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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND  
RECONCILIATION COMMISSION ON TUESDAY, 25TH  
OCTOBER, 2011 AT BARINGO GTI LIBRARY, KABARNET (*Public  
Hearing*)**

**PRESENT**

<b>Margaret Wambui Shava</b>	-	<b>The Presiding Chair, Kenya</b>
Ahmed Farah	-	Commissioner, Kenya
Berhanu Dinka	-	Commissioner, Ethiopia
Ronald Slye	-	Commissioner, USA

**SECRETARIAT**

Patrick Njue	-	Leader of Evidence
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**IN ATTENDANCE**

Dr. Samuel Tororei	-	Commissioner, KNCHR
Rev. Lawrence Bomet	-	Commissioner, NCIC
Hon. Asman Kamama	-	Baringo East MP

*(Opening Prayers)*

*(The Commission commenced at 10.00 a.m.)*

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

**The Presiding Chair** (Commissioner Shava): Good morning. Let us remain standing for the National Anthem.

*(The National Anthem was sang)*

Welcome to the second and final day of our public hearings here in the beautiful town of Kabarnet. Today we are expecting to hear several witnesses here in public. We also have another public meeting going on right now specifically for women.

Before we commence I would just want to remind us of some of our ground rules. While a witness is speaking, we request silence so that we can respect the testimony of the witness. You may agree with what the witness is saying or you may strongly disagree

with what a particular witness is saying and have a totally different experience. In all instances we ask that you respect the testimony of the witness by allowing them to speak. At this point in time, can we all look at our mobile phones to ensure that they are off so that we do not disrupt the proceedings by having to speak or move around to go and answer phone calls.

With regard to photography, while we do allow it while the proceedings are ongoing, we request that those taking pictures take them from where they are and also do not use flash photography while the witness is testifying.

Now that we have reminded ourselves of our ground rules, I think we can commence. Therefore, Leader of Evidence, please let us know what it is that we are about to do.

**Mr. Patrick Njue:** Thank you. We are onto the first witness. This is the witness coded 005.

*(Rev. John Nambair took the oath)*

**Mr. Patrick Njue:** Good morning, sir.

**Rev. John Nambair:** Good morning.

**Mr. Patrick Njue:** Please, kindly, once again for the record, tell us your names, what you do for a living and where you live.

**Rev. John Nambair:** My name is Rev. John Nambair. I work for the Anglican Church of Kenya (ACK), the Diocese of Nakuru, the Arch-deaconry of East Pokot in the Pokot East District, Baringo County.

**Mr. Patrick Njue:** You are welcome, Mr. Nambair. You confirm that you are seated with us this morning to make a presentation on behalf of the Pokot Community?

**Rev. John Nambair:** Yes.

**Mr. Patrick Njue:** I will start by asking that as was intimated to you yesterday by the Presiding Chair then, we have come from areas where we have heard about the Pokot Community with lots of presentation on the same in terms of the history of this community. I will ask that in your presentation you particularly delve into the Pokot community in Baringo and the issues facing them and give us recommendations as to how as a Commission we can address some of the issues that affect your people.

At this point, I ask that if you are ready you may begin making your presentation.

**Rev. John Nambair:** Thank you very much.

I am very grateful to the TJRC. I thank the Government of Kenya for allowing this Commission to go round and look for information and what Kenyans have gone through or are going through in their lives. On behalf of the Pokot people I, being a servant of God in this area, have also been involved in trying to bring about peace between the Pokot and their neighbours. As I speak now, I would like to mention that I am the chairman of the community of all preachers who are concerned with peace between the Pokot and their neighbours. As I go round and speak to the Pokot people in different areas, I have managed to get a lot of information with regard to what their problem is.

I have written this history together with my friends in the form of a memorandum. However, because we have this opportunity, let me mention what I can remember and the rest of it you will go through in the memo.

The Pokot I am talking about live in Baringo County. They live east of Kerio Valley. They live up to Lake Baringo, Laikipia and on the Samburu side. They border the Turkana on the eastern side. These Pokot have lived in these areas for all these years Christ Lord has put them there. They are pastoralists and pursue very little farming.

The main problem of the Pokot is the fact that every time there is conflict between them and their neighbors, it never gets anywhere when they report. An example which irritates them most is the fact that in 1967, they were attacked by the Turkana. They attacked a place called Arkoret. I have a chief from that location with me here. He will talk later when there are questions to be answered. A lot of cattle were taken and many people injured in that attack. Three people lost their lives and the cattle were never recovered. When a report was made to the authorities or those concerned, it was not successful in any way. It happened that about that time the Turkana were using firearms but the Pokot did not. It appeared that Turkana had earlier on acquired firearms and they constantly attacked the Pokot.

After that time, there was a leader who was in charge of the security forces or the police. This was the deputy in Rift Valley. He was called Mr. Peter Mungai. When it was reported to him that the Pokot had been attacked, he came and started blaming the Pokot. He recruited a couple of people who were called *Ngoroko*. The *Ngoroko* or bandits in Turkana means people who are out to fight. They joined forces with Turkana to attack the Pokot and then took the animals to Turkana land. The Pokots were surrounded, put in a camp and made to lie on the ground on the Kapedo side. This is a very hot area. The Pokot, both men and women, were forced to lie on the very hot ground. They were forced to face the rays of the hot sun.

Soldiers were walking on top of them and stepping on their legs. So many people died and many others were injured. Many animals were captured and taken towards the Turkana side. The healthy and fat cattle were loaded onto lorries and brought to Nairobi through Nakuru. This was a very painful experience for the Pokot community. They did not receive any help or assistance to fight for their rights.

When the retired President Moi took over, the Pokot community had great hope and thought that it was going to be the end of their community being raided. They wanted to have dialogue so that they could live in peace. President Moi comes from Baringo and that is why the Pokot thought so. Surprisingly, the first trip by the President to Nginy'ang, Kapedo came when Pokot elders had come to visit him to pay a courtesy call so that they could explain their complaints to him. President Moi himself spoke to the Pokot in their language and said, "*Ng'o kirgit*". This means, who is the man now? This irritated the Pokot even more.

The attacks from Turkana intensified. The Kenya Police Reservists (KPR) from the Turkana side were given guns. They are not paid salaries and were somehow like home guards. They, therefore, used these guns to attack the Pokot. This made the Pokot rely on their God. They had to look for ways of protecting themselves. I do not know how it happened that guns started flowing in from Somalia. They came in from Garissa and the North Eastern area into Pokot land. They were distributed by the Somali. This is from about 1979 onwards. The Pokot started acquiring all different types of firearms.

They then decided to revenge. They pushed the Turkana and fought them. As we live now, there is a distance of no man's land of about 100 kilometers between the Turkana and the Pokot. The area is inhabited yet it has a high potential for grazing and other economic activities. The conflict intensified and when the Government heard about it, they started an operation for disarmament. Helicopters and tanks were used to round up Pokot cattle. Elders were arrested and tortured. Many firearms were returned and people arrested. Some of these people died in custody and others came back with all manner of injuries. This did not solve the conflict between the Pokot and the Turkana. They did not stop acquiring firearms but instead started buying more firearms, some very sophisticated. Up to now, the conflict persists. The hatred and suspicion between the two communities intensified.

The other communities that border the Pokot have also started complaining about the Pokot. As the church and elders I, being the chairman of the pastors' the Peace Initiative, have done a lot to talk to the Pokot so that they can surrender the firearms and instead resort to dialogue to bring about peace with our neighbours, especially the Tugen, Marakwet and Ilchamus. These people can attest to the fact that the church and elders have done a lot of work to bring about peace.

It surprised me when I heard yesterday that the Pokot can be compared to the Al Shabaab. I do not think that is a very good language to use. I believe the Pokot are good people. The Pokot are people who listen.

After the elections in 2007 there was conflict. One of the places that people could run to for refuge was East Pokot. Several communities that were being attacked were rescued and came to East Pokot. The non-Kalenjin came to East Pokot and stayed in peace. As of today, so many communities in Kenya are found in East Pokot going about their businesses. Some of them are civil servants who walk around very freely. What we are

blamed for is raiding which is done by thieves and criminals who can be followed and apprehended. They are just between five and eight.

The Government has done a very good job together with elders and the church. We have arrested many of them. Some of them are still in custody as I speak today. The few that are left can be identified, followed and arrested. It is not the entire Pokot community that does this. No one accepts theft- not even the Pokot community. That is what I would like to say with regard to that.

Our recommendations to this Commission are that:-

1. The Pokot feel all the guns given to civilians in the name of KPR should be taken by the Government. That way, illegal weapons will be easy to trace.
2. The Government should ensure true security to all citizens of Kenya.
3. The surrendering of firearms should come hand in hand with development. The Pokot area has no schools, roads and piped water. We need boreholes to be sunk, big dams constructed for irrigation and training on development and Government policies given.
4. The Government has started community policing and this should be improved and developed so as to make the police friendly to the citizens. Previously, the Pokots have regarded the police or security officers as enemies because the contact they have had with them is that of torture.
5. On the part of Turkana and Pokot, the Pokot are asking this Commission and the Government to look into establishing a special Commission that would investigate the conflict between the Pokot and Turkana. It is more than 40 years that they have been stealing, killing and inflicting grievous injuries on each other. This is not normal as it may appear. When you hear a Pokot fighting with a Turkana, people will say that is usual for them. It is unusual and we need a special commission to investigate in-depth the conflict between the Pokot and Turkana because they are neighbours. They are both good communities. When they meet in Nairobi or Nakuru, they are very good friends but when they meet in the common grazing pasture ground, they are enemies. This has been there for very long. It should not have been tolerated. There should be some intervention that will bring about lasting peace.

I have written a lot in my memorandum so I will stop there and I am very grateful for this opportunity.

My colleague who has accompanied me here can help me in answering any questions that may come from you.

**Mr. Patrick Njue:** Thank you for that presentation which I find quite informative. With me here is a copy of your memorandum that you had earlier given to me. Is it your wish that this be formally admitted into the records of this Commission?

**Rev. John Nambair:** Yes.

**Mr. Patrick Njue:** Presiding Chair, the said copy of the memorandum which is handwritten can be formally admitted to the records of this Commission.

**The Presiding Chair** (Commissioner Shava): The hand written memorandum is so admitted.

**Mr. Patrick Njue:** Reverend, from your testimony, I sort of get the notion that there is an admission on your part that indeed the Pokot is a feared people by other tribes. Is that the case?

**Mr. John Nambair:** The Pokot are feared. I do not believe that they are worse than their neighbours.

**Mr. Patrick Njue:** But it is your admission that not only does that rivalry exist between you as the Pokot and the Turkana, but also the surrounding communities, the Tugen, for example. What would you talk of your relationship?

**Rev. John Nambair:** The Pokot are good neighbours and they live in harmony with the other neighbours. This is what I would want to ask my colleague to help me answer. He is called Elisha.

**Mr. Patrick Njue:** Under your guidance Presiding Chair, maybe we could oath this other witness in case he would need to put any addition in terms of questions.

**The Presiding Chair** (Commissioner Chair): Please, go ahead and swear in the witness and ensure that the witness is speaking to issues which have not previously been raised.

*(Mr. Elisha Lengun took the oath)*

**Mr. Patrick Njue:** Good morning, Mr. Lengun. You have heard what Rev. Nambair has shared with us and his request that you sit next to him so that you will assist him in answering questions. I had posed a question to him as regards the relationship of the Pokot and the other tribes save for the Turkana with whom he came out clearly and said there are issues. What is the relationship with the other surrounding tribes, for example, the Tugen?

The notion of the presentation was that the relationship is strained. Is that the case?

**Mr. Elisha Lengun:** The truth is that for the neighbours, the Tugen and Ilchamus, there is theft that is carried out by two or five people. The elders, security and citizens are following this. However, it is not a conflict where the Pokot may have pre-planned against these communities. When they steal, the security people and elders help to track them down. I will give an example of 2006 when three youths came to steal from Ng'oror. They took nine heads of cattle to Arkoret. We tracked, recovered and returned all the nine heads of cattle. These were handed back by the authorities.

**Mr. Patrick Njue:** In terms of trying to bridge that gap of hatred or inter-clan rivalry, what do you think can be done as an elder? What can be done to make these tribes sit down and put a stop or an end to the in-fighting?

**Mr. Elisha Lengun:** In these communities there are internal problems. When two criminals go to steal 20 goats they exaggerate and make the number 200 goats. When security men try to track them, they realize that where they are told the goats or the cattle have been taken, they cannot recover the number. Sometimes it has been a bit confusing. What mixes up issues even more is politics.

**Mr. Patrick Njue:** When you say politics, is it to say that leaders are into this as well? What exactly do you mean?

**Mr. Elisha Lengun:** When I mention politics I mean that the politicians get into this and bring in issues of boundaries and try to make it look like the community has actually planned and is involved in the whole thing.

**Mr. Patrick Njue:** Reverend, you said that you were involved in peace initiatives between these two communities. Save for you going round with other pastors and talking to people, have you been involved in any other activities to foster peace?

**Rev. John Nambair:** Yes, we have been involved in ensuring that even schools are developed. Churches have also come up in East Pokot. We have welcomed or invited various friends to come and bring in ways of making the youth more involved in things other than pastoralism, for example, farming and business. As a church we have given grants to the youth to engage in businesses like selling cattle, goats and bee keeping. A number of them have been rescued from raiding. This should have been the Government's work but the church has taken this up. We have employed 60 youth; 30 from Samburu and 30 from Pokot. We have given them work to grade the roads. We pay them as a church so that they can mix, work together and live in harmony.

There are also small farms along the river. Very many youths have formed groups and are developing these farms. This has reduced the number of unemployed youths thinking of committing crimes.

**Mr. Patrick Njue:** Thank you, Rev. Nambair and Mr. Lengun for your additions. The Commissioners may now ask you questions.

**Commissioner Farah:** Reverend, yesterday, of course, we heard the Ilchamus complain a lot about the Pokot. The Tugen also complained. When we were in Turkana last week we also heard a lot of complaints of cattle rustling. I do not know whether you were in the hall yesterday but the complaints of the Turkana compared to what was said yesterday. In fact, the one yesterday was even more serious. Now that the Turkana have their own county, do you think the Pokot will now concentrate on the affairs of their community and stop the practice of taking animals from the rest of Baringo people?



**Rev. John Nambair:** As the Commission heard yesterday from our recommendations, we would, as Pokot, wish that the issue between Turkana and Pokot be looked at more keenly and as a unique problem. This is because it is a conflict that has been around for a very long time. The conflict between the Pokot and Turkana is a matter of revenge attacks here and there.

Since 1967, they have always carried out revenge attacks. I would like to suggest to other communities like Tugen, Ilchamus, Marakwet and Samburu that we should live in peace and harmony. I went round preaching to people and I realized that we could reconcile very easily. That is because there is no hatred or suspicion between us. The reason the Pokot are regarded as the enemy is not credible and it might just bring suspicion between the two communities. We have lived together in harmony for many years. There are a few criminals who can be apprehended and whatever is stolen recovered.

**Commissioner Farah:** How about the claim that was made by the people of North Baringo who say that the Pokot want to get more land? Are you aware that they want to expand?

**Rev. John Nambair:** That is not true. There is no way that the Pokot can claim land. I have been to Loruk trying to solve the issues of land. We went there as a church together with elders and Government officials. We told them that the administrative boundaries should be left to the administrators. But for citizens, they can live and operate businesses anywhere. What can bring about economic development if we live together in harmony and utilize the resources together without one community claiming the resources. We have talked to people in Loruk where Tugen and Pokot live. They agreed that there is need for them to live together in harmony without conflicts.

**Commissioner Farah:** What about the issue of bride price which is the main reason behind cattle rustling? Is it practiced by only the Pokot where they have to come and get the cattle from the Tugen and Turkana? Why can you not lower your bride price?

**Rev. John Nambair:** Regarding the issue of stealing in order to raise bride price, the Pokot customary laws do not permit anyone to use stolen livestock to take to the in-laws. The Pokot customary law says 'no' to that because it involves killing someone and shedding blood to acquire the animals, which is abominable. Marriage has to be something wholly and the Pokot customary laws do not allow that. A thief is a thief and what they do is steal property.

**Commissioner Farah:** Yesterday, we were told that even a father and a son could compete for the same girl and the highest bidder gets the bride. That is the reason why someone has to raise cattle and bring more.

**Rev. John Nambair:** That is a big lie and whoever presented that information was just imagining or was just stereotyping. That is inciting language but what I know is that it is not Pokot tradition that a young man must steal in order to pay bride price. The issue of bidding for a bride is there but is supposed to be genuinely acquired property and not

stolen. It is completely not true that the idea of bidding to pay a higher price causes cattle rustling.

**Commissioner Farah:** Regarding disarmament, it seems the Government cannot disarm two communities simultaneously. It has not worked well with the communities. Could you explain to the Commission the issue of disarmament and the Kenya Police Reservists being recruited among the communities? Which one is more effective in reducing cattle raids?

**Rev. John. Nambair:** Disarmament has been done by the Government for a long time among the Pokots but it was discovered that forceful disarmament does not work. But when they involved elders and citizens, it worked. The elders, the chief and the others talked to the citizens and urged them to surrender their weapons. I come from Akorait Location and we have recovered more than 45 firearms from one location. That report is there. There is also a list of those who surrendered their guns. That is just from one location but the exercise took place in the entire Pokot area. I do not know how many were surrendered in other locations. The location that I come from, the firearms that had been stolen from the Government and sold to the Pokots were also surrendered. I believe that when elders and the entire community are involved, the exercise will succeed. That should also be accompanied by development.

**Commissioner Farah:** So, the giving of arms to the Kenya Police Reservists should be done away with. Is that what you are saying?

**Rev. John. Nambair:** When citizens have illegal firearms, they do not come to the open but hide in the bush. Those who have arms do not have an income. They will be in the camp during the day but they will be highway bandits and might go for cattle rustling raids at night. So, we believe that those legally held firearms are more dangerous. It is easy to track those arms that are illegal.

**Commissioner Farah:** I think I have to inform you that the Samburu have complained about the Pokot, the Tugen have complained about the Pokot, the Turkana have complained about the Pokot and in Eldoret, the Marakwet also complained about the Pokot. Now that we have a new dispensation and the Pokot have their own county, they should have an internal search of their soul in order to live peacefully with all those communities. That is only an advice from my side.

Thank you very much, Reverend. As a man of God and a man of peace, you should take that to the Pokot people, especially East Pokot. I do not have more questions. Thank you.

**The Presiding Chair** (Commissioner Shava): I want to recognize the presence of Commissioner Tororei from the Kenya National Human Rights Commission (KNHRC), Commissioner Bomet from the National Cohesion and Integration Commission and the Member of Parliament, Hon. Kamama, Thank you for joining us. *Mheshimiwa*, the procedure is that we will listen to the witness and the Commissioners will ask questions. Thank you for joining us.

*Mheshimiwa*, if you would like to make an intervention, we will ask our Leader of Evidence to speak with you because we have seven witnesses to hear today. You have extended our term in Parliament but you know that we are pressed for time. So, we have called some people to come and speak. So, if you would like to speak, we will consult with the Leader of Evidence and see whether, in the course of the day, we will get the opportunity after you have heard what has been said to intervene. But it would not be appropriate at this point in our proceedings to interject. We will continue with Commissioner Slye.

**Commissioner Slye:** I want to thank both witnesses for their testimonies. It has been extremely helpful for me to hear the history of the conflict with respect to the Pokot and many other people. As you know, one of the purposes of this Commission is to understand injustices within the historical context and understand some perspectives and causes of those conflicts. So, what you have done for me today is to help me understand the history of that conflict. It is a history that I had not heard of. I think it is something that even this Commission was not aware up to now. What I think is that those conflicts are not just in Kenya but all over the world where people tend to group the same types of people based on the actions of very few members of that community. In other words, there are a few Pokot who engage in criminal activity and, therefore, there is a tendency by some people to say that all Pokot engage in those activities. As many people have said, there are good people and bad people. There are good Pokot and bad ones. That applies also to Tugen. I think that we should acknowledge that there are those who engage in bad activities and we should also highlight that there are good people like you within your communities who have been working for a long time for peace and reconciliation. Again, I want to acknowledge that and thank you on behalf of this Commission. I would like to provide both of you with an opportunity to address one issue which is: If there is somebody who is not from Kenya like me and he is not familiar with the people of Kenya and knows nothing--- For example, let us say I do not know who the Pokot are. Could you explain to me what the principles and values that underlie the community of Pokot? If I wanted to understand how your community is, how would you describe it to me? How would you describe the aspirations of the Pokot community?

**Rev. John Nambair:** That is a lengthy question and I need more time. But I will talk briefly as a Pokot and as a servant among them. I would wish to say that the Pokot one of the Kenyan communities. They have rights like any other Kenyans. It means that they should also receive equal treatment like any other community. Just like I said earlier in my presentation, the Pokot are one of the communities that have been marginalized and forgotten. There are three enemies which the founding father of this nation said he is going to face. They are: Illiteracy, disease and hunger. When those things were being implemented in Kenya, education, health and food security did not reach the Pokot. The roads were not constructed to open up the place for development. I do not know whether it was political marginalization or politics?

We would like to thank the NARC Government and the Coalition Government because we have seen a big difference. Roads are now being constructed in Pokot and as we

speak, the tarmac road that ended in Loruk, which is the boundary between Baringo Central and Baringo North, is now being extended into Pokot. A lot of money has started coming to Pokot to build schools. We only had one secondary school in Pokot before but now within a short time we have four schools. Two schools are still under construction. So, you cannot compare East Pokot and their neighbours from Baringo because they have very big schools that are well developed and modernized. If you go to Samburu, they are our neighbours but they were ahead of us in terms of schools. So, the Pokot were forgotten and yet they are just Kenyans. The Pokot are very good people. I urge you to come and tour Pokot land. You can even come and live there for one week and enjoy our hospitality. I would like to say that when a child is left alone, he will look for ways to fend for himself. Those ways might be something that the community will not approve. For example, the street children in Nairobi use human faeces to force people to part with their property. I believe that the Pokot were deliberately marginalized and I, being one of them, do not think they are bad people. If you compare good people and dangerous people, it might make people resort to other ways of fending for themselves. The Pokot should receive justice like all other Kenyans and they will live peacefully like other Kenyans.

**Commissioner Slye:** Thank you. I want to say that on behalf of the Commission, if there is anything that we have said that one group like the Pokot are not good, I distance myself from such statements. I want to thank you again for coming here to testify.

**Commissioner Dinka:** Thank you, Reverend and the other witness for your testimonies. I have also learnt a lot from your statements and your memorandum. There is an emperor in my own country who died some hundreds of years ago who gave weapons to the Turkana and that was the beginning of the violence. I think those guns cannot be existing today. So, there must be some other reasons why the Turkana and the Pokot fight each other. In any case, that is the first information I have had about the issue.

It is a pity that the Turkana, Pokot, Marakwet and Ilchamus are marginalized people in my own view and, instead of working together through their Members of Parliament and between themselves and getting together to improve themselves, they are fighting among themselves. That is a pity. I want to ask you something, particularly, regarding your answer to Commissioner Slye's question where you described the Pokot as very nice and peaceful people. Then why is it that the Marakwet, the Ilchamus and the Turkana all seem to be saying the same thing about the Pokot; that they are war-like, raid them frequently, kill people and drive away cattle? Why is it that they are almost unanimous on that issue? Is there something else that we have not heard?

**Mr. Elisha Lenguin:** I think issues have been mixed up and exaggerated. For instance, the Turkana live near other communities, including those from neighbouring countries, but not even a single one lives in harmony with them. Even the Samburu fight Turkanas. If the Pokot were bad people, why is it that other communities who border with the Turkana fight them? If you go to the district headquarters and towns like Kolowa Nginyang and Churo, you will find that people who are heads of departments there are Tugen. There are very many Samburu and Ilchamus who work in Pokot and even people

do business there. That is why we are surprised that every community is complaining about the Pokot and yet they live and work in Pokot. Even those who work in Government offices come from across all the tribes. The only thing that we know is that whenever the Pokots are raided, they counterattack. But in Pokot, it is very peaceful and anyone can come and work there. Even during the post-election violence, the Pokot protected the Kikuyu who had been evicted from Marigat and Mogotio. They all came to Pokot and were rescued because the Pokot did not have anything against them. Pokot land is very peaceful and we are surprised because even yesterday we were being compared to Al Shabaab. So, we are wondering because if we were Al Shabaab, would the children have lived in Nginyang'? There is no community which works in Pokot that has been targeted for killing by the Pokot. They know that and they are even here and can bear witness. But we are really surprised. What I know is that the Pokot have given up sending their complaints and having them heard. So, they have not defined themselves clearly. If they were given a chance to define themselves clearly, then all those problems that occur between them and other communities will come out in the open. The Pokot face a lot of evil from the other communities. That is then all covered and the Pokot are blamed for everything.

**Commissioner Dinka:** My next question is to both of you. We have been told here that the Government, in its disarmament exercise, disarms other communities but does not disarm the Pokot. It actually arms them. How do you respond to that?

**Mr. Elisha Lenguin:** We have a Government in place and if we speak as the Pokot, the Government is supposed to listen. There is no disarmament exercise that has not affected the Pokot. That is because the other communities developed earlier than us. So, they have people in all the offices, including the army. When they plan to disarm people in this region, Pokot is the first target. All the people who sit in meetings and make decisions are from the developed communities and the Pokot are not represented. So, all the operations target the Pokot and by the time they reach other communities the enthusiasm would have died down. The Government does not discriminate against any community when it comes to the issue of disarmament. The only thing that I would look at as discrimination is that the other communities were given licensed weapons by the Government but the Pokot were not given any. So, it is a lie that the Pokot are not disarmed.

**Commissioner Dinka:** My next Question is for Rev. John. You are the Chairman of the East Pokot Pastors Peace Initiative Fellowship and from what you briefed us this morning, you are doing a very good job within your community. But that is one side of the story. The other side is that other communities have a problem with the Pokot community. Are there counterparts in other communities and do you have contacts with them or do you communicate with the other side in an effort to re-establish peace among the warring communities?

**Rev. John Nambiar:** That pastors' initiative for peace works together with the District Peace Committee and village elders. We co-operate with communities from the neighbourhood. We have had meetings with pastors from Tugen, Ilchamus, Turkana and Samburu. When there is a raid, we run to the church on the other side and dialogue. The

Government has also penetrated to places where it was not reaching before. That initiative has been welcomed by the community. They know that the church can represent their issues without discrimination. So, the church has been a good bridge between the citizens and the Government. The church can also be used to reach negotiated solutions to solve those problems. So, we are not alone. We work with other churches and Non-Governmental Organizations (NGOs) like Action Aid Kenya, World Vision and so on. We work with several organizations but the biggest push comes from the churches on the other side. We work together to pass the peace message to our people.

**Commissioner Dinka:** What about the traditional African social mechanisms that usually and historically have worked in reconciling communities. Do they also do the same thing? Do they co-operate or give support and give legitimacy to the churches and the NGOs or do they have another agenda?

**Rev. John Nambair:** As the church, we have tried to bring peace. We know most of those conflicts. We have looked at it spiritually and have noticed that influential people are the ones who incite conflicts in these communities, especially between the Samburu, Turkana and Pokot. There are traditional ways of doing things where there are some people who even use shoes to prophesy and others use the intestine of cattle to foresee. As a church, we ask ourselves: “What kind of force is used here?” How can a shoe have eyes to see enemies and so on?

How can you have eyes to see the enemies or the cattle? We have gone beyond this and have seen that the spiritual world can contribute positively. We know that there is no army that can fight against the spiritual army apart from church people. That is why we have involved all religious organisations and decided to use prayers and we have seen the results. Even some of these seers have now started ignoring their visions. Non-governmental organisations) have joined us. There are examples that can be used for peace. When peaceful people approach, they use certain green leaves. They can even use a white cloth. When they walked displaying these items, we would know that there was no war. Together with other organisations, we have used these items and they have brought down the level of conflict and suspicion.

**Commissioner Dinka:** Thank you very much. Let me ask you the very last question. We have heard that some of the communities like the Turkana have Kenya Police Reservists which are the same local people whose weapons have been declared illegal but the Government did not disarm them. They said: “Okay; you can keep it but you will serve as a police reservist.” From what we have been told, they usually do a good job at the very local level. They are not paid salaries or anything like that. They have other little things that they can get from the society. Here in Pokot, you do not have that system? Do you think it will be useful if such a reserve police force is established with people’s own weapons, but working with and giving support to the police? Do you think it would help calm down the conflict and if conflict is initiated, it can stop it quickly?

**Mr. Elisha Lenguin:** The truth is that there are some things which, had they been brought out in the open earlier, I would have clarified them. We said that, maybe, on the

Pokot side, petty theft would be dealt with by their own KPR, especially theft that involves between two and five people and which happens between the Tugen and the Ilchamus. If they had KPR, they would prevent them from coming in and stop petty theft. They would probably collaborate with security officers in the Pokot County.

However, when the Pokot asked the Government to give them KPR to help them track stolen animals, the communities neighbouring us, in one voice, told the Government not to give the Pokot any KPRs because they already had very many illegal guns amongst them. So, those communities stopped peaceful resolutions that would have helped the Pokot and those communities. The Pokot are surrounded by other communities within Baringo County and far from the borders. If three guns come in from, say, Ethiopia, the communities on the border of Kenya and Ethiopia would buy two of those guns. Only one gun would get to East Pokot. If the guns were to come in from Somalia, the communities between Somalia and East Pokot would buy all the guns. None of the guns would find its way to East Pokot. If somebody buys a gun, it is his gun. It does not help a Pokot man who does not have a gun. It does not help state security agents because he is only one man who is secretly holding the firearm. He cannot use it to guard a shop or other people's property. So, all that is said about the Pokot is meaningless and does not help anybody.

**Commissioner Dinka:** Thank you very much. I have no further questions for you but I would like to thank both of you for your very clear presentation on the Pokot community's position. We have truly learnt a lot from you. Thank you very much.

**The Presiding Chair (Commissioner Shava):** I join my fellow commissioner in thanking both of you for coming here today. As Elisha has just said, it is good for things to be known because then you can look for solutions. That is part of the philosophy of this Commission. Before you know the truth, you cannot bring about any sort of effective reconciliation. So, Rev. John Nambair, we really commend you for peace building and reconciliation efforts within your community and also for reaching out to the surrounding communities. We really thank you for coming here to speak to us today. It requires courage to do so. As you have noticed, people have not been particularly warm or complimentary in these hearings about the Pokot people but you have had the courage to come here and present your side of the story.

As Commissioner Dinka has said, you have told us many things, including in your memorandum, which we have managed to glance at – things that had not previously come to our attention. We have noted that there is a significant number of historical injustices which have been committed against the Pokot people. We want to assure you that we have taken note of those injustices. I just have a few questions.

You said, and you have written so in your statement as well, that since 1967, the Turkana had been attacking the Pokot with guns until 1979, when former President Moi made his first visit to the Pokot area and asked in mother tongue, "Who is the bull now?" What did that mean?

**Rev. John Nambair:** I do not know whether there was any kind of grudge but I believe he meant to say: “I am now on the seat. You will now know who I am.” History says that in the olden days, there was war between the Tugen and the Pokot. An example was the battle of Langala. Maybe, my colleague can help me on this one.

**Mr. Elisha Lenguin:** This came out very clearly yesterday when somebody said that in 1918, there was war between the Pokot and Tugen. This led to a grudge, which is still there even today. We, as the Pokot community, were not there at that time. We did not really follow the fact that there was war between the two communities but the matter comes up at every meeting.

Pokot history says that our neighbours the Tugen were people who when they saw a woman or a lone traveller would shoot them. There was really no reason for fighting but there was that targeting. We do not really know what might have happened, but we believe that is something which has led to a grudge between members of the two communities. That is why when the former President came to power, the Pokot tried to approach him to find a solution to the conflict with the Turkana who had guns at that time. The Turkana were attacking the Pokot constantly. So, the Pokot thought now their person had taken over power, there would be a lasting solution but instead he asked the Pokot: “Who is the bull now?” Which means that he was in control over everything but he could not do anything to anybody. That was what we understood it to mean. In fact, he was answered there and then, that we, as Pokot, did not have human bulls. It was only animals which had bulls.

**The Presiding Chair** (Commissioner Shava): In your community, you did not take this statement to mean that this was your own “bull” that was going to help you fight the Turkana? You took it that this “bull” was a Tugen and was going to fight the Pokot?

**Mr. Elisha Lenguin:** The Pokot had expected him to intervene and establish the cause of attacks and maybe disarm the Turkana, who had held firearms for very long. The Pokot did not have any firearms then. That was why the Pokot had to look for ways of acquiring firearms as well.

**The Presiding Chair** (Commissioner Shava): That was the way it was understood?

**Mr. Elisha Lenguin:** That was the way it was understood because soon after that, the former President said: “I will pull down this hill – the Tiatai Hoi. I will hit it.” Almost immediately after that, we started seeing fighter jets overflying the area. That development shocked the people. From that moment, the Pokot lost hope in the Government helping them. They felt that they did not have anyone to stand for them given the fact that fighter jets were flying over them.

Thereafter, the conflict between the Pokot and the Turkana escalated but the Government did not intervene because the guns were from Turkana land. In Pokot land, there were no firearms. So, we thought that Moi was actually helping the Turkana to attack us. So, the Pokot had to look for ways of defending themselves.



**The Presiding Chair** (Commissioner Shava): My second question is with regard to the issue of KPR. Different things have been said about the KPRs. Perhaps it is me who has not understood well, in which instance I will just ask you to, please, bear with me. It has been said today that KPRs were armed, but not Pokot KPRs. It has also been said that within East Pokot, there were KPRs. So, I am now a bit confused. Were there, and are there, Pokot KPRs who are armed? Are you saying that it is other communities within East Pokot who have armed KPR but not Pokot people? What is the actual position?

**Rev. John Nambair:** I do not think I have understood you clearly. Did anybody say that there are KPRs in East Pokot? In my presentation, I did not say so. I have not said there are any KPRs in Pokot land. I have never seen any KPR in Pokot land. I have seen them among the Samburu, Tugen, Marakwet and Turkana but there is no KPR among the Pokot.

**The Presiding Chair** (Commissioner Shava): Reverend, in your recommendations you also said to us that if KPR were first disarmed, then it would be easier to identify and mop up the rest of the illegal weapons existing in the community. Did you say that or did I misunderstand you?

**Rev. John Nambair:** Yes, I said so.

**The Presiding Chair** (Commissioner Shava): Are you saying that the KPR weapons are from communities outside the Pokot people, and not the Pokot people themselves?

**Rev. John Nambair:** The Pokot do not have KPR. So, I meant the KPR weapons amongst our neighbours were used illegally to attack the Pokot. Even at peace meetings, you find armed KPR from other communities. This instills fear in the Pokot people. So, in many meetings, I have told Government authorities that even KPR guns should not come at peace meetings, and that people should not have even spears at such meetings. We have done this about three times and the meetings have been successful. The KPR is used as a way of disguising the truth and disguising illegal weapons as well.

It is true that the Pokot have illegal firearms but it is equally true that other communities also have illegal firearms. However, other communities use the legal firearms owned by the KPR amongst them to disguise the illegal weapons.

**The Presiding Chair** (Commissioner Shava): Thank you for that clarification. I would now like to understand the particular situation, which is to do with what are the illegal guns being held in Pokot land. You said that it is just five to eight people who have got guns and Elisha said that it may be two to five people. Bearing in mind the objectives of this Commission – which is to arrive at the truth in order to facilitate reconciliation – I need some clarification on how it is, since you spend a lot of your time trying to repair relations between you and your neighbors who accuse the Pokot people of attacking them using firearms; if it is between two and eight people who have firearms, how can they

cause destruction to a level where all the surrounding communities raise these complaints?

Are we talking about two to eight guns? Are we talking about two to eight individuals who control, basically, militias with a lot of guns? What is the true picture? I am unable to see how, if it is two people or five people or eight people, all the people that we have been discussing can have similar complaints and saying that they are impoverished to a level where their children are unable to attend school. These are, really, the same kind of complaints as you have for the Pokot people – that conflict is disrupting development and progress of the community. So, can you, please, help me to understand how these two to five or to eight people who hold guns can cause destruction of this magnitude in the neighbourhood?

**Rev. John Nambair:** To be honest, amongst the pastoralist or migratory communities in this region, namely, the Samburu, Pokot and Turkana and even recently among the Turgen, Ilchamus and Marakwet, there are many illegal firearms. We are not talking about two or five people owning guns. There are very many illegal firearms amongst these people. The problem has reduced through intervention by elders and church leaders, who have called upon the people to live together. Our objective, as East Pokot pastors, is to ensure that the firearms have no use. The Government has failed to have them all surrendered.

So, as the church, we feel that we needed to talk to these people so that even if they keep the firearms, they do not use them, so that people can work with their hands and there can be genuine love amongst them. We want to know that they do not use the weapons to attack others and that all human lives are important, and that they do not need firearms when they graze their animals. I know that there are very many guns and not just two or three guns.

**The Presiding Chair** (Commissioner Shava): Thank you very much, Reverend, for that very honest answer.

My next question is to do with issues of development. Peace and development are very much linked. One of your recommendations revolves around development issues – schools, roads, water and irrigation. How are you working with your MPs and the Government and the local authorities to try and bring about these kinds of issues to government attention and what are the challenges you have encountered?

**Rev. John Nambair:** My MP has been very useful in East Pokot in terms of development. Very many schools have been established using CDF money, especially after the current MP took over. Even roads have been constructed. The money has been used to open up roads, places that were previously inaccessible. Roads go deep into all parts of Turkana. The money has also helped to ensure that those pupils who pass the KCPE Examinations go to secondary school and those that pass the secondary examination and join university are also helped. So, this money has really helped children

to access education. There are many schools and my MP goes round. I have accompanied him to several public rallies to ensure that schools, including nursery ones, are started.

My MP has used the CDF money to establish several nursery schools in East Pokot. Over the last seven years, very many schools have been developed. There are more than 100 primary schools now. There were very few schools previously. There are four secondary schools currently but two more are now being built and will be opened next year. There will be six secondary schools in the whole constituency since Independence. That is as a result of prudent use of the CDF money through the leadership of the current MP through whom we have seen a lot of development.

**The Presiding Chair** (Commissioner Shava): Thank you very much, Rev. Nambair. Sometime in this work, we just hear bad stories. So, it is very good to hear good stories and to hear that more children in your area have been afforded an opportunity to go to school. I have two more questions.

In your statement, you told us that there is a boundary dispute between the Pokot and Turkana people at around Kapedo. In the light of your earlier statement, where you said that there are all kinds of different communities living within East Pokot, and, in your view, it is important to welcome different communities and to share resources as this is what is going to bring about development as people cannot live in isolation. So, in your mind, what is the significance of that boundary dispute because you say that it is about ownership and people want to (?) minister the district? Is there a different way of resolving that issue?

**Rev. John Nambair:** On the issue of boundaries, I do not have all the information but as I have told you, I tried to intervene, especially in Lorukandamaya; that was between the Pokot and the Samburu and the Pokot and the Turgen and in the Kapedo area, which is between the Pokot and the Turkana. This area has been in conflict and the citizens themselves approach one another. What I ask in every meeting all the time is: "Who is saying the truth? Is it this chief or this assistant chief or that DO who should be in charge of this area up to this particular area?" This should be clearly demarcated by all those involved instead of the citizens just determining for themselves that this used to be our area and that used to be our area. They may end up fighting among themselves when those in charge of the administrative boundaries do not come to the area and explain to the people where the truth is.

With regard to administrative boundaries, this has been a problem to all communities. There are maps which were drawn many years back and we do not know the truth. People are fixing their boundaries in order to push away other people or encroach onto other people's areas. Before the white men came in, there were tribal boundaries. The elders knew that this family's land goes up to that river and from here is where they go back to their homes. Most of these communities had their own boundaries.

When the white men came in, he created new boundaries, maybe by discriminating against some communities and favouring other communities that seemed to collaborate

with them in punishing the communities that resisted. The elders were not involved in demarcating these boundaries. The white people also brought some other communities to live with the indigenous communities. They mixed up the local people. Therefore, these people decided to demarcate overlapping boundaries. It is because of these overlaps that we currently have conflicts.

They were not sure who to ask. They did not know whether it was the PC or the DC or the DO. When they explained, nothing would be done. So the communities have been fighting amongst themselves because of overlapping administrative boundaries. That is the cause of the conflict. Even as we speak, we cannot talk of any boundary issues that we can solve without the intervention of the new Commission that is said to be coming to look into administrative boundaries. That is probably the only hope we have. There is no other solution to the conflict on administrative boundaries.

**The Presiding Chair** (Commissioner Shava): We are happy that we now have a new Constitution and, as we said, there is going to be a new Commission which we hope will be in place in the next one week or so which is going to determine these boundary issues. But even as we look at the issue of boundaries, we are happy that we have moved beyond the colonial period when we were divided by other people along ethnicity lines. This is now a new Kenya where those boundaries are going to define just the people who happen to be within an area. Possibly, if you want to develop federal places such as the United States of America or Germany, we are going to take the stance that development also embraces diversity.

My last question, Rev. Nambair, is with regard to the statement you have made to the effect that one of the problems is illiteracy. You have explained how this problem is being addressed through the building schools and that women are most affected, and there are early marriages of people at even ten years old. First of all, under various laws of Kenya, including the Children's Act and the Sexual Offences Act, marriage of a 10-year-old girl is clearly illegal and attracts some sanctions under the law. That aside, what are the efforts that have been made to promote the education of Pokot women and girls?

**Rev. John Nambair:** The church has been in the forefront in trying to ensure that the girl-child is educated. This is because the people who understand development are mostly women. Those who get saved and come to our churches are mostly women. If you go to any church, you will find that women are the majority. The more they stay in the churches, the more they are followed by their girl-child. The girls who have gone to school in East Pokot District since those schools were established have done so through the church because their parents are Christians. Most of the children who have gone to school are the ones who followed their mothers into the church. So, we believe that education of the Pokot girl child is still lagging behind compared to that of the boy child. That is because the Pokot look at the girl like property. They know that when girls reach marriage age, they will give them out in exchange for cattle. So, they believe that the boy should go to school and the girl should stay at home.

Together with the Government and our political offices, this is the war we as the church are fighting to ensure that there is equality in accessing education by all children. This is something which is in progress. Wherever you go, you will find that there is a strong push for the education of the girl child. It is only in areas where access to education still does not favour the girl child but in most places with schools, the girl child has gone to school. We are fighting this war. We are aware of the situation. We are still working on it.

**The Presiding Chair** (Commissioner Shava): Thank you. I have come to the end of my questions. I thank you very much, Rev. Nambair and Elisha. We have taken very long with you, as the Presiding Chair said yesterday. We are sorry that we could not hear you yesterday. We thank you for your patience and for coming again today. We wanted to give you adequate opportunity to not only respond to what others have said but to also give us your perspective because this is not a court. You are not accused persons. We are here to listen to all Kenyans so that we can write a balanced report.

I do not know if the commissioners have any more questions.

**Commissioner Farah:** Yes, there is one more question about the Pokot people. If all the Pokot are put in one county, which would involve changing the administrative boundaries so that the Pokot living in East Pokot fall under North Baringo, would that help in your community development and peaceful co-existence with the other communities?

**Mr. Elisha Lenguin:** Yes, if the issue of the administrative boundaries is resolved and the county governments take effect that will change everything. Once we have development, we will not have conflicts over the administrative boundaries. The guns that the Pokot may have acquired are not meant for targeting other communities. They are actually meant to protect themselves and their property as well as their country as they have been pushed by the Turkana. They have areas with very few people. So, the guns they bought were not for the purpose of targeting certain communities. If there is development within Pokot land and the administrative boundary issue is resolved, there will be peace.

Any Pokot who has gone to school up to Form Four will not join the raiding parties. They will look for employment. Even the few criminals that are known are all illiterate people. There is nobody who has gone to school whose name is amongst the names of the known criminals. So, if we have development and the boundary issue is resolved, there will be no more conflict. Pokot people believe in the truth. Whenever there is any exaggeration or lies, the Pokot do not agree with it. So, we know that there will be peace.

**Commissioner Farah:** Thank you very much for that clarification.

**The Presiding Chair** (Commissioner Shava): Once again, we thank you for painting a picture of the Pokot people as peace-makers and as people who extend a hand of friendship to their neighbours and initiate development within their own community. Thank you very much. That is all we had for you today.

Leader of Evidence, please, stand down the witness and lead in the next witness. In the interest of time, we still have how many witnesses for today?

**Mr. Patrick Njue:** Presiding Chair, we still have about six more witnesses.

**The Presiding Chair** (Commissioner Shava): Okay, lead the witnesses in a concise manner that will give us information to help us make progress within the time that we have.

**Mr. Patrick Njue:** I am much guided, Presiding Chair.

*(Councillor Peter Kagathi Kimani took the oath)*

**Mr. Patrick Njue:** Good morning, sir.

**Councillor Peter Kagathi Kimani:** Good morning.

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

**Councillor Peter Kagathi Kimani:** I am Councillor Peter Kagathi Kimani. I come from Eldama Ravine, Maji Mazuri Location.

**Mr. Patrick Njue:** Mr. Kimani, you are here to make a presentation on behalf of the IDPs living in Koibatek. Please confirm that that is the case.

**Councillor Peter Kagathi Kimani:** That is correct but it is just one of the issues I want to present.

**Mr. Patrick Njue:** You have recorded a statement with us. I will be asking you questions which you will respond to before the commissioners can do the same. When you talk of IDPs in Koibatek, first of all, who are the people living in Koibatek?

**Councillor Peter Kagathi Kimani:** The communities that live in Koibatek are the Kalenjin and some Kikuyu, among other communities.

**Mr. Patrick Njue:** So, you would say that the major tribes there are the Kalenjin and the Kikuyu?

**Councillor Peter Kagathi Kimani:** Not exactly the Kalenjin and Kikuyu. The majority are Kalenjin with a few Kikuyu.

**Mr. Patrick Njue:** How has the staying together been among these tribes over the years?

**Councillor Peter Kagathi Kimani:** We have lived in peace without problems except after the election of the year 2007/2008. We have had no problems previously though there were some economic and residential issues with regard to how we lived.

The Maji Mazuri Location has two sub-locations. One sub-location is called Maji Mazuri and the other is Makutano. Most people who live in Maji Mazuri Sub-Location are squatters. They have not had permanent residential places since the 1920s.

**Mr. Patrick Njue:** How was the post-election violence that locked the country felt in Koibatek?

**Councillor Peter Kagathi Kimani:** Just after voting, when the presidential results were announced, at about 10.00 p.m. on 29<sup>th</sup> December, 2007, the first house was burnt down in Makutano Sub-Location at a village called Blue Gum.

**Mr. Patrick Njue:** That house belonged to what person?

**Councillor Peter Kagathi Kimani:** I do not understand what you are asking.

**Mr. Patrick Njue:** Of those tribes that lived there, which tribe did the owner of the house come from?

**Councillor Peter Kagathi Kimani:** The house belonged to a Kikuyu.

**Mr. Patrick Njue:** Subsequently, what happened?

**Councillor Peter Kagathi Kimani:** After that, on 30<sup>th</sup> December, 2007, there was open conflict up to the middle of January, 2008, when hundreds of houses were burnt down and more than 20 people killed.

**Mr. Patrick Njue:** As one of the displaced people, do you have statistics of who these individuals were in terms of numbers and, perhaps, how many lives were lost?

**Councillor Peter Kagathi Kimani:** We lost more than 20 people and many people ran away to take refuge outside the district and others went to Internally Displaced People (IDP) camps within the police stations. One was at Makutano which was then a police post. It has since been elevated into a police station. There are others who went to Eldama Ravine District Headquarters Police Station.

**Mr. Patrick Njue:** And these are the people you are representing today?

**Councillor Peter Kagathi Kimani:** I gave the information to the two chairmen who were in charge of the two IDP camps. But I do not think they were asked to come here but they were interviewed in Eldama Ravine. It was said that only one of the chairmen will come to represent the two IDP camps; the ones in Makutano and those in Eldama Ravine and he met your officials.

**Mr. Patrick Njue:** But, nonetheless, you are still well versed with the issues that affect these IDPs?

**Councillor Peter Kagathi Kimani:** Yes, because I am their leader.

**Mr. Patrick Njue:** What are some of these issues?

**Councillor Peter Kagathi Kimani:** Even as we speak today, they have never gone back to their land. Most of the farms that were burnt down in my area have also not been attended to by the Government. If you look at the areas between Burnt Forest; coming back up to Timboroa and Kamara, which is within Kuresoi Constituency, you will find that those people have had houses built for them. But in my area, not even a single house has been built. Some still live in the shopping centres such as Makutano and Maji Mazuri, but their farms are there.

**Mr. Patrick Njue:** So, the only problem that they are facing right now is places to settle in now that they have not returned to where they lived previously?

**Councillor Peter Kagathi Kimani:** That is true because if someone has not returned to his farm, it means he has not received any justified compensation because he does not live like he should.

**Mr. Patrick Njue:** What about matters to do with food, children attending schools, access to health facilities? Are they able to access all of these facilities?

**Councillor Peter Kagathi Kimani:** Presiding Chair, after those people ran away from their homes or got evicted from their homes; those who went very far away had to sell their property. It is a problem for them to return to their farms because they have possibly been integrated elsewhere outside the Rift Valley, and they have not come back to their farms. Therefore, there has been an interruption in their lives. They cannot access medical services and for most of their children dropped out of school.

**Mr. Patrick Njue:** For those who are living in camps, as a leader, have you, perhaps, tried to seek assistance from the Government on their behalf? If so, is there any that has been forthcoming? If it has, how has that alleviated their lives?

**Councillor Peter Kagathi Kimani:** Presiding Chair, at the moment, I do not have any IDPs in the camps. When the camps were dissolved, all the IDPs went to the centres as I had explained earlier. It means, therefore, that there is not a single IDP camp in my area. The displaced people have been integrated and they live with their relatives or others have rented houses at the centres.

**Mr. Patrick Njue:** Finally, I want you to address this Commission in terms of recommendations on behalf of the people. What would you want this Commission to do for these people?



**Councillor Peter Kagathi Kimani:** I do not know whether you are centering only on the IDPs or if you want me to talk generally about the people living in this area. I am saying so because there are problems which are not limited to just the IDPs, but there are other problems that I could highlight generally about their lives.

**Mr. Patrick Njue:** Please, proceed and highlight those other issues and give the recommendations.

**Councillor Peter Kagathi Kimani:** Okay. I would like to say that, most of these people in Maji Mazuri Sub-Location do not have proper residential places to live in. Most of them live temporarily in the area. I have tried to follow up this matter; to assist them get back their plots because we have development plans which have been endorsed by the Government.

The main problem is that if we look at the population against the available land, these people will need to be settled two families in a plot of 50 by 100 feet, which I believe will not be justice because this will not be able to sustain their livelihood.

I would also like to say that even before multi-partyism, we had many problems because people of Maji Mazuri are many in the centre because of the villages. There were villages like Sabatia, Russia, Jemsusu, Makutano and another one called Kiptuget from where, after the declaration of the KANU Government that people should leave these villages in the forest, all the people moved to Maji Mazuri Centre. Now there is not even a path for people to pass as houses have been built on road reserves. These are the people we called IDPs because they used to work for the Government. When they were thrown out of the forest, they all came and put up shacks in this area. Even if they were to be resettled on the land that is available there, we have more than 2,500 people who will be left without land on which to build their houses. That is the problem.

Also, after the declaration that these people should be evicted from the forest, a lot of politics came into play on this matter such that the only economic activity where we could have a livelihood or any form of economic sustenance had been from the timber industry.

After the scrapping of the Section 2A of the Constitution and coming up of multi-partism, my area had been supporting the Opposition. That means it was against the KANU Government. We voted for Matiba and Kibaki. We were warned so many times and told that after that we would have many problems. That is true because even now we still face those problems. We are having those problems because the timber industry was made to collapse up to now. It was said that we were destroying forests. But the most surprising thing is that after our saw mills were closed down, some which were adjacent to Maji Mazuri just in the neighbourhood were opened and they continued to harvest the trees which we were told we were destroying. That was proof in itself that they were closed on political reasons because they thought that if we had no means of sustenance, we would be forced to move out of the area because we are not the indigenous residents of the area.

The other problem is that there was no one who did not understand that during the KANU regime, at one point, there was a group that was called FERA or FEM (February 18<sup>th</sup> Movement), which was believed to have been led by somebody who wanted to topple Moi's Government. It was believed that this person lived in Uganda as a fugitive. It happened that at some point there was a demonstration which was arranged all over Baringo and it started from every centre. For those of us who lived in Maji Mazuri, which is below Makutano, most of the wealthy people in that area donated their vehicles and the majority was in the timber industry. They were instructed to give their lorries to ferry the citizens from Maji Mazuri to Makutano Centre and I was one of them. When we went to Makutano Centre, we met other people from the neighbouring communities from Kamara, Mumberes and Londiani. We came out of the lorries and we managed to mix with others and we became one group. After that the convoy came back to Eldama Ravine and we went round three times denouncing Odongo, who was the leader of FERA or FEM, and his effigy was doused in petrol and burnt.

What surprised us is that there was no problem at all. After that, we went back to our houses at Maji Mazuri. On the third day, we were surprised to hear that since we had not joined the demonstration it meant that we were supporters of Odongo and within no time, our saw mills for the second time were forced to close down. The saw mills are closed down until now as we speak. But after the saw mills were closed down, it did not mean that was the end of felling down of trees. Our raw materials that our fathers had been involved in planting - my father was a forest guard who had been guarding the trees - those trees were not of any use to us. It was only the big companies like Rai Ply that complied.

Coming to felling of the trees, all we do is to just watch as the logs are ferried by their trucks, a thing which is irritating to us. I would to say that some of the issues involve the closing down of the saw mills at some point in 1991. There was an issue that happened at Maji Mazuri Chief's Centre. Very early in the morning, they found a fake flag on the flag pole. This brought a big problem to us and we continue to face problems which emanated from that day. By 1.00 a.m. you could not stay at Maji Mazuri because the General Service Unit (GSU) officers, Regular Police and the Administration Police officers filled the village and youth and the old people were beaten up the whole night on the pretext that we had decided that Maji Mazuri was a different county from the rest of the country.

One elder by the name Johana Mwaura was beaten. It was said that he was the one who hoisted that fake flag and it was said that he made and hoisted it to declare that Maji Mazuri had ceded as a Kikuyu country. He was beaten to the point of death and was left besides the road for death. He managed to live for another ten years completely paralyzed until he died.

There was a tailor by the name---

**Mr. Patrick Njue:** Sorry to cut you short, Mr. Kagathi. You were giving us a highlight of the issues that are affecting the people of Maji Mazuri. I would like to ask that you limit yourself to the issues that are affecting them and your recommendations on what you think this Commission can do for these people.

**Councillor Peter Kagathi Kimani:** Mr. Njue, though I have taken a long time, I do not think I have deviated from the issues because you were asking me about the issues that are affecting us in our current life. All these issues contributed to the problems we are facing currently. I would like the Government, through this Commission, to help these people live like other Kenyans. I would like to ask for another two to three minutes and I will be done.

**The Presiding Chair** (Commissioner Shava): Leader of Evidence, allow the witness to proceed. I can see the witness has some papers whereas we have a small statement. So, I do not know whether we are going to get the papers that the witness is reading from because then those will form part of our record. We will be informed by those papers when we will be making our recommendations. So, perhaps, the witness is drawing a very clear picture of discrimination, which clearly the witness is building on. I think that is what he is trying to bring out. So, perhaps, he can pinpoint just a few incidences to bring out what the keys issues are and then move to the recommendations.

**Councillor Peter Kagathi Kimani:** Thank very much, Presiding Chair. What I have here is a skeleton portion of our memorandum which the Kikuyu Council of Elders is working on, though it was not complete. I did not know in advance that I would be addressing this Commission today. I only got to know about this on Sunday. Had I been told earlier, I would have finished it. This is just a framework which I do not think I can present to you. Later on, I would like to present it to you wherever it will be. What I am talking about is just the highlights on the few points you have asked and, within five minutes, I will be done.

**The Presiding Chair** (Commissioner Shava): Please, proceed.

**Councillor Peter Kagathi Kimani:** I was just talking about the problems that they had. I had said that that flag or that piece of cloth which was hoisted as a flag was made by a tailor, Mr. Odinda, who ran away that night to Uganda because he knew what happened to the elder Johana Mwaura. After the NARC Government took over power, Mr. Odinda returned and he is now in the country. So, his family never came back to Maji Mazuri during the ten years showing that they were not together.

There were two or three people who had a problem for over one year. They would come to Eldoret to report every month because that was thought to be the headquarters of Baringo County at that time.

I would like to mention something else as an injustice to the community. There is a lady there whose house was demolished in 1992 because she was brewing and selling alcohol. Her house was demolished and for all these years; almost 17 years, all the property that was taken from her house has been locked up at Maji Mazuri Chief's Office. It is there until now. Since then the lady sort of looked a bit confused until today. She is mentally deranged. She had a son at Poror Secondary School in Form Three who was forced to

drop out of school. After so many years, her son, the youth then, was a father of three but he committed suicide due to stress.

I would now to go straight to the resolutions or recommendations for Maji Mazuri people and I would like to read from this document, it says:

“The people of Maji Mazuri should be permanently settled because where they live that is the place they know. They do not know any other area. They have been denied the right to rightfully and legally own land. That is another injustice. If the plots are given to them, it means they will end up with two families staying in a plot of 50 by 100 feet and therefore, their livelihood would not have been looked into because they are farmers.”

I would like to inform this Commission that the land in Maji Mazuri is our property and we have a right to own it. Many senior people with authority have come in and have been granted ownership documents from the old Baringo County Council and from the Commissioner of Lands at Ardhi House, Nairobi. We would like this Commission to declare these documents illegal because the law allows anybody to live wherever he/she likes and because we and our families have lived there for more than 70 years, that is proof enough that it is rightfully our land. The people of Maji Mazuri would like to urge the Government through this Commission to declare the documents illegal.

The Ndung’u Report recommended that the area is under Koibatek County Council and the people who live in that area are the rightful owners. The last comment was that it should retain the status quo.

We would like the lady whose house was demolished 20 years ago to be compensated because even after going to court, it was said that the demolition orders came from the District Commissioner’s office. The woman is very poor. She has not had justice from the courts for many years. At the Maji Mazuri area, during the colonial days, the Makutano Sub-Location had a detention camp which had been changed into a school. We would like this detention camp to be recognized by the Government and a monument in commemoration be erected there because the trenches have already been dug there. Some of our grandfathers who were detained there are still alive. We would also wish that the documents for ownership be released. This should enable permanent ownership and settlement of Maji Mazuri people.

Lastly, people of Maji Mazuri Location in Baringo County are very few and they are the Kikuyu. We would like to have them treated as minorities as it is in the new Constitution of Kenya. We are saying this because whenever minorities are mentioned, we do not hear the Kikuyu being mentioned. We just hear about the Njemps community, Endoros and others. There is nowhere where the Kikuyu are mentioned.

According to the new Constitution, if we are joined in the representative wards the way we are, the Kikuyu can only get one seat which is the current one I represent as a councillor. There is a possibility of this seat not being there after the wards are merged. We might be left hanging as a community. Therefore, we will not have a representative anywhere. So, we would like, through this Commission that the Kikuyu community who

are living in Koibatek in the large Baringo County to be treated as minorities and as the Constitution says. We should have our rights protected by the Constitution. Thank you.

**Mr. Patrick Njue:** Thank you so much, Mr. Kagathi, for that presentation. Are you a first term councillor?

**Councillor Peter Kagathi Kimani:** This is my first term.

**Mr. Patrick Njue:** You have also referred to documents here that you say are part of your incomplete memorandum. It would be my suggestion that since you still have some additions to make as you prepare the final draft; you could retain this. Perhaps, it would assist you in typing a complete document which you can always submit to us once it is ready. I do not know what your suggestion would be.

**Councillor Peter Kagathi Kimani:** As I requested, Presiding Chair, this is just a framework of what our memorandum would look like. It might look complete but, to be sincere, it is dirty. So, we would like to go and rewrite it out neatly and maybe we should be told whether I should e-mail or present it.

**Mr. Patrick Njue:** I will give you that information as soon as our commissioners are free after asking you questions. Otherwise, thank you for your presentation. It is my hope that with the recommendations that you have given, indeed “Maji Mazuri” will also transform into “*maisha mazuri*” for your people.  
Thank you.

**Councillor Peter Kagathi Kimani:** Asante.

**Mr. Patrick Njue:** Presiding Chair, please, proceed.

**The Presiding Chair** (Commissioner Shava): Thank you, Leader of Evidence. Commissioners may now ask questions starting with Commissioners Dinka, Slye and Farah.

It seems Commissioners Dinka and Slye do not have questions to ask the witness. The floor is yours, Commissioner Farah.

**Commissioner Farah:** Mr. Kagathi Kimani, what is the population of the people who are living there?

**Councillor Peter Kagathi Kimani:** In the camp or in the location?

**Commissioner Farah:** I am talking about the camp; but you can give us both.

**Councillor Peter Kagathi Kimani:** From the census record that we have Maji Mazuri has 10,000 residents at the moment. Before post-election violence, there were more than 13,000 inhabitants.

**Commissioner Farah:** How about those who are living in the camp?

**Councillor Peter Kagathi Kimani:** As I clarified earlier on, at the moment, there is no IDP camp. The camps were all dissolved by the Government through the District Commissioners. So, all the people were moved to the centers in town. They have not gone back to their farms.

**Commissioner Farah:** When do you hope to go back to the farms?

**Councillor Peter Kagathi Kimani:** These people have no ability to build their own houses because of the problems they encountered. I can honestly say that the security situation has improved but they have to be assisted to reconstruct their homes. So, if at all they can get any assistance, they will go back to their normal life.

**Commissioner Farah:** Thank you very much. Now the picture is clearer.

**The Presiding Chair** (Commissioner Shava): Mr. Peter Kagathi Kimani, thank you for coming here today. You have come quite a long way in order to present the position of the people whom you represent. I think you have given us a very able picture.

Please, be reassured that in our travels, we have met not only residents of IDP camps but also people who are integrated IDPs in different parts of the country. We have spoken to them and we understand the issues you have raised.

Please, be assured also that our regional and deputy regional coordinator - if they are in the room - are actually here to help you make a complete memorandum in the way you indicated you would wish to and at which point in time. The Commission will admit your memorandum to be the permanent record.

So, we thank you for taking the time and trouble to come and make that presentation on behalf of your people.

Thank you very much.

Leader of Evidence, please stand down the witness and introduced the next witness.

*(Mr. Kagathi Kimani was stood down)*

*(Hon. Asman Abogotum Kamama took the oath)*

**Mr. Patrick Njue:** Good afternoon, Sir?

**The Assistant Minister for Higher Education, Science and Technology** (Hon. Asman Abogotum Kamama): Good afternoon.

**Mr. Patrick Njue:** For the record, please introduce yourself. Tell us where you come from and what you do for a living.

**The Assistant Minister for Higher Education, Science and Technology (Hon. Asman Abogotum Kamama):** Well, Presiding Chair, Commissioners and the participants present, my names are--- I think I have mentioned my names. I am an honorable Member of Parliament for Baringo East and also the Assistant Minister for Higher Education, Science and Technology.

**Mr. Patrick Njue:** Welcome, *Mheshimiwa* to this Commission's sittings. I know you had prepared some presentation to make. I do not know whether you would want to delve straight into it or first start from a point at which you wanted to offer some clarification?

**The Assistant Minister for Higher Education, Science and Technology (Hon. Asman Abogotum Kamama):** First of all, Commissioners, I actually travelled from Mombasa to attend this very important forum for the people of Baringo East and neighbours. Also, I wish to point out that I have a detailed memorandum which I could not access because I came all the way from Mombasa and woke up at 5.00 a.m. today. So, I will make sure that it is availed this week in Nairobi because I know your offices.

First of all, I just want to make a few clarifications. I will speak as a peacemaker and not as a complainant because the issues in this county surrounding insecurity and the issues of reconciliation are many. In my earlier life, I used to be in charge of security. I have been a District Officer in North Eastern Province. I have been an acting District Commissioner as a DO1. Also, when I was on my tour of duty in Garissa in 1993, while taking salaries to my officers, I was shot at by bandits. I had a bullet lodged in my leg and, of course, we managed to go through the situation. But even after being injured, I insisted that I should go back to the same station to carry on with the peace mission.

Immediately after the elections in 2007, I and my friend, Hon. (Dr.) Chris Machage, were appointed Cabinet Ministers, but in pursuit of peace the two of us were dropped, not because we were not qualified to perform our functions, but for me, at least, I felt that I come from a minority group. So, I became a sacrificial lamb. But we have forgiven everybody. So, I am one of the victims of marginalization.

So, I just wanted to really give you the picture of the situation in Pokot and its neighbours. I speak from a point of knowledge and not from a point of ignorance. I hope that because we have a lot of confidence in this Commission and as parliamentarians, I am one of those who will make sure that the recommendations of this Commission are actually implemented to the letter. So, generally, I just want to say that, as Pokot, we have no issues with the Tugen people. We had issues in 1912 and 1918 but of late, I do not think we have had major issues with the Tugen except for intermittent raids by one or two criminals. We do not sanction this as a community. This is merely a police matter where you have one or two criminals. The police should deal with this matter firmly and quickly. So, I just want to say that the problem between us and the Tugen--- I think the police have been lax on this one. Otherwise, these are normal crimes. Where you blame

communities is in situations where the Pokot form groups of 200 people who organize themselves to go and raid the Turkana or the Samburu, these are communal issues. So, we have no issue with the Tugen.

We had an issue with the Marakwet in 1992. Normally, as one of the commissioners asked, who is this person? How do you describe a Pokot? The Pokot are generally peaceful and very resilient people but they have this habit – if they are attacked, they revenge ten times. They make sure you get the maximum pain – but they will not start it themselves. So, between us and the Marakwet, there was a young man who was actually drinking alcohol and was killed by the Marakwet. So, the whole thing spiraled into a real conflict where lives were lost. But I am happy that when I came in with Hon. Jebii Kilimo in 2003, we managed to hold over 21 *baraza* and we solved this problem within six months. Within six months, we had nil reports of crime up to today. If you get to hear of cases today from the Pokot, they are issues that are confined to land matters; but this is not common in Baringo East. In Baringo East, it is nil.

Between us and the Turkana, an issue started in 1912 when Menelik II gave guns to the Turkana under the command of somebody called Katodi. So, we were attacked all the way to Loruk boundary with the Tugen, but the colonial Government dealt with the situation properly. So, such issues actually went down completely up to 1967/1968 when the Pokot were attacked. So, they revenged and then it became a cycle up to now.

Between us and the Samburu, we never had a problem. We had a covenant that was crafted, I think, around 1915 between us and the Samburu. In that covenant, we vowed not to spill blood among ourselves. But in 2003, because of proliferation of firearms, two boys were attacked in a market place called Pura; they were castrated. So, the Pokot revenged and it became an issue up to date. We are trying and right now the situation has gone down to about, I think, even 10 per cent. You can stay for three or four months without these issues.

With the Njemps, who are now in the same county with us, there was a problem of mistaken identity at a home in 2005 and there was an attack. Then, somebody shouted that “the Pokots have attacked us” and the Njemps started attacking the Pokot. So, of course, it became a cycle until the Pokot took some animals – I think not more than 40 – and the Government came in and took 5,000 head of cattle from the Pokot. Now, that became the bone of contention with people trying to get back their animals because their cows were taken and they had become poor. So, revenge continued, but the situation is not that bad at the moment because we are involved as leaders in calming the situation. I know that lives were lost in both scenarios.

So, I just want to go to the recommendations because I do not want to take more time. The Pokot are very cosmopolitan. If you go to Kapenguria--- We are connected in terms of culture but, administratively, we are in Baringo County. There are 3,000 Turkana families in Kapenguria. In Kacheliba, there are about 200 Turkana families. In my place, a place called Lonyekia, there are about 300 Turkana families and a few of them work in Chemolingot, that is, our district headquarters. There is no single settlement of the Pokos



in Turkana. If you settle there today, you will be killed but we have the Turkana amongst us. So, the million-dollar question now is: Who really is bad? I do not mean to paint anybody--- The Pokot are extremely peaceful people. If you want to prove it, just go with two Pokot to Lokori and you will see the kind of hostility you will get. I want to disabuse you of the notion that the Pokot are not accommodative of people.

In terms of this issue of saying that the Pokot are expansionists, – if I may inform you, our dear commissioners, the Pokot land is the one that is being taken by our brothers and sisters from the Turkana right from Turkwel, which belongs to the Pokot. I remember when I was looking for school fees somewhere in Turkwel in the 1980s, I never saw a single Turkana. But when the Turkwel Gorge project was under construction, the people from Turkana provided labour. When it was commissioned, they refused to go. So, they stayed there and started claiming the land. One cultural practice among the Turkana is that they like staying in villages. Even now, when you go down to Marigat, we have about, I think, 10,000 Turkana living in Baringo and Mogotio. We have no issues with them. But right now as we are talking – and this is an issue you must really focus on – in Baragoi in Samburu, the Turkana have invaded the land of Samburu. They want to have a Member of Parliament. The problem we have in Isiolo right now is that the Turkana are killing the Borana. They have invaded Isiolo. They want to have a Member of Parliament there. That is food for thought. If you do not take it seriously, you will see it before the next elections.

This is to show that our brothers from the Turkana region should be advised to desist from expanding. They should concentrate in their area. Their behavior is a potential cause of problems this coming elections.

Then, I also want to put in proper context what our former President meant by the “bull.” I think that was not put in very bad light. This is a Tugen word meaning you are just the boss. I think our former President wanted to confirm to us that there is change. ‘Now, we have a new President and I am the boss; you should listen to me.’ That is the context. Even in normal jokes when you talk about “kirgit,” you know you are just praising yourself that you are a bull; you are a man. So, the former President did not put it in bad context.

Now, I just wanted to say that we need to focus on how the Government or international bodies can compensate both communities. If the Turkana are claiming that animals were taken by the Pokot, let us look for ways of compensating them because we do not want to say the Pokot should return the animals. This is a long story. The same thing applies to our brothers and sisters; the Njemps, Tugen and Samburu.

For us, the Pokot, we have a lot of claims. Since 1967, we have lost over 30,000 head of cattle or livestock. If you look at the current market price, the average price of a cow is about Ksh10, 000. So, we are claiming a market price which is close to--- For those who do Mathematics, it will come to Ksh30 billion. We also request to be compensated for the 5,000 cows that were taken from us and given to the Njemps. At the market price of

Kshs10, 000, that comes to Kshs0.5 billion. They have their own claims, but this is what we feel was taken from us.

On the side of the Samburu, we lost close to 3 million livestock, goats, sheep and cows, whose is Ksh15 billion. So, in total, if we can be compensated--- We do not want to say the Samburu should pay. If we can get even a token, we can say: “Okay, Samburu, we are giving you this; we are giving the Pokot this; we are giving the Turkana this,” and then we start afresh; I think that would help.

Now, there are serious boundary claims. There is a place called Kapedo. When you went to Lodwar, you must have gotten this. Kapedo Silale are all in Baringo County, because that is the bone of contention. In 1977, there was a problem between the Pokot and the Turkana in Kapedo. I think 124 people were killed when people were trying to fight over a small village. So, according to the current law, that is the Districts and Provinces Act, Cap. 5 of 1992, all the co-ordinates for Kapedo are in Baringo. You can calculate this with mathematical precision. You can even ask our former President because he used to be the Legislative Council Member for Rift Valley. I was educated in that school because it belonged to the Pokot, but let us go to mathematics. The co-ordinates are in Baringo County, so the Turkana have legal basis to claim it but they have a village, just like other villages – I do not want to tell you the story of how they came in because there were missionaries who were there as laborers and instead of going back, they claimed the land like in other areas. I am saying this because I am the--- This can be confirmed by research and empirical evidence.

Now, about 30,000 people have been killed since 1963 or, to be precise, since 1967. We have many widows. The Turkana will also tell you that they lost some people. Let us find a way of solving this. If we have to pay blood money, like they do it sometimes in North Eastern, so that if people feel they lost their people, let the Turkana be compensated and let the Pokot be compensated for the 30,000 people that were killed and over 1,000 widows. I do not know how you compensate a human being but we have our own internal way of compensating. If a Pokot kills another Pokot accidentally, there is a procedure called “Lakai” where you pay 100 cows and then in subsequent years, you pay I think another 50 cows and then another 50 years and then the last covenant is sealed. I do not know how they do it in other communities. That is why if you go to the OCPD here, the rate of deaths from the Pokots you might get like three in a year because we solve most of these issues using traditional methods. I do not know whether it is archaic or primitive but I think it has worked for us.

So, as I finish, I want to speak on the issue of the Kenya Police Reservists. Somebody did not put the KPR into proper context. We have KPR in West Pokot, Marakwet, Turkana, Samburu and I think a few Tugen also from Baringo North. So, we were singled out. Let me assure you that KPR play a very big role. I have been in charge of the KPR in my former life. Because of the rough terrain in those places, most of our officers have no capacity to really manage it. So, the KPR supplement in actually tracing these animals because they are locals and they can travel for hundreds of kilometers. So, our recommendation is that there is this discrimination; the people of East Pokot have no

KPR and our neighbors are given KPR. You either take all of them to Government armories or you give something to the people of East Pokot. This is real discrimination! Blatant discrimination! So, I am urging the commissioners to take this as a strong recommendation.

On the issue of land grabbing, when you look at several maps between Silale and Lokori, there is a place called Kapnyongonyi. Even if you look at several maps, the old map is written "Suk region," which is the name we were given by the colonialists. So, West Pokot is West Suk and East Pokot is East Suk during the East African Protectorate. So, let us find a way of having the Pokot getting settled. Even among the Samburu, the Act – the one I have quoted - says that our boundaries go all the way from Silale to Ol Donyo Lengera. So, let us stick to that law. We are not asking for too much.

Now, I want to finish by saying this. In terms of development, I think we are trying but we want to recommend that the Commission proposes that the people of East Pokot – because we do not want to say that this money was taken by the Tugen; some Tugen are also very poor. So, maybe, it was a deliberate Government policy or an oversight; so, we want the Equalization Fund that is provided for by the Constitution to assist the people of East Pokot and even in terms of poverty, even the Ilchamus and the Njemps have that problem. They can also be assisted or given some disproportionate amount.

So, we are demanding justice from our Government. I know you will give your recommendations. In the event that these recommendations will not be implemented by the Government, we have no recourse but to take our case to the International Court of Justice at The Hague. So, we hope that the Government will be serious in implementing your recommendations to prevent us from going to The Hague to demand our rights.

Thank you very much, God bless you and I wish you well.

**Mr. Patrick Njue:** Thank you, Hon. Kamama, for that presentation. I will say that you have spoken well and you have clarified the issues that you felt are wanting. You have even gone further to give recommendations. I will just ask that, as you said, let us have your memo. I am sure you have gone into detail of what you have just presented here today.

Otherwise, thank you very much. Commissioners will now ask you questions.

**The Presiding Chair** (Commissioner Shava): Commissioner Dinka?

**Commissioner Dinka:** Thank you very much, Hon. Kamama. You have given us a very different and very positive perspective and you have also advised the Commission on a number of things in your recommendations. I just wanted to ask you one question. When you said that the Marakwet and the Pokot had a problem, you came with Hon. Kilimo and after about 20 *baraza*, you settled the matter. Are you in Parliament yourself, with your colleagues from Turkana, Tugen and so on, also trying to do the same thing? Why can

you not, for example, appear together in public and speak to the Pokot, the Turkana; not one by one, but as a group together and try to bring peace among the people?

**The Assistant Minister for Higher Education, Science and Technology** (Hon. Asman Abogotum Kamama): Thank you very much, Commissioner. I think we have tried and like I told you before, we do not have major issues with the Tugen. We just have a small problem here at a place called Kinyach, where this issue should be dealt with by the police. But with the Turkana and the Samburu, I think we have conducted several meetings, including using our pastors –the ones who are here – and the Provincial Administration. We have also come up with a new paradigm that is called Laikipia Peace Caravan. Actually, I ought to have mentioned that we have kind of settled the issue of Laikipia with the Pokot and the Samburu. Then we have what we called the Suguta Corridor; that is the place that we still have issues on. Let me tell you that the Pokot and the Turkana can be so close sometimes you might think they are big enemies. Every major Pokot ceremony is actually conducted in Turkana language. So, we can be that close

When you find a Pokot and Turkana away from their respective areas, they stay together very peacefully and they become very good friends.

So, I think we have tried as leaders but because these people have been used to this impunity for a very long time, I think it is high time that both communities came together and said no to cattle rustling and killings. I think we have not been having seriousness and honesty on these issues. There are times when you want to get into solving these problems, but politicians side with their people. So, on that one, I think I should blame both leaders and the communities for not actually standing up to say ‘no’ to these crimes.

So, I think we have been dishonest to each other and, we still have some work to do. But I want to assure you that we have had so many meetings through the Caravan and we have not given up. But I think, honestly, the people themselves have not really decided that they should have peace. That is my humble submission, Commissioner Dinka.

**Commissioner Dinka:** Thank you very much, Hon. Kamama. I want to be very honest with you because wherever we went and we hear about this same thing of inter-ethnic, inter-clan problems, people tell us that the politicians are the ones behind them. Therefore, that is why I and my colleagues felt that the politicians should be the vanguard for peace. I have this one question for you on that point. Have you ever been together with the Turkana MP to talk to these people?

**The Assistant Minister for Higher Education, Science and Technology** (Hon. Kamama): I have had several meetings with my counterpart. Incidentally, he is a good friend of mine; we knew each other before we became politicians. The same thing with the other Members of Parliament; we have several meetings and I would even go further, I think we need research done on those Turkana and Pokot. When you go to where they conduct their dances, it is all about praises on the number of cattle stolen and the number of people killed. So, I think it is still a way of entertainment to some of them. So, we

actually need even to have NGOs to actually come and sensitize these people to attach more value to life, because when you get pastoralists singing about the number of people they have killed and the number of cows they have taken--- It is an issue of what they value. So, I want us to really have NGOs who can actually teach the Pokot and Turkana to attach more value to their lives. I think they are not serious about their lives! That is for both communities combined. That is my own reading of the situation. But as politicians, we have done our best. Even the Turkana MPs have also tried, but there are still some deep cultural things that are not making these people free to embrace peace and co-existence. I am just being extremely candid.

**Commissioner Dinka:** Thank you very much, Hon. Kamama, for your very candid answers; usually politicians are not, but I really thank you for that. I think you may have not succeeded at one go, two go, even three, four or five times, but please, do persist with your colleagues and finally utilize the churches, the elders and all the traditional mechanisms that exist with each community. I am sure that you will succeed and I wish you all the success.

**The Assistant Minister for Higher Education, Science and Technology (Hon. Kamama):** Thank you.

**Commissioner Farah:** Hon. Kamama, mine is about the concept of the greater Pokot; is it feasible? In Mt. Elgon we were told that if something is slashed from Trans Nzoia and if something is slashed from Bungoma and the Sabao are given their own county, peace will be achieved. Now, in that same token, I am asking candid questions that, if you chop away something from Baringo and join it to the rest, will it bring peace? In the interest of devolution, is it something that you have talked about?

**The Assistant Minister for Higher Education, Science and Technology (Hon. Kamama):** That is a good question, Commissioner. Sometimes last year, just before the Referendum, I organized a big meeting. Let me go to the history of this thing. In 1962, the colonialists actually convened a meeting and asked the Pokot before independence whether they wanted to stay in Baringo or join their colleagues. I am told that in that meeting, there was need because they had stayed with the Tugen for many years. We are told that some senior Tugen politicians convinced the chiefs – and one of the chiefs was called Ngelewe, some of them are my relatives--- One of them was called Lokudo Losute and they said they needed to go to the other side, but the elders overruled them through the influence of their friends who were elders from the Tugen Community. So, they decided they would stay in Baringo and, you see, it was an administrative decision to actually govern Baringo as East Suk and then West Pokot as West Suk. And then we used to have---

We used to also have Karapokot of Uganda. Since this was a momentous occasion, I convened a meeting in Nakuru and summoned all politicians, friends and people from West Pokot. I asked them whether they wanted to go to West Pokot or stay behind. We had to make a decision. There was no unanimity and 40 per cent wanted to stay while 60

per cent wanted to go to that other side. I told them since that decision had no unanimity; they had to co-exist with the other people because it was not fair to go with two positions.

This issue is no longer viable and we have decided to co-exist with the Tugen and Njemps without any problem. We have some intra-boundary issues which can be solved by the local elders here. These are the issues of Loruk which are there between us and the Tugen and are not a big issue. We have an issue in Mkutano between us and the Njemps. We have always said that we want the river to be our boundary. God would not be so unfair to give the Njemps water and not the Pokot. We also want to look at the history of schools and see whether there is a Pokot who started a school.

With the issue of the Pokot, I think we will be comfortable here and the other Pokot can stay on their own.

**Commissioner Farah:** Thank you very much. That was the only burning issue. I have no further questions.

**The Presiding Chair** (Commissioner Shava): Thank you, *Mheshimiwa*. First of all, I enjoyed listening to your background, picturing you in uniform speeding around in dust in a Land Rover. That was quite enlightening. *Pole sana* for what you endured. I was also very encouraged to hear how you were determined to go back and serve where many people would have used the first excuse to run away. That was very encouraging because you understand the cost of peace and also the dividends of peace. I am also very encouraged to hear that you will be on the forefront in monitoring the life of this Commission, the recommendations and the report.

According to our Act, that is the work of Parliament, civil society and every Kenyan to watch the Government and make sure that the recommendations which are there, people's recommendations, are enforced. So, I am encouraged to hear that you will be an advocate for that.

I just had one question mixed with a comment. The only thing I found disturbing in your discourse and which I heard from other people is about boundaries as defined by our new Constitution. One of our fellow Commissioners, who is from Zambia and is sitting in the other hearings, has been very confused and has been asking why Kenyans talk about boundaries. Boundaries are definitions of international territories. Why do Kenyans talk about boundaries within the country? There are words such as "federation", "confederation", "*majimboism*", "county system", "devolution" and that kind of discussion in our country. This means different things to different people. For me, when I think about the way we hear the discourse unfolding, it is as if it is dismembering our country and cutting it into little patches as polarization happened in Europe in early 19<sup>th</sup> Century and we know what the result of that experiment was. As a national leader, what aspirations do you have for our county systems? Our county system is about this ethnic group dominating that other ethnic group as you have described in what is unfolding in Isiolo. Should it be about that or is it about human potential for the development of our nation Kenya in all aspects? Is the county system, in your mind, something that requires

us to go back to maps of 1700s and 1800s to say that these people belong here? Is it about placing different ethnic communities of Kenya in different places or is it about achieving national potential?

**The Assistant Minister for Higher Education, Science and Technology** (Hon. Kamama): Madam Presiding Chair, that is a very good question. First of all, on the issue of boundary, it would be, in my own view, viable to maintain what we have. It is in the national interest to maintain the boundaries the way they are. However, let us also find a way of solving the small issues because--- I really want to thank our Government and the people who are involved in the drafting of these decisions and even Parliament.

We have a kind of unitary system although we have devolved resources. If we had something close to federal government, like what is in America, Nigeria or even Ethiopia, which some people may misinterpret to mean that the counties are federal units, then we would be in deep trouble. This is interim government that is devolving resources through the counties. So, we need to be united as a country. When we get to matters of governance, especially in pastoral areas, if you do not manage the counties very well, we may have potential conflicts, especially among the pastoral belt. In some areas we have clannism; in some areas we have ethnic differences here and there. So, let us find a way of solving the small problems but let us also retain the current boundaries as they are in the interest of peace. However, let us not also sidestep the small problems. We can still sit down and solve the issue. This issue, let me tell you, if I may be very candid, some of the frustrations of the members of Provincial Administration is that – I was one of them – I said it here when the Boundaries Commission was sitting here, instead of officers dealing with this monster they postpone solutions.

When the Ligale team was formed, they pushed everything and said, let the Commission handle it. It is a hot potato. Instead of confronting it, most of our officers postponed solutions. Solutions can be either way or you cannot please everybody. It is an issue that you need to tackle in a very meticulous way. It is not an easy thing. You will find even senior government officers telling people, *kaeni kwa amani. Hayo mambo yataangaliwa*. They postpone solutions. I do not know whether they postpone the solutions or the problems but I think it is the two of them. When it is hot, nobody wants to touch it.

**The Presiding Chair** (Commissioner Shava): If I may push you further, *Mheshimiwa*, in your own personal view, how should it be confronted or resolved? This is the issue of we have our own resources in the county and resources will be devolved from the centre and will be generated or will continue to be generated at the county level. To whom are those resources to be applied? Is it the dominant ethnic community or all the Kenyans found within those boundaries? What perspective do you hold?

**The Assistant Minister for Higher Education, Science and Technology** (Hon. Kamama): I will give you an example of a cosmopolitan county like ours. Right now, as we are talking, majority of people in this county are Tugen, about 70 per cent. The Pokot form about 25 per cent. We also have Njemps, who form about 4 percent and others like the Kikuyu, Turkana and Nubians, all who form about 1 per cent. I propose that

Parliament comes up with a policy in cosmopolitan areas like these. Since it is a potential source of conflict, there should be a law to legislate on areas and see how resources will be shared on those locations, including offering a formula. That has to be done.

Also, with regard to the issue of resources, between us and the Turkana, the problem we have with regard to boundaries is because of the Turkwel Gorge and there is also exploration going on in the county, Turkana, my place and West Pokot. People are strategizing on the resources and between my place and Turkana, there is this Mountain called Silale. Since we are about to get almost 1,000 mega watts of geothermal power, the Turkana are also strategizing. We will find a way of making sure that we take care of each and every community irrespective of whether they are a majority or minority so that we avoid majoritarian dictatorship that will trigger conflict amongst our people.

**The Presiding Chair** (Commissioner Shava): Thank you very much for coming. In many places we have been Parliamentarians and political leaders have not necessarily turned up. In some places, they have turned up in large numbers. The leaders in place are the ones that people look up to. So, we feel that it is important that leaders demonstrate that they are engaged in the process. We understand the trouble that you have taken, waking up very early in the morning, travelling long distances and we are aware that you have to go back to Nairobi to attend to ministerial duties but you still found it important to come for the proceedings and enrich them. You have really enriched them with your frank and candid contribution. So, we would like to thank you.

The Leader of Evidence, please, step down the witness.

*(The witness was stepped down)*

**Mr. Patrick Njue:** Under your direction, Madam Presiding Chair, it is 1.30 pm and we still have our six witnesses. Please, guide us on how to proceed.

**The Presiding Chair** (Commissioner Shava): Leader of Evidence, we will hear the next witness and then take a break.

**Mr. Patrick Njue:** The next witness is No.11.

*(Ms. Margaret Lenapunya took the oath)*

**Mr. Patrick Njue:** Good afternoon, *Mama*?

**Ms. Margaret Lenapunya:** Good afternoon: Kindly, for the record, give us your full names, tell us where you come from and what you do for a living.

**Ms. Margaret Lenapunya:** My name is Margaret Lenapunya. I come from Kiserian Location, Makutano Division, Marigat District, Rift Valley Province. As a female, I run a small business.



**Mr. Patrick Njue:** I welcome you to the sitting today. From the statement recorded, you had to make a presentation on behalf of the Kiserian Ilchamus IDPs. Can you confirm this to be the case?

**Ms. Margaret Lenapunya:** Yes, that is true.

**Mr. Patrick Njue:** I know you may not have been here yesterday but we heard from your brothers. They told us who the Ilchamus are and the various sufferings they have gone through. Among them are cattle rustling and general insecurity. I would ask that you give us a perspective of how these issues have affected women and children before you can make your recommendations.

**Ms. Margaret Lenapunya:** These issues have affected women and children so much. The attacks started in 2003 and they still go on even now. When they started, there was mainly livestock raiding but later things turned out to be that they wanted land that was on our side. I say that because Emukatani Division has three locations; Mukutani, Kiserian and Rugus Locations. Those who stay in Mukutani had migrated in 2005. Those in Rugus started to move out in 2003. The Rugus have not returned to their homes. The raiders came saying that they were looking for cattle. They found a young man who was grazing cattle next to the dam in Rugus. They hit him, drove away the cattle and the young man died there. This was in 2003. There were a number of those incidences before that.

People started moving helter and skelter away from the attacks. The attacks went on one after another. Whenever we thought that things had subsided, there would be fresh attacks. We would sleep in the bushes but even when we were there, we would get information that new raiders had come to attack us. Women as well as men were affected. Many men died painful deaths because it is not usual for someone to come to your home, take your property and move you away from your residence to a place which is very far. We broke the biblical laws that God gave to us, the Ten Commandments. If you covet someone else's property, especially the property of the minorities, that is not good. We thought that these people were coming for our livestock but it turned out that it was not really the livestock that they were after. Why do I say this? In places like Mukutani, I am very grateful that the Assistant Minister for Higher Education has just highlighted this. If you look at a place like Mutukani that we ran away from, very few people have gone back to live there. The school that had been registered previously now belongs to East Pokot. We were wondering when it was reverted to East Pokot when it was started by the missionaries. The missionaries were called Serika at that time, during the times of our fathers and our mothers. They used to take us there to the dispensary. However, now it belongs to another administrative area. There are also other two pre-schools that were started within our boundaries and they now claim that those institutions belong to them. We are wondering how people can just come to an area, even if it is small, attack people and displace them. Where do they want us to live?

Many women have been affected and died. Others even lost their babies. Children have died out of pneumonia because we sleep in the bush. Many youth were found near the lake grazing cattle and had to dive into the lake where they met crocodiles and hippos. Is it fair to do this to others? We have tried to look into this issue and it is because women have not been involved in any development or decision making. There are very few women who have joined CBOs. We have been encouraging them to be in peace initiatives by telling them that peace should begin at home so that we can develop it. We know that it is mainly leaders who bring up conflict.

There was a time when our cattle were stolen and people were saying that they did not have a place to graze cattle nor did they have water. So, they used to take their cattle to Rugus Location. They would take their cattle there because we are blessed with a lot of pasture. We have Lake Baringo there too. We realized that the water attracts them but they come with ill intention to raid, kill and destroy property. As we speak now, there are two schools, Rugus Primary School and Nosukuro Primary School, which are still closed until now. We want our children to have a better life in future. Why can the Government not reopen the schools?

I was happy to hear the Assistant Minister for Higher Education, Science and Technology saying that these schools should be reopened. However, we have also realized that we do not have our own leader because we do not have our own constituency. We do not have our own MP to defend us on issues and even in Parliament. In Parliament, we have not had anyone speak about the Ilchamus even though they are still attacked. Last night, the Pokot came and raided us. They took goats from a pastor called Salaja. This morning, the youth had tried to track the goats up to Rugus Location. That is one of the reasons that I came in late. While we are here, other problems are coming up. Why can we not live us brothers? Why can we not involve women in everything because they come up with issues that cannot affect their children? Mothers love their children and they would come up with resolutions that would not harm the children together with their husbands. Many men have been killed, 28 of them. Out of the 28, how many widows have been left behind? Among the Ilchamus, you will find people who are polygamous, with two or three wives. How many widows would we have and how many orphans would that leave? You can see that we have contributed in making this community even poorer. I liked the way they spoke because we have never gone to attack them. We have not also gone to raid them of their cattle. Even as they talked, they did not say that the Ilchamus had in any way gone to raid them. We have come to know that they do not just raid for cattle but just displacing people from their land. How do we end this and yet we are all God's people?

Many women together with their children have been bitten by snakes. There is a young boy whose hand was bitten by a crocodile and he had to struggle until God got him off the jaws. All this was because of the attacks. We have crocodiles that come near to where we live. When we are trying to cross rivers, whether day or night, the crocodiles attack us. What surprises us is that they attack even in the open day light and even when Government forces are there. We had people called the RDU. They came to Kiserian and we thought that we could sleep on our beds, peacefully, without shoes or clothes. We

went to bed without thanking God and before we put our heads down to rest, we heard gun shots everywhere. Gunshots were heard in front of us and even behind us. The raiders had already come in and our neighbors, the Tugen, who live in the west told us that there were people around. We then started hearing bullet shots and we did not know when they surrounded us or even when they arrived. They took away our property and shot men. We know that they have not been attacking women but recently, they raped---

*(The witness wept)*

**Mr. Patrick Njue:** It is okay, *Mama*. I will ask you to take a couple of minutes. We understand and empathize.

**The Presiding Chair** (Commissioner Shava): We can see your pain. We will wait until you can go on. These are things that we have read. These are things which are not only criminal but really go into the root of human beings. A person who is attacked makes her community feel humiliated. This is really an attack at the heart of a human being and so we understand why you are in so much distress. It is not something to be ashamed about. It is important if you can tell us what happened to these women because that is how we will record the injustice, crime and violation. What happened to that woman has happened to other men, women and children. So, it is important for us to hear. If you are able to speak, we are listening to you.

**Ms. Margaret Lenapunya:** The woman was going to Mukutani Location. She was coming from Kiserian because the roads are in very poor condition. There are no vehicles that join these two areas. She had gone to visit relatives and to take food to her children. She got to some place near a river which was dangerous where a Standard Seven pupil had previously been killed. A brother to my husband had also been killed there. So, the women found her in that area. This is a hilly place. The hills are below the river and they see everybody who comes up the hill. When they noticed that it was a woman, as soon as she got to the river, they got hold of her---

*(The witness wept)*

They ambushed her and raped her. This was a gang of seven men. When they were done, they asked her to go away. When she reached Mukutani, she came to report this. The seven men took turns on one woman, an elderly lady. These men were not elderly but youth, young enough to have children. I wondered because they were bishops and religious people. God's word says; thou shall not commit adultery. Why should we have such an atrocity visited on such an elderly woman? The word also says thou shall not kill. Why did they kill 28 people and injure several others?

One was shot in the mouth and lost all teeth. Other people are limping and yet they were not born lame. Others have bullets lodged in their hips. For one of them, the doctors could not remove a bullet lodged in a dangerous place. The person is now lame. They even killed the headmaster of Mukutanii School. These were able people, but not anymore. An example is the family of Lekaraito. The children are now suffering and yet,

their father was a successful farmer. They have now been left destitute because he was fighting for his rights. I have heard it said that the church is good and God's word is good. There is a church in Mukutani. Bishops decided to take part of that land. There are bishops who defend that. If there are bishops who cannot stand for the truth, where are we Kenyans heading to?

*(The witness wept)*

**Mr. Patrick Njue:** I feel your pain. You clearly have very many incidents that demonstrate the many inhumane acts that have been visited upon your people. Are you happy that this Commission is here?

**Ms. Margaret Lenapunya:** Yes. That is why I decided that I will come here and shed all my tears. We have run everywhere else. We have run to the Government but those officers who are brought to stay among our people only perpetuate adultery. They come to cheat our children. On one side we are attacked by the Pokot. On the other side, when security officers are brought they only come to seduce our children spreading sexually transmitted diseases. It is only the women who are affected. The men are beaten and attacked and they die. We do not have a hospital nearby where we can rush them. We have had a number of politicians, including the former President Moi. Things were worse during his son's reign as the area MP. Now we have Hon. Sammy Mwaita some of whose Ilchamus youth attacked a vehicle. He planned that we be forcefully disarmed. The attackers were not disarmed. Is that justice?

**Mr. Patrick Njue:** It is not justice. I cry with you. It is good to hear you say that you are happy that this Commission is here. What would you want specifically this Commission to do for you?

**Ms. Margaret Lenapunya:** First, we should be given our own constituency where we can speak to somebody who understands our feelings. A thorn in my flesh cannot be felt by somebody else. Others will take our problems lightly. On the northern side, we have the Pokot and the west side, Tugen. These communities use diplomacy. This is because on the side of Marigat land has become a thorny issue. Recently, they distributed leaflets saying that we should move out because a certain Sacco had bought the area. Later, they said that a certain corporation had bought the place. We are being told to move out and yet this is our country.

In 1776, there were age groups such as the Renenchapo, Karanguti and others. They had an age difference of, say, nine or ten years before the next age set. We do not know what is happening. We moved here as plain Nilotes. Why is it that we are being attacked? We are being controlled. It is as if somebody is using a remote control to do so. In 2005, there was a disease called Rift Valley Fever. Was it meant only for the Ilchamus? No other community had casualties- whether they were Pokot or Tugen. We got to know later what happened. We have a number of dispensaries but most times they do not have drugs. In this sub-district of Marigat, all the civil servants are from one community, that is, the Tugen Community. Whenever we brought our people, we would be told that they

were dead. It was the same thing in Kabarnet. It was only in Kimalel where we had a lady from the Ilchamus. We are being told that our people were recovering from this disease. They have done this to us. We keep thinking that we should be careful about the intravenous drugs that are administered on us. We do not know what they put in it. This is because a patient would appear like he is recovering but later on we are told he is dead. We think the politicians are contributing to this.

Our MP at that time came to a rally in Marigat. After his speech, any time people had malaria they would die. So many people died of Rift Valley Fever. We do not know if it affected the whole of Rift Valley. If that was the case, why was it only choosing the Njemps? So, even diseases have to discriminate against us!

*(Witness wept)*

**Mr. Patrick Njue:** Did you prepare a memorandum?

**Ms. Margaret Lenapunya:** Yes. It was brought yesterday. However, part of it has not been typed yet.

**Mr. Patrick Njue:** Please, put all those issues in your memorandum. We will keenly study them. Our Commissioners will seek clarification from you.

**Commissioner Dinka:** Thank you for your testimony, *Mama* Margaret. We could sit here and truly feel your pain. We have suffered with you all the time you have been testifying. It has taken you courage to go through the horrendous stories you have told us. We empathize with you and your community. I have no questions for you. However, I would like to assure you that we have felt your pain as if we had been all along with you. Thank you very much.

**Commissioner Farah:** Margaret, I also join my fellow commissioner in empathizing with you. We have got your story. The Ilchamus also presented yesterday. You have given us the women perspective. So, we thank you for your presentation.

**Commissioner Slye:** *Mama* Margaret, I also want to join my voice with my fellow commissioners to thank you for presenting your story and that of your community to us today. Your voice is a somewhat unique one here in Kabarnet. There have been far fewer women testifying before this Commission in public hearings than I think we would like. It is almost always the women and children who bear the brunt of violence. We know that it takes an enormous amount of courage for someone like you to come here in public to share what you have shared with us.

Thank you very much.

**Ms. Margaret Lenapunya:** I am also very grateful.

**The Presiding Chair** (Commissioner Shava): *Mama* Margaret Lenapunya, I have listened to you and I am shaken. I have understood the depth of what you have said. I

would like to salute your courage for coming out here to speak about these things in public. A lot of the things you were saying are clearly the truth, but the painful truth. Many of us do not have the courage to do that and our cultures also encourage us to keep these things inside – *tulia*, *vumilia* and so on. However, you have shown that women in Kenya are changing and we can talk about things that affect us. We do not need another person to come and articulate them for us.

When people talk of cattle rustling they talk of the men who were killed but very few people understand what it means to a woman when her husband or her father or son is killed. What happens to those women and children? That perspective is often lost.

I agree with you that these issues will not be solved until women are involved in those discussions and making those decisions. I would like to salute your courage. What you are saying is very well recognized even in international law. You have done the right thing to come to speak here today. The Commission recognizes you and your contribution which has greatly enriched the record of this Commission. Thank you.

Leader of Evidence, please, stand down the witness. Master of Ceremony, we will now adjourn.

*[The Commission adjourned the session at 2.20 p.m.]*

*[The Commission resumed at 3.40 p.m.]*

**The Presiding Chair** (Commissioner Shava): Let us all take our seats. Good afternoon all of you and welcome to our afternoon proceedings. This is our final session and we look forward to listening to our witnesses.

Please proceed, Leader of Evidence.

**Ms. Emily Kimani:** Commissioners, through the Chair, our first witness this afternoon is Witness Code 13.

*(Pastor Charles Lochu took the oath)*

**Ms. Emily Kimani:** Good afternoon, Mr. Lochu. Kindly, for record purposes, tell us your names.

**Pastor Charles Lochu:** My name is Charles Lochu.

**Ms. Emily Kimani:** You are before us today for the purpose of making a memorandum presentation about Kapedo IDPs of Turkana East. I can see you have a well detailed memorandum which you wish to adduce as evidence before this Commission. My kind request is that you tell us the recommendations that you have.

**Pastor Charles Lochu:** I come from Silale in a Division called Kapedo. I was evicted by the Pokot. The fight started long ago in 1950. It all started as cattle rustling and

continued for a very long time. It reached a point where killings started. Previously, they were raiding cattle and encroaching on people's *bomas* at night. They would burn houses and run away.

**Ms. Emily Kimani:** Presiding Chair, Pastor Lochu has a well documented memorandum. From other parts of North Rift, we have managed to hear many IDP issues. If he could kindly give us the recommendations as they touch on his issues we will more than appreciate it.

**Pastor Charles Lochu:** When we were evicted from where we were staying we came to Marigat. The place had been set aside for us. We underwent a lot of problems. We could not manage our own development issues. We depended on casual labour. We were put in one village. The communities we lived with would say that we should go back to our indigenous place. We did not have means to do so. That became another problem.

The Turkana in Marigat could not go to school. Their educational needs were not taken care of. In 1999, a person was killed in Marigat. It was about 9.00 p.m in the night when the person was shot at. Information got to the authorities who then instructed that the person be taken care of until dawn. Nobody came to the rescue of the injured person – he was an Ilchamus. He died and nobody came to pick the body until 4.00 p.m. Little did we know that there had been plans to raid the village of the Turkana to avenge the death of the Ilchamus man. In the evening, armed Ilchamus men raided the Turkana. Their houses were burnt. Their animals were taken.

**Ms. Emily Kimani:** You are telling us that there is insecurity in your area. What recommendations do you have on that?

**Pastor Charles Lochu:** The Turkana should be guarded. They should be looked at just like other tribes. Turkana have been discriminated and their problems have not been addressed. Had the Government intervened on that day, things would not be bad. A person was killed on that day because of lack of security. Nobody took a step, say, look at ways of catering for the children of the deceased.

**Ms. Emily Kimani:** In light of other areas such as health and education what recommendations do you have?

**Pastor Charles Lochu:** We do not have a place we can say we are living in peace. There is no security and there are no farms. The Government should try to address the problems facing the Turkana in Marigat. The Turkana there are being told to move away. One of us mentioned something about people receiving letters. We stay in a group ranch.

**Ms. Emily Kimani:** How many IDPs are you talking about?

**Pastor Charles Lochu:** They are more than 2,000.

**Ms. Emily Kimani:** Do you wish that this memorandum forms part of the Commission's record?

**Pastor Charles Lochu:** Yes.

**Ms. Emily Kimani:** Presiding Chair, I pray that the memorandum be admitted.

**The Presiding Chair** (Commissioner Shava): Granted. The memorandum is accepted.

**Ms. Emily Kimani:** Thank you, Mr. Lochu. I have no further questions. I now hand you over to the Commissioners.

**Commissioner Chawatama:** Thank you, Mr. Lochu for your testimony. Are you the Chairman of the Turkana IDPs?

**Pastor Charles Lochu:** Yes.

**Commissioner Chawatama:** We have gone round the country and even spoken to a number of chairpersons. We have witnessed some of the pain that they are going through in just trying to make the people that they serve comfortable. We thank you for being the Chairman of this particular group. You talked about lack of educational facilities. What would you like done in this area?

**Pastor Charles Lochu:** The Turkana were neglected. The Government should come in and help solve our problems. A school was built recently at Kambi Turkana. This was a World Vision project which was started in 2004. Some Good Samaritans came over to open the school and we now have a good school for learning. However, we are now being told to move out.

We should be assured that all the people who stay there are secure. The Government should look for teachers to be posted to that school. That is because, at the moment, there is lack of teachers in that school. The school should be fully recognized.

**Commissioner Chawatama:** Do some of the Turkana children attend the local schools found in Marigat?

**Pastor Charles Lochu:** Yes, they do go to school. Initially, it was closed and they were not being catered for.

**Commissioner Chawatama:** You have also mentioned the issue of over-population at the camp. In your opinion, what population would the camp carry so that the people that you serve are comfortably catered for? What population is it catering for?

**Pastor Charles Lochu:** The population of the people there presently--- There are also other needs of the adults and children. Both of them should be given assistance. There is no development because they are not being catered for.



**Commissioner Chawatama:** In terms of over-population, what I was thinking of is in terms of numbers. When you say that there is over-population at the camp, I get the impression that, maybe, the camp where the Turkana are kept is not big enough for them. You said that the population is about 2,000 IDPs. In your estimation, how many people should such a camp cater for, including the women, children, old and young?

**Pastor Charles Lochu:** That particular area is a very small place. The people who are there could be more than 2,000. They are around 3,000.

**Commissioner Chawatama:** You have also talked of poor health facilities. Do you have a dispensary within the camp?

**Pastor Charles Lochu:** There is none.

**Commissioner Chawatama:** Could you tell us where the nearest dispensary or district hospital is?

**Pastor Charles Lochu:** There is no hospital. But there should be a dispensary to cater for the health of those people at that particular village. There are very many people who have died due to different diseases like malaria.

**Commissioner Chawatama:** You have mentioned that there was a killing that took place and a body dumped near your camp and that resulted in a raid. Do you know whether or not that killing was investigated by the police?

**Pastor Charles Lochu:** The case was not investigated. The person was killed at 9.00 p.m. and the body stayed up to 4.00 p.m. the following day. If the Government had taken that body of the Turkana that was killed in time, there could not have been any more killings.

**Commissioner Chawatama:** My last question is to do with the livelihood of the people you serve. You said that when you arrived here, people began involving themselves in casual labour. What kind of livelihood did they practise before that?

**Pastor Charles Lochu:** When people were separated and brought into these camps, they did casual labour. Because of problems, they started brewing alcohol which has also contributed to other problems. You cannot find casual work during all the seasons. During the rainy season is when people can get some work. But when it is a dry season, you cannot get work. So, because of the problems, they engage in illegal brewing of alcohol.

**Commissioner Chawatama:** Thank you very much. You have spoken on behalf of a lot of people. Thank you very much for your contribution this afternoon.

**The Presiding Chair** (Commissioner Shava): Pastor Charles Lochu, you have said that you are a victim of eviction due to insecurity. You originally came from Kapedo and now you are in Marigat. Is that correct?

**Pastor Charles Lochu:** Yes, that is true.

**The Presiding Chair** (Commissioner Shava): When were you evicted?

**Pastor Charles Lochu:** The people came in different days and years. Personally, I arrived in 1980. I went to look for work in Naivasha and Nairobi. People came in 1981 and 1982. The latest was around 1999. That is when the people who were evicted from that place came in large numbers.

**The Presiding Chair** (Commissioner Shava): Thank you for that information. Did I understand you to say that where you are in Marigat you have established it as a group ranch?

**Pastor Charles Lochu:** Initially, it was not a ranch. There is a particular place that was a ranch but, recently, after the enactment of the Constitution, there are people who came in and planned to remove the Turkana and also the Ilchamus. That is because they received letters telling them that they should move from that place. They said that it was their land but, initially, they did not say that it was a group ranch that belonged to them.

**The Presiding Chair** (Commissioner Shava): Does that group ranch have a name?

**Pastor Charles Lochu:** They call it Yetoi Group Ranch.

**The Presiding Chair** (Commissioner Shava): When you fled from Kapedo and ended up in Marigat, you said that people fled in waves. So, perhaps, you were not the first person to get there. But how did this place called Kambi ya Turkana come about? Why did people decide to go there in particular and not somewhere else?

**Pastor Charles Lochu:** It is because of lack of security where they were staying. For example, they came from areas like Omelo, Kapedo, Silale and Lekipor. When the fighting with the Pokot broke out, the Turkana divided themselves into three groups. Others went through the road to Marigat while others headed to Baragoi. They went to Rumuruti, Nakuru and came to this place. The others came through Kitale and are scattered everywhere in Kenya.

**The Presiding Chair** (Commissioner Shava): I notice in your memorandum that you call it Kambi ya Turkana. From 1980 until now is quite a long time. A camp, to my mind, has a notion of being a transient centre- somewhere you come to but do not intend to stay. So, maybe, you will find very temporary sort of housing. You may not really find things like shops. What does this Kambi ya Turkana where there are nearly 3,000 people look like? What are your houses constructed of? Is there public administration or post office? What does it look like?

**Pastor Charles Lochu:** At Kambi ya Turkana, there is nothing like even sending letters. People are just in grass thatched houses. The children who were there are now engaged in *boda boda* business. Some have now bought iron sheets to build houses. But most of them still live in grass thatched houses. People stay near one another and if a fire breaks out, all the houses will burn down.

**The Presiding Chair** (Commissioner Shava): I would like to assure you that we have gotten your memorandum. We are going to study it closely but just by looking at it now, I see that you raise issues about health, security and leadership. You also say that it is difficult for people to get national identity cards. Your recommendations are around security, a permanent place for settlement and health centre. You also ask that people from your community be allowed to acquire identity cards without discrimination, have access to development funds and participate in the committees that decide on how those funds are used. For the youth, there are issues of employment and useful and constructive recreational facilities. Games and sports facilities are important to your community. So, we want to assure you that although you may not have spoken for a very long time, we have understood what you have presented and will definitely be studying it very closely in order to make the appropriate recommendations to remedy those circumstances. We thank you very much for coming today.  
Leader of Evidence, please, stand down the witness and call in the next witness.

*(The witness was stood down)*

**Ms. Emily Kimani:** Commissioners, our next witness is Witness Code 12.

*(Mr. Dickson Mbagany took the oath)*

Good afternoon, Mr. Mbagany.

**Mr. Dickson Mbagany:** Good afternoon to you.

**Ms. Emily Kimani:** Could you kindly once again tell us your full names for the record?

**Mr. Dickson Mbagany:** My name is Dickson Mbagany.

**Ms. Emily Kimani:** Mr. Mbagany, what do you do for a living?

**Mr. Dickson Mbagany:** I am a peasant farmer. I am not employed anywhere.

**Ms. Emily Kimani:** Mr. Mbagany, you are before us today for the purposes of making a presentation on behalf of Kambi ya Samaki IDPs. Is that the position?

**Mr. Dickson Mbagany:** Yes, that is the position.

**Ms. Emily Kimani:** Where were these IDPs displaced from?

**Mr. Dickson Mbagany:** They just came from the country but, at the moment, there is nobody who is living in his or her own home.

**Ms. Emily Kimani:** Where were they evicted from?

**Mr. Dickson Mbagany:** They came from Salaban Location in 2005 when there were raids. That is when they integrated with different people. Accommodation is not appealing at all because one house houses 20 people. Some people bought some tents and others built polythene houses to stay in.

**Ms. Emily Kimani:** How many people were they?

**Mr. Dickson Mbagany:** They were more than 1,500 people.

**Ms. Emily Kimani:** From what community are those people?

**Mr. Dickson Mbagany:** They are from the Ilchamus community.

**Ms. Emily Kimani:** You could also take us through some of the issues that these IDPs have faced and the recommendations thereto.

**Mr. Dickson Mbagany:** The first problem that these IDPs are facing is lack of a place to sleep. There are many mosquitoes at night and this brings about diseases. There is also hunger and lack of clothing.

**Ms. Emily Kimani:** Other than the living conditions, are there other issues that those IDPs have had to grapple with?

**Mr. Dickson Mbagany:** They are struggling with diseases and very many other issues. As I have told you, the women are the most affected. You will find a mother with about three children sharing a bed. Also, these children do not go to school. At times, when the situation is calm, they go back to school but drop when there are conflicts.

**Ms. Emily Kimani:** Now, in your statement with us, you have raised the issue of cattle rustling; that the Pokot will attack your community. In your opinion, what would be the long-term solution to the issue of cattle rustling?

**Mr. Dickson Mbagany:** That will depend on how fast the Government will act on it. But it will take time. I am one of the people who were shot.

**Ms. Emily Kimani:** So, what can help?

**Mr. Dickson Mbagany:** It is the Government to take control and care of the people. At the moment, the Government is not taking care of citizens and their property. We fled because we do not have arms. When we were shot, everything was taken. Personally, I

was shot in May 2005 and stayed in hospital for six months. We lost property but I thank God because I am alive. It is my prayer that the security of the people is ensured by the Government. Second, I do not know why the Government allows the citizens to be armed. We have suffered because we have not had a leader since Independence. When we got Independence, we were led by President Moi until he retired. After the retirement, he handed over to his son. Then the present Member of Parliament took over. We do not have any representative who can speak on our behalf and address the issue of the Ilchamus Community. When we go to the District Commissioners (DCs) they say that the issues should be addressed by the top hierarchy and yet, there is nobody who can reach the President. We are suffering at the grassroots and nobody is taking our issues into consideration.

It is my prayer to this Commission that Ilchamus is given its own constituency. We took our grievances to court and the court ordered that the Ilchamus be given their own constituency. But the Government has neglected the order from the court up to date. It is my appeal to this Commission to address the issues of the Ilchamus. If the Ilchamus could get a representative, it could be better off. At the moment, I am just dying at the grassroots and there is nobody who is looking after me.

My other recommendation is that since Independence, every community has had its own borders. But our borders have been violated. We have been pushed by the Pokot because of land. They want property and land. So, I am praying to this Commission to give us back our borders. We have never been aggressors of the Pokot even when we are killed. Where I come from, more than 132 cows and 464 goats have been taken away. Two people have also been killed and six people are still nursing injuries, I being one of them. That is what I am praying from this Commission.

Third, there is a problem of education. Since people were displaced, a child only goes up to Standard Eight. As a parent, you cannot afford to take your child to Form One. You cannot afford food and education. The CDF funds are not enough to cater for all the children. In one year, a person can be given Ksh3, 000 or Ksh5, 000. So, we really have a problem in education because of poverty. It is charcoal that assists the IDPs.

There was a Commission that went round to find out about employment of people according to tribes. For sure, we are among the 42 tribes of Kenya. We are the people who do not have a Member of Parliament. All the other tribes are represented and have Members of Parliament. In Ilchamus, the employment rate is 0.07 per cent in the Civil Service and yet, there are learned people. There are professionals who have completed university and yet they are just staying at home. When they go to look for employment, their documents are put aside and other people are given the opportunities. So, this Commission should look into the issues of employment opportunities among the Ilchamus Community. That is what will make those people to come up in terms of economic and education standards. That is what will help the people in future.

Also, the Government should cater for the losses that the citizens of Kenya have gone through. We got Independence and have a Government and yet we are suffering. It should compensate people for those losses. We want the Commission to push for that

issue. The Commission should take care of us so that we can get our own Member of Parliament. If it is difficult, give us the powers and resources to go to the United Nations so that we can cry before it. If we will not succeed, then we can come and build a dam, poison it and die so that other tribes remain to enjoy. If our land, for example, was 100 acres and now it is 40 acres, where are the 60 acres? In 20 years to come, where will we be? We will just be in one room like this hall.

**Ms. Emily Kimani:** Thank you for that very passionate and articulate presentation of the issues facing not only the IDPs, but the Ilchamus Community as a whole. You have gone further to corroborate what we heard yesterday from other representatives from the Ilchamus Community. I thank you for sharing your story with us. From your testimony, you have indicated that, as a result of the suffering that you have undergone, you would wish to kill yourselves. I do not think that that will be a solution. So, I encourage you to keep on speaking for your people. May God keep you all safe. Thank you very much for your testimony.

Commissioners, I have no further questions.

**The Presiding Chair** (Commissioner Shava): Thank you very much, Leader of Evidence. I will start with Commissioner Chawatama.

**Commissioner Chawatama:** Thank you for your testimony. What is so sad is to hear the helplessness which you feel about the predicament that you have found yourself in. You have asked a number of questions. You are wondering why the Government has not taken control and care of its people and their property. You have also pointed out that you have achieved Independence and it is time to settle down and live like the others. You have said that the Government should take care of its people. I understand why you have lamented and feel so helpless. When you spoke to the leadership in this area, like the councillor, DC or DO or even PC, what have you said to them and what has their response been apart from pointing to the leadership at the top in Nairobi?

**Mr. Dickson Mbagany:** Most of the time, when we get a problem, we go to the DO or DC. He says that the Government will solve it. They just say it but there is no solution to that problem. They cannot solve our problems to our expectations.

**Commissioner Chawatama:** Could you tell me one issue in particular that you have put to them and they have failed to resolve?

**Mr. Dickson Mbagany:** First of all, there is the issue of insecurity. Second, there is the issue about borders. When the raids occur and we go to the police or DC, most of the time, he says that they do not have petrol and so we have to fuel their cars. At times, when we go there, the police say that they cannot travel at night. If the property was taken at, maybe, 6.00 p.m. the police will start tracing the property the following day at 6.00 a.m. Again, they do not want to go on foot to trace the cattle or goats.

Regarding the issues of the border, we go to the DC or PC and tell them what we want about the border. Those people are just moving the borders day in, day out and when we tell them, they say: "Go and sit back, the Government will solve the issue." But three years down the line, that issue is not solved. There is no sufficient step that the Government has taken into consideration.

**Commissioner Chawatama:** Right now there are a number of reforms that are taking place in Kenya. I do not know whether you have heard that there are some police and judicial reforms that are taking place. There are some changes that are taking place. Have you heard of the reforms?

**Mr. Dickson Mbagany:** Yes. When the Constitution was passed, they promised to have several reforms, but we have not seen them bearing fruit.

**Commissioner Chawatama:** If you were asked to make a contribution towards the reforms that are taking place in the police service, what would your advice be?

**Mr. Dickson Mbagany:** If a citizen gets a problem, the policeman should take control and follow up the situation before it worsens. That is because if they become reluctant, there are other issues that can arise and affect the citizens. The policemen should stand by the citizen who has problems.

**Commissioner Chawatama:** You have also talked about lack of leadership from your community. You say that you have not had a Member of Parliament. I do not know in terms of population how many you are but the kind of electoral systems that are in place allow for the person with the highest number of votes to become a Member of Parliament. What would your advice be to overcome that in order to allow people from small communities - maybe such as yours - to participate in leadership at high levels such as Members of Parliament?

**Mr. Dickson Mbagany:** As I said earlier, since Independence we have been the minority. In Baringo Central, we were about 60 people. There were 10,000 people in Ilchamus at that time. So, it was difficult to struggle with 60,000. We were only 10,000. That is what made us go to court to fight for our rights.

According to the last census held last year, the Ilchamus are 40,000. There are very many issues that are making us lag behind. When you want an identity card you have to look for the office responsible, there is no single day an ID card can be taken to the people at the grassroots. The population is just going down because of that.

The Commission should fight for us so that we can get identity cards. The law should be taken into consideration so that the minorities are given their rights.

**Commissioner Chawatama:** You have touched on a lot of issues and your testimony has been very helpful. You have talked about diseases such as malaria. You have touched on hunger and the issue of women and how they are suffering with their children. You have also challenged the Government. Thank you.

**The Presiding Chair** (Commissioner Shava): Mr. Mbagany, I do not have much to add to what Commissioner Chawatama has said. I think she spoke for the Commission in her remarks. We will just add our thanks to you for coming and speaking out on behalf of your community. We also have your statement which we have read. We will be waiting for further documentation from you which will help us make appropriate recommendations.

So, we thank you very much for coming here today to draw a clear picture for us about the issues that affect your community. Leader of Evidence, please, stand down the witness and introduce the next witness.

**Ms. Emily Kimani:** Before the witness steps down, he has furnished me with a list of people injured and also those who have lost property and those who have died. He wishes that the same forms part of the Commission record. I pray that it be admitted.

**The Presiding Chair** (Commissioner Shava): The list is so admitted.

**Ms. Emily Kimani:** Our next witnesses are witness Code 15 as well as witness Code 18.

*(Mr. John Kosgey Bundotich took the oath)*

*(Mr. Francis Kibet Maindi took the oath)*

**Ms. Emily Kimani:** I thank you both for being with us this afternoon. In terms of testimony, I beg to start with you, Mr. Bundotich. Commissioners I am referring to Witness Code 15. Mr. Bundotich, if you could kindly tell us your full name for record purposes.

**Mr. John Kosgey Bundotich:** My name is John Kosgey Bundotich.

**Ms. Emily Kimani:** What do you do for a living?

**Mr. John Kosgey Bundotich:** I am a peasant farmer.

**Ms. Emily Kimani:** You are here with us today, having recorded a statement about the death of your brother during the 2007 post election violence. Is that the position?

**Mr. John Kosgey Bundotich:** Yes. That is the position. My brother died during the post election violence of 2007 when he was trying to shift the family from where they were living initially. However, as they were going back, they met some police officers who were on patrol. He was shot and died on the spot.

**Ms. Emily Kimani:** Is that all you wish to state?



**Mr. John Kosgey Bundotich:** That is all I can say concerning his life. I do not have enough time to explain the whole details.

**Ms. Emily Kimani:** Thank you very much, Mr. Bundotich. I now invite Mr. Maindi to give us his statement.

**Mr. Francis Kibet Maindi:** My name is Francis Kibet Maindi. I am a peasant farmer. I have come here today to give a testimony of how my son was killed. It is still fresh in my mind. I can remember that date. It was on 27<sup>th</sup> January, 2008 when he went to buy sugar at a shop. I was left behind at home. We took breakfast at around 8.30 a.m. At 3.00 p.m. I heard gun shots. I stayed for about 20 minutes. People were running into my house. When I asked them what had happened, they told me that my son had been shot at the centre. I went out to assess the situation. On arrival at the centre, I found that he had been taken to the hospital by Good Samaritans. From there, I came back home to dress up. I went to hospital at Eldama Ravine and found that the bill had been paid. He had been treated but still had injuries. We stayed there the whole day. On the second day, we saw that there were very many people in the hospital. So, I transferred him to Kabarnet Hospital, where we stayed for another two days and he died.

He left behind children. I pray that his children be catered for by the Government. I do not know what I will do.

**Ms. Emily Kimani:** Thank you very much, Mr. Maindi for your brief but precise account. I am very sorry about what happened to your son. I wish to ask both of you a few questions. I will start with Mr. Bundotich. What was your late brother's name?

**Mr. John Kosgey Bundotich:** He was called George Kipkemboi Koskey.

**Ms. Emily Kimani:** What was the specific date when he met his death?

**Mr. John Kosgey Bundotich:** This young boy was killed on 31<sup>st</sup> December, 2007, at 5.00 a.m. in the morning.

**Ms. Emily Kimani:** Were you together at the point at which he met his death?

**Mr. John Kosgey Bundotich:** No, we were not together. He was living with his family at Rongai Kware. He was transferring his family to another place. I talked to him the whole night. He was confronted by the people who were burning houses. I tried to persuade him to move his family so that they would not be affected by the violence. He had just moved his family. When he was coming back to the house to save his property, he met his death.

**Ms. Emily Kimani:** Was a postmortem carried out before his burial?

**Mr. John Kosgey Bundotich:** We could not manage to get assistance regarding the postmortem because there was tension everywhere. Even taking the body to the mortuary

was difficult. When we went to the police station to record a statement, it was difficult even to access the place. When we came back we tried to plead with the policemen to take the body for postmortem but we did not succeed. The police told us to go and bury our person. We went back home and buried him. It was even difficult to arrive at his place. At long last, we buried him at my uncle's place.

**Ms. Emily Kimani:** You have said that you approached the police and they sent you away. Have you tried to seek justice, be it in court or anywhere else?

**Mr. John Kosgey Bundotich:** We recorded a statement. Afterwards, we looked for a lawyer who could assist us. However, in the absence of the postmortem documents, he could not assist us.

**Ms. Emily Kimani:** Did this incident impact on your family and that of the deceased?

**Mr. John Kosgey Bundotich:** That is now the major problem that is really bothering us. As I had said earlier on, my brother was the last born in our family. Since that day, we have been living together with his family members. Personally, I am trying to take care of his wife and their two children that were left behind. This was a person who was living in his own house. They were really affected because his three houses were burnt down. All his property was burnt down. The cows disappeared. It is a family that has been left behind in poverty. One of his children is now in Standard One but it is difficult for me because I have my own family to take care of. It is really difficult. We are just trying, through a Commission like this one, to look for assistance to help the affected or the widow who is still a young woman. When her husband died, she was 27 years old. His widow is even here today. She is still young. She is really experiencing a lot of problems.

**Ms. Emily Kimani:** Thank you, Mr. Bundotich for your testimony. I am very sorry about what happened. I have no further questions for you. I now wish to ask Mr. Maindi a few questions from his testimony. What is the name of your late son?

**Mr. Francis Kibet Maindi:** His name was Cyrus Kipruto Kibet.

**Ms. Emily Kimani:** How old was he at the time?

**Mr. Francis Kibet Maindi:** He was 25 years old.

**Ms. Emily Kimani:** After he passed on, did you have a postmortem carried out?

**Mr. Francis Kibet Maindi:** Yes, we had a post mortem done. We even have the death certificate. We also have the postmortem results and a letter from the police.

**Ms. Emily Kimani:** This incident happened after the 2007 General Election. Next year being another electioneering year, what recommendations would you give so as to avert a similar crisis?

**Mr. Francis Kibet Maindi:** I know it is difficult. What I would just like to recommend is that we have a forum like this where people can come together and educate one another on dangers of clashes. People should stay together as brothers and sisters. I think such issues cannot arise again. But if people will not live as brothers and sisters, conflict will recur. But it is our prayer to God to save us from such conflicts. God is one and he wishes us to live together like brothers and sisters.

**Ms. Emily Kimani:** You have furnished us with several documents to support your testimony. Do you want the same to form part of the Commission's records?

**Mr. Francis Kibet Maindi:** Yes.

**Ms. Emily Kimani:** Commissioners, I pray that the supporting documents, the certificate of death and discharge summary among others, be admitted as part of the Commission's records.

**The Presiding Chair** (Commissioner Shava): The documents are so admitted.

**Ms. Emily Kimani:** Commissioners, through the Chair, Mr. Bundotich has also furnished me with the original copy of his late brother's death certificate of which he wishes we make a copy in furtherance to what he had given us. I pray that the same be admitted.

**The Presiding Chair** (Commissioner Shava): Once the copy is made, we will admit it as part of our records.

**Ms. Emily Kimani:** Thank you. I have no further questions for the witnesses.

*(Power failure for 8 minutes)*

**Commissioner Slye:** Mr. Bundotich and Mr. Maindi, I want to express my sorrow to both of you and your families for the loss you suffered. The Leader of Evidence had asked you what you think would prevent violence from recurring in 2012. What will prevent it from occurring as it happened in 2007/2008? I wonder whether either of you is aware of specific initiatives to try and prevent a recurrence of that violence? Are you involved in any such effort? If so, could you share those views with us?

**Mr. John Kosgey Bundotich:** When such problems arise, it is a lesson to us as a community, especially the victims. It was a brutal incident. It is a very difficult situation that we underwent. It is a lot of pain. So, it is our prayer that we as Kenyans should learn from the problems that we faced during that year. It is an incident that should not recur. We should look for ways and means of solving the problems. When we are involved in such chaos, they bring problems to a community in the long run.

**Commissioner Slye:** Mr. Maindi, I do not know whether you have any thoughts on this?

**Mr. Francis Kibet Maindi:** We want to prevent such incidents from recurring. If our people from the grassroots level, especially villages and locations, agree that it was a bad scenario and everybody refuses to allow such a thing to recur, then it will not recur. If a person really witnessed it, there is no way he will repeat it. Let us treat it as an accident. People should not allow it to happen again. It was demonic; it was really bad. My son who was killed had a family; he had a son and a girl.

**Commissioner Slye:** You both have said in your written statements and testimony here that you would like justice to be done. Could you explain a bit more to us what in your view would be justice, given the circumstances and the losses that you both have suffered?

**Mr. John Kosgey Bundotich:** It is a very good question. First of all, personally, what I have undergone is not something that was caused by a community or a person, but the Government. My brother was killed with a gun. When I went where my brother was lying, I found spent cartridges and that made me confirm that he was killed by a police officer.

What has brought me here today is to seek justice. I believe this Commission will see to it that justice is done. Currently, I am taking care of my family and members of the family that were left behind by my late brother. They would have depended on their father, but he is no more. It is like they are now orphans. They do not have their father to love them anymore. They depend on people to survive. That is the pain that we have, especially as a family. Since we know this person cannot come back to life, it is our prayer that his family is taken care of. How can their needs be catered for? How can they regain back their lost property? What can be done so that this family that has been left back can live a comfortable life and also be independent in the future?

**Commissioner Slye:** Mr. Maindi, do you have thoughts about what justice would mean in your case?

**Mr. Francis Kibet Maindi:** Yes, because my son was killed when he was still young. He was taking care of his family. He was killed by the Government. He even tried to save himself by running to a church compound but it was not possible. He was shot in the church compound. He thought that he could find refuge in church but he was pursued and killed there. I am taking care of his and my family.

It is my prayer to the Government to listen to our cry. The Government should also compensate us for what was lost and take care of the family because I cannot manage to take care of two families singlehandedly. When a child is left behind, he needs education. Even now the child has joined nursery school and is almost going to Standard One. I have to take care of it and I also need to take care of my needs. It is now too heavy a burden for me to carry. I am just crying to the Government to assist me. It can compensate me for the loss of my son so that I take care of the family he left behind. That is all that I have.

**Commissioner Slye:** Both of you have mentioned that it was the Government that killed, in one case, your brother and, in the other, your son. I assume you are aware that at the moment the former head of the police as well as others are currently being considered for charges before the International Criminal Court (ICC). I am wondering what meaning that process has for you. Do you see that as furthering justice? Do you see it as relevant to your specific cases?

**Mr. John Kosgey Bundotich:** I thank you very much because I have got this opportunity to come before the TJRC. We have not had a chance to appear before other commissions. We saw the trial of the ICC in The Hague. We saw that there was a lawyer for the victims. However, it was difficult for us to understand who the victims are because we have never appeared before the court to narrate to them our story. So, we were really wondering whether our cries will be heard in that process. So, we saw it was better to go through this Commission so that our cries can also be taken into account as victims.

**Commissioner Slye:** And Mr. Maindi?

**Mr. Francis Kibet Maindi:** I concur with what Mr. Kosgey has said. Today we have brought our cries to the TJRC because we believe in it. We saw the issues raised in The Hague on our behalf by a lawyer. We do not know whether or not somebody is fighting for our justice and rights at The Hague. That is why we have brought our cries here.

**Commissioner Slye:** I want to thank you both for placing your trust in this Commission. As both of you have observed, there is a lot of injustice related to the post-election violence and clearly what the ICC is doing regardless of how one views that process is quite limited. Part of the value of this Commission as well as other processes here in Kenya is to really bring truth and justice, and one hopes eventually there will be reconciliation of all families who suffered during that time. So again, I want to express my sorrow to both of you and your families and the widow or mother who is here and other family members that may be here. Thank you for coming before this Commission.

**Commissioner Chawatama:** I would like to thank both Mr. Kosgey Bundotich and Mr. Maindi for your testimonies. One of the powers that this Commission enjoys in the Act that created us was to recommend prosecution and maybe we may recommend for further investigations.

Mr. Bundotich, when I look at the statement that you gave and what you have told us, although you have said that your brother met the police on patrol who then shot him, you have not told us the source of this information. Were there witnesses when your brother was killed? I do not want you to name the people but if there were witnesses just acknowledge that there were.

**Mr. John Kosgey Bundotich:** I live in Eldama Ravine Town and the incident took place at Rongai Quarry. As I said earlier, we were communicating with my brother because he was living in his own home. I communicated with him up to 5.00 a.m. in the morning. That is when he went off and I could not reach him on phone any more. After a short while, I was told that my brother had been killed. I tried my best to go with my other

brothers where he was living. When I arrived there, I found he was lying down. We met his neighbors and saw others shifting their families. They explained to us what happened. They told us that my brother was going back to his house when he was shot dead. He was shot in the back while trying to get assistance elsewhere. This means that he was running away and he died on the spot.

When we went to the police station at Rongai to record a statement, we were with many people who witnessed the incident. As we were recording the statement - you have said we should not mention the names. If it was necessary for us to mention the names, we would do so.

**Commissioner Chawatama:** We will give you another opportunity for that. You also mentioned that you picked up spent bullet cartridges. You said that this indicated that it was the police who had shot your brother. So, how did you tie the bullets that you found to the police and do you have them?

**Mr. John Kosgey Bundotich:** Yes, I have the cartridges of the bullets with me. When I went to the police, I could not mention it because it is the police who killed my brother. If I could have given it out as an exhibit it would have been taken away and I would lack evidence in future to show that it is the police who killed my brother. I have it with me; it is here. So, if the Commissioners can look at it because I came with it, I would appreciate.

**Commissioner Chawatama:** I think we need to discuss, just looking at it may not help us a lot because we are not experts. We would want it tested. I think the ammunition used by the police is very specific and one can identify it. However, we would have to show it to experts. So, I do not know to what extent you can entrust us with that as an exhibit. We can take a photo of the same.

*(The Commissioners consulted)*

**The Presiding Chair** (Commissioner Shava): We have consulted. We will be in touch with you with regard to the testing of that bullet. But in the meantime, we would request if you can put it in such a way that our team can take a photograph of it so that at least we know we have that photograph as part of our records. Is that agreeable? Is that alright with you?

**Mr. John Kosgey Bundotich:** Yes, it is.

**Commissioner Chawatama:** You have also mentioned the efforts to get help from the police which were fruitless. Did this surprise you?

**Mr. John Kosgey Bundotich:** I was so astonished because I thought that it was a place where I could get assistance as a victim. I thought that it was the nearest Government to me. I thought they were people who could serve everyone. So, I did not have any other

option. I thought that was the place to go and report and get assistance after the incident. It was amazing.

**Commissioner Chawatama:** What about any thoughts about the police having been involved? Did this further persuade you that the police were involved, given the fact that they did not help you at all?

**Mr. John Kosgey Bundotich:** Yes; thank you very much. When I did not get any assistance at the police station and when I went there and got the remainder of the story, it pained me a lot because I had lost my brother.

*(The witness sobbed)*

**The Presiding Chair (Commissioner Shava):** *Pole sana, Mzee.* Please take your time since we will listen to you; when you are ready we will continue.

**Mr. John Kosgey Bundotich:** I am sorry. As I was saying, it was really painful because as a person in pain after losing my brother--- After arriving at that place and seeing that it was the police who had killed my brother, and at the same time I was not getting any assistance from the police, it was very bad.

**Commissioner Chawatama:** Thank you very much. I am so sorry that my question has caused you a lot of pain. I agree with you that that was the nearest representative of the Government and, as a citizen, you were entitled to go there and get help. They should have helped you and made your burden lighter. We take note of your pain. I am really sorry that you lost your brother, but I am really grateful that you came to the Commission to share with us and we have heard you. Thank you.

Mr. Maindi, in your statement, you have also complained at the progress or the lack of progress in the prosecution, and you have also mentioned the fact that there were witnesses to the death of your son. Without mentioning names, are these witnesses to your knowledge still available?

**Mr. Kibet Maindi Francis:** They are still there up to date. When the policemen came to that centre on that fateful day when my son got shot, they had arrested more than seven people. They alighted from that vehicle. My son went out of the compound and when they saw that they could not arrest him, they shot him. They shot him three times and already they had seven people in that Land Rover.

**Commissioner Chawatama:** Thank you. Without mentioning names, do you know whether the person whom you say was responsible for the shooting is still alive? Is he somebody whom you have seen recently? Do you know if this person is still alive?

**Mr. Kibet Maindi Francis:** At the moment, I do not know if this person is still alive but at that time the people who were in the Land Rover went for trial. They continued with the trial for two years. We know the name of the person because they were tried.

**Commissioner Chawatama:** When you say that they were tried, did this matter end up in court? Is that what you are saying?

**Mr. Kibet Maindi Francis:** Yes, the case was taken to court but they said there was lack of enough evidence.

**Commissioner Chawatama:** Do you have any papers from the court, so that we can take down the number? Avail to us the file number of the case.

**Mr. Kibet Maindi Francis:** No, I do not have the documents. The people who were tried were the ones who had the documents but I did not report anybody because when my son was shot I went to a lawyer; but I did not finish paying the lawyer, so that he could submit the name in court.

**Commissioner Chawatama:** Please give us the name of your lawyer and then we can see how we can get more information. I would like to thank you as well for making yourself available to the Commission and sharing with us a very painful story about your son who died.

**The Presiding Chair** (Commissioner Shava): Leader of Evidence, do you have any documents you would like to bring to our attention?

**Ms. Emily Kimani:** We submitted all of them.

**The Presiding Chair** (Commissioner Shava): Mr. John Kosgey Bundotich and Mr. Kibet Maindi, I do not have any questions for you, but I would like to thank you for coming here today and expressing the confidence that you have in this Commission. Are you accompanied by anybody here today, so that we can recognize them?

**Mr. John Kosgey Bundotich:** I think I had mentioned earlier that I was accompanied by the wife to my late brother and she is with us here today.

*(The wife of the deceased stood up)*

**The Presiding Chair** (Commissioner Shava): Thank you for coming today. We have listened to very difficult stories even if they have been very brief. As parents, we do not have children with the expectation that somebody is going to kill them. Parents sacrifice a lot in order to raise their children and educate them; the joy of parents is to see their children stand on their own two feet and live their lives. Mr. Bundotich, your brother was the youngest in your family and you had a hand in raising him. You are the one who is looking after his young family that he left behind. So, we, as a Commission, recognize what you have gone through. It is particularly the people whom you run to for help--- You have to live with the fact that they are the ones who have taken your loved ones away from you. It is very difficult. We thank you for coming to share your story because



it adds material to the story that we are going to tell Kenyans and the world. It is not imagination. It is true it has happened in our country.

I can only leave you with a word of encouragement and say that yesterday we saw in the news in Naivasha that as Kenyans were demonstrating, as is their constitutional right to do that about insecurity, one Administration Policeman beat up one demonstrator, even as she was sitting down; we saw that, that officer was immediately sacked. *Poleni sana*. Thank you for your courage in coming to tell the story to the rest of the world and Kenyans. We are seeing signs of change in this country and you are part of that change because you have brought your stories out and we will do what we can to ensure that appropriate recommendations and measures are taken into account. Thank you very much.

**Mr. John Kosgey Bundotich:** Thank you.

**The Presiding Chair** (Commissioner Shava): This gentleman works with the Commission and I think he would like to take a photo for our records.

*(A photograph was taken)*

Are we done? We are only taking this for the purposes of the Commission and we recognize that the security and safety of witnesses is an important part of our work. Leader of Evidence, since you have stood down the witnesses, we ask you to call the next witness.

**Ms. Emily Kimani:** Commissioners, through the Chair, last but not least, we have witness Code 17.

*(Mr. Julius Kipruto Bett took the oath)*

**Ms. Emily Kimani:** Mr. Kipruto, how are you this afternoon?

**Mr. Julius Kipruto Bett:** I am fine.

**Ms. Emily Kimani:** For record purposes, kindly tell us your full names once again.

**Mr. Julius Kipruto Bett:** My names are Julius Kipruto Bett from Nakuru East District, Bahati Division, Kirima Sub-location. The farm is called Kimngochoch.

**Ms. Emily Kimani:** What do you do for a living?

**Mr. Julius Kipruto Bett:** I am just a peasant farmer.

**Ms. Emily Kimani:** You are accompanied by a gentleman who is on your far right. Do you mind introducing him to us?

**Mr. Julius Kipruto Bett:** He is a victim and his name is Lawrence Kirui.

**Ms. Emily Kimani:** Thank you very much. Mr. Kipruto, you are seated before us today, having recorded information on an attack on your farm during the 2007/2008 post-election violence. Is that the case?

**Mr. Julius Kipruto Bett:** Yes, that is the position.

**Ms. Emily Kimani:** Please take us through your testimony on the same.

**Mr. Julius Kipruto Bett:** It was on 26<sup>th</sup> Saturday around 3.00 p.m. when we received a report that our two people had been killed in a village called Rigogo. At around 6.00 p.m., the OCS of Bahati Police Station arrived at Kimngochoch Trading Centre and we identified the two bodies as those of our sons. From that day, we held a discussion with the OCS and he told us to cool down and not to reiterate. Though we were annoyed, we could not do anything because we were a minority in that particular place. In that area, in the west were the Kikuyu; in the east were the same Kikuyu and in the south was the Menengai Crater; there was no community living there. The Kipsigis lived in the north. We cooled down until the following morning.

The OCS came again. I spoke to him and he asked me about the security situation there; I told him that it was not bad. He asked me about two Kikuyu people who wanted to fight people; I stood up so that they could pass. At the centre there were some youths. He went back and brought around 30 of them. They passed through the road very safely and the OCS escorted them. They came back and we still continued with the discussion. I told him that the place was not good. He told me that there were two bodies that they were supposed to go and collect. Houses had been burnt on the eastern side. Our people started running to the north. The farm they ran to is called Kitur. As the houses were being burnt, we were told that they had petrol and when they lit the cans, they burnt the houses. We lost houses. It was harvesting season. It was January and maize was in the stores and granaries. We are farmers. At that time, I saw the OCS had gone and there were problems in our farm. I could not go back to my farm. I decided to join the children who had passed by. We went through Marigat. I met the OCS going to the upper side. We went to Banita and after arriving there, we went to Makongeni. At Makongeni Railway, we found very many people who had come from Morop Farm and others from Hambiba, Endau, Kitur, Kimngochoch, Kirima and Banita. Those were the people whom we met at Banita Railway. The able people took vehicles and those who were unable to do so like women, children and the elderly went to a school that was called Kopomoi. I stayed at that place for some time. I realized that I could not go back home. Since I had no place to stay, I just followed the children because they were young and needed help. Nobody knew these children.

I found the children in Kopomoi School. They were confused as to where to start. I talked to them slowly. I told them not to worry since the Government would help them; even the Red Cross would help them. They listened to me and at around 5.00 p.m. the area chief came. I explained the situation to him and he talked to the people. We started moving

around and talking to the people of that area. They brought maize flour and we cooked porridge for the children and they slept. The elderly did not eat anything. At night, two women gave birth safely and the next morning there were no facilities that could help these people like water and other things. So, a doctor from Kisanana came and we went to Kisanana in Koibatek District. We found a hospital and we looked for the area chief and I found he was in a meeting. He had known that we were coming to that area. I told him what had happened. He made phone calls here and there. They brought water and maize and every farm was told to register and then they gave us food. So, we took care of the people with the help of the chief. After one day, one lorry came and brought people from Tugen, Emining, the office of the DO, Marigat, and even the Pokot. We wrote a letter to them.

**Ms. Emily Kimani:** I kindly wish to thank Mr. Kipruto for his testimony. I will give him an opportunity to explain further the details he is giving us through the question and answer session if I am allowed to do that.

**The Presiding Chair** (Commissioner Shava): Leader of Evidence, before you proceed, do you have a memorandum from Mr. Bett?

**Ms. Emily Kimani:** No.

**The Presiding Chair** (Commissioner Shava): We will discuss that later. Please, proceed with the question and answer and I hope that your questions are going to elicit further recommendations that Mr. Bett has for this Commission.

**Ms. Emily Kimani:** Thank you very much, Presiding Chair.

Mr. Kipruto, when you commenced your testimony, you talked about an incident on the 26<sup>th</sup>. Which month and year was this?

**Mr. Julius Kipruto Bett:** It was 26<sup>th</sup> January, 2008, on a Saturday.

**Ms. Emily Kimani:** Where is Kimngochoch Farm situated?

**Mr. Julius Kipruto Bett:** It is at Kirima Sub-location in the new district called Nakuru East.

**Ms. Emily Kimani:** Was the farm your individual farm or was it collectively owned by several people?

**Mr. Julius Kipruto Bett:** This farm was bought by a company. All the farms that I have mentioned like Marigat, Kirima, Endau and so on are farms that the community bought and named them so.

**Ms. Emily Kimani:** Who resided at the farm at that time?

**Mr. Julius Kipruto Bett:** In Kimngochoch, the people who had registered in the company were 2,062. It was bought on 3<sup>rd</sup> February 1972. Right now, there are very many people.

**Ms. Emily Kimani:** Now, in the incidents that you have described in your testimony before us today and also in the statement you recorded, you said that there was a raid and two people were killed. Who informed you of this incident?

**Mr. Julius Kipruto Bett:** In the evening, I called the Assistant Chief and told him that I had seen the situation in the area which was not conducive. He told me that there was no police who could be taken to that place and that two people had been killed. I did not know who they were but when the OCS brought the bodies, he had been told that they were Kalenjin. He was told to bring them to Kimngochoch to be identified before being taken to the mortuary.

**Ms. Emily Kimani:** In your statement, you also describe another incident on the 27<sup>th</sup> January 2008, and at some point we note that your community suspects that it was the Kikuyu who were responsible for the attacks. What made you think along that line?

**Mr. Julius Kipruto Bett:** We suspected the community but they were not our neighbours at Arahuka or Wanyororo B because they were people we had stayed together with for a long time. We have intermarried and we were working together. So, they were not our neighbours.

**Ms. Emily Kimani:** Have you ever gone back to the farm?

**Mr. Julius Kipruto Bett:** After one week, we went back. Even the DC came and had a meeting. We held security committee meetings and agreed that we should forgive each other because we did not know who had done that. We left it in the hands of the Government to tell us the killers; but even if we did not know them, it was okay since we could not just arrest anybody.

**Ms. Emily Kimani:** Just describe to us what recommendations you would give.

**Mr. Julius Kipruto Bett:** What I can recommend is that where there is a problem there should be a solution and the people of Kenya should be enlightened. When the presidential elections results were being announced at KICC, there was a woman who said that Mr. so-and-so saved the country and she was not a woman from Kenya and nobody heard it. If you make a follow up, you will get that statement.

**Ms. Emily Kimani:** Thank you very much, Mr. Kipruto for your testimony. I have no further questions for you. Commissioners, through the Chair, you can ask him questions.

**Mr. Julius Kipruto Bett:** Presiding Chair, please allow me to go back and prepare a memorandum and get information and documents from the people whose loved ones were killed so that I can submit them to you.

**Ms. Emily Kimani:** You can do that; and thank you.

**Mr. Julius Kipruto Bett:** Thank you very much.

**The Presiding Chair** (Commissioner Shava): Mr. Bett, you are free to bring the documents as the Leader of Evidence said. You are free to prepare at this stage a memorandum and any other document to submit as testimony to us.

**Mr. Julius Kipruto Bett:** Thank you very much.

**Commissioner Chawatama:** I do not have any questions to ask, but I would like to thank you for getting time to appear before us and to give your testimony. You talked about violations, killings, serious injuries and prosecutions; I agree with the Chair. Even in your statement, you have stated that you will give us a memo and at the same time you have said you will bring some people who were victims of the raid. I am looking forward to receiving your memo so that I can read it together with what you have told us today and so that I can get a complete picture of everything that happened. Please let us have the memo; the information will assist us.

**The Presiding Chair** (Commissioner Shava): Mr. Julius Kipruto Bett, I would like to thank you for coming here today and being patient. You are our last witness but you have sat here until you have finished your story. For me, it is an important story because it is balanced. It has added a perspective in the Rift Valley which was there before. We thank you for being brave enough to come and say things which other people may feel it is not appropriate to say. This Commission is after the truth; you have helped us to see some truth that we had not seen. Thank you. I am very happy that you said in your statement that what you are looking for is for Kenyans to live together. You also said that the people who attacked you were not your neighbours who had intermarried with you. I am happy that you went back to your farm. You are a good example of how Kenyans should be living. Leader of Evidence, please stand down the witness.

*(The witness was stood down)*

**The Presiding Chair** (Commissioner Shava): Leader of Evidence, was that our last witness?

**Ms. Emily Kimani:** Yes, Commissioners, that is all we had for the day.

**The Presiding Chair** (Commissioner Shava): We have heard the effects on people here of the post election violence, inter-community clashes and insecurity of such level that they have led to the closure and even disruption of schools and health facilities; there were injustices that affected land and livelihoods. We have had the opportunity to hear the minority communities of this area on issues of marginalization. You have told us the plight of widows and orphans. You have told us of the effects of cultural norms and practices that militate against the education of women and girls. Even as we leave this

place, the communities of Baringo County have defined the way forward. Some responsibility will lie with the Government and some with yourselves to ensure that in accordance with the law, your recommendations are implemented.

We again applaud the courage of the witnesses who have come forward, spoken eloquently and shared their personal experiences with the nation and the entire world. We would like to assure you of our commitment as a Commission to seek the truth and facilitate the quest for justice. Let us also remember that at the end of the day, the purpose of seeking truth and justice is to pave the way for reconciliation, which is a generational process. The TJRC provides the opportunity for us, as Kenyans, to chart a new path towards healing and national reconciliation. We then applaud those witnesses who have come forward to share their stories--- I will acknowledge them by mentioning their names. These are Amos Ledaa, Councillor Joseph Barsalach, Paul Kipyegon Kipsoi, Hamisi Alfani, Reuben Chepkonga, Reuben Kendagor, Moses Kachumo, Joseph Leboo, Reverend John Nambai, Elisha Kiplengun, Peter Kagathi Kimani, Hon. Asman Kamama, Margaret Lenapunya, Pastor Charles Lochu, Dicskon Bagan, John Kosgey Bundotich, Kibet Maindi Francis and finally, Julius Kipruto Bett. We thank you all for your participation in these historic proceedings over the last two days and urge you to continue to follow the deliberations of this Commission. Thank you.

*(The Commission adjourned at 6.05 p.m.)*