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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION ON MONDAY, 24TH OCTOBER,
2011 AT BARINGO GTI HALL, KABARNET**

PRESENT

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

SECRETARIAT

Patrick Njue	-	Leader of Evidence
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IN ATTENDANCE

Dr. Samuel Tororei	-	Commissioner, KNCHR
Rev. Lawrence Bomet	-	Commissioner, NCIC

(Opening Prayers)

(The Commission commenced at 10.05 a.m.)

The Presiding Chair (Commissioner Ojienda): Thank you all once again. As part of the process, I want to specifically welcome the dancers from the Ilchamus community who are here to invite the Commission. I will be asking them to play a number before we start. Before then, I want to say a few things about the Commission sitting in Baringo County. This is the first day of the two days we will spend here in Baringo. We will have our public hearings today and tomorrow. In the course of the public hearings when you come to attend, we ask you to keep silent in the room, respect the testimony of the witnesses and ensure that whenever everyone speaks, they will be led in evidence by the Leader of Evidence. They will also be asked questions by the Leader of Evidence and Commissioners. After that, they will be asked to leave and we will call subsequent witnesses. I just want to ask for your cooperation in this process.

The panel that you see here is a mixed panel of local and international commissioners.

*(The Presiding Chair introduced himself
and other TJRC Commissioners)*

I ask you to sit and be part of the process.

The TJRC exists for a number of reasons. Apart from listening to you on specific issues of gross human rights violations and other issues touching on socio-economic rights and other violations, at the end this process we will write a report that will have a raft of recommendations for implementation by the Government. I think that is the entry point. So, all the witnesses that testify before the Commission should guide the Commission towards recommendations because apart from the history and other issues that are attendant to this process, issues of recommendation are very important. That is why when the witnesses testify, they are often guided to ensure that the best of recommendations are born out of their testimony.

I thank you all. I want to invite the Ilchamus dancers to give that special invitation. I think Anne will take charge of that. Let us limit it to two minutes so that we can start with our first witness.

(The Ilchamus Dancers sang for the Commission)

(Applause)

Thank you very much. It is through such songs that communities foster reconciliation. It is important that we find things that can put us together like songs.

Leader of Evidence, call the first witness.

Mr. Patrick Njue: Thank you, Presiding Chair and commissioners. Our first set of witnesses is from this very community that has just entertained us. That is witness No.4 and 5 in our files.

The Presiding Chair (Commissioner Ojienda): Proceed.

Mr. Patrick Njue: Commissioners, they have grouped themselves in a manner that at least two of them will be making presentations. Therefore, we will be oathing the three of them.

(Mr. Amos Ledaa ole Mpaka took the oath)

(Mr. Joseph Langesi ole Parsalach took the oath)

Mr. Patrick Njue: Good morning, Sir. Can you tell us your name?

Mr. Amos Ledaa ole Mpaka: My names are Amos Ledaa ole Mpaka. I am from the Njemps Community. In our memorandum, we have a content of items. We have the background of the community, social and culture of the community, economic issues, resource generalization, representation, insecurity and environmental problems.

In the background, the Njemps is one of the minority and marginalized community. We live in the Rift Valley Province, Baringo County, Marigat District. We live around Lake

Baringo and in some islands in Lake Baringo like Kokwa and Parnelok. We are a Maa speaking community. We are brothers to the Maasai and cousins to the Samburu. That is our general overview.

In social culture, the Ilchamus culture is heritage that brings and binds the community together. Culture is the backbone and provides the general calendar of events of the community. Our events are almost the same as those of the Maasai and Samburu.

First of all, we thank the new Constitution for creating hope on protection of indigenous cultures. Our greatest fear is that our culture is being eroded due to religion, education and introduction of other communities to our culture. We urge all stakeholders to protect the cultures of indigenous people and put some mechanisms and policies that give the people the right of protection of their cultures.

The economic activities of the Ilchamus--- as I said in the beginning, we are related to the Maasai and Samburu. We are a pastoral community but right now, we have shifted our livelihood from livestock keeping to subsistence farming and other activities. We do our farming around Lake Baringo at Perkeria Irrigation Scheme and along the river that flows to Lake Baringo. That is generally what I have to say about our economy.

Despite having all these, we are facing a lot of challenges, especially regarding the resources that we have. We have been marginalized in the sense that a resource such as Lake Baringo, which is a community resource, has been there for long but it is not benefiting the community. This is simply because it is being managed by the County Council of Baringo and it does not help the community. We also have a resource like the Perkeria Irrigation Scheme, which was initiated by the community in 1954 after several feasibility studies that showed that the Njemps land is suitable for irrigation. Therefore, that is our resource but we are not benefiting from it. We recommend that a policy should be put in place by the Government to make sure the community gets a share of these resources.

I will briefly hand over to my colleague.

Mr. Joseph Langesi ole Parsalach: My name is Joseph Langesi ole Parsalach from the same community. Among the community concerns is that map 2 of 1968 of Marigat Division clearly defines the location boundaries of the community. However, currently, all those boundaries have been violated. The Njemps land has been encroached on and boundaries altered to favour the neighbouring communities.

Despite being the minority in the district, we request that our boundaries be respected and encroachment stops. Our sentiments should be heard when we complain on the same.

On the issue of Perkeria Irrigation Scheme, the British Government made an agreement in 1954 between the Njemps and the colonial Government. The lease tenancy was to last for 50 years and that expired in 2004. In the process, the land that was meant to benefit the Njemps is now benefiting other communities more than the intended community.

It is our recommendation, therefore, that since the lease expired in 2004, the land tenancy should be reverted to the original owners so that a new tenancy can be issued to address the inequalities in allocation which resulted from political interference.

On the issue of parliamentary representation, the Ilchamus is one of the communities that have never been represented in the National Assembly since Independence. We have been under the leadership of other communities since Independence. That is why we went to court on 18th December 2006. The court ruling was very clear that during the next review, the commission will consider Ilchamus and give them their own constituency. Our concern now is that during the last review by the Ligale Commission, we were partially considered. That is why the Ligale Commission recommended that we should have Mochongoi Constituency. For us, we see it that we continue being marginalized because the Commission did not respect the court order. In the new Constituency, we will be more marginalized because of the numbers. Therefore, our recommendation is that the respective party should respect the court order and give Ilchamus their own constituency as per the court ruling. If I can go through the court order, No.5 of the ruling, it said:-

“It is hereby directed that the Electoral Commission of Kenya (ECK) at its next boundary review do take into account all the requirements set out in Section 42, representation of sparsely populated rural areas, population, trade and community interests, including those of minorities, especially the Ilchamus of Baringo Central, in the event of future constituency being created by an Act of Parliament or any review being undertaken”.

This order was very clear and we demand as a community that the IEBC which is coming must respect it and create a constituency for us.

Mr. Patrick Njue: Joseph and Amos, I will cut you short a bit. I know you have planned yourselves in terms of the presentations. However, I will ask that Amos first finishes with whatever it is that he was presenting on and then we can get to Joseph instead of keeping on alternating.

Amos, I do not know if you were through with your presentation.

Mr. Amos Leda ole Mpaka: Let me go to environmental issues. Our concern is *prosopis juliflora* or *Mathenge* weed. This weed was introduced in Ilchamus area in 1982 by the Government of Kenya through the Ministry of Environment in conjunction with the Food and Agriculture Organization (FAO). This weed was introduced in our area. The concern is that during the introduction of this weed, the objective was that it will cover the surface and curb desertification and soil erosion. However, after its introduction, the weed became disastrous to the environment, the residents of the area and the ecosystem.

The effect of this weed is that it covers the entire landscape, choking the indigenous trees and grasses. Another side effect is that it has colonized homesteads, pathways and roads, thereby displacing people and resulting in huge loss of homesteads and impassable roads.

Another effect of *Mathenge* is that it has blocked all the waterways, especially rivers draining water to Lake Baringo like Perkeria, Molo and Nandau rivers. This has actually resulted in perennial flooding.

Another issue is the loss of our livestock. When goats feed on these weeds, they lose their teeth resulting to death. It has long toxic thorns that when it pierces a person or an animal it leads to amputation. The weed also destroys the ecosystem of Lake Baringo.

Those are some of the side effects of this weed. That is why as a community, we went to court with a toothless goat as an exhibit. The court ruling was very clear. The court ruled that within 60 days of the ruling, the Government should set a commission to investigate the damages of the weed and make recommendations on the compensation to the community and ways of eradicating this weed. Up to this moment, that court order was not respected. No commission has been set, the community is still suffering and the Government is doing nothing. This time round, we are planning to go back to court but we may not take a goat there. We may take a cow because we want this thing to be clear. Our recommendation to the Commission is that a clear policy of *prosoyis juliflora* management be put in place.

Another issue is that people should be compensated for the loss of lives, property and animals. The Government and other bodies should also open ways to reduce flooding during the rainy season.

The Government should set a commission to investigate the damages of the weed to the people as the court ordered. Thank you.

Mr. Joseph Langesi ole Parsalach: Another concern of the community is insecurity in the region. The Njemps people, being pastoralist just like our neighbors, have experienced a lot of insecurity. Livestock have been stolen by our neighbours. But since 2004, the livestock raids intensified, resulting into enormous loss of livestock and human life. Since then, there has been mass displacement of people and it has become clear to the community that the issue is no longer livestock but land. At the moment, even the Mugutani DO is also displaced. He stays at Marigat as Mugutani Division is inhabitable because of external aggression from our neighbours. As we talk here, Elgus and Nosukuro primary schools, Inakule, Long'icharo and Lekrisha pre-schools remain closed since 2005 due to insecurity.

These institutions have been vandalized and even physical facilities destroyed. We strongly believe that this was done because we are a minority community. Since we have passion for education, this displacement denies our children education, which is their right. As enshrined in the new Constitution, the Government should provide adequate security to the people of Mugutani so that the people can go back to their land and continue with their daily lives.

We also recommend that the loss of livestock which has rendered the residents of Mugutani very poor should be compensated.

Another concern of the community is that in 2005, there was a boundary dispute between Misori Sub-Location and Akoroyan Sub-Location.

As a result, a number of houses belonging to the residents of Misori were torched. The two assistant chiefs were interdicted. The assistant chief of Koroyani Sub-location was reinstated after four months. His counterpart was retired on public interest after four years. The community appealed to the Government because they still required the services of the assistant chief but, up to date, he has not been replaced and we feel that this is justice delayed.

Regarding the culprits who torched the houses, they were identified, tried but released on the ground that there was lack of enough evidence despite the fact that the magistrate was sure the incident took place because the culprits were known by the community and was provided with enough evidence which was beyond reasonable doubt to us. So as a community, we feel that that judgement was a collaborative judgement. We, therefore, recommend that the case be reviewed.

Mr. Patrick Njue: Thank you, Amos and Joseph for that presentation. I must say that you must have been articulate in bringing out the issues that affect the Ilchamus community and you have further gone ahead and given recommendations that you think will go a long way towards alleviating some of those issues. I want to ask a couple of questions to get clarifications and the Commissioners will also do the same. I will begin with documentation. With me here is a memorandum which I will want you to confirm if it is yours.

Mr. Amos Ledaa ole Mpaka: Yes, it is the one.

Mr. Patrick Njue: You have referred to other documents like boundary maps and a court order. I wonder if you have them with you today.

Mr. Amos Ledaa ole Mpaka: Right now, we have the court order. The maps are there but we do not have them now.

Mr. Patrick Njue: It is your wish that the court order be as well formally admitted as the record of this Commission?

Mr. Amos Ledaa ole Mpaka: Yes.

Mr. Patrick Njue: What other documents do you have?

Mr. Amos Ledaa ole Mpaka: We have the caption from the *Daily Nation* newspaper about the issue of insecurity. It is dated 25th September, 2011. It is a comprehensive story

telling the way we have been made Internally Displaced Persons (IDPs) and the position of the Government was the same. Let me read some areas where the District Commissioner (DC) gave his views: The heading was “The IDPs the State would not Talk About”. It reads:-

“That over 1000 families were displaced as early as 2005 due to cattle rustling but the State agencies in Marigat say that they are self-imposed refugees.”

So, we were really surprised with what the DC said. It was surprising that some Government officials refer to us as “self-styled IDPs”. The DC went ahead to say that the security had been beefed up and some of the Ilchamus who have made themselves IDPs should go back so that the closed schools are re-opened. We have been IDPs since 2005 and we were also evicted by our neighbours; the Pokot. Many people were killed and we lost animals and a lot of property was destroyed. There is an example here. There is a mother called Lokosek Lolong’oi. Let me kindly ask her to stand up.

(The old woman stood up)

This mother is a widow. Her husband was killed together with the son. The other son was injured and he is now a cripple. Three schools have not been re-opened since 2005 and yet a person from the Government says that we are self-styled IDPs. What is the title of an IDP? People were killed and property was destroyed, women are widows and people are not living in their homes. What is the position of the Government if the DC can publicly say that we are self-styled IDPs? It seems that the problems of the community have not reached the higher offices in the Government. If the DC could say that, it means he writes reports to the head office. We feel that we have been neglected by the Government and our issues are not being addressed.

So, we request this Commission to visit and see the schools which were destroyed, the IDPs and the homes they were evicted from. We recommend that you visit several areas where people were displaced. We are also saying to you that we have petitioned even the President of the Republic of Kenya, the Prime Minister and the Minister for Internal Security and Provincial Administration but our issues have been neglected. My cry to you is that you should visit those schools because seeing is believing. That is my recommendation to you. We have now reached the limits. We are a community that respects law and order and that is why we are not revenging against the other communities. It is not that we are unable to revenge or that we do not have *morans* but it is just because we respect law and order. That is why we take our issues to court most of the time and respect the various institutions of Government. This time round, we are looking upon this Commission to address our issues. We have reached the limit. If the Government cannot see that we are IDPs, we have orphans and that our children are not in school, then we have reached the limit. There are so many institutions which were grabbed by the Pokot and are now in East Pokot. If you read now, you will find that Mukuten Primary School and Mukuten Dispensary are in East Pokot. Also, our chief is entitled to be in Mukuten Location. We feel that there are some powers that we cannot reach that are even manipulating Government arms to marginalize us. For example, an

office was taken to another district and it was the Government that did that. That means that our issues are not being addressed. So, in my closing remarks, I would like to cry to the Commission to visit our area before you go back to Nairobi so that you can see the extent of marginalization. So when we say we want to be represented, we have a reason. We do not have roads neither do we have any facilities. The few dispensaries that we had were all closed down. Last month, I led a delegation to see the Minister so that the dispensaries can be opened. Those dispensaries will assist those who are injured. That is my prayer to you as the Truth, Justice and Reconciliation Commission. We beg you to visit our area so that you can see the damage. Thank you very much and God bless you.

The Presiding Chair (Commissioner Ojienda): Thank you very much, Amos. I want to thank you for your presentation which has gone into details. You have highlighted the issues in your community and what you have done. We will consult further with you and find out how far your region is and see if we can visit you.

Leader of Evidence, have you applied for the admission of the memorandum?

Mr. Patrick Njue: I was going to do that, Sir. I request that the memoranda and all the documents be admitted as evidence of the Commission.

The Presiding Chair (Commissioner Ojienda): Yes. They may all be admitted. The commissioners can now ask their questions.

Commissioner Farah: Thank you, Amos, for that good presentation. I just want to ask you a question on the Boundaries Review Commission that came to you earlier. I know that one of the criteria of creating a new constituency is that you must have about 135,000 people. I know of very many areas in Kenya which requested for a new constituency. In Wajir Town, we had asked for a new constituency but we were refused because our population was 120,000. We were 10,000 less than the threshold. In other words, if you are 135,000 or 140,000, then you can get two constituencies of 70,000 each. The minimum is 70,000 people. What did the Ligale Commission tell you when they visited you? I know what the court ruled but a new law came after the ruling. Could you tell us what you discussed with the Ligale Commission and what it decided?

Mr. Amos Ledaa ole Mpaka: Thank you, Presiding Chair. The Ligale Commission visited us and we gave them our memorandum and a statement of the court order. After Parliament set the criteria in the new Constitution, we think that the court order is still supreme because we are a community of interest. Even Baringo Central did not qualify but they created Baringo Central because of the court order and community of interest. Although Parliament wanted the population to be of a certain level, there are other issues to be considered. We have a population trend and community of interest. Ours was based on community of interest and the court ruling. To us, we are upper than other constituencies. We should be the first to be considered based on the court and even the new Constitution that actually identifies community of interest. Our cry is that let the Commission and even Parliament respect the court order because it was very clear.

Commissioner Farah: The Ligale Commission was overtaken by events. There is a new Independent Electoral and Boundaries Commission. I think it will be created next week and they will review the proposed 80 constituencies.

I think you need to present your case afresh in as far as representation is concerned. We will give our report next year but this other Commission, the Independent Electoral and Boundaries Commission, will review the 80 new constituencies afresh. So, you should present your views to them. If they do not implement, then you still have the Supreme Court to which to appeal.

Regarding the resource, like Lake Baringo and Erker Scheme, how have you fared in Kabarnet County Council? Do you have councillors?

Mr. Amos Ledaa ole Mpaka: We do have councilors but they are few. They are about five in the county of more than 60 councillors. So, their voice is again marginalized. We also have an area Member of Parliament who actually favours the other community. In all the issues that we talk about, including security, the area MP has never even asked a question in Parliament. So, nobody will talk about resources.

Commissioner Farah: I have one advice that in the new dispensation you will have a county government. It will be known as the County of Baringo. It will have a Governor, Senator and the Members of Parliament will be less powerful. The Governor and Senator will be powerful. They will have resources in their hands. So, you need to elevate your campaign in ensuring that your cry of minority is heard by the future Governor because the minority also have their rights. I can see you are educated although you are adorned in traditional attire; I am impressed. Please, organize your community. We have taken note of what you have said and we will see what we can do for you as a minority.

Commissioner Dinka: Thank you very much for your testimony. I do not have many questions for you because you were very clear. You have presented your case very precisely and with passion. There is only one question: Regarding the issue of a weed called *Mathenge*, when did the court make a ruling that the Government should set up a commission to investigate the effects of *Mathenge*?

Mr. Amos Ledaa ole Mpaka: The judgement was done in 2008.

Commissioner Dinka: The judgement was for the Government to come up with a recommendation within a few days. That was in 2008. That is about three years ago and we have taken note of that. Thank you very much. As my colleague has said, we will give it very serious consideration.

Commissioner Chawatama: Thank you very much, Amos, for your testimony this morning and thank you for speaking on behalf of so many members of your community who have been unable to attend. You have brought up very many issues that touch and affect the lives of your people. I have two questions that I would like to ask and either

you or Joseph can answer: You mentioned the schools that were closed. Do you know what happened to the teachers who were teaching in those schools? What are the children doing now since you said that the schools have been closed since 2005?

Mr. Joseph Parsalach: The two schools, Noskor and Rugus, were closed down. As I said in the beginning, the community has a passion for education but when they moved away, they took their children to schools that are safer and the teachers were also transferred to other schools. For Long'icharo School, the whole school moved to Kogwa Island and a make-shift school was built and the pupils study there.

Mr. Amos Ledaa ole Mpaka: The teachers were transferred to various schools but unfortunately, one teacher was killed. This was a blow to the teaching fraternity. He was killed in Kiserian. That information is in the annex. That incidence shook the education system. When such things happen, teachers suffer and some are transferred to other areas.

Commissioner Chawatama: Could you tell us the impact that the move has had on the children and the education system in your area? I know that some of the children may have been in exam classes and they were disturbed. What sort of impact did you see?

Mr. Amos Ledaa ole Mpaka: The impact was negative. People from those communities ran away during the skirmishes. In some cases, children separated from their parents. Others went to Laikipia and other places. The only secondary school, Kiserian Secondary School, was also attacked which led to its closure. Many students were also injured. Some of the students were forced to do exams outside their districts and some also did their exams in hospital due to injuries. The education system in our area was affected so much. So, the level of education went down due to the violence.

Commissioner Chawatama: You also mentioned about the closure of dispensaries. Could you just shed some light on that issue and the impact it has had on people, especially on expectant mothers?

Mr. Amos Ledaa ole Mpaka: The closure of Mugutani Dispensary, which was the only one in the division, was a big blow to the people. During the skirmishes, the people who are injured from Kiserian and Marigat, roughly 40 kilometres, die on the road to hospital. The roads are in poor conditions. During the floods, there is no way one can access Marigat. Many expectant women miscarry. Those who have children suffer a lot. Sometimes even the bodies of those who are killed stay for hours before the police can pick them up. The mortuary is here in Kabarnet. Sometimes bodies even rot. When dispensaries were closed, we had a lot of problems. We have some few dispensaries that the community has built but they have not been opened because there are no doctors and there is no medicine. That is why I led a delegation to see Prof. Anyang'Nyong'o to address the issue but nothing has been done so far. I was told to go and bring names of qualified doctors and nurses to the ministry so that they could be employed and sent to the dispensaries. As we are talking now, we have only one dispensary operating. It is in Ng'arua, some kilometres away from Mugutani. During floods caused by *Mathenge* near the river banks, the area becomes prone to malaria and other water borne diseases. The

people are forced to travel for several kilometres to go to Marigat for medication. That is why we are saying that we are marginalized. We are not asking for a public hospital but we only want the Government to open those dispensaries which we have built through selling our animals. That is the extent of the marginalization that we are facing.

Commissioner Chawatama: I would like to know whether or not you have a police force in your area and how many policemen? I am thinking about security in the area. Who is there to maintain security in the area?

Mr. Amos Ledaa ole Mpaka: There are some Administration Police officers in Mugutani. In 2005, we petitioned the President and they built some Administration Police camps in Kiserian. The teacher that I mentioned was killed in midday a few kilometres from the GSU camp. They are there but they are not helping us. We asked some security personnel but they are not doing much. Our prayer is for the security personnel to be deployed at the border so that they can help the community better. Some of these security officers are manipulated by politicians because people continue to lose their lives despite their being around. This means that there is a weakness somewhere in the Government.

Commissioner Shava: We have listened to both of you and I would like to know what Mr. Joseph's occupation is.

Mr. Joseph Parsalach: I am a councillor.

Commissioner Shava: There is someone sitting next to you, could he tell us his name and his occupation?

Mr. Samuel Moses Sekeu: My name is Samuel Moses Sekeu and I am a senior chief of Ilchamus Location.

Commissioner Shava: Thank you very much.

The Presiding Chair (Commissioner Ojienda): Thank you very much all of you for your testimonies. It baffles many that when a court order is made and certain directions are given--- and I am talking about an order issued for a commission to verify, examine and recommend damages arising from the suit filed by Mr. Letangule on behalf of the community. Of course, this Commission will give its direction to the Minister for Environment and Natural Resources to comply with the court order.

The question of proposals to referral has been a threat to the community, and we saw what went on in court. We hope that that is one of the things that this Commission will do. In the county government, you will be driven by the principles of representation as set out in Article 100 of the Constitution. Inclusivity will mean that the Njemps will be included in all positions of leadership in Baringo County because, clearly, you have been marginalised. We will make our findings in this process.

I want to thank you, Amos, chief and councillor, for appearing before this Commission.

Mr. Amos Ledaa ole Mpaka: Thank you very much.

Mr. Patrick Njue: Presiding Chair, our next witness will be making a memorandum presentation on behalf of Witness No. 002.

The Presiding Chair (Commissioner Ojienda): Leader of Evidence, before that witness proceeds, I do not know if the rules of this Commission permit a person to speak on behalf of another unless they are merely handing in the memorandum. This is because he is not the one who originated the memorandum. Can you approach the Bench?

(Mr. Njue consulted with the Presiding Chair)

Mr. Patrick Njue: Commissioners, for the record, the witness who is here is not Wilson Kipkazi as indicated in our cause list. So, there is a correction to make because the memorandum that Wilson would have presented would have been on behalf of the Endorois Community and as represented. We apologise for that error.

The Presiding Chair (Commissioner Ojienda): Leader of Evidence, can you swear the witness before he says anything?

(Mr. Paul Kipyegon Chepsoi took the oath)

Mr. Patrick Njue: Good morning, sir.

Mr. Paul Kipyegon Chepsoi: Good morning to you.

Mr. Patrick Njue: Once again, for the record, please tell us your names, where you come from and what you do for a living.

Mr. Paul Kipyegon Chepsoi: My names are Paul Kipyegon Chepsoi. I am from Muchongoi Division. I am a Member to Endorois Welfare Council. For now, I am a volunteer with the Endorois Welfare Council.

Mr. Patrick Njue: Do you know one Mr. Wilson Kipkazi?

Mr. Paul Kipyegon Chepsoi: Wilson Kipkazi is a co-ordinator. He works with Endorois Welfare Council as a programme officer. He is also the Secretary to the Endorois NGO Council.

Mr. Patrick Njue: You have presented a copy of a memorandum entitled “Memorandum of Endorois Community” to this Commission. I believe that you are a representative of Mr. Wilson Kipkazi. Do you confirm that to be the case?

Mr. Paul Kipyegon Chepsoi: Yes.

Mr. Patrick Njue: Is it the intention of Mr. Wilson Kipkazi that this memorandum is formally presented to this Commission?

Mr. Paul Kipyegon Chepsoi: Yes.

Mr. Patrick Njue: That is what you are here for?

Mr. Paul Kipyegon Chepsoi: Yes.

Mr. Patrick Njue: Presiding Chair, I request that the said memorandum be formally admitted.

The Presiding Chair (Commissioner Ojienda): The memorandum is admitted.

Leader of Evidence, I would urge that we allow the witness to highlight the key issues of this memorandum.

Mr. Patrick Njue: We are guided, Presiding Chair.

Paul, as the Presiding Chair has just said, we will ask that you highlight the key issues that affect your community.

Mr. Paul Kipyegon Chepsoi: Presiding Chair, I have a range of issues concerning the Endorois Community. First, I will give a brief history of the Endorois community. They are pastoralists. They are found in different districts. They are found in Nakuru, Baringo, Koibatek and Laikipia districts. It does not mean that they are not many in terms of population but there has been a systematic and planned separation of members of this community.

For the record, in 1996, we were in one district but the issues that affect our community started. The only thing that the Government did was to create districts around this community. That is why members of the community today find themselves in different districts. We are around 60,000 people scattered in the districts I have mentioned. Our main activities are keeping cattle, sheep and goats and bee-keeping. Recently, our livelihood activities were changed because of climate change and we are now in small-scale farming.

As a community, we have struggled so much. We have gone a half a mile in our struggle. Amongst the range of the issues that I will present now include land injustice, evictions, educational marginalization, economic marginalization and representation marginalization.

On the issue of land injustice, historically, some parts of the Endorois Community land are semi-arid. The lower zone is semi-arid. The upper parts, which cover Muchongoi, are moderate in potential. It is like Kabarnet as you see it. Before Independence, we migrated from the lower part during the dry season to the Muchongoi side. We were leading a

nomadic life. We used to migrate from the lower area to the upper area. When the new Government was formed in 1963, the issue of introduction of land system appeared. Since then, our community started losing its land. The first to go was the Laikipia land. We lost almost 100 per cent of our land in Laikipia. Although we are still there, we face eviction every now and then; we are moved from one place to another. We tried to buy land as we were advised. During that time, the share for land was Ksh20.00 but because the place where our parents acquired their ID cards is Baringo, they could not be given land.

In 1973, we lost our land in Subukia, Nakuru District. The Rift Valley PC then was the late Isaiah Mathenge. We were living on that land. We were told that it was a white man's land, but because we were in the periphery of that land, we were told: "As we have Independence, you are supposed to buy this land." We bought the land. The receipts are there. It was called "Mbuguine Kirungi Farm".

Unfortunately, in 1970 and 1971 members of the Kikuyu Community were introduced to the land. We were told that they had bought the land. We did not even know the Kikuyu people, because we had never had Kikuyu in that area at that time. The people we lived with were workers in the white settler farms, who comprised of members of Kamba and Kisii communities. However, members of the two communities were not many then. Towards the end of 1972, the PC wrote an eviction letter and told us that we were not the rightful owners of the land.

One morning, in January, 1973, police officers arrived at the farm. They evicted the people and arrested some. During that time, we were still practising female circumcision. Unfortunately, the girls were still in the initiation process. They were arrested and taken to court in Nakuru. However, after the local leaders intervened, they were told: "You are now free. Go back home" but do not go back to that land. Since then, part of the land is still vacant. That was how we lost our land in Nakuru District.

In Muchongoi, in 1973 again, the Government declared Muchongoi Forest Government gazetted forest. We could not understand how the Government could gazette our land without even telling us. We were staying on that land.

In 1973, again, the PC, Rift Valley, was Mr. Mathenge. Eviction was carried out again in Muchongoi Forest. That forced us to move to the lower zone. Again, in 1973, Lake Bogoria Game Reserve was created. So, eviction was carried out. That was why I was saying that there was a planned systematic marginalization of our people. Eviction was carried out with the promise that we would be compensated. Unfortunately, only 170 people were compensated. But I cannot call it compensation because each of the beneficiaries got only Ksh3, 700.

Being given only Ksh3, 700 and told to go away was great marginalization. It was also a violation of the human rights of those people. These were past evictions of our people from their land. I will now dwell on current issues.

In 1987, we initiated our struggle to have a say on matters regarding our development. In 1987, the former President called our parents to Kabarak and told them: “You are in the lower zone and I have seen the suffering you are going through. You have also cried so much about the Muchongoi land. We will give you part of Muchongoi.” So, we got some relief.

In 1991, demarcation was done with the understanding that we would only get the open land and not land which was covered by trees. At that time, the DC was Cyrus Maina. During that time, Muchongoi Division was formed without anything. We were in the periphery of the forest. The DO was introduced to our parents. He was called Mr. Etiang’. The first 15 pieces of land were given to members of the Endorois people.

In 1993, we were shocked when even the national reserve where we used to stay was sub-divided. Sub-division of the whole forest also started. From that time, we started receiving different people from Kabarnet, Koibatek and Nakuru, but the understanding was that only the open land was supposed to be given out to people. When we protested, some of our people were arrested. Some of them lost their jobs. The struggle began in 1993. The former President had said that we were supposed to be given only the open land.

When we tried to argue with the Government, funny introduction was one. We were called one day and told: “We are giving you maize.” Some of our people wondered why they should be given maize. So, they did not go to the meeting. Only 313 people were registered on that day. Only the 313 people opened the whole settlement scheme. Thereafter, we were told: “Endorois community, you have now gotten your land.” We did not agree. We demonstrated. We tried to dialogue with the President at that time. We did not even have chiefs to consult. The councillor was not there. There were powerful people in the district at that time, including the likes of Hosea Kiplagat. Those were the mediators between us and the President. We were told: “Do not mind, you will get land.”

The parcels of land were of five acres initially. When we tried to voice our grievances, we were told: “You are too many. Therefore, we will divide these plots into to two-and-half acres each so that they can be enough for all of you.” However, we were duped again because when you register 100 Endorois, about only 20 of them get land. About 300 plots are given to outsiders. So, the struggle began. We formed an organisation called “Endorois Welfare Council”. We did not get registration at that time. In 2000---

The Presiding Chair (Commissioner Ojienda): Paul, just speak to the issues. Remember that you are speaking on behalf of Nelson and you had a raft of issues you were to highlight. You talked of land, evictions, economic marginalisation, *et cetera*.

Mr. Paul Kipyegon Chepsoi: Thank you, Presiding Chair. Let me leave the part of the history of the land and go to the history of educational marginalisation.

As much as we are in all those four districts, we, members of the Endorois community, have only three secondary schools and so many primary schools. The three are just

district schools. There are no roads by which to access the schools. Only one school in Muchongoi Division is accessible by road.

I will now dwell on the issue of economic marginalization. We have one lake called Lake Bogoria. We were supposed to get 5 per cent of the revenue generated from the activities relating to the lake but up to now, there is no clear mechanism through which to access the revenue. We have resources in the same lake. We have an enzyme called “extremophil”. We did not know that this enzyme existed in that lake until 2004, when members of a British university called Leisus University came there. We discovered that they had stolen that enzyme. We are still following the case but we have not yet gotten the State to talk about it.

On the issue of representation, we have only five councillors who are from the lower part of Muchongoi and on the side of Koibatek. This gives us a raw deal when it comes to policy making and employment.

There is the issue of our case. In 2002, we filed our case at the Nakuru High Court. We sued Koibatek and Baringo County councils but we lost that case. In 2002, the late Mirugi Kariuki was our lawyer. We tried to talk to him as to what would happen. We were supposed to pay the county council because they had won the case. Fortunately, there was an organisation which offered to help us. The organisation is called “Semuride”.

We lodged our case with the African Commission on Human and People’s Rights. The case was admitted in 2002 and went on until we won it. The Government was given around eight recommendations in the ruling. That was fortunate because we won the case. We have tried to talk to the Government. Even on 18th January, 2011, the Member of Parliament for Turkana Central, Hon. Ekwe Ethuro, took the matter to Parliament. We have a Member of Parliament from the central part of this region and the Member for Mogotio but they have never raised this issue. Despite the fact that they were in the celebration, they have not even once told us what is happening.

Lastly, last year, UNESCO declared Lake Bogoria one of the attraction sites in this area without considering all the recommendations of the African Commission on Human and People’s Rights. Therefore, we feel that this again is a violation of our rights on development, social rights and the right of access to basic education. I have a very short article, which I want to read out to the Commission.

The Presiding Chair (Commissioner Ojienda): What article do you want to read? You are addressing the issues captured in the memorandum. We will receive the memorandum. Have you finished?

Mr. Paul Kipyegon Chepsoi: Presiding Chair, I just want to read out this piece.

The Presiding Chair (Commissioner Ojienda): We will read it because you will hand in the memorandum. Thank you very much for your testimony.

Yes, Commissioner Ahmed Farah.

Commissioner Farah: Paul, you said that the Endorois have always been part of the Tugen Tribe, but during the Census of 2009, you were given No.620. This was just a number for you to be counted. I do not think it is a number which was meant to separate you from the Tugen. Is that true or not?

Mr. Paul Kipyegon Chepsoi: Let me ask the participants. Nobody stood in Baringo; these are general names because we speak in different dialects. We have different cultural practices, for example, marriage, initiation *etcetera*. Therefore, that makes the difference.

Concerning the census, we were given that number. It was on a Friday, I was a presiding officer and the census exercise was done on Saturday. So, even the census results gave us the figure of around 10,000. I do not know who delivered this number because we were given it one day before the census day.

Thank you.

Commissioner Farah: Are you saying, therefore, that the Endorois form part of the 43 tribes of Kenya?

Mr. Paul Kipyegon Chepsoi: I think somebody is reading the history of Kenya differently. If you say that Nandi is Nandi or Kipsigis is Kipsigis, why should the Endorois not be the Endorois? So, the issue of saying that they are Kalenjin because they speak the Kalenjin language--- Somebody must be reading the history in the wrong way.

Commissioner Farah: What I am saying is that I do not think there is a policy on tribes, sub-tribes, clans and so on. What do you consider yours to be?

Mr. Paul Kipyegon Chepsoi: We consider ourselves as Endorois. There was a research which was done by the Special Rapporteur of the United Nations and this issue of the Endorois community has been written so much as a distinct and marginalized community.

Thank you.

Commissioner Farah: So, would I be right if I said that you are a Kalenjin of the Tugen sub-tribe or clan?

Mr. Paul Kipyegon Chepsoi: If you continue sub-dividing, then we would not have some sense somewhere. If you stopped saying that we are of Kalenjin sub-tribe; that will not be true.

Commissioner Farah: During the last census, what was your population?

Mr. Paul Kipyegon Chepsoi: Our population was 10,000 people as I have told you; I have told you that the number was arrived at one day before the census. The people who heard about the number were the Endorois. But some of them registered as Tugen.

Commissioner Farah: Thank you. In your memorandum here, you said the Ilchamus and you the Endorois have always been attacked by the Pokot. Now that the Pokot will get their own county, are you saying that the insecurity will reduce because they will go back to their county and you will belong to the Baringo County?

Mr. Paul Kipyegon Chepsoi: I think that is a serious thing because a person was killed this month near Mkutano. Our fellow Ilchamus have complained that this is an issue of land grabbing because you cannot steal cattle and at the end of the day you settle at the same place. That is expansionism. In as much as we are a minority and marginalized, we face all these challenges of climate change, cattle rustling, *etcetera*.

Commissioner Farah: Thank you very much for your good presentation. I have no further questions for you.

Commissioner Dinka: Thank you very much for your testimony. You presented your case on the issues of land eviction; political and economic marginalization and non-representation. The rest can be asked by my colleagues but I want to ask you something about land; you took the case to the community and the African court of human rights and you won the case. What happened to the implementation of that court decision?

Mr. Paul Kipyegon Chepsoi: As I have said, on 2nd February, after the President signed the ruling in Addis Ababa; the community and the Government were to sit and see how to implement the verdict of the court.

After arriving in Nairobi, the issue at that time was about the new Constitution. Our understanding was that if we passed the Constitution, all the issues concerning the minority groups would be addressed. After passing the new Constitution, the challenge now was where to start. We thought we could visit the office of the Chief Justice but unfortunately it has not been possible. We have tried to have a round table with the Minister for Justice, National Cohesion and Constitutional Affairs but he is so evasive. The only person who understood our case was the Minister for Lands Hon. Orengo. But another challenge was that he needed an original sealed copy from the Gambian High Commission. The Gambian High Commission declined to give out the sealed copy because it was only the Government that could give it. That is now the challenge. So, we have tried and that is why Hon. Ethuro has pushed it through Parliament. At that time, Hon. Kilonzo, the Minister for Justice, was seated there and he was quiet. We wondered why that was the case yet the Kenya Government is a signatory to these international treaties.

Commissioner Dinka: Did the Gambian High Commission or your community's association inform you to which department of Kenya they had sent the sealed copy from the international court?

Mr. Paul Kipyegon Chepsoi: From our understanding, before the summit is done in Addis Ababa, the headquarters of the African Union (AU), the relevant ministries are the

ones that handle the issues. So, it was the Ministry of Foreign Affairs which was informed that there was a case which a certain community won against the Government. After that, we thought the only office which would have dealt with the case was the Ministry of Justice, National Cohesion and Constitutional Affairs because this was a ruling done in a foreign country and, therefore, the verdict was to be channeled through the Ministry of Foreign Affairs. That was how our community understood the matter.

Commissioner Dinka: I think now we understand that; I was surprised when you said the mission in Gambia had sent the decision to the Ministry of Justice, National Cohesion and Constitutional Affairs or the Ministry of Lands. Normally, they do not do that. They actually send it to the Ministry of Foreign Affairs and then that ministry sends the same to the relevant national ministry or agency.

I think you should go back and ask the Ministry of Foreign Affairs to produce the document because as far as you are concerned, only the Ministry of Foreign Affairs has the document and nobody else. Hon. Orengo says he does not have it and Hon. Kilonzo is not prepared to meet with you. I think then you should go back to the Ministry of Foreign Affairs and ask from there.

Second, if that decision of the African Commission on Human and People's Rights is implemented, would that take care of all your land issues?

Mr. Paul Kipyegon Chepsoi: Thank you. We know if the Government has goodwill, things will be done. We hope that if what we have raised is considered part of our issues will be solved. This is because we think that if we have good schools, for example, people will access good education. If we have good roads, people will move freely and do their economic activities and go to places with ease. If we have good hospitals, it will solve so many things. So, if this ruling is implemented and there is restitution, I think that will solve some of the land issues.

Commissioner Dinka: Thank you very much. I do not have any other question.

Commissioner Chawatama: Thank you very much for your testimony. As I ask you a question, please bear in mind that I am not a Kenyan and there might be certain dynamics that I have not thought through carefully and clearly. But as a Commission, one of the things or our main objective is to ensure that, even as we work, we work towards promoting peace, justice, healing, reconciliation and national unity among the people of Kenya.

I have been trying to think how we, as the Commission, can create an environment for the things that I have read out to take place. If for example, we continuously hear from witnesses the fact they have three primary schools and four secondary schools; if we continue to hear that they do not have representation because their very own Member of Parliament is not in Parliament, when leaders are supposed to be leaders for all people and schools are built for all people and people are expected to live together, how do you see us achieving this objective, taking into consideration your testimony today?

Mr. Paul Kipyegon Chepsoi: Thank you. I think if you travel from Marigat to Karbanet, along the way you will find four secondary schools. But, in other places, you travel for 15 to 40 kilometres and you find three schools.

If you want to reconcile communities, in my opinion, you have to balance things. Give us the balance between education, economic activities and recognition so that we can respect each other. I do not see why somebody would steal or kill my cattle and yet he has 100 acres and I am a squatter. How is it possible that at the end of the day you want us to reconcile and greet each other while your child is studying in the US and mine who has finished Form Four is at home. It is a big challenge. As a Commission, you might not achieve all the objectives. But how can we bridge the gap? How can we have a normal understanding? That is my point.

Commissioner Chawatama: Thank you very much. I think I shall continue to grapple with the issue that I have raised. I will raise it again so that I understand it better. I am imagining a primary school full of children all wearing same uniform and one cannot distinguish who is who as they are all children of Kenya. I also imagine that in Parliament, there are honourable Members who would seat there and represent all Kenyans. I am trying to think of ways and means we can use to reach that place.

We want a situation where we will be hearing the voice of Kenyans coming together, living together and prospering. Surely, there must be something that should make people come together and prosper together. Can I hear what you are saying?

Mr. Paul Kipyegon Chepsoi: If you take your resources to one place, for example, and leave out other places or you have a Member of Parliament who is only interested in supporting some places and leaving out others, you are lacking patriotism. I am Kenyan, an Endorois from Baringo; but there is that difference because a Member of Parliament from Kabarnet, for example, will concentrate on Kabarnet affairs only. If you have a Member of Parliament who takes resources to one area, then you do not have a person who wants to assist all people uniformly. That is the main challenge to me.

Commissioner Chawatama: Thank you very much. I guess that one has achieved what one intended to achieve and the record is complete in the manner in which you have addressed the real problem. I am glad to say that you have understood what the problem is. One of the things that we need to pray for is a new generation of leaders and I hope even in your practice and in your thinking, you will not only speak for your people but you will also speak for other Kenyans who were also marginalized.

Thank you very much.

Commissioner Shava: Thank you, Presiding Chair. I think my fellow Commissioners have touched in certain ways the issues that I wanted to raise. But I hope you will bear with me if we approach some of those questions from slightly a different angle.

First, I would like to touch on the issue of economic climate and the issue of Lake Bogoria, where you said that five per cent of the profits generated by the Lake are

supposed to come to the Endorois community. As an organized group where you are a council member, I would like to know what your plans for achieving the five per cent you have talked about. Is there any initiative you have made which has been sorted or which has succeeded? I would just like to know a bit more and specifically when you say that you want five per cent, what have you done about achieving the five per cent?

Mr. Paul Kipyegon Chepsoi: On the climate change; when the Muchongoi Forest was being sub-divided to be---

Commissioner Shava: No. No. I am not talking about climate change; I am talking about the lake.

Mr. Paul Kipyegon Chepsoi: It is okay.

Commissioner Shava: When you said that five per cent of the profits of Lake Bogoria are supposed to come to you; what have you as an organized group and community leaders done to ensure that this happens?

Mr. Paul Kipyegon Chepsoi: Nothing has happened because this is a lake which is being shared by two districts, meaning that out of the five per cent, 2.5 per cent will be for Koibatek and 2.5 per cent will be for Baringo. Our demand was that we wanted to have about 25 per cent of the collected revenue but what we got was only five per cent and it only serves a small contribution to bursary funds when it is divided into an equal share for the two districts.

But again, is there a process of how the five per cent could be shared? Is the five per cent written in law or it is just a gentleman's understanding? So, that is a challenge and we have not solved anything with the five per cent.

Commissioner Shava: Have you managed to create a strategy about how you will achieve five per cent or 25 five per cent?

Mr. Paul Kipyegon Chepsoi: Yes. As per the ruling, we have three committees to deal with the issues. We only have a management committee but we assume that KWS will exist as much as these things will go on. Therefore, our arrangement is that the committee will sit down with the Government and KWS and come up with new percentages of sharing the resources, which we feel will not be less than 45 per cent of the revenue collected from this lake.

Commissioner Shava: Okay. That is clear now. My next question goes to what Commissioner Chawatama was talking about. When you were talking about education, you told us that although there were four districts, you just have three secondary schools and there are district schools as well. And you have several primary schools. You also talked about the poor state of the roads. I just want you to be clear on that; in those secondary schools, what is the proportion of Endorois students?

Second, where else do Endorois students get admission or where else are they studying? Who is in the secondary schools in your district and where do Endorois students go for studies?

Mr. Paul Kipyegon Chepsoi: For secondary schools, the ratio is about 80 per cent of Endorois students in those schools. Of course, there are so many other issues that come to play like school fees and the economic ability of the people. The remaining percentage of the students; 20 per cent goes to district schools like Kabarnet, Koibatek and Nakuru. If the pass mark is 350 marks, that student is supposed to join a national school but sometimes they may not because of school fees issues and instead are admitted in a local school.

Commissioner Shava: You did not talk about tertiary education. How many Endorois children end up joining colleges or universities? Do you have any student at the University of Nairobi or Moi University?

Mr. Paul Kipyegon Chepsoi: That is a good question. In the entire Endorois Community, we have only two students with a Master's degree, that is according to our research. There is no person with a doctorate degree. We have about 150 people with first degrees from all those districts and about 250 with diploma course grades.

In that ratio, you will find that there is no lady with a Master's degree and very few have first degrees. If you counted them, they are very few unless those who are still studying at the university, about 20 or so girls are undertaking their studies at the university from the two districts.

Commissioner Shava: Thank you. Those figures are very illuminating. I want to go back to the kind of questions that Commissioner Farah was asking you. When you talked about Endorois, you gave us a history at the beginning. Just purely for understanding purposes, there is one analysis that says that Endorois is a sub-group of Tugen and the Tugen comprise Lembus, Samor, Arror and Endorois. Do you agree with that analysis?

Mr. Paul Kipyegon Chepsoi: I do not agree. Endorois are Endorois and Arror are Arror; unless we say that we are sub-tribe of the Kalenjin, not these small people.

Commissioner Shava: Okay. That is fair enough. So, generally when somebody says, "Tugen" whom do they refer to?

Mr. Paul Kipyegon Chepsoi: They mean people from Baringo. If you are from Baringo then you are a Tugen.

Commissioner Shava: So, could that include you? Are you from Baringo?

Mr. Paul Kipyegon Chepsoi: For now I am from Baringo.

Commissioner Shava: This becomes more confusing for people who are not from Baringo. Some Tugen live in highlands like where we are now and some live in the lowlands near the lake around Marigat and those areas. Generally, in your view, which group do you think is better off in terms of social economic matters, education, *etcetera* and why?

Mr. Paul Kipyegon Chepsoi: I will not use the terms “better off” because when you are in Liboi, for example, we have a tarmac road which goes to Lake Bogoria and which you can say that when you are at Liboi, you are nearer to the development. But when you go to the same Liboi and you look at the infrastructure there, I think nobody has seriously done anything. So, the level of development in Liboi, Muchongoi and other places is the same. Nobody should say that he is better off because he is in Liboi.

Commissioner Shava: Okay. Thank you very much. I do not have further questions but I would just like to say that I found your wits to be very profound. When you said that if you want to reconcile communities then there must be a balance; I think that is a big problem afflicting not just this part of Kenya but the whole country. It appears that when one is elected a leader, one does not focus on developing all the regions uniformly. As you said, you do not have a person who has a general mind to concentrate on all people. So, I think one of our major problems is leadership, and not necessarily structuring ourselves or organizing ourselves into small communities where we have a number in the census. We may be only 10,000 people because we feel that is the only way we are going to be very well represented. I think this is an issue in Kenya that we would have to address from many different angles. As my colleague Commissioner Chawatama said, I think we will encourage that kind of view. I hope we have captured it very well. I would just like to congratulate you for those words and thank you for your testimony.

Mr. Paul Kipyegon Chepsoi: Thank you, Madam Commissioner.

The Presiding Chair (Commissioner Ojienda): Thank you very much for your testimony. You have spoken for the Endorois structured composition. That issue is important to the Endorois Community and you have stuck to the four corners of the mandate of this Commission. We will study your memorandum and make appropriate recommendations.

I just want to understand one thing; I do not know to what level or in what areas you qualify and I do not want to ask a very difficult question. But I wonder why you have concerns with the declaration of Lake Bogoria as a world heritage site. I think that will propel the community and their interest to an international level, notwithstanding the non-implementation of the finding of the African Commission on Human and People’s Rights. Which is better, would you want the community to benefit from the new status or to read from the judgment?

Mr. Paul Kipyegon Chepsoi: From the declaration of UNESCO, they reckon Lake Bogoria as a world tourist site. To me, it was a noble idea. But again, we have a problem of recognizing or consulting some quarters. If you are making Lake Bogoria a world tourist site, not keeping in mind the status of those people that you are talking about, it is not right.

Internationally, if you talk about Lake Bogoria being one of the world’s beautiful lakes, do you consider people who live in the surrounding? Do they have similar status? So, my concern is, if you are making those recommendations, are those people aware that this

lake is known all over the world or you are the only person recommending that? That is my judgment.

The Presiding Chair (Commissioner Ojienda): Let me just end by saying that, with the devolved structure of Government, I believe it will diminish the concerns the various communities that are in this region have raised because the Baringo County will ensure that in its ranks, there are the Endorois, the Ogiek, Lembus, the Arror and those who presented another memorandum to us so that all the communities will be part of the administration and the system in Baringo County.

I think probably for the first time, Ilchamus will also be represented in the ranks of the governance in Baringo County. I think one of you will benefit from the percentage you talked about, whether five, ten, 20 or even 25 per cent. I think you have an opportunity for the first time to determine your direction.

I do not know what will happen to the other Endorois in Nakuru and Laikipia but certainly, in those counties, they will also have to be part of the administration because there is need for inclusivity. I believe that if they are qualified, some of the Funds available in the Constitution--- I think the county should take advantage of that and seek those Funds for the purposes of developing places which have no schools, hospitals or infrastructure. I want to thank you.

I want to recognize the two Commissioners who are here. There is another one who is not a Commissioner but he is a pretender to the throne; he is sitting with the Commissioners Dr. Samuel Tororei from the Kenya National Commission on Human Rights (KNHRC) and Rev. Lawrence Bomet from the National Cohesion and Integration Commission (NCIC). Welcome to the proceedings of the Commission. I thank you and, of course, I will see you. Welcome to the hearings.

Let us call the next witness, Leader of Evidence. Thank you, the three witnesses and the Councillor for accompanying the witness who has testified and has struck a blow for the Endorois Community.

Mr. Paul Kipyegon Chepsoi: Thank you so much, Mr. Presiding Chair, sir.

Mr. Patrick Njue: Commissioners, the Nubians also have something to present. For that reason, I will call Witness No. 8.

(Mr. Hamisi Khalfan took the Oath)

Good afternoon, Mr. Hamisi Khalfan?

Mr. Hamisi Khalfan: Good afternoon.

Mr. Patrick Njue: Do once again tell the Commissioners your names and where you live.

Mr. Hamisi Khalfan: My names are Hamisi Khalfan; I live in Kabarnet Town. I come from Bondeni area in Kiamoi Location.

Mr. Patrick Njue: Mr. Hamisi, do you confirm that you are seated with us to make a presentation on behalf of the Nubian Community?

Mr. Hamisi Khalfan: Yes.

Mr. Patrick Njue: And that you have made a summary of your memorandum?

Mr. Hamisi Khalfan: Yes.

Mr. Patrick Njue: Take us through the summary, highlighting the issues. Perhaps you can begin with a little background on who this community is and where to find it. Get to the issues and, later on, the recommendations.

Mr. Hamisi Khalfan: Thank you. On behalf of the Nubian Community and all the Muslims in Kabarnet area, our grandfathers were brought in by the colonialists and started coming into Baringo in 1909. They went to live in a place called Mukutani with the colonial settlers. When they left the place because it was not very good-- its water was not usable-- they moved to Kabarnet area. When they got here in 1912, they came in here with Nubian elders, some Swahili and some Arabs. They came in with the whites and when they got into Kabarnet area, they started clearing the area; they are the ones who cleared this place as it was a forest before. They started building in this area just outside the town. When the whites thought that they were too far from them, they insisted that they go to the other side of the river so that they were next to where the white administrators were. They stayed here for just about two years before the First World War in 1914. When the First World War broke out, they were taken out of the country to fight from 1914 up to 1918 and then they were brought back here. Our grandfathers started the development of this town and were given an area to live in and to build their residential houses. They were divided into three areas, the first was given to the Nubians, the next one to the Arabs and the third area was given to those ones who were a mixture- the Swahili- to stay in one side. The first part of it-- this is just next to where we are sitting now; just below the GTI going down-- was for the Nubian areas. The colonialists left it for us.

The second area is the area at the end of the tarmac road to the other side and it was also supposed to be ours. The third area was from the police station going behind it; that is the third area that the Nubians were supposed to occupy. They stayed here up to when the Second World War broke out and they left again. Our grandfathers were again taken to go and fight from 1939 up to 1945. Then they came back to Baringo. After that, the whites who were here wanted to live on their own. At Independence when Africans took over leadership they wanted to move us from where we had been settled. They decided first of all to move us from the RD Station to a place called Shabao. The houses were demolished. They were moved to the other place. After about two to three years, they were again told that they were not going to live there. So, they had to move somewhere

else. We were taken next to the rehabilitation centre for the disabled. That is where we were asked to build. We have stayed there for more than ten years and that is where we are.

They created a field in the remaining area. The field was given to the Kenya Industrial Estates (KIE) and the other part to the Ministry of Transport, the Ministry of Water and the Forestry Department. So, it became an area for the Government offices even as we speak now. Now, where we are at the moment, we stay in 40 by 80 plots. When we moved there, we had 62 families, but now we are more than 350 grown up families and we have nowhere to live. We have been forced to rent houses. We are the fifth generation and it is only those of us who are older who have plots; the rest rent houses. They have nowhere else to live and are forced to rent houses. We have no farms; the farms that we were depending on were taken by the Government, which has built its offices there. If you go to KIE, they have their offices. The Kerio Valley Development Authority (KVDA) has its offices there; there is a rehabilitation school for the disabled and the Ministry of Transport has its offices and houses there. So, the entire area was taken and not even one person was compensated.

We have problems because we kept being moved from one place to another. After a short while, we would be told to move and that was a big problem that has impoverished us till now. When the DC Musoga was here, we told him that we wanted to be shown our area and he listened to us. He said that we should be given a certain area and we should be given letters of allotment. But we were given only plots of 40 by 80 and we stay on them up to now. We just stay there, but we have not been issued with title deeds. We have nothing to prove ownership; we were told to go to Nairobi to apply for title deeds and that everybody should pay for their title deed yet it is the Government that took away our area and did not bother about us. As we speak now, we have no title deeds.

We have no schools, both primary and secondary schools. We had nothing to do with---

We depend on the Mosque now, and even the Mosque was given a small plot of 80 by 40 and we have no means of livelihood. It is very difficult to get employment. When our children go to school and attain Form Four education, they come back home and there is no work for them; they remain unemployed. You find that for some, it is very difficult to complete primary school because we cannot afford to even pay for the school needs. You will find that the person who has worked very hard has gone up to the university but in general 80 per cent sit at home as there is no employment and there is no work.

As we speak now to this Commission, we wrote a letter to Maitha but we have not received any response. We then wrote again to the District Commissioner and we have not received any response either. At some point, we went and asked the DC to go and see the Head of State in 2007. We went to see the President and we presented a memorandum to him and explained to him our problems; together with the PC, he received our letter. After giving him the letter, he instructed that we should be issued with title deeds for the area where we live and that this should be expedited. The DC at that time, Mr. Hussein Farah, wrote the letter to the DC who took over from him after he left and here is the

letter. Every time we wrote to the Government saying that we wanted the place to be demarcated, we spoke to our DC who was here and left recently. We tried to tell him that we wanted the plot demarcated so that it becomes strictly a residential area. We tried speaking to him and the council too. Now, some demarcation and survey have been done but are not complete yet. This is because there is no money for us to pay for the survey and the plot. The people live as if they are temporary there. We know that the county government might decide that they want to move us again. So, we do not know where they will move us to next because we do not have titles. The survey is being done half-heartedly and we have been impoverished since Independence.

In brief, what we urge the Commission is to try and explain to the Government that this area was given to us and we should be issued with title deeds because we live as if we are temporarily there. We have the letters of allotment but you can find a place that has been allocated to two people. We had been given 62 plots and if you look at the area, it is much smaller and we have more than 350 families; so, you will find that you have to live with your child and your grandchildren on the 40 by 80 feet plot. What we want to tell the Government, as a Muslim Community and Nubians, is that--- We would like to urge that we be compensated for our land that was taken away. It had bananas, cassava, maize, sugar cane and trees; our houses were demolished. We should be compensated for everything that was taken away from us. We have a big problem for none of us has been compensated.

We sent a report to the anti-corruption unit when its commissioners came here and we explained our case to them but they have not responded up to today. Later, we had the Human Rights Commission coming here. We met them and gave them a letter and supporting documents; they received them and promised to make a follow up. As we speak now, we have not received any response from them. That is why we are complaining to this Commission; God has given us the opportunity to meet you and present our complaints so that you may come to our aid. What we are asking this Commission is that the part that was taken away and on which the Government has put up its institutions-- we call that development-- kindly explain to the Government to compensate us so that we can buy ourselves pieces of land outside the town and also earn some form of livelihood.

Second, we would like to ask if we could have the Government build a school for us to enable our children also have easy access to education. Third, if there is a farm the Government should give it to us, because we are very many- more than 300 adults and all of us with children. You know that very soon we will be 800 or 1,000 and it is not going to be very easy for us to survive here. So, we would like the Government to find another farm to resettle us even if it is outside this area; we could go and live there. The few members of the community who want to retain the 40 by 80 feet plots can stay here. We are peaceful people; we have lived here from 1912 and we have not fought with the locals. We are friends with them. Although we follow the law, we think that we have not been treated well. This should have happened at Independence – If we had title deeds for where we were living; we would be okay.

We know that sometimes some of these pieces of land have been allocated to more than one person. I would like to tell this Commission that if they implement our request, we will not go back to where our grandfathers came from because these are places we do not know; some came from Sudan, others from Uganda and South Africa and yet others from Malawi. They are dead and we do not know those places. What we know are our mothers who came from the local area. Where our fathers came from and accompanied the colonialists, we do not know. Even our fathers did not know where their fathers had come from.

We would like to urge this Commission to recommend that we get a good place allocated to us; it should have a school so that our children can have access to education. If there is anything else, it can be added by---

Mr. Patrick Njue: Thank you, Mr. Hamisi, for that presentation. I think you have been clear and concise as to the issues that affect your community, which you have identified as land, schools and compensation for the subsequent loss of previous land.

I will just ask you a question; in fact, Commissioners can do the same, just for completeness of your testimony. You have only talked of schools and I wonder what the situation is with health facilities.

Mr. Hamisi Khalfan: With regard to hospitals, we use the district hospital, which we can access easily. We also have a dispensary quite close to us. So, we have good service from that and we have no problem; it is just within the area. There is no area where we can expand, but for the Government, we have the two facilities.

Mr. Patrick Njue: Lastly, you have been referring to a memorandum or certain company documents and audience that you have sought in various offices. I want you to look at the copies here and confirm that these are copies that you presented to us.

Mr. Hamisi Khalfan: Yes, these are the copies I that presented to you.

Mr. Patrick Njue: May these documents be formally admitted in the records of this Commission?

Mr. Hamisi Khalfan: All those documents are here.

Mr. Patrick Njue: Yes, please present them.

The Presiding Chair (Commissioner Ojienda): They are admitted. Thank you very much.

Commissioner Shava: I have no questions. I would just like to say thank you very much to Mr. Hamisi Khalfan. We have heard representations from the Nubian Community in other places that we have been to, not only in Nairobi, and I would just like to thank you on behalf of the Commission for coming forward to make a presentation on behalf of your people. We thank you.

Mr. Hamisi Khalfan: Thank you.

The Presiding Chair (Commissioner Ojienda): Thank you very much. As Commissioner Shava has said, we have heard the Nubian Community in Nairobi, Kisii, Kericho and now in Kabarnet, and I think you deserve what you ask for. I have seen the communication from the late DC Farah to the President; I have seen the directions that you should be issued with title deeds and the Commission will just assure you that we will make that recommendation because you are a community that deserves what you request for. I thank you very much.

Mr. Hamisi Khalfan: Thank you.

The Presiding Chair (Commissioner Ojienda): At this point in time, Leader of Evidence step down the witness.

We will adjourn and resume after one hour. That takes us to 2.00 o'clock. We will be back at 2.00 o'clock to continue with the other witnesses.

Thank you very much.

[The Commission adjourned at 1.15 p.m.]

[The Commission resumed at 2.45 p.m.]

(Mr. Reuben Chepkong'a took the Oath)

Mr. Patrick Njue: Good morning, sir.

Mr. Reuben Chepkong'a: Good morning to you.

Mr. Patrick Njue: For the sake of record, kindly state your full names, where you live and what you do for a living.

Mr. Reuben Chepkong'a: My name is Reuben Chepkong'a. I come from Barwesa Division, Baringo North District. I am representing Kamnarok Land Rights Association. The group was formed in 1990.

Mr. Patrick Njue: Reuben, before you continue with your presentation, it is good you have told us that you are here on behalf of the Kamnarok Land Rights Association. You gave us a memorandum earlier on which we have been studying. I know you have prepared a brief summary of the presentation of that memorandum. We ask that you dwell on the summary and give us the issues. You may begin.

Mr. Reuben Chepkong'a: We were displaced in Kamnarok in the year 1983 after the county council gazetted our land without involving us. We formed the Kamnarok

Association which is mandated by the Kamnarok community. The displacements and grievances have largely been on the controversial resource use of the Kamnarok National Reserve that is being held by the Baringo County Council. The residents feel that they have disinherited their ancestral land. The reserve is approximately 87.7 kilometers lying 15 kilometers northwest of Kabarnet Town and extending northwards towards the Kerio River. Kamnarok and Kerio River are the main livestock water sources in the areas. Eighty per cent of the community relies on agricultural related activities as our mainstay.

Kamnarok Land Rights Association was formed in 1990. Many of our people were arrested and charged with offences such as trespassing and destruction of forests. There was complete refusal by the Government to engage in dialogue with the affected communities. From the Baringo County Council minutes, the council decided to donate land for the establishment of the reserve and appointed a team to visit the proposed area and convene a meeting with the residents of the area to inform them of the intended action. That means that there was no agreement initiated in 1982 and further no memorandum was there for the setting aside part of the land. Elaborate procedures were set up by the Government to gazette the land in 1993. The stage was set for compulsory acquisition of community land and forceful evictions. Our struggle led to the Baringo County Council accepting stakeholder talks in September 2002 in which the Government and the Baringo County Council admitted that the communities were not exhaustively involved in the setting aside of land for Kamnarok reserve and gazettelement processes.

The community residing in Kabutei location, Lawan location and Kabosgei Kerio, which has seven sub-locations, namely, Muchuko, Katipel, Ketulwo, Konoo, Karwesa, Kaptilomwa and Guigui, depends on farming and breeding livestock in and around the designated Kamnarok National Reserve. We are concerned that our input has not been considered in the said reserve. In particular, indigenous people whose indigenous way of life depends on access to ancestral land should be considered.

In 1997, we saw surveyors deciding on boundaries. This resulted in one Assistant Chief, Laban Chepyogon, resisting the move showing that the communities like the local chiefs were not involved. He was summoned by the District Commissioner who was called Philemon Mwaisaka to hand over his uniform at Kabarnet. After he explained why he did not want to collaborate with the surveyors, he was called to come back and get his uniform. From then onwards, we formed this group so that it could push for a memorandum of understanding (MoU) and compensation.

In 2002, we got a friend, a friend indeed, Action Aid Kenya, which managed to organize for a stakeholders' meeting at the county hall. This was the first time that the council admitted that it had not involved the citizens. We then formed a taskforce to ensure that the recommendations reached were fulfilled. However, the council did not fulfill them. In 2007, we called for another meeting in which we pushed hard our concerns. They told us that they would write a letter to the ministry concerned because we had requested for boundary review. In some areas, the boundary is up to 7.4 kilometers. In some areas it is 2.5 kilometers. We felt that the review of that boundary was necessary.

The second recommendation was that we needed to have an MoU. We felt that any gains made would benefit the community. However, there has not been an MoU. Even in 2002, six people were crashed by elephants. We approached the council to give us money for postmortem but they could not give us. Another issue is that while elephants invade our farms, they also trample on people. The Government has not addressed this menace even once. The Kenya Wildlife Service was supposed to drive animals towards the forest side.

The other issue is that the boundary that borders Keiyo County and Baringo County has been changing. Therefore, it is not clearly defined.

Our recommendations are these:-

There should be boundary review without consultations. We should stop continuous harassment from the council *askaris* and game wardens. We should also be compensated for land lost and every acre surrendered should be compensated at Ksh200, 000. There should be relocation of infrastructure, for example, schools, sharing of water pans by both domestic animals and wildlife should not happen. There should be an MoU directing the two parties, the council and the community. The Kamnarok Land Rights Association in conjunction with the civil society organizations such as the Kenya National Human Rights Commission, Kenya Land Alliance, Action Aid Kenya, should be allowed to push for its cause and have it resolved once and for all.

We should have a right to the Kamnarok National Park and our ancestral land and we should not be squatters or illegal settlers. I was born in 1958 in the area called Kamnarok National Reserve and it disturbs me when I am referred to as an illegal settler in the land where I was born.

In that area, we have a farm called Kablelach Farm. Kablelach people lived around 1880. We are told that we should take our goats to Kaplelach. That means that our parents lived there even before the gazettelement of the county council. So, we do not want to be called illegal settlers. On the issue of human-wildlife conflict, I wish the Government could review the Ksh200, 000 they are paying as compensation and raise it to Ksh1 million. The KWS should try and control livestock which has been straying into our land. People whose houses have also been destroyed should also be compensated.

I will now stop there and give a chance to my colleague to make contribution.

Mr. Patrick Njue: Thank you for your contribution. It was my understanding that your colleague would offer input when we put questions to you. If you feel that you cannot answer the questions appropriately, that is when your colleague should come in. So, allow me to put some questions to you for clarity purposes. The first one will be, what ethnicity do the Kamnarok people come from? How do you identify yourselves?

Mr. Reuben Chepkong'a: We are a group of farmers who were registered as farm owners. These are the people who were pushed out of their land.

Mr. Patrick Njue: My question was, we have been hearing from people like the Ilchamus and Endorois and there was debate as to where they belong, whether they are Kalenjin and their tribal affiliations. What is your tribal affiliation?

Mr. Reuben Chepkong'a: We are Tugen.

Mr. Patrick Njue: As you have confirmed, how many people does Kamnarok represent?

Mr. Reuben Chepkong'a: I represent owners of 995 farms. We have not registered the sons of the owners and we only did registration in 1985 when land registration took place.

Mr. Patrick Njue: With me here is a hand-written memorandum and quite a number of supporting documents that were presented with this memorandum. I want you to have a glimpse of them and confirm that they are the ones that you submitted when you gave us the memorandum. Confirm that they are your documents.

Is it your wish that these documents together with the memorandum be formally admitted to this Commission?

Mr. Reuben Chepkong'a: They may be admitted.

Mr. Patrick Njue: Mr. Presiding Chair, can they be admitted?

The Presiding Chair (Mr. Ojienda): They may be admitted.

Mr. Patrick Njue: You have talked about compensation for loss of life in the human-wildlife conflict that the people of Kamnarok face and you have mentioned a figure of Ksh200, 000. I know that exists in legislation. However, practically, when these things happen, are people compensated?

Mr. Reuben Chepkong'a: Yes, in some cases, people are compensated. They normally ask where the incident took place, whether it was in the farms or in the reserve. If it happened in the reserve, then you are not compensated. There is a case of someone who was strangled to death but was not compensated.

Commissioner Farah: Once again, could you confirm that Kaputei, Lawan and Kapsigei are Tugen?

Mr. Reuben Chepkong'a: Yes, we are Tugen.

Commissioner Farah: So, you are not being marginalized by fellow Tugen? Do you have representation in the Baringo County Council?

Mr. Reuben Chepkong'a: We have several leaders who are called councillors.

Commissioner Farah: How come they did not take care of the welfare of their own people?

Mr. Reuben Chepkong'a: Before they were elected, they were on our side. However, as soon as they got to the council, they turned against us and no longer talk about those issues. They tell us that we are blocking development.

Commissioner Farah: Is the late Philemon Chelagat not one of you?

Mr. Reuben Chepkong'a: He has since died.

Commissioner Farah: I am asking, when he was alive, did he not belong to your clan? When he invited the KWS to have a game reserve, he was also aware of the welfare of his people?

Mr. Reuben Chepkong'a: But he did not involve the community. I am not aware of the resolutions they made in their council meetings.

Commissioner Farah: But members of the community were with him at that time. Now that you have found that the reserve was not lucrative, you want to reverse the process?

Mr. Reuben Chepkong'a: Not really. At that time, I was not very young. I was about 15 years and I remember that our old men were not involved in the process. In 1987, the assistant Chief refused to welcome the people who were redesigning the boundaries and by that time the land had been gazetted.

Commissioner Farah: Now that the KWS is led by one of you, have you thought about approaching him and presenting your problems to him with a view to reversing the decision?

Mr. Reuben Chepkong'a: We have done that. We formed a ten-man taskforce to look into the grievances we had forwarded. However, these people have been buying time and we have not had a response from them.

Commissioner Farah: Have you done research to know how much money comes to the council in form of revenue from tourism and wildlife?

Mr. Reuben Chepkong'a: In the Kamnarok case, it is not a lot of much money because the area has not been developed. We only know that Lake Bogoria fetches a lot of money. This has been raising concern that they have a problem.

Commissioner Farah: What is the problem?

Mr. Reuben Chepkong'a: They have also been saying that they have been displaced.

Commissioner Dinka: You have also mentioned about reconciliation meetings which were facilitated by Action Aid and you say that there were resolutions and decisions made at those meetings but no implementation has taken place. What was the content of those decisions?

Mr. Reuben Chepkong'a: The first one was to rectify boundaries because some areas had extended up to 4.7 km and other areas to 2.5 km. We felt that according to our community meetings, if they were going to accept reserve, they would allow 1.5 km.

Commissioner Dinka: The distance to the river is 4.7km. Is that not the cause of all problems? At first, you had allowed the KWS but you wanted them to go 1.5 km from the river?

Mr. Reuben Chepkong'a: We did not want to kill the issue of eco-tourism. If they were going to allow 1.5 km to be designated as a national reserve, we did not have a problem with that because we rely heavily on farming.

Commissioner Dinka: That is what you had agreed on?

Mr. Reuben Chepkong'a: Yes.

Commissioner Dinka: The KWS had accepted the proposal of 1.5 km?

Mr. Reuben Chepkong'a: The county council officials who are trustees accepted to do a letter to the Minister for Lands and Minister for Local Government on the proposal to adjust the boundary. Later, they did not tell us whether this was accepted or not.

Commissioner Dinka: I understand that it was agreed that the council should write a letter but no agreement was reached about the 1.5 km.

Mr. Reuben Chepkong'a: We agreed on recommendation of 3 km and this was on boundary. The second thing was compensation and third was to relocate resources. For example, three primary schools are inside the reserve.

Commissioner Dinka: This was for a letter to be written which was not eventually written.

Mr. Reuben Chepkong'a: I believe it was not written because we have not received any feedback.

Commissioner Dinka: Have you checked with the council to see why they did not write the letter?

Mr. Reuben Chepkong'a: They have evaded us since Action Aid and SNB started making some peace efforts. These people have not come to us or even accepted. We saw this as a delaying tactic.

Commissioner Dinka: You have also mentioned four schools which are located in the reserve. You have said that the schools pose a danger to the students who go there. Why do they pose a danger?

Mr. Reuben Chepkong'a: This is because the children traverse the area. The schools should be built outside the reserve as we negotiate for compensation.

Commissioner Dinka: So, you want the schools to be moved from inside to the outside of the reserve so that the children do not encounter danger?

Mr. Reuben Chepkong'a: Yes. We also want to access water and other resources that are in that area.

Commissioner Chawatama: Thank you for your testimony. I think I understood most of what you said. I just want to know if police harassment still continues.

Mr. Reuben Chepkong'a: It still goes on. We are called trespassers. When people are caught, they are taken to Keiyo. There is a national reserve called Rimoi there. They use the personnel there. They fear using the station near here where we are. So, they either take our people to Tambach or Iten in Keiyo. They allege that those who are taken there have destroyed forests. At one time, some 33 people were arrested. Some were later released because they paid some money. We wrote a letter to the District Commissioner, Barwesa Division. The letter reads---

Commissioner Chawatama: It is okay. We have the letter and we will look at it. How did you learn about the gazettelement?

Mr. Reuben Chepkong'a: This was when notices were put on doors telling us to move out because we were illegally occupying our land. That was in 1990.

Commissioner Chawatama: So, before that there was no notice whatsoever?

Mr. Reuben Chepkong'a: We were not informed because considering the leadership of that time, many powerful people, including the Head of State, were from Baringo. So, people would not listen to voices of small people. This was gazzetted in the year 2000 after we researched for it.

Commissioner Chawatama: Thank you for your testimony. I can imagine the hardships that members of your family have suffered. Thank you for making time to testify before us this afternoon.

The Presiding Chair (Commissioner Ojienda): Thank you, Mr. Chepkong'a for your testimony. At first, I was excited that you had elephants and other animals and was just wondering how many resources you had. I wondered if you had all these resources for the county; we have heard a county in proper stewardship and in your community and others

that have testified before us in understanding a resource like wildlife because they were not involved in the conservation process.

In your community and others which testified before us, having a resource like wildlife stops being important when people have been excluded in the conservation and ensuring that humans and wildlife live apart. People are made to know that it is criminal to tamper with the animals and that the safety of animals is more important than that of man and that is why you have testified the way you have. My hope is that the devolved Government has finally realized that Lake Baringo National Park and Kamnarok National Park should be developed to harness the development of people. I have one question. You said that 100 families were displaced when these boundaries were created. Did any of the 900 people have a title document to the land from which they were displaced?

Mr. Reuben Chepkong'a: In 1993, the area had not been registered. The community was not involved and we have been holding the land using communal rights.

The Presiding Chair (Commissioner Ojienda): Before the new Constitution came into play, you have been holding it as trust land and the county council is the one that set it apart. The new Constitution offers you an opportunity make claim. So, you could not have been compensated as you desired. Your strength is in the new dispensation. I encourage you as a community to work with the new County once it is created.

Mr. Patrick Njue: Next we have Witness No.007.

(Mr. Reuben Kendagor took the Oath)

Mr. Patrick Njue: For the record, please once again state your names, where you live and what you do for a living.

Mr. Reuben Kendagor: My names are Reuben Chepkien Kendagor and I live in Ng'orora Location, Baratabwa Division in Baringo North. Currently, I am the civic leader, that is, area councillor in Ng'orora/Kinyachu Ward in Baringo County Council.

Mr. Patrick Njue: Who is the gentleman seated by your side?

Mr. Reuben Kendagor: He is Eng. Moses Kapchumo. He is a resident where I come from. He is also a victim of what we are going to tell you here today. He documented the Report that we will give you.

Mr. Patrick Njue: The Report has to do with inter-clan clashes and raids experienced by your community.

Mr. Reuben Kendagor: It is not an inter-clan conflict; rather it is an inter-tribal conflict because it is a conflict between the Tugen Community of Baringo North and the Pokot.

Mr. Patrick Njue: Take us through your Report then.

Mr. Reuben Kendagor: Presiding Chair, we are a community that has ever been offended for a long time. History tells us that the first offence was committed in 1918 when our community was invited for a meeting in a place called Chepkesin in Ng'orora. During this incident, the meeting was expected to be a peace meeting but we are told that everyone in the meeting had a weapon. Our men were told to untie their bows. This is what happened and our people were massively killed.

Down the line in 1977 to 1979, our neighbour community invaded our land causing a number of injuries and a large number of livestock were taken away. Most of us moved away. Up to date, I can tell you most of our people are living as far away as Nakuru, Eldoret, Trans Nzoia and so on because of the harsh raids by our neighbour.

After 1987, the same problem emerged. That is when the sophisticated weapons were used. The AK47 was used and we began losing lives. This was serious because people were killed even on the wayside. People moved massively. It became more serious when we lost one of our great athletes, a standard six boy, in 2006 in a place called Sitegi in Kaptura Sub-Location, Ng'orora Location.

This time round, it made so many families to leave their homes and so many children leave school. During the post election violence of 2007, this became very serious. We identified one of the raids as a massacre because in a village called Kamwotyio we lost seven people at one time. A lot of animals were taken away. There were gunshots all over. Our people moved towards Kerio Valley. Today, we have people who are settled along River Kerio as IDPs. Unfortunately, we have always been presenting our case so that these people are recognized just like those who moved from Eldoret, Elburgon and other places. We have, however, not achieved this. That is why our people believe that the Government has never been interested in our plight. We have presented this case several times to the various DCs but the little support we have got has not solved the case.

We lament because ours is a community that will never counter-attack anybody at all. This community has been very bitter. Most of our people call upon the Government to come to their rescue when these incidents happen to them. Unfortunately, the Government has never shown any commitment let alone disarming our dangerous neighbours. I would like to call my friend to mention some of the things in the memorandum.

(Mr. Moses Kapchumo took the Oath)

Mr. Patrick Njue: As you begin, please state your names.

Mr. Moses Kapchumo: I am Moses Kapchumo. I am an electrical engineer currently doing a contract with Kenya Power Company (KPC). I come from Kapturo Sub-Location, Ng'ororo Location, Baratabwa Division in Baringo North Constituency. Before me is a memorandum that we prepared in April, 2011 and presented to the DC, Baringo North. We presented the same to the Provincial Commissioner (PC), Rift Valley. This

memorandum entails all the details concerning the insecurity we have undergone as a community from 1977 to date.

Allow me to highlight a few issues: The places I am going to talk about are areas that border the Pokot Community. Those are the porous borders of Baringo North and it affects all the four divisions of Baringo North. The invasion has affected 17 sub-locations in Baringo North. Currently, we have lost 34 people and a lot of livestock, beehives and land.

Allow me to summarize the effects that we have undergone as a result of cattle rustlers. I think it is more than raiding. It is a systematic way of displacing populations. So, I believe that these raiders use their historical culture and believe that their long practice of cattle rustling helps in displacement. We have lost people and have enough injuries. I lost my own cousin in 2008. He was shot in the head. He is a father of one child. He rolled three times trying to wake up but he could not make it. My dear brother died. This is the untold suffering of the people. One of the key issues now at hand is that we have lost our grazing land and water points. Schools have been closed. For example, Kobot Primary School was closed in 1998 to date. Kamwoty Primary School, which used to have more than 300 children, now has only about ten. Three quarters of the school's land is occupied by the aggressors. There are massive school dropouts and abject poverty. Some people died because of frustration. We know the people who have our animals but we cannot reach there. Let me say that even the Government agencies there are not in a position to restore peace in that area.

The raids and cattle rustling have made us come up with resolutions. We would like you to help us get reconciliation and justice by presenting our case to the Government. The following are our resolutions:-

We want the Government, if possible:

1. To compensate property and life lost;
2. To bring the known culprits to book;
3. To provide patrol vehicles for Kinyat Police Station, Bartabwa Divisional Headquarters and the Anti-Stock Theft Unit to be established there.
4. To provide radio calls in all the security camps because where we come from there is no Safaricom and all other networks. So, the bandits have enough time to move with our animals.

It is unfair for us as a community to abide by this Constitution when there is a neighbour who does not respect the laws of the country. Two weeks ago, we lost a person here. I was of the view that the Government should not put a lot of resources fighting Al Shabaab when we have enough "Al Shabaab" around. These people are worse than Al Shabaab and we are calling them neighbours yet they are not good neighbours. I do not know the approach we will use. Our animals and beehives are there. We now want to talk about reconciliation. My children are suffering from kwashiorkor and yet the fellow is milking my cow. It is the greatest unfairness. I humbly request this Commission to look

for the best ways we will get back our animals, beehives, water points and boundaries so that we can talk about reconciliation.

Mr. Patrick Njue: Thank you, Moses for that wonderful input. I will ask you a few questions to clarify your testimony. When you are invaded by these people, do they occupy these areas you have been living?

Mr. Moses Kapchumo: Yes, they come and live there.

Mr. Patrick Njue: You said that the last incident you had was two weeks ago. Was any life lost?

Mr. Moses Kapchumo: The person who died is called Mr. Kimutai. He was sprayed with 20 bullets. He was buried. This happened two weeks ago.

Mr. Patrick Njue: Mr. Chepkong'a, you alluded to an AP Post at Chemoi that was commissioned. It was your hope that the post would serve the community. Has it offered any assistance and does it suffice for the whole area?

Mr. Moses Kapchumo: We have had several police posts opened along our boundary, but to be very sincere there is nothing that has been done to check security along our borders. I am still wondering whether this Commission really understands us. I want to repeat that we have always been offended. Let that be understood. We have always kept our people peaceful. As a leader, I have always stood to calm my people. We have always wanted to see to it that we respect law and order. Even today, as we wind up our presentations, it should be understood that we will still remain peaceful only to see what the Government will do for us, Tugen, of Baringo North and other Kenyans. We need to develop ourselves and contribute to the nation building of this nation. It is sorrowful that a person can come and demolish another person's investment.

I want to say that and I will take responsibility for this comment, the Government of Kenya is not a responsible one. This nation was supposed to be way ahead in development. However, those who are responsible for the various roles in governance, including putting up organs of security, have failed us. The only engineer I am proud of right here was supposed to be with several others. But where are they? Most of them do not stay in the village. They are poor because they never got an opportunity to go to school. Their parents became poor because most of the times they are raided and their animals taken away.

Personally, I was lucky to participate in one of the fora at Jumuiya Resort in Limuru. We took one week discussing security issues in North Rift. In all the discussions, the blame went to the Government of Kenya. What do you do to a person who offends a fellow human being? If you want me to live in peace what are you supposed to do to me as a Government officer in charge of security?

I want to believe that we are sitting on problems faced by the people of Baringo North. The Commission should take this matter seriously because these are people who disrupt others who are doing development. We will give you our memorandum which has been there for the last five months. I want to thank the person from the TJRC who came down there last December. A lady came there and captured some pictures of the victims who came to testify about the problems they have been facing. She is a lady from Baringo County. She will give you some good information on the same.

I also want to thank World Vision, Safaricom and Action Aid for what they did when we were faced with those problems. So, I think am through. May God bless you all.

Mr. Patrick Njue: Thank you Reuben for that information.

Commissioner Shava: Thank you very much Mr. Reuben Kendagor and Eng. Moses Kapchumo for your very powerful presentation. We have documentation from you here, but you have really gone a long way in filling in the gaps for us and making us understand. Both of you spoke with passion. We congratulate you for your restraint.

I hope we will hear from somebody from the Pokot Community who will clarify some of these stories from that end. This is because when you listen to the Turkana and the Marakwet, it is the same story. The other disturbing aspect is the capacity or lack thereof of our security forces. So, even when you have people trying to give the best that they can, if you put four APs in a place with G3s and 1,000 raiders armed with AK47s then they cannot effectively protect the community. We have understood the gravity of what you have said and we take it very seriously.

The Presiding Chair (Commissioner Ojienda): It is really interesting that the Pokot Community seem to have this ability to beat up the Marakwet, the Turkana, the Tugen, and the Illchamus and even occupy their land. It is a challenge.

Commissioner Farah: You mentioned the problem of early marriage of the girl-child. You are aware that it is illegal for an underage girl to be married off. It is also a culture. I also know it is part of the poverty. What have you done to address the issue culturally?

Mr. Reuben Kendagor: You have reminded me one of the problems we are faced with. Unfortunately most of our girls along that line dropped out of school and because of poverty fell victims of early marriages. When a society is poor, there is nothing that can be done. These things happen and yet you have nothing to do. So, it is something that we also face in our society. According to the Tugen Community of Baringo North, the issue of early marriages is below 10 per cent because our community has clearly embarked on developing and coming up to live as a modern community. So, the issue of early marriages is very minimal. It is only when cattle rustling came in that our poor girls fell in to such circumstances. Otherwise, I think we had already managed the issue of early marriages. The girl-child has already shown a lot of improvement in our society. You will find most of the parents who educate their girl children living comfortably because the girl-child is very responsible and they are always give back to society.

Commissioner Farah: Thank you. I think that issue will be discussed further during the women's forum. This issue of Pokot is serious as my Presiding Chair said. We have heard of other communities such as the Turkana and the Marakwet lament like you. This is a national menace. It is just what the Karamajong' are doing in Uganda. At some point, a solution had to be found. Thank you for your presentation.

Commissioner Dinka: Thank you both for your testimony. You have presented your case well. Is this the way the Pokot related to their neighbours even in the old days or is it a new phenomenon? What do you think is the element in the culture that engenders this type of behaviour?

Mr. Moses Kapchumo: This is a phenomenon that the Pokot Community started earlier on as a game where they would go and raid a place. Once you arrived in the village, you would be called a hero. It was all about dowry during those days. You cannot marry when you do not have cows. If you want to marry a girl, you do not have to love her. The highest bidder takes the day. So you line up the girls and you compete. That means that if you do not have the cows, you cannot marry the girl. In other instances, the father and son can compete for the same girl. Whoever has more animals carries the day. Currently, the same practice has been modified.

To achieve what they want now, they still assume that it is their way of life, but we understand that they are doing what they know. Before the fellow who was killed the other week died, he said: "Let this not happen again to somebody else. Let me not die like this." We were very angry. I hope this Commission will provide a solution. Thank you very much.

Commissioner Dinka: Thank you very much. You have made very important recommendations that the Government should take as measures, which include disarmament of the Pokot. Is there something that could be done at the community level-- - If you take away somebody's AK47, he might come back with a small rifle, but you have done your job. So, disarmament may not be the only answer. What in your view, as a community that knows the Pokot more than anyone of us here would be more efficacious in resolving this problem and making the Pokot more peaceful and friendly to the neighbours?

Mr. Reuben Kendagor: Mr. Commissioner, we know those neighbours. I have been serving the district peace committee for over five years and have done all what was necessary to befriend and tame our very good neighbours to behave like us. I am left wondering what will be done to those people to behave.

Commissioner Dinka: Do you think that the institution of dowry has something to do with this?

Mr. Reuben Kendagor: At the moment, most of the population of East Pokot has changed. Kindly allow me to make a proposal. We normally converse with our friendly

Pokots. The leaders normally put all the blame on the Government. If the Government could go down and arrest the known culprits--- Today, if you arrest a criminal, somebody in the same village where the criminal comes from will never have the intention of going to raid and steal. There is a long list of criminals at the East Pokot District Headquarters. I was shown the list by one of the District Officers. He said that they are only lacking the working forces. So, the best recommendation to tame this situation is to bring all the known culprits to book so that those who are young will never want to go the same way.

There is a division called Kolowa in East Pokot. It borders my ward in Kinyach Location. Today, we are living peacefully because the local leaders embraced peace and discouraged the issue of cattle rustling by arresting known culprits. So, the major challenge is in one part of this district, that is, from a place called Kositei, Silale--- If we can bring those people to book, those others will never behave the way these others are doing. So, simply, the Government has failed us. If the Government today can go down to East Pokot and support the elders--- We have got very poor old men who are ready to show us these people but how will you reach a place with many guns? It is only the Government that can put more efforts to bring down those people. We will be peaceful if these culprits are brought to book.

Commissioner Dinka: Thank you. I have no further questions.

Commissioner Chawatama: I have no question, but I think what is going through my mind is how those involved in the criminal justice system have failed your community and so many other communities. Really, do we not have police officers, Government vehicles and courts in this country?

Bishop Bomet, it might be a spiritual matter because the problem is too deep and has been allowed to go on for too long. So, it has become a stronghold. So, I think people must really get together and discuss this problem for what it really is because it does not make sense.

The Presiding Chair (Commissioner Ojienda): Thank you very much. Commissioners from KNHCR and NCIC, please help us demystify the Big Bully Syndrome and seek solutions to the problem that is the Pokot. I hope none of you is from that community and that you will be helpful while appreciating the problem. That is because those people seem to take away livestock, bully people, occupy their land and take away their bee hives. I think that my classmate, who is your Member of Parliament, Mr. William Cheptumo, has mentioned those issues before. I think the problem of small arms and light weapons in that region should be taken seriously. A serious disarmament programme should be undertaken across the board. We will make our recommendations. I have seen my good client, Mr. Leboo for whom I did an election petition. He wants to speak for the Lembus community. He is the next witness.

Leader of Evidence, call Mr. Leboo.

(Mr. Joseph Leboo took the Oath)

The Presiding Chair (Commissioner Ojienda): Mr. Leboo, I just want to request you, because you submitted your memorandum today, that you try as much as possible to confine yourself to the recommendations. We all have your memorandum here.

Thank you.

Mr. Patrick Njue: I will ask that you first introduce yourself once again for the record by telling us your names, what you do for a living and where you live, after which you will adhere to the instructions by the Presiding Chair.

Mr. Joseph Leboo: My name is Joseph Leboo. I am the Chairman, Lembus Council of Elders and a retired civil servant. I live in Kiplombe Location, Esageri Division, Eldama Ravine Constituency.

As you said, I will not read the memorandum. I will just highlight what I think is in the memorandum. I would request the Commissioners to pay particular attention because these are pertinent problems that we have as a community.

You will realize that our memorandum has about three main issues. They are: Land, forests and displacement. I will start with land. We lost our land when the first European settlers came. The dates are there. The atrocities committed to the community are well articulated in the memorandum. Since that time, the Lembus, as a community, have never lived as one. That is because a good number were sent to live with the Uasin Gishu Maasai and now a good number still live in Narok and Trans Mara. Another number has come back because they got no land in the same districts. When they came back, the land that they thought would be theirs was already having black settlers. So, to favour them, they were settled along Esageri in some rocky plains. Those people have been living there with nothing of economic substance. When the whole community is not economically sound, you do not expect them to gain good education and subsequently jobs in the Government. Therefore, you do not see them anywhere.

Coming to the forest, in the same memorandum, the Lembus never forgot the forest and the war they fought with the white man. They did not just give up the forest. They signed an agreement with a retired army officer called Capt. Grogan and the colonial government. They signed an agreement for 46 years as far as the forest is concerned, starting from 1916. The agreement actually officially expired in 1957. It is documented there because we have really researched. The agreement expired on 31st December, 1957. At that time, there was a representative to the Legislative Assembly who covered the entire Rift Valley. Our elders raised the issue but nobody paid attention and the same forest was handed over to the African District Council (ADC). Immediately after Independence, the same forest was handed over to another council called County Council of the Central Rift. From there, it changed hands to the Department of Forests, Kenya Government. So, this struggle about the forest has been ongoing. Now, we have a department called Kenya Forest Service which is so autonomous that it does not even seem to be answerable to the Government. It has a Director and reckless personnel, which

is worrying us. That is because they are almost clearing the entire forest. Instead of the exotic trees, they have gone further to clear our indigenous forest. We are told that our forest is less than 3 per cent. We have been struggling but nobody seems to listen to us all the time. The Lembus understand the forest and that is why they resisted the white man and entered into that agreement. But what followed after that was an unfavourable political situation. So, when this Commission was formed, we thanked God that there was going to be a safety valve to save us from all the trouble that we have recorded here. What we have in our memorandum is not all. Every day, we receive accounts of ever more atrocities which were committed against our people.

Now, when it comes to displacement, where the settlers had settled was actually our ancestral farms. When these white men left - I might be repeating what I had mentioned, but bear with me because it is very painful - it was purported that they were giving to poor people and those without land. They were moving people from all the locations in Baringo, especially from the catchment areas. But we ended up receiving chiefs from other regions. I will mention other rich men plus civil servants, yet those people had land where they came from. Now, the Lembus are living along Esageri in rocky areas. It is not our wish that we displace whoever is living in those places. We seriously seek compensation now. Let us be given land elsewhere where we can settle and have economically meaningful life so that we do not lag behind as we are now.

Also, we request this Commission to seriously recommend that the Lembus be given an opportunity to get into institutions of learning as an immediate rescue. Scholarships and other methods are there. That is our plight.

Somebody was talking about the Marigat Scheme. That water comes from the Lembus area. So, if you do not make noise downstream, I believe that very soon you may not have Perkeria River and other rivers. We are seriously conserving what we can and I would even request this gathering today, in honour of the late Prof. Wangari Maathai, to kindly plant a few trees. We will also be helping ourselves as a nation.

Lastly, I have some other issues which we later on discovered. This Commission has not been kind to us. It has gone around the country and Eldama Ravine was one area that was affected by clashes. You should have gone there and found that the Lembus are very kind and generous. Even their towns and reserves are cosmopolitan. The question of clashes did not spare us. I am sure the Lembus never started anything but they were attacked. The police, including the Provincial Administration, actually killed our people, including underage children. One happens to be related to me. He was shot near Mercy Hospital. He was in Standard Six. We do not know when we will be listened to because others were killed also. The most unfortunate incident which happened at our place was that of a Priest called Father Kamau who died at our centre. As I said, we are cosmopolitan. He died there and we bore responsibility. We assembled as a community and requested an inter-denomination prayer. We believe that God forgave us.

Now, there came another thing. The Catholic Church built a monument there with a metallic cross. It is my humble request to this Commission that they approach the

Catholic Church so that they can remove it. That is because it does not augur well with our customs and cultures. If they do not want to remove it out of Muserechi - we have Catholic Churches around there – let them go and fix it in their church compound instead of putting it along the road.

I may have highlighted our report but the Commission did not really see us. There was the investigating team which went round calling to inquire how we could see them. Finally, they never saw us. Today, I think even by your kindness, you allowed us to present our memorandum. Otherwise, we were not listed. Up to two days ago, somebody from your Commission was assuring me. So, when we found it today, actually, it really disturbed us. That is partly why I have not been very keen in following the entire memorandum with you. But I have forgiven anyone who almost locked us out.

Allow us also to present some little document, because we did not highlight here. There were some people who were ejected and are living with their relatives and some on reserved land. Their houses were burnt and the relatives who died were buried along the road. We have high hopes in the TJRC. I was lucky, in fact, to have been nominated also to attend a certain workshop last week at the Kenya School of Monetary Studies. It was about the Land Bill Draft. I requested the Minister and his team not to rush the Bill but get in touch with the TJRC because I was sure that you must have covered the real issues down from the people and they appreciated.

I would wish to end there. Otherwise, I am ready for cross examination.

Mr. Patrick Njue: Thank you, Mr. Leboo, for that wonderful presentation. I would say that you have struck a blow for the Lembus community. You have highlighted the issues and given us recommendations. Allow me also to say that it was not deliberate that you were not appearing on the cause list or, perhaps, none of our people came down to see your people. But like you said, the door is still wide open for you to put up any other additional documents and materials that you may have to accompany your memorandum today. That way, you can be sure that your people will be adequately catered for when it comes to the Commission making its recommendations and report.

Earlier in the morning, you submitted a copy of a memorandum which I want you to confirm. Is this it?

Mr. Joseph Leboo: Yes, it is correct.

Mr. Patrick Njue: Aside from this, do you have any other document with you which you would want to submit at this point in time?

Mr. Joseph Leboo: Not as at now.

Mr. Patrick Njue: In case they are ready, I will ask that you liaise with our officers and let us have them. Presiding Chair, if the said memorandum can formerly be admitted.

The Presiding Chair (Commissioner Ojienda): It is admitted.

Mr. Patrick Njue: I commend you for your presentation. I must say that you really are a good leader.

The Presiding Chair (Commissioner Ojienda): Thank you, Mr. Leboo for your presentation. Whenever I drive to Eldama Ravine through Muserechi and I see the plaque of the late Father Kamau who was killed when he had just come from studies--- As he drove from Nakuru, he found a crowd that was demonstrating after the elections. It was then that he was confronted by the crowd and killed at the spot where the plaque is. My understanding of the plaque is that it is supposed to be a constant reminder to the community in Muserechi of the sad events that occurred. I am glad that your appeal confirms that that painful reminder is working. The community says that it has repented and wants to be relieved off the burden of having to bear that cross on the road every day. I think that is a tough one.

Commissioner Farah.

Commissioner Farah: I have no questions. Your presentation was very thorough. Mine is just to thank you.

Commissioner Shava: Mr. Leboo, I would also like to join my fellow Commissioners in thanking you and the community that you represent for being so persistent in trying to make sure that your voice is heard through this Commission. I want to assure you that we have heard you. I also want to reassure you, as the Leader of Evidence stated, that there is no intention to lock you or anybody else out. These proceedings are the people's proceedings and not ours. It is a forum for Kenyans to learn about each other and rewrite their own history but not in the way that it was written by other people. So, we very much appreciate also the documentation that you have given us, your presence and presentation.

The Presiding Chair (Commissioner Ojienda): Once more, Thank you. Although we lost the election and petition, you still have a voice for the community. I urge you to move on. The Land Bill and the meeting that was held last week was informative. I was also present and as part of the team that is working on it, I think that interaction was unique and will build onto the final Bill that will be presented to Parliament. Of course, community interest will be taken into account when the final Bill is presented to the Cabinet for adoption and finally to Parliament. Thank you, Mr. Leboo. Have a nice journey back to Nakuru. Leader of Evidence, can we have the next witness?

Mr. Patrick Njue: Commissioners, as if not to spoil for a fight, we have a presentation from the Pokot community, that is, Witness No.5.

The Presiding Chair (Commissioner Ojienda): Leader of Evidence, in view of the time, where Commissioners are staying and the depth with which we would want to appreciate the presentation from the Pokot community, I would want that they have their day and

enough time. I think that we will hear them tomorrow in the interest of time. If they present now, they will not have sufficient time for the presentation.

At this point in time, unless we have a witness who will take ten minutes, we may have to adjourn until tomorrow.

Mr. Patrick Njue: Presiding Chair, Commissioners, from the desk of the Leader of Evidence, that is all that we had for today. We have no other lawful reasons to otherwise hold you.

Thank you.

The Presiding Chair (Commissioner Ojienda): Leader of Evidence, that was the best shot I have heard in a number of days. Thank you very much.

Commissioners from NCIC and KNHCR and the public, I want to thank all of you. We will resume here tomorrow for the public hearings. I thank Amos Dada, Joseph Parslach, Paul Kipyegon, Hamisi, Reuben Chepkong'a, Reuben Kendagor, Moses Kapchumo and Joseph Leboo for their testimony. We have heard eight witnesses today and we will continue tomorrow. The witnesses from the Pokot community should know that they have been represented elsewhere. So, it is not the first time that you will be speaking for the community. We have also heard you in Kapenguria and Eldoret. But we will hear you tomorrow.

(The Commission adjourned at 4.40 p.m.)