had been injured. I was also looking for the dead persons. I took some photos of some dead bodies. The other person who also knows about Wagalla is the missionary person, Analina. The second one is Mohammed Elmi who is now a Minister. I was working with them. The other person is dead. There is also Mr. Bashir and I will be the fifth. I know a lot about Wagalla. Before I get emotional, if you want the evidence-- I worked with Bishal Ismail. I was with him for the last 27 years. He is an educated man and he speaks English. He is better than me in that field. I was his assistant and I was with him. I will be here to support any evidence that he presents here. Let me first respond to what is here. I do not know when this book was written.

My name is in it but I do not know how to read. A total of 97 per cent of it is accurate. It can be used as evidence. It details what happened in Wagalla. I am talking about my experience because all the people who assembled there on that day did not know each other. The people were gathered from all over. They were tortured and killed. For the truth to be found, we need to research. If the Commission wants to know the actual number of victims who died on that day, I would advice that you take this book as evidence of what happened in Wagalla. I support this book and the writer who, if she was alive, would have given evidence. This is Ms. Analina. About the political issues, she knew many secrets. We are not with her here. I also do not know whether what she wrote is admissible. These are issues that should be taken from me and forwarded to Parliament. They should read the information and see what they can gather from it.

I will go into what I know about Wagalla. If I was to speak about Wagalla, I do not know how many days I would take. Three days before the material day, people were not allowed to reach all the water points. The water points were closed to both human beings and animals. If cattle are denied water for three days, they cannot survive. A cow cannot live for four days without water. People were denied access to the water points for ten days. This was three days before the incident and seven days after.

Let me start. It all began at 5.00 pm in the evening in Bulla jogoo. My house is next to the main road. I have a three roomed house. I witnessed police breaking into houses near the Mosque. I saw somebody trying to break into a Government vehicle. I then came back to my house and prayed. I told my wife about it and decided to run away. We could hear the commotion, violence and noise from people who were being put in Government lorries. I slipped under the bed and my wife covered me with a different fabric, one that is not used by *worias*. People started burning and torching houses. I stayed under the bed but at some point, I ran to the Administration Police Camp where my brother was. When my brother came, he told me that I could not stay there. I then went to the Water Department Offices and stayed in one of the houses. I took my children there and went back to my house. When I went back, I found out that all the houses around had been burnt save for mine. However, the whole area was in smoke. Women were raped. I saw nine running away from the wrath of the police. We decided to run away together. The whole night, we were roaming around, trying to see what had happened. When I went back to town, I found Mohammed Elmi who is a relative of mine, now a Minister. He

called me and told me to work together with one woman. We pretended to be members of the Red Cross Society. We took red fabric and put on the Red Cross sign. She gave us overalls with the same sign of the Red Cross. We were also given caps and we started to masquerade as people from the Red Cross Society. She was white skinned and that is why we took courage. I do not want to talk about the site where the Wagalla Massacre had taken place because people have already talked about it. Those who tried to run away from the place were shot at.

Others died at the camp. Some died while they were hanging on the fence. Some people ran away and succeeded. That day, we found many injured people. We wondered what to do with 100 people who were stark naked, had no shoes on and were wounded. The people were naked and there is no hospital that we could take them. We could not take them to a Government Hospital. However, there was a school there, Sabunley Secondary, where we took the injured people. We treated them with medicine that had been stolen from the hospital. We were trying to help by saving lives. We were using every means and ways available to make sure that people were helped. Those who died in the camp were taken away and thrown 80 kilometers away.

The dead bodies were taken away and the place is now nicknamed the bones of Degodia. Some were taken to Dela, a place called Gulani or “the place of burnt people”. The old man who was speaking this morning told you that some of them were thrown there and some were buried. The dead and the injured were taken there and we tried to help those who were injured. The third group and the largest, the dead bodies were taken to a place called Sarmanta in Griftu. Others were left in Tarbaj. We went together with the wounded people who had been injured. There was a vehicle that came from Mandera that day. We put some wounded people in that vehicle and they were taken away. It was impossible to help these people because they were naked. We had to take them somewhere we could hide them. We were walking up and down trying to help the wounded. We took photos of the wounded. We were with Annalina and a man by the name Dikdik, Mohamed Arush, Abdi Nine Nine, who used to be in the police. We were using the vehicle of Mohammed Bashey. We passed by the camp where some people had tried to run away through the fields first. Annalina said that some bodies had been hidden by the police. She suggested that we pick the dead bodies that had stayed for some time for burial. The bodies were burnt. We looked for clothes that could be used as gloves. At this time, I did not have shoes to put on because I had given out my shoes to an injured man. I removed the *maawis* that I was wearing, took a pair of scissors and cello tape. I cut the cloth into pieces and tied it on her hands. I used it as gloves and as a mask.

We put all the dead bodies into the car then we used the same car with the bodies. I was half naked because I had given out my clothes to be used as gloves. While I was there with the dead bodies, I saw the body of my brother. We passed through the town until we got to the missionary centre. We brought the bodies down from the vehicle. I remember a decaying body that was in pieces that remained in the car. Sara helped us to clean the vehicle. After that, we decided to divide roles. Abdirizak and I were told to leave town and take the vehicle and a camera, so that we go and get photographs of the bodies which were thrown in the countryside. We were to come with photographs that were to be used

as evidence or to be shown to the international community. Three of us were told to bring as many photos as possible. We looked for a camera but we did not get a camera to buy. We went to the American volunteer teachers who were in Sambule and also those from Norway helped us. Norway is the only country in the world that reacted to what happened in Wagalla. We went to the American volunteer teachers and got different cameras and there was one that could take 48 photos. The issue was that if the police saw you with the camera, they would have killed us. We got three cameras from them. We asked women who brought milk to town to help us to hide the cameras in the container. Then I put water on the car. We decided to cheat the police that this was water that we were taking to the people living in the outskirts. Then we met with the ladies who we had given the cameras. Then we looked for the dead bodies. Abdirizak told me to put the dead bodies in 50s. The bodies were there for nine days and so parts of the bodies were eaten by vultures and hyenas. I tried to put the head onto the other parts of the body. So, after we arranged 50 bodies, Abdirizak said that if I take 50 bodies in one photograph, they do not fit in one camera. So, he said that we arrange and put them in 25s in one snap shot. I tried to arrange the dead bodies putting them in rows and Abdirizak was taking the snap shots of the bodies. We got 193 bodies. I tried to arrange the bodies in 25s. So, apart from the ones that were eaten by hyenas, we arranged 193 bodies and then we started taking snap shots.

We started asking ourselves what was our role here. I am here to tell the Commission the truth. We took photos of bodies in Bute and we went to a place called Habaswene and we took photos of the bodies there. For six days, our car could not come to town. We sent somebody on a donkey cart to bring us petrol because if we came to town, we would have been arrested. We had to hide the cameras and the photos. We were told to take the photos to Ahmed Khalif who was in Nairobi. We gave out the photos to Ahmed Khalid and he then took the photos to Parliament. They were given to hon. Kibaki, the then Vice-President. He took the photos and said that they were documents of Parliament. We tried to process the photo. The Embassies had placed soldiers at some respective embassies. Ahmed Khalif was followed by CIDs. We were hiding in Nairobi. After that, Ahmed Khalif told a friend that he would eventually be taken to Ethiopia and his citizenship withdrawn. He gave the photos to that man and they were processed in Ethiopia. Then the embassies in Ethiopia were given the photos. That is how the world knew about Wagalla. Abdirizak and I took a torch and removed the batteries and put the negatives into the torch and then we went somewhere; there was a car that ferried goats, so we hid the torch inside that lorry and that is how we took the photos to Nairobi. After that, we started giving the photos to embassies in Ethiopia.

I came to Wajir in 1963. The Degodia people in Wajir were not more than 50 by then. But by then, they were many and I knew some of them. All the men were loaded into cars apart from those who were lucky to escape. Not more than 100 escaped. Businessmen were wiped out; men of substance were wiped out; my age mates and the people I worked with are all gone. The houses were burnt down. The livestock were looted and killed; they raped women and children. Which would be better; to be among the dead or to remain alive? For those who died, they are gone. They have no problems, but you can imagine those whose brothers were all killed, their houses burnt, livestock looted and left

alone with nothing. What can you do for that man? For example, if you want to understand the people who were left and their pain, there is a woman here called Halima Sheikh Birik. Her father was my friend. His wife was Marianne Dori and my wife was Marianne Dori. We were good friends. Mama Halima cried on the day of Wagalla. She was a newly wedded bride. She went to her mother and cried. She told her mother: "My father is dead." Halima cried. Halima's husband who had gone to Abdi Noor, cried. My father and my mother's father were killed. Abdi Noor said: "Also my dad is gone." Halima, where could she go? Her father was gone and her mother's father was also dead. Her husband's father was also gone. I knew all of them. He was a colonial chief. They all died. Actually, there is a lady, Fatuma; her father, who is Mohamed Bore is dead. Her husband, Ibrahim Ali is also gone. Her brother is also gone. Fatuma now is mad. She died just three days ago. She used to come to my house. We were relatives. She could not talk. We could give her food, at times she takes the food and at some times, she refuses. She had two children and the relatives took care of the children. They were educated by Mohamed Elmi and another one was taken care of by Haji Dahir. Actually the mad lady died. This is a good example. All the people died. We Degodia, we had leaders. If you want to know the numbers of the Degodia who died, there is Fatuma Ibrahim, a Commissioner in the KNCHR and God has given her that rank. Two of her biological brothers died in Wagalla. Look at Mohamed Ali Misore, his brother died in Wagalla. We were partners in business. The Chairman of the County Council, his father died in Wagalla. I have given you three leaders of the Degodia Clan who have lost either their parents or their siblings.

There is this lady whose three generations from her father and her father's father, all died in Wagalla. You can imagine. The Government said that only 57 people died, but even if that was the truth, 57 people killed in confinement, the person who had done that was not taken to court. I do not know how to read a newspaper, but I have had this newspaper for so long. From the day it was printed, I have had it up to today. I have it with me here. I have a question: How many people died and who are they? What are their names? That is a question for the whole world to find out. There is a Commission here and there is also the Kenya National Commission on Human Rights. We have failed to ascertain the figures of the people who died and those who were injured, who were 4,000. Even some of them succumbed to the injuries. The bodies of those who died were found all over. I cannot know an individual who was brought from Mandera, for example. I cannot know. In this newspaper, it is written 365. It was printed on the day the event took place. I am sure that these ones died, but that is not the number of the people who died. These are the people that we knew whose names we started writing. We could not ascertain them because we were traumatized. People were not bringing us reports because we were not the Government. We were not collating the figures.

The Presiding Chair (Commissioner Slye); I apologize for interrupting your testimony. I notice that you have some documents there and I am wondering if you would like to submit them to the Commission.

Mr. Osman Noor Abdille: I want to give all this evidence to the Commission. I want to tell them that those who died in Wagalla are more than this number. These are the ones

that we knew. This is not the truth. We need an independent commission to research the number of the people who died for a year or more than that. We need longer time. That is the only way we can gather the names of those who died. If you have the capacity, namely, the finance, the will and the ability, these people died and we need to know the figures. That is the only way we can tell exactly who died. These are the names we gathered the first few days of the massacre. It needs a lot of research and a lot of work. The question now is who was killed, how many people were killed and then we go to who killed them?

The Presiding Chair (Commissioner Slye): We very much appreciate the testimony that you have given us because your eye witness testimony is a story for us to understand the true numbers of the people who suffered and were killed at Wagalla. I think you know that hon. Elmi is also trying to compile a list; others here in the community and I think the KNCHR. We would like to work with them and with you to try to make sure that we get a complete list of those who died and those whose family members died, so that we can come up with a better number with respect to those who suffered during those events. I would like to ask your indulgence. We are starting to get near the end of our time this evening and so, I know that you have some other things you would like to share with us. I would like to ask you to do that, but please, try to be brief. I would like to give an opportunity, both for the Evidence Leader and the members of the panel to ask you some questions. You have testified to a lot of things and given us a very rich testimony.

Mr. Osman Noor Abdille: In conclusion, here I have a picture of four people. One is Mr. Ahmed Khalif, our lawyer and our MP. One is the man who took a contract in North Eastern Province to kill people, namely, Benson Karia.

He told women that they came from Ethiopia and they should return to Ethiopia. That is Benson Karia and many others. I know you have the capacity to investigate. I want you to investigate until the truth is found. My statement is disjointed, out of emotions. You can ask me any question that you want.

The Presiding Chair (Commissioner Slye): Mr. Abdille, this is a very difficult thing for you to do. I know that you have spent a good part of your life since this event in 1984, the individuals and families, including your own who lost their loved ones, trying to make sure that the rest of Kenya and, indeed, the rest of the world know and understands what happened here. I will ask the Evidence Leader if she has any question.

Ms. Belinda Akello: Thank you, Mr. Abdille. We commend your courage and we salute you. I have a few questions. At the beginning of your testimony, you informed the Commission that people were killed in North Eastern because of their clan and religion. Would you, by any chance, know why people were killed during the Wagalla Massacre? Why were they rounded up at the Wagalla Airstrip?

Mr. Osman Noor Abdille: Yes, I know and I will say the truth about this. The Provincial Commission, the Permanent Secretary and those who killed our people used to come and address public rallies. I believe those who were killed, among them, were fools and crazy

people. Among those who were killed was a man called “Mohamud the idiot”. The only thing he knew about life was eating what he was given. There was also a man who was 90 years old. The criteria used to gather these people together was the clan. What is your clan? If you say you are a Degodia, you were forced to get into the car. That was the issue. That is why I am talking about clan. It is the clan that was used to kill people. Is belonging to a clan a crime? Can you condemn a whole clan and kill them? From that, I can say that the reason why these people were massacred was politics based on such hatred. In this paper, there is some information about the secret issue between Kenyatta and the Prime Minister of Somalia. This was a thing that was planned and schemed. The Somalis are 360, 000. If all of them were killed, Kenya would develop as a country. The Degodia were among the majority among the clans that were there. Moi is still alive. Mr. Kibaki is the current President. These are the right people to ask some of the questions you are asking me. But they used clan as criteria to kill. You were asked from which clan you were, and when you say Degodia, you were taken.

Ms. Belinda Akello: My second question also relates to your statement. In your statement, you have indicated a number of names. You have mentioned the PC, Mr. Benson Karia. You have indicated that there was a DC who refused to participate. You have similarly indicated that there was an acting DC who was brought in from Meru. Would you by any chance know their names?

Mr. Osman Noor Abdille: You will get the names from the official memorandum that we gave. The names are in the document that was given by Mr. Bishar. Those are the people who massacred our people.

Ms. Belinda Akello: You have also indicated that the PC, Mr. Karia, addressed crowds during the massacre. You have particularly indicated that he addressed people at the airstrip. He similarly addressed widows and children separately. Was this during the massacre or during the three days when people were still at the airstrip that he addressed the widows and the children particularly?

Mr. Osman Noor Abdille: It was before the massacre happened. It was a threat that he made and he fulfilled it. His objective was to eliminate or to expel Somalis from the face of Kenya, so that Kenya will develop as a country. I forgot something. There are three men who are requesting me that we cannot speak there because we have a mark of injury. I request the Commissioners to see these people and see the marks on their bodies.

Ms. Belinda Akello: I think the Chair is going to allow for that. I just have two last questions before we call them in. You have indicated that as you ran away with nine men after the burning of houses and the raping of women, you have not told us who actually burnt the houses. You also indicated that you could not take the men you salvaged; the 100 men who were naked, to hospital, but you took them to Sembule School. Why could you not go to hospital, Mr. Abdille?

Mr. Osman Noor Abdille: Leave alone the hospital; we could not go to the water wells or points. There is a Somali saying that says: “A man who kills you in the scorching sun

will not drag you to the shade of the tree.” So, it was the Government that was killing the people and the hospital belongs to the Government. We knew that when we go there, we were going to the lions’ den. To answer your first question, those people were killed by police. The vehicles that were used were Police, AP and the Military. That is the only thing I can use to say that it was the Government machinery.

Ms. Belinda Akello: On Norway; you have mentioned the Embassy of Norway in your statement. Today, you have also indicated that Norway might have been the only country who heard your problems. You have also indicated that Sister Analina did some writing and we were unable to get them because she passed on. When you were working with Annalina, did you have any report that was written and maybe copies of photos that were forwarded either to her or the Embassy of Norway?

Mr. Osman Noor Abdille: There were two Norwegians who were working here in Wajir. These two people were responsible for taking the information to the Norway Government because they were helping us. They were among us. They were helping us to save the wounded people. There was a night we were caught and they said that they belonged to the Norwegian Embassy. They lied to the police that they belonged to the Norwegian Embassy and that we were their workers. We escaped that way. I used to listen to the radio very well. I heard about the *Guardian Paper*, which wrote a long story about Wagalla. We could not find it in Kenya or in Wajir. I heard that through the BBC, which used to refer to that paper so much. The story said that in 17 countries, it is only Norway that cut ties with the country. The issue about Norway and Analina, the person who is responsible for that is the Minister, Mohamed Elmi. He is the one who can explain and elucidate this and tell you all this. You may ask him. We thank Norway for coming to our assistance at the hour of need. We were tortured like that and no single country came to help us. My fear is that we will tell the truth, but who will make sure that justice happens?

Ms. Belinda Akello: My last question to you, Mr. Abdille. As someone who was there during the Wagalla Massacre and who helped the victims live through the aftermath of that and dealt with the bodies, what do you think would be the one thing that the Government can do to ameliorate the suffering or at least, cushion the harm and the much grief that everyone has when they think of Wagalla?

Mr. Osman Noor Abdille: First, I do not think there is a Government. I know that what is there is a fallacy of a Government, something that looks like a Government. It can do something, but can you do something for a goat eaten by a hyena? There is a parable which says that a goat was eaten by a hyena and then the goats went and said to other hyenas, “we were eaten by a hyena, can you help us”? The hyena went to the other hyenas and said: “If you ate some goats, why did you not eat all of them, so that we could not hear any complaints?” By this I mean that unless there will be another Government, but the one I know, the people I hear are the same ones who caused us the pain. They are sitting there. Moi was the President and Kibaki was the Vice-President. The Government we talk about is a Government that is to come that will help us. I do not think this Government can help in any way. I think the Government that will help is the one that

will be operating on the new Constitution. I know that all they can do is set a Commission then we are told “sorry”. There are things that we can forgive and things that we cannot forgive. The animals that were looted and houses that were burnt, people can forget such things. However, what we cannot forgive are the massacres. We leave it to the Commission to decide on what should be done to heal the wound that was inflicted by this massacre. We must get just justice. We must get compensation. We cannot get back the persons. We need something be given to a particular person who suffered the losses. We want our infrastructure be improved for social development to take place in this part of the world.

Ms. Belinda Akello: Let me introduce what Mr. Abdille has brought in as exhibits. Six newspaper cuttings, the first one with the heading: *Government admits errors in 1984 Wagalla Massacre*. The second one is headed: *57 killed by troops in Wajir by Ole Tipis*.

The Presiding Chair (Commissioner Slye): I do not think you need to go through each of them. If they could be catalogued as Exhibits, then we can move on. Thank you, Mr. Abdille. You had said that there were some individuals here who wanted to show us their wounds. Are they here and do they want to do that?

Mr. Osman Noor Abdille: They are here. Please, come out. Please, show the Commissioners the wounds that you have.

(The Commissioners viewed the wounds)

Mr. Osman Noor Abdille: I would like to show the Commissioners the scars that I have.

(The witness showed his scars)

The Presiding Chair (Commissioner Slye): Thank you for that. I can see that there are scars and marks on his chest. There are also scars on the stomach. There are also bullet wounds and the mark from the butt of the gun in the lower stomach. There are also gunshot wounds on the leg near the knee. There are also scars from the wire which he got while escaping from the airstrip.

On behalf of the Commission, I want to thank Mr. Abdille Osman for the testimony. We know that it is a difficult thing for you to talk about these issues, especially for somebody who was there and witnessed as much as you did. But it is incredibly valuable for us to have you here before us to share your testimony. Also, on behalf of the Commission, I want to thank these four gentlemen who have graciously come up here to show us the scars from the wounds that they suffered during that time. It is something that was a terrible occurrence in your life and we know that you continue to live with both physical and other scars as a result of that episode and we appreciate you sharing that with us.

I would like to ask whether any of my fellow Commissioners have any questions that they need to ask in order to clarify Mr. Abdille’s testimony.

The Acting Chair (Commissioner Namachanja): Thank you so much, Mr. Abdille Osman, for sharing your painful story with us. Also thank you for the role you played in collecting the bodies and trying to give them a decent burial. It is unfortunate that Sister Analina is not with us here. May God rest her soul in peace, for the role she played in trying to assist the survivors and giving the dead decent burials. If you had the power or if you had money, what would you put in place in Wajir that would make us look at it and remember Sister Analina for the work that she did? Have you ever thought of anything?

Mr. Osman Noor Abdille: It is unfortunate that Sister Analina died. She was a lovely lady. She is the one that I liked most although we are from different religions. She was a good person. She was kind and helpful. She was one of the loveliest people that I ever met. She was concerned about us. If we could have been people of the same faith, for example, if a Muslim dies another Muslim can pray for her and do charity on her behalf. I could even sink a well as charity and say that whatever comes from it belongs to the person who died. Sister Analina died in Wajir but I cannot pay charity for her because we are people of different faiths. I can only pray for her now. When she was alive, I tried to preach to her so that she could convert to Islam so that we could meet in heaven later. I believe I will go to heaven because I am for humanity. People were wishing that she could become a Muslim. I will never forget her but there is nothing I can do for her.

Commissioner Chawatama: When you started giving your testimony, your opening remarks were that you were not an educated person and that your statement may not come in an orderly fashion and that you are not used to talking to a large audience. I have been in the judiciary for 20 years listening to people give their testimonies and I would like you to know that when you spoke, you were so clear and the picture was so clear. I was able to understand and follow you. You are a great man and I know that when you speak, people listen to you and that what happened at Wagalla is something that you can tell generation after generation and that you have greatly assisted this Commission and I thank you.

Mr. Osman Noor Abdille: Thank you, Commissioner.

The Presiding Chair (Commissioner Slye): I do not think I can add anything more to what my fellow Commissioner has said; to express the gratitude of this Commission for your presence here and your testimony here today. We very much appreciate it and we look forward to continuing to work with you and other members of this community to get to the bottom of what happened in 1984. Thank you very much. I would like to ask our officer to escort the witness back to the seat.

I would also like to say that this would be our last witness for the day. We have had a number of other people that we wanted to hear today but we shall be continuing with our public hearings tomorrow and Wednesday. We hope that we can arrange those individuals to speak either tomorrow morning or later in the day on Tuesday or Wednesday.

For the record, I would like to read out the names of those individuals who have agreed to testify and I hope that they will still be able to testify. They are:-

Abdirahman Elmi
Abdikulhad Elshi
Halima Salash
Isaak Abdi Nuh
Mohamed Abdi Rashid

If they are here, I just want to assure them that we appreciate their willingness to come here and we apologize that we are unable to hear them today but we hope that we shall be able to hear them tomorrow or Wednesday.

I would also like to recognize those individuals who testified today. They came here today and were willing to share their stories with us. They include:-

Mohammed Bekani
Beshai Ishmael
Abdi Ishmael Halawi
Haji Ibrahim Ali Hussein
Fatuma Yusuf
Osman Noor Abdille

We will continue tomorrow morning at 8.30 a.m. I would like to ask members of the public to try and be here by 8.00 a.m., so that we can begin promptly at 8.30 a.m.

Lastly, I would like to ask all of us to stand and observe a moment of silence in memory of the many people who died here, not just during the Wagalla Massacre, but in all the other places and in memory of the families, some of them here, who lost loved ones.

(A minute of silence was observed)

(Closing Prayers)

(The Commission adjourned at 6.50 p.m.)