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ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND RECONCILIATION COMMISSION HELD ON TUESDAY, 4TH OCTOBER, 2011 AT ELDORET MUNICIPAL HALL

PRESENT

Gertrude Chawatama - The Presiding Chair, Zambia
Maj.Gen. Farah - Commissioner, Kenya
Berhanu Dinka - Commissioner, Ethiopia
Tom Ojienda - Commissioner, Kenya

(The Commission commenced at 9.45 a.m.)

(National Anthem)

(Opening Prayers)

The Presiding Chair (Commissioner Chawatama): We would like to welcome you to the second day of our hearing. Yesterday, we had several witnesses on issues to do with land; the passion with which land was talked about demonstrated to us how Kenyan people love their land and also how they feel about human rights violations. We also heard matters on evictions and the impact that those evictions have had on the lives of many people, not only here in Eldoret but also in Kenya as a whole. We also heard on environmental degradation and the impact that, that has had on the lives of people. We heard on one hand that although there were jobs that were created, that has serious impact on the lives of the people. On behalf of the Commission, I would like to thank all those who came yesterday, and also thank you for coming today to witness the testimonies that will be given today.

As you may know, those of you with cellphones, please switch them off. If you have pressing issues, we would encourage you to step out and attend to that urgent issue. Whilst witnesses are giving their testimonies, we expect you to listen quietly, because the person who is giving their testimony deserves respect. You might not agree with everything that is being said. That is acceptable, but all the same we expect you to give them the time and the respect that is due to them. I would like to introduce the panel for today’s hearings.

(The Presiding Chair (Commissioner Chawatama) introduced Herself and the other TJRC Commissioners)

We welcome you once more and you are the reason why we are here. Thank you for your participation.

I will now ask the Hearing Clerk to swear in the first witness and we welcome our Leader of Evidence, who is a very able person and a great asset to this Commission.

Eldoret Municipal Hall 1 Tuesday, 4th October, 2011
(Ms. Brigit Zimmerman took the oath)

The Commission Secretary (Ms. Nyaundi): Tell the Commission your names, current occupation and where you live

Ms. Brigit Zimmerman: My names are Brigit Zimmerman. I am a volunteer in Karai Children’s Home near Kikuyu. My original home is in Germany. I am a German. I came here in 2006 to the children’s home in Sugoi near Turbo. We had 130 ex-street kids and I was a volunteer there in 2006 to 2007.

The Presiding Chair (Commissioner Chawatama): Sorry witness. Leader of Evidence, please approach the Commission since there is something that we want to confirm.

Ms. Brigit Zimmerman: Okay. When I came in 2006, Eldoret was really a safe and peaceful place and I was not thinking about who was a Kikuyu or a Nandi. In our children’s home we had boys from all tribes. The project was supported by the PCEA, Eldoret, and they had a partner in Germany. The name of the church was Evangelic Church. The home was for ex-street boys; it had a primary school, a small vocational center and a farm. Also the kids from outside the community visited our school.

In December 2007, I came back from Eldoret and I realised something that was normal. I think it was on 30th December. Some of our neighbours came and told us that the Kikuyus had to leave the project and the houses around. They started burning the houses of the Kikuyus. We collected all the kids and we slept in the corridor of the guest house. We thought that was the safest place. On 31st December, the Kikuyus had to go to the IDP camp in Turbo. At the beginning of January 2008, we had fewer staff, less money and food and it was up to us to decide what to do. The other problem was that most of the kids were Kikuyus and they could not go to the hospital in Eldoret. Sometimes groups of young men came and stole cows and maize. We tried to hide our property like the keyboards, television and even my laptop in neighbours’ houses. During the day time, some Nandis told us to appoint a committee so that we could go on with the school and they helped us with beans and sugar. After a while, life was almost normal. On 2nd February in the evening something happened. In the afternoon, one of our teachers said that maybe a group could come to steal our maize. I think he knew more but he did not want to scare me. At around 8.00 p.m. on that day, our lives changed. First a big group of people attacked our children’s home. They chased our boys out of the dormitories and the dining hall. They started to steal and set the rooms on fire. I was in the guest house with some kids. After they started burning the home, they also came to the guest house. They also stole and burnt the guest house. Two staff members and two boys were injured. We did not salvage anything.

After around two hours in that bad condition of not knowing what was going on, the boys hid me. We had a chance to go to some of Nandi neighbours’ houses. After some time a friend gave us a lift to Eldoret, so that we could inform the police. The police came hours later to rescue our kids in Sugoi. We were put in a hotel and so I did not know what was going on. During the night, the kids came to the police station and from there to the IDP
camp in the compound of the DC. After six months, we had a chance to take over a
children’s home in Karai near Kikuyu. We now have 150 kids; it has slightly more boys
than girls. It was a hard time to lose the home. For six months we camped in the open
with 130 ex-street boys near the town. We had to find a new home and to settle in a new
environment. We had lost our home, a primary school, a small vocational school and a
farm. Some kids are still traumatized. Some boys are still with their families in the
classes. They told me that political leaders used some people to fight against each other. I
hope that it will not happen again. I like Eldoret and I would still like to live and work
with the kids, but first I have to see how the elections of 2012 will go.

The Commission Secretary (Ms. Nyaundi): Thank you very much, Brigit. We
sympathise with what you went through with the children. We appreciate.

Ms. Brigit Zimmerman: Asante.

The Commission Secretary (Ms. Nyaundi): I will just ask you a few questions. What
were the ages of the children in Sugoi?

Ms. Brigit Zimmerman: Between four or five and 20 years.

The Commission Secretary (Ms. Nyaundi): What was the process of admitting them at
the home?

Ms. Brigit Zimmerman: Before I had come, I had already met many kids at the
children’s home. They came directly from the streets to the rescue centre, or if somebody
knew somebody who had a kid in need they brought them.

The Commission Secretary (Ms. Nyaundi): The criteria that you used to receive them---
Ms. Brigit Zimmerman: We had some friends who also helped us to find out which side
of the streets was needy. We had some connection between staff members and the kids on
the streets.

The Commission Secretary (Ms. Nyaundi): Brigit, I am wondering; is it correct to say
that the children whom you admitted at the home maybe were at their employers’ homes
and maybe did not have a good environment similar to what you were providing them
with?

Ms. Brigit Zimmerman: Yes, the kids in our children’s home had families that did not
care for them and some of them were orphaned.

The Commission Secretary (Ms. Nyaundi): What was the distance between the Sugoi
home and Eldoret Town?

Ms. Brigit Zimmerman: Around 30 kilometers.
The Commission Secretary (Ms. Nyaundi): Now, you said that you also had a primary school and the children from the community visited it. Did they only visit or did they also benefit from it?

Ms. Brigit Zimmerman: There were pupils in our school.

The Commission Secretary (Ms. Nyaundi): Was this at a cost?

Ms. Brigit Zimmerman: I think they paid a small amount of school fees but it was not very high.

The Commission Secretary (Ms. Nyaundi): Were there other schools apart from the one that you were providing them with in the community?

Ms. Brigit Zimmerman: In Sugoi, there is a primary school but still many neighbours used to bring their kids to our school.

The Commission Secretary (Ms. Nyaundi): In terms of the resources and the equipment, would you say that your school compared to the other schools was better?

Ms. Brigit Zimmerman: Yes. It was a private school and the number of pupils per class was not big. We also had good teachers and I think it performed better than the other school in Sugoi.

The Commission Secretary (Ms. Nyaundi): You have said that when the crisis began, and this was on 30th December, people were coming and saying that the Kikuyus had to leave the place. Were these people staying in the neighbourhood?

Ms. Brigit Zimmerman: I am not 100 per cent sure, but I think some of the neighbours wanted to help the Kikuyus and some of them pushed for them to go.

The Commission Secretary (Ms. Nyaundi): Was this a general kind of conversation between you and them? Were these neighbours a threat to the Kikuyus? Were they saying people would come or they were saying that they themselves would remove the Kikuyus?

Ms. Brigit Zimmerman: I am not very sure, but when they started to burn the houses everybody knew their intentions. The neighbours knew such people.

The Commission Secretary (Ms. Nyaundi): Now, you said that children were connected to the home. I wanted to be clear whether these were children from the community.

Ms. Brigit Zimmerman: All the kids were living in the home; so, we said that all the kids should come to the guest house. Also our Kikuyu neighbours came with their whole families and not only the kids.
The Commission Secretary (Ms. Nyaundi): At any time, were you able to say how many people were in the guest house?

Ms. Brigit Zimmerman: I would say around 100 kids plus five or six families.

The Commission Secretary (Ms. Nyaundi): Did you or anyone attempt to communicate with the police at this time and did the police respond?

Ms. Brigit Zimmerman: At that moment, I am not sure. I only know that when the Kikuyus went, the next day some Nandi neighbours accompanied them to the police station. The police came later to rescue one Kikuyu staff member because it was dangerous for him to venture out. The Kikuyu staff member, Mr. Chege, was reluctant to go but after a while the police took him to Eldoret.

The Commission Secretary (Ms. Nyaundi): So, the police escorted all these people who were living here to Eldoret?

Ms. Brigit Zimmerman: No, to Turbo and Mr. Chege to Eldoret.

The Commission Secretary (Ms. Nyaundi): Now, have there been any arrests in connection with what happened at the home?

Ms. Brigit Zimmerman: I have not heard of any.

The Commission Secretary (Ms. Nyaundi): You have told us that you went to set up another home in Karai. Did you go to Karai with the same children that you had in Sugoi?

Ms. Brigit Zimmerman: We went with 130 kids to Karai and we found there 35 other kids.

The Commission Secretary (Ms. Nyaundi): So, out of the children that you had at Sugoi---

Ms. Brigit Zimmerman: I think five have gone back to their families after the clashes.

The Commission Secretary (Ms. Nyaundi): Did you lose any?

Ms. Brigit Zimmerman: We did not. Nobody was killed or ran away.

The Commission Secretary (Ms. Nyaundi) Did Mr. Chege join you?

Ms. Brigit Zimmerman: Yes.

The Commission Secretary (Ms. Nyaundi): And you have all your children?
Ms. Brigit Zimmerman: We came with ours from here but we also got new ones in Karai.

The Commission Secretary (Ms. Nyaundi): When you reflect and think about the incident--- I believe the original homes of these children were in the area around Sugoi and maybe Eldoret. What good did you do by moving these children from there?

Ms. Brigit Zimmerman: Sugoi was a very good place for a children’s home. It was a little bit far from town, with a very nice environment. Also the farm was very fertile and farming was successful; until today many kids really miss Sugoi.

The Commission Secretary (Ms. Nyaundi): Thank you, Brigit. I really do appreciate your work and I hand you over to the Commissioners.

The Presiding Chair (Commissioner Chawatama): Thank you very much Brigit for your testimony. As a Commission, one of the things that has really touched is the experience that the children have had not only in the post-election violence but in other incidents. So, you can rest assured that as a Commission we also have the best interests of the children at heart. Even as we sit and listen to adults, at the back of our minds we are thinking of the children and the future of this nation.

Before I ask other Commissioners to speak, I would like to recognize the presence of two other Commissioners who are very dear to us, and we keep reminding them that once our light is over, they will have the heavy burden and responsibility of carrying on. So, I would like to welcome Commissioner Tororei of the Kenya National Commission on Human Rights. Reverend Bomet, a Commissioner from the National Cohesion and Integration Commission, you are so welcome. Thank you for coming. I will now ask Commissioner Ojienda if he has any questions for this witness.

Commissioner Ojienda: Thank you, Chair. Thank you very much Madam Zimmerman for your testimony and the painful experience that you underwent at the children’s home in Sugoi. I will ask two questions.

What is the state of the children’s home in Sugoi? In what state are they now, that is the primary school, guest house and children’s home?

Ms. Brigit Zimmerman: They are ruined. The buildings are destroyed and you can see some stones and a little bit of sand. They are using it as a farm and maize is planted on it.

Commissioner Ojienda: Do you still have the title deed to the farm?

Ms. Brigit Zimmerman: We are still connected to the PCEA, but as friends. They helped us with the land without asking us to pay for it. This was in the first year. After some discussions we found a way---

Commissioner Ojienda: So, you hope to go back after elections?
Ms. Brigit Zimmerman: No, this is my personal view. I like Eldoret and I would like to have the street kids, but I think going back to the old home is financially not possible, since we have to rebuild the whole home gain.

Commissioner Ojienda: Thank you very much.

Commissioner Dinka: Thank you very much for your testimony. You mentioned about the attackers coming in a lorry and taking your staff. I know it was hectic but can you describe the colour or make of the lorry?

Ms. Brigit Zimmerman: You know it was already dark and I was between the guest house and the children’s’ home; the kids covered me; they asked for the mzungu; I am not sure. I think it was a white one but I am really not sure.

Commissioner Dinka: You also mentioned that this attack was because the PCEA was associated with the Kikuyus. What is the PCEA and what is the kind of association?

Ms. Brigit Zimmerman: PCEA means the Presbyterian Church of East Africa and I would say that 95 per cent of its associates are Kikuyus.

Commissioner Dinka: So, during the attack, 400 people attacked you?

Ms. Brigit Zimmerman: I cannot really tell but my kids told me that the number was around 400.

Commissioner Dinka: You would not know from which area they came since they were not your neighbours?

Ms. Brigit Zimmerman: I said that they came from a little bit far, but maybe some neighbours co-ordinated the incident; many young people came from behind the hills.

Commissioner Dinka: So, there was no identification?

Ms. Brigit Zimmerman: I would not know. They had white faces.

Commissioner Dinka: Have you recovered your tractor?

Ms. Brigit Zimmerman: No. I have not recovered anything not even my cows and the laptop.

Commissioner Dinka: What did the police do? You have told us that two hours later your children and your people were rescued. Have you pursued the recovery of your tractor and cows?
Ms. Brigit Zimmerman: I think some of our staff members tried to recover the tractors and cows. A few weeks after the clashes, they went with the police and picked some *mabati* and cupboard from the neighbours.

Commissioner Dinka: Thank you very much, Ms. Zimmerman. I would like to express my own empathy with your suffering and also to salute your effort of helping street children even after the post-election violence and the horrendous experience. I wish you the best in your effort. I hope the next election will be peaceful and you may be able to help many street children.

Commissioner Farah: Thank you very much for your candid explanation of your sufferings. What was the value of your school before the clashes? What was its value before it was destroyed?

Ms. Brigit Zimmerman: It was around 500,000 Euros. It is more than Kshs5 million.

Commissioner Dinka: Right now, what remains of that school are only structures. If you get Kshs5 million you can rebuild it. Is that so?

Ms. Brigit Zimmerman: Yes, that would assist to rebuild it.

Commissioner Farah: You have come to us and we have heard you. What is your expectation?

Ms. Brigit Zimmerman: I hope you will find the truth. I want to know the people who were responsible for the destruction of the school. I hope the Government will assist me to put up the school so that we continue assisting our children. We had really to struggle to find a new place and to renovate it. We can assist these children by counselling them. I have some friends in the IDP camps and I hope they will also get more help from the Government.

Commissioner Farah: You have talked of the new place where you are currently operating from. Between the new place and the old children’s home, which is safer? So, when we go for election in 2012, which place is safer than the other?

Ms. Brigit Zimmerman: Karai is safe without elections, while Sugoi is safer during the normal life.

Commissioner Farah: So, if today any Good Samaritan, or the Government, or international body wants to help you, would you rebuild the old school, or build where you are now?

Ms. Brigit Zimmerman: I would rebuild it. I also have a dream of building a secondary school although I have never discussed it with anybody.
Commissioner Farah: As you were narrating your story, our hearts were bleeding with you. We are really sorry for the trauma that you experienced. It was one night of torture. So, we are with you. Thank you very much for your good explanation. We will discuss among ourselves, and see.

Commissioner Dinka: With the permission of the Chair, 500,000 euros is more than Kshs60 million. It is not Kshs5 million.

Ms. Brigit Zimmerman: Yes. Thank you for that correction.

The Presiding Chair (Commissioner Chawatama): Thank you very much, Commissioners. I have a few questions for you as well. I would like to know from you whether you knew why some of your children were staying in the streets before you took them to school. Do you know some of the reasons why they were on the streets?

Ms. Brigit Zimmerman: For some it was as a result of broken families. Some had different fathers who mistreated them. Some fathers abused alcohol and they could not take care of their families. Children were not going to school. Others were influenced by peer group to move into streets. Some were in the streets because they did not have parents. These are some of the reasons why children ran away from homes.

The Presiding Chair (Commissioner Chawatama): Were there situations, maybe, where also parents could have died from HIV/AIDS scourge? Did you have any instances like those?

Ms. Brigit Zimmerman: Yes. There are also some cases that I would say so.

The Presiding Chair (Commissioner Chawatama): For the street children who had families, did you encourage them to reunite with them?

Ms. Brigit Zimmerman: In Sugoi, we were really too slow. We started after I recognized that there was no connection anymore between the child and the family. However, we are improving. We do a lot to connect them again. We send them back when we can. We help them to reunite with their families.

The Presiding Chair (Commissioner Chawatama): There is a setback in terms of the work that you do for these children. I am sure there was a lot of rehabilitation work that needed to be done to settle these children. What are your comments on the amount of setback that this one incident had on the work that you had done for the children?

Ms. Brigit Zimmerman: I beg your pardon. I did not get your question.

The Presiding Chair (Commissioner Chawatama): You obviously had a lot of success, in that you were able to rehabilitate children. You got them schools to enable them settle down and lead a normal life. In fact, you gave them a chance to be children again. I want
you to comment on the setback that post-election violence had on the work that you had managed to do.

**Ms. Brigit Zimmerman:** The hardest time for me was when I was in Eldoret. Everything was destroyed. So, they could go out and again start to drink and sniff. I think this was the hardest time for me. At the beginning in Karai, we had to struggle. We recognized in the last weeks that some big boys were still traumatized. We had really to go to some special people to help us. The experience from the street, or in the families, then street, then losing a home, changing the environment, it was really hard for them.

**The Presiding Chair** (Commissioner Chawatama): Listening to you, it is very clear that you had won the children’s trust to the extent where they were hiding you away because they wanted you to be safe. I do not know whether you had any conversation with them to know how much they had trusted their parents and leaders. What are some of the things you heard from them or you continue to hear from them?

**Ms. Brigit Zimmerman:** These children need someone who will love and take care of them. There are many pastors and counselors, but they do not assist these children. I am not here because of money, but because of love for my work. When you are a good model, people will respect you. They also honour Mr. Chege, for example. He is one of our strongest people. They trust him.

**The Presiding Chair** (Commissioner Chawatama): We are so grateful that the children have had an opportunity to see role models, not only in yourself, but other staff that you work with. It is an important work that you are doing. It is a calling; callings are not easy. We have to die a little in order to just achieve the desires of our hearts.

As a Commission, one of the things we would like to ask from you is, if you could ask the social workers to give us report on the impact of the post election violence on children. That will help us understand them a lot better. Our report will be richer if we included the experience of your children. Thank you very much.

**Ms. Brigit Zimmerman:** I am also thankful.

**The Presiding Chair** (Commissioner Chawatama): Thank you, Leader of evidence. Thank you, hearing clerk. Escort the witness to the Chair and bring the next witness.

**The Commission Secretary** (Ms. Nyaundi): Chair, with your kind permission, as the next witness is coming, I wish to seek your permission to admit two submissions from two groups of people who are unable to testify before the Commission, but wish to present their cases.

**The Presiding Chair** (Commissioner Chawatama): Please, proceed. Let us know who these people are and whom they represent.
The Commission Secretary (Ms. Nyaundi): Thank you, Chair. The first one is an individual. His name is Nelson Wambugu Kinga. He says that he was wrongfully arrested on allegations of sedition. He subsequently lost his teaching position and to date he has not received any justice.

Chair, there is his memoranda. He has attached newspaper of September, 12, 1993, that covers his story. There is a letter dated 1st December, 1993 from the Teachers Service Commission (TSC), 27th February, 2004, from the Teachers Service Commission, 31st March, 2004 from the TSC, an appeal by him addressed to the Appeals Tribunal on 10th May, 2004 and the response from the TSC dated 15th June, 2004. There is further correspondence dated 18th October, 2004, 9th March, 2006 and 21st June, 2006, all from the TSC. His communication dated 31st August, 2006, and mortuary document from the Moi Teaching and Referral Hospital dated 25th July, 2001, that is in respect of Susan Munyieria, who is a mother to Nelson Wambugu Kinga. He is present. I request that he stands up and the Commission recognizes him.

The Presiding Chair (Commissioner Chawatama): We recognize your presence in the Commission this morning and judging from the list of the documents that have been brought before us, there is a complete story that has been created concerning your experience. But should we have any questions, we would then get in touch with you. I trust that we have your contact number. Your memorandum is admitted as prayed. Thank you.

The Commission Secretary (Ms. Nyaundi): Thank you, Presiding Chair. There is also a memorandum from 21 families. Yesterday one of the former MPs, Mr. Sambu spoke about the experience of a family in the Tinderet area. So, we have memorandum here from 21 families that were evicted from the Tinderet area. I pray that you admit it on to the records of the Commission.

The Presiding Chair (Commissioner Chawatama): The memo is admitted as prayed. Thank you very much leader of evidence.

(Mr. Joseph Githuku took the oath)

The Commission Secretary (Ms. Nyaundi): Please, tell the Commission, your names, where you stay, and your current occupation?

Mr. Joseph Githuku: My name is. I live in Kiambaa. I am a small scale farmer and that is my home. I just want to introduce you to the ones who have accompanied me.

The Commission Secretary (Ms. Nyaundi): Chair, I have also just looked at file. It is not Eldoret 6. In the binders, it seems that his station is not in the binders. I have just seen that.

May I, please, approach the Chair.
The Presiding Chair (Commissioner Chawatama): Thank you for the clarification, Leader of Evidence. The witness will be led by the Leader of Evidence.

The Commission Secretary (Ms. Nyaundi): Thank you very much, Mr. Joseph Githuku. Welcome to the Commission. I can see that you are accompanied by two people. Kindly, introduce them to the Commission?

Mr. Joseph Githuku: These two are with me. One is called Joseph Kamande who is also a resident of Kiambaa. The lady is also a Kiambaa resident. We all come from Kiambaa.

The Commission Secretary (Ms. Nyaundi): Thank you very much. Now you have been invited to the Commission in order to explain to us, an incident that happened at Kiambaa you having being involved.

To begin with, you will explain to us, when did you move to the area? Before this incident, what did you use to do?

Mr. Joseph Githuku: I came to Eldoret in 1984, from Nyandarua. That is where I live. When I came here, I came as a small scale farmer. I have lived there since then, until this incident happened. I would like to say that on the 31st of 2007, because that is where I will begin, we were in Kiambaa. We were worried that women and children had to run to the church for their safety. They stayed there on that date of 31st. The following morning, a few women left and went back home in order to make food for the children who had been left camping at the church and even the few who were left at home. Men had slept outside their houses for safety reasons. A few went to sleep, while others like me came to town, because we had things to do. I personally was coming to get some medicine from the referral hospital. When I was going back home, I received a phone call from a neighbour who asked me where I was. When I asked why he was asking me where I was, he told me that the village had already been attacked and all people were trying to run away because the situation had deteriorated. I was worried. I stayed near the road which was not far from my house. The rest came to join me. When I asked them what was happening, they told me to look around, there was smoke everywhere. Everybody had run to the church. There was a big problem around the area. We stayed near the main road, Nairobi-Nakuru Road and the Eldoret- Nakuru Highway. That is where most of the people who were trying to salvage their herds found us. I stayed there and waited to see if I could meet my family. I am a parent of 11 children.

When they came, I asked them where their mother was. They told me when they were attacked they were together with her. They all ran to the church for their safety. They had been in the church with their mother, but when the church was put on fire, everybody dispersed. I asked them to stay with others who were coming towards the town on foot. I stayed there until about 6.00 p.m. Since I could not go back to the farm because of security reasons, I decided to walk towards town. Many people had camped at the Catholic Cathedral. That is where we spent the night. I did not see my wife and one of my
children. The following morning, I left and walked back to Kiambaa. On my farm, I found everything had been burnt down. My maize store had just been burnt. There was nobody because everyone had run away. While I was there near my house, I noticed a Red Cross vehicle. There was a neighbouring farm, they went in. They took something. I did not know what it was. But later on, I discovered it was a dead body of someone who had been burnt in their house. When I tried to follow them, they were walking. They reached near the church where the church had been burnt. By then, they had already picked the bodies from the church. I saw some people and Administration Police who were keeping vigil there. I had gone there because I was looking for some people whom I had not seen since the previous day. That was on 2nd. When I was going round the area, I saw three bodies and I reported to the police officers. However, I left the place without seeing my wife. The following day, I went to look for her in the police station. There were many people who had taken refuge there. I also went to look for her at Langas church, but I did not see her. I went around looking for her, but without any success. So, eventually, I decided to look for her in the mortuary. Inside the mortuary, I saw bodies that were burnt beyond recognition. It was not easy to recognise whether those bodies were for men or women. Some did not have limps or heads. So, it was very hard to identify any of the dead bodies. I was not successful. I went back to Langas police post. That time it was a police post. That was on 11th of January. I recorded a statement. There was a problem even with the administration because, when I went to report that I am a resident of Kiambaa, I was not received well. I told them that my family members ran to the church for their own safety. However, when I went there, I did not see some of them, including my wife. Instead of the officer at the desk sympathising with me, he asked me if my wife called me from the church to tell me that she was burning. I walked out crying, because I did not expect a police officer to tell me such a thing. I told him that I was only reporting because I need assistance from them. He recorded my statement. That was the end of that day.

On 13th while we were still at the Catholic Cathedral, I realised my children were suffering. They could not comprehend what was happening. We wanted to run away, but the road was not safe. In fact, it was not passable. People were getting into buses, but fares were hiked. I could not manage to raise enough bus fare for my family. We boarded one of the lorries that were going to Nairobi. I prayed for my children. We went up to Gilgil. From Gilgil, I went home to my parents.

(The witness sobbed)

The Presiding Chair (Commissioner Chawatama): We need to support him. Let us pray before we proceed. Reverend, please, lead us in a short prayer!

(Prayers)

The Presiding Chair (Commissioner Chawatama): Thank you very much, Reverend for that prayer.
The Commission Secretary (Ms. Nyaundi): Thank you so much, Mr. Joseph. You were describing to us that you managed to get onto a lorry together with your family members and travelled up to Gilgil. Kindly continue.

Mr. Joseph Githuku: When we reached Gilgil, there was no problem with the transport. So, we managed to get into a matatu. We went to a place called Kipipiri in Nyandarua where my parents are. We stayed there for two weeks. I enrolled my children in school because I wanted them to live there.

On 28th of January, I went back to Eldoret to continue looking for the rest of my family. When I arrived, I found people had been moved from the Catholic Cathedral to the Eldoret show ground. When I went there, I found my mother-in-law. She told me what was going on. I was given a tent.

I reported my problem to the Red Cross people because they were helping people trace their families. I explained to them everything that had happened to me. They then told me that they would try to track my family and help with the DNA in order to be able to identify if they were among those at the mortuary.

On 9th, we were taken to Moi Teaching and Referral Hospital for DNA test. We were 14 of us who could not trace their relatives. They took our blood sample. This process was done under supervision of two Swedish doctors. As we were waiting for the DNA results, some people were transported to Limuru in Central Province. But I was not among those who went because I thought it would not be right to go without knowing, where my wife and one child were. A few of us stayed on at the show ground.

I went back to the Moi Teaching and Referral Hospital several times to find out the results. I was told that DNA could take even three to six months, but I was advised to keep on checking my results at the police station. I stayed up to the end of that year waiting for the results.

The following year, we were told that the unclaimed bodies were to be buried in Kiplombe. I was shocked because we had not received DNA results. We had not even been consulted. I had a friend who called me at round 5.00 a.m. and told me that it was true that the bodies were to be buried on that day. I told him I was not aware.

Mr. Joseph Githuku: Even the police station knew that we had a burial committee and we were hoping that when the DNA results came out, we will bury our dead. When I was told that, I did not waste any time, I rung all those who were in the committee with me and they were all from this town and informed them of what I had heard. They told me to investigate instead of making allegations that were not true. I asked a friend who was working there and he told me that, that was the truth and that the bodies were already in police trucks and whoever had delayed it was the Chief Government Pathologist, Mr. Njue. If he had arrived, the bodies would have been buried at night because the mass grave had already been dug the previous day. I explained to them and to the other people who had stayed in Eldoret that the remains of our people were going to be buried. So,
they should try to go to Kiplombe where there is a public cemetery. We went there. It took us a long time to travel from Kiambaa to Kiplombe because we were using public transport. When we got to town, we found a way of rushing to Kiplombe. We went there with a group of people who had lost their relatives including Regina Muthoni, Grace Nyakeru and Jonah Kamau. They had their DNA samples taken. We did not see anything but we started wailing and screaming because we said that we should have been told about the burial and this was happening secretly. All the people I called in town managed to contact the DO and the DC and others in the administration. So, the DC rushed to the cemetery and he found us arguing with the people. The press was also there. When the DC got there, he talked to Mengich and the Government Pathologist and it was agreed that no burial was going to take place and that the remains would be taken back to the mortuary. The contention was that the mortuary bill was so high. It had gone up to Kshs8 million. Mr. Njue said that the DNA would not go on because the Government did not have money to pay for it. It was going to cost about Kshs22 million. Whether that was true or not, the DC ordered that the bodies be taken back to the mortuary as they discussed with the Government. The bodies were loaded back to the lorry and taken back to the mortuary. That same day, we had a meeting in this hall with some of the people who had heard about that incident.

I and a lady called Lucy Kisama from this town were asked to go to Nairobi to check if there was any DNA testing going on. When we got to the Government Chemist in Nairobi, we realized that there were only five samples that had been taken to that place and yet, each of us had given five samples. We discussed with the doctors and they said that we had to give more samples. I contacted the people who were in Nairobi whose families had not been tracked and those who were in Nakuru and Ol Kalou and asked them to travel to Nairobi in order to give more blood samples for the DNA. I mobilized those who were in Eldoret to go to the Moi Teaching and Referral Hospital to give more blood samples for the DNA test. It did not happen in Eldoret because they said that we have to go through the chief and the police to get written consent. By good luck, when the ones in Nairobi heard that there was a problem with the DNA samples, some people came and offered to pay for the DNA, so that we could identify the bodies of our dead ones. In February, 2009, a group called GEMA looked for a private pathologist and they took more samples for the DNA test to be run. By April, the results were out and we had an organizing committee for the burial. There were challenges because the community here said that we were not going to bury them here. They told us through the media. That did not stop us. So, we went ahead and buried our relatives. We were able to identify the remains our people through the DNA results. Though we were in a lot of emotional pain and we did not have the finances to conduct the burials, we had asked for help from the Ministry of State for Special Programs which, unfortunately, ignored our request. They said that the idea of burying the dead was not part of their mandate. So, we went to the Ministry of State for Provincial Administration and Internal Security. We found the Permanent Secretary, Mr. Francis Kimemia, and complained to him. He listened to us because he was from our tribe and he promised that he was going to help us and they did help us. After a number of visits to Nairobi over the same issue, we eventually got assistance to bury our dead. We planned the burials to take place on 14th May, 2009. That meant that the bodies of our loved ones stayed for one year and four months in the
mortuary and yet, we had a Government. We went through a lot of trauma especially because most of the people I was dealing with did not have the financial ability. I was the one who kept running around on behalf of the fifteen families who had brought DNA samples. We buried 38 bodies and the burial was attended by President Kibaki. That is what we went through.

**The Commission Secretary** (Ms. Patricia Nyaundi): Thank you very much, Mr. Githuku. Those who have accompanied you will now talk and then we will ask you questions later.

*(Mr. Joseph Kamande took the oath)*

**The Commission Secretary** (Ms. Patricia Nyaundi): Thank you very much and welcome to the Commission. Please tell us your names, where you live and what you do for a living.

**Mr. Joseph Kamande:** My name is Joseph Kamande Wanjohi. I previously lived in Kiambaa but, as for now, I live in Ruai Sewage in Nairobi. At the moment, I have no job.

**The Commission Secretary** (Ms. Patricia Nyaundi): You have been invited to this session of the Commission because you were one of those involved in the occurrences at Kiambaa. You will start by telling us when you moved to Kiambaa and your story with regard to that incident.

**Mr. Joseph Kamande:** First of all, I want to take this opportunity to thank the TJRC because we have had a lot of problems for a long time and the truth has never come out. I first came to a farm called Kiambaa in Eldoret in 1968. I was about ten years old when we went to live in Kiambaa and that is where I grew up. I really do not know where I came from because I came with my father. From then, I have lived there until the year 2007. Before I talk about the post-election violence, I would like to slightly go back to 1992 when we had tribal clashes. It was a difficult moment because I was a grown up and I had a family. We lost a lot of property that we had gathered during our youth. Besides losing our property, I, together with nine others, were thrown into a police cell here in Eldoret. We do not know why we were thrown into a police cell though it was alleged that we were bringing together Kikuyu youth in order to fight the youth from the Kalenjin community who were attacking us at that time. We stayed in the cell for about nine days and we were later set free because there was no evidence to take us to court. After we were released, we went through a lot of problems especially in my home because people would come in to taunt my family and ask where we had hidden a gun. We had no gun and nothing was found. But because it was during the reign of President Moi, there was nothing much we could do for our own protection or to ask why we had been incarcerated for nine days. In 1992, we were evicted from our homes and stayed away for about six months but we later came back. After staying for while, we thought it was safe enough for us to continue with our everyday work.
In 1997, we had fresh elections. But just before the elections, we experienced threats and that is when we had many political parties. That meant that anybody could join any party that they liked as part of democracy. I joined the KANU Party because I wanted to contest for an elective position. I was the candidate for Ngeria Ward. The campaign went on well though at some point, one of my supporters was attacked for supporting me but there was nothing we could do. When we voted and the results came out, there were a few skirmishes here and there and some people were injured and some houses were burnt. Property was destroyed and livestock were stolen. The country was calm until 2002 and by now, everybody was tired of the leadership at that point. All communities got together without caring about the ethnic background and agreed that we did not want that kind of leadership anymore. That is why there was no fighting in 2002. The elections went on successfully and the new leader took over.

We lived peacefully until we had the Referendum in 2005 when there was the banana and orange. During that time, most of the Kikuyus living in this area started receiving threats from our neighbours with whom we had lived together, and whom we had business interests together. We were told that whether the orange wins or loses, we would still have to be evicted. Fortunately or unfortunately, the orange carried the day and it was calm for a while and we continued to live in that area until 2007.

Mr. Joseph Kamande: In 2007, we had elections and we had two parties which were closely contesting. There was ODM and PNU and to be honest, from the way I saw this place from 1968 to 1992, I did not know that tribalism existed. I knew that the Nandi neighbour was my brother and he would help me if I had any problems. We had problems because of what the people who were contesting for parliamentary and local council seats were saying. The ODM side which was dominant in that area was issuing threats. We read in the papers and heard from the radio that the urine of the Kikuyu was reeking in this area. They said that regardless of who wins, the Kikuyus must leave the Rift Valley and go back to Nyeri and Kiambu in Central Province. We though that it was just a joke. We did not take it very seriously and we went on with our daily lives. We worked together with them as our brothers. On 26th December, we prepared ourselves to vote on 27th December. We went to Kiamba Polling Station No.119 and voted at around 7 a.m. People went back to their work after we finished casting our ballots. At about 6 p.m., we thought we would go back to the polling station to find out what the results were. All the tribes that lived there went back and we listened to the results. The majority of the people in Kiamba Farm are Kikuyus. PNU emerged victorious and we went back home. The following day on 28th, we started hearing that in Turbo, burning of property had already started and in Burnt Forest, people were being evicted. We became worried. As the elders of the village, we sat down and decided to plan where we would get assistance in case we were also attacked. We spent the night outside our homes keeping a vigil. On 29th December, we heard that violence was spreading and we thought it was time we took some steps to see how we could help our people just in case the attackers reached us as well. We thought that the church would be the safest place. We thought that is where we would run to in case anything unfortunate occurred. The nearest church from the village was the KAG Church and we thought that was the safest place to take our children, the elderly and women. We thought that in case of any attack, they would attack all other
areas but they would not touch the church because of the fear of God. We thought that, that was the best option.

Presiding Chair, after that, we went back to our homes and asked women to take the children and go to the church and spend the night there. The rest of us kept vigil outside. On 30th December at around midnight, we saw flames of fire at a neighbouring farm called King’ori Farm which belonged to the Kikuyu community. We stayed outside our homes until the following morning. On 31st at about 8 a.m., the people who had been evicted at King’ori Farm the previous night ran to Kiambaa for safety. We welcomed them. They told us how they had been attacked and how they had escaped to try and get to our village which is about three to four kilometers away. They told us that they had to go through a neighbouring farm called Kabiru Farm which is owned by the former Nominated Member of Parliament Mark Too. They hid in the farm overnight and woke up on 31st to come to Kiambaa. We thought that the attacks were spreading. Some of them had been cut with machetes, some of them had been beaten and they were hungry. So, we fed them and provided them with first aid. We thought there was nowhere we could go and there was no assistance which was coming at the time. We informed them that we had decided to seek refuge in the church. On 31st, we sent a vehicle to Langas Police Station and asked them to provide us with security because we were fearing for our lives. The vehicle that we sent returned on the 1st. It did not have any security officers in it. When we woke up on 1st at about 7.30 a.m., we heard some screams. When we went out to investigate, we found that a house belonging to a neighbour called Jonah Kamau had been set on fire. When we went to investigate, we met some Administration Police officers whose camp was about 1 km from where we were living. We asked them what was happening and they told us not to try to go there because if we went there, there would be a conflict and that we should give them the space to do their work and investigate. We said that we wanted to rescue our neighbour and try and see what we could salvage from his house. They were three of them in a Land Cruiser. They told us strictly not to try to go there. They went away and we went back to our homes. When we got back home, we told the women who were in church to take the opportunity to dash home and make breakfast for the children and pick anything they would need from their homes because we did not know what will happen next. The children, the elderly and sick women were also left in the church. Before the women came back with what they had prepared for the children, at around 10 a.m., a cloud of blood and death descended. We could not prevent it because we had given a chance to everybody to go and bathe because we had not had any sleep for about four days. We heard screams from a neighbouring farm called Kabongo Farm which belonged to Alfred Bor. We did not think we could be attacked during the day and so, we had gone our separate ways. Even though we had been waiting to try and prevent the attack, at that point, they found that we had separated. My neighbour and I ran to see because from my home to the edge of that farm is about 100 meters. I saw about 3,000 people who were screaming and others were singing Kalenjin songs. When we tried to check, some of them had even painted their faces white, some had folded their trousers and others were bare-chest.

When they crossed that farm into ours, all the houses that were near the boundary of the two farms were set on fire. The first person to be cut as we were looking helplessly was a
70 year old man called Samuel Kiongo. The old man was my uncle. He was cut and there was nothing he could do. He was a preacher in the Akorino Church. He had been keeping vigil in the church with others praying for peace and safety for four days. The second person who was found near the boundary and was cut was a man called Charles Muraguri. They cut him up and we tried to stop them and some women took him to the church. They cut him and left him for dead. There was nothing we could do to save him. They continued like that until they came to the village. When we tried to negotiate with them, they surrounded us and started attacking us. There was nothing we could do. Everybody tried to save his own life. It was as if they had planned to surround the area completely and they pushed everybody towards the church like cattle being taken to the auctioneers. We were pushed towards the church. Those who could pass the spaces between them ran away but everybody was herded towards the church. When they got to the church, they arranged themselves in a line. There were those who were burning houses that were closer to the church and the others came round while we were trying to run for safety. People tried to pick anything they thought was essential for them so that they could take back home when calm returns. Some people had managed to take things like bedding, mattresses and bicycles to the church. When they arrived there, they took those mattresses that had been stored there and put them against the church wall. They took others and put them on the roof of the church. They were fully armed with clubs, bows and arrows, sharpened sticks, axes and machetes and all kinds of crude weapons. I noticed that some of them had jerry cans. They sprinkled something on the mattresses that they had put against the walls and then they set them on fire. The church had two doors. Some of the people blocked the first door and others blocked the second door waiting for anybody who will try to escape from the church so that they could finish them at the door. As they were doing that, some of them were going round the area chopping up the people who had escaped the dragnet and they would leave you for dead. If they noticed that you were not dead, they would take dry maize stalks, pile them on you and then light it up. One of my brothers called Peter Karuga was beaten up.

They beat him up and broke both his legs. When they realized that he had not died, they took dried maize stalks, piled them on him and lit them up. He tried to save himself from the fire because he was still alive. When they realized that he was moving, they went back and took more maize stalks, piled them on him and lit them again. He could not move at all because he knew that if he moved, he would die. So he waited until after they had moved a distance.

He is now lame. He used to do his own work and had his own family but now, he is completely burnt on one side and his legs are completely broken. We also have someone called Joseph Kairuru whose arms were broken and that hand has never healed. When we went back, we found that the church burnt down and there were screams coming out of the church. Our Kalenjin brothers were our friends. We loved them so much and we thought that it is a sin. We go to the same churches, we do business together and yet they did this beastly act to us. All the people who were inside the church died and those who were trying to save their lives were killed within the church compound. I remember seeing a woman whom they stripped naked and they did some beastly acts on her and she died. I remember a small child who the pastor tried to rescue. He managed to rescue five
children who were close to the window but when he tried tossing the sixth one out of the window, the child was tossed back into the church and he was burnt down with the others. They got hold of the pastor and they beat him up. As the church burnt down, the people inside were screaming but there was no one to help them until it crumbled. When I tried to negotiate with them, I could not get far simply because there is only a fence between my house and the church.

I went into my compound and I hid where I could not be seen. I hid there and witnessed everything that was going on. When I noticed them coming into the compound, they burnt some rental houses I had put up on my property. I tried to come out and I saw those who were behind my compound burnt. I sneak ed through the fence of the church into the church compound. I could not move. I was transfixed and I thank God up to today because I found my daughter trying to come out of the church. She screamed and she told me that I will be killed. I told her that there was nothing I could do. She got hold of me and tossed me into the toilet that was being used in the church. I told myself that if they could burn a church, what would stop them from burning a toilet. I came out of the toilet. She screamed and pushed me back into the toilet again. I decided to say my last prayer and I told God that if my day had come, then it was okay. There is one thing that I swore; I told God that I do not want to die by the arrow or to be chopped by anybody else. I would rather die in the fire or any other kind of death.

Within the church, there is a pond of water. I crept towards the church and tossed myself into the pond. By that time, the church was still burning. When I got into the water hole, the neighbours followed me and I heard them saying in their language, just leave him, he is dead. There was a 78 year old man called Kimani Karago who was killed next to the room. I stayed there for a while and then I realized that they had come back because next to the hole, there were heavy trees that they could not lift. They tried to lift them but they could not. Eventually, they decided to poke my ribs to find out whether I was dead. I stayed still as if I was actually dead. They spoke in their language and said, let us go because this one has drowned. I stayed there. After about 45 minutes, I came out after I had listened and heard that there was no noise inside the church. The screaming had stopped and the ones who were screaming inside the church were also quiet. I came out and looked inside the church. I thought there was no one in there apart from the old man they had chopped near the church who was crying for help. I tried to administer first aid but because of the cuts, he could not make it. He died shortly after.

There a few people that I tried to administer first aid to and after a few minutes, the three administration policemen came back. We had been with them in the morning and we had told them about our concerns that we needed security in that area. They found me standing near the hall after coming out of the well. They asked me where they were. I told them that what they wanted to happen had come to pass; people were dead, and those who had killed them were not far.

When I looked at them, they were driving livestock away. I had more than 60 sheep and four cows which they took away together with all the livestock from the other neighbours. I told them that if they wanted to follow them, they should try and bring back
our livestock and anything else that they might have taken away with them. Instead of the police officers following them, they actually drove in the opposite direction.

We stayed there for a while and then the Red Cross vehicle arrived together with a Nation Media Group vehicle and a police vehicle from the Administration Police. We took some of the injured to the hospital and ignored the dead for the time being. We came back at around 3.00 o’clock to collect the bodies of the dead and took them to the mortuary. There were so many people in the church. I tried to record the people who were in church and those who were in hospital on my own benefit. The people who were burnt in the church were 14 people but there were those who we could not recognize because they had come to visit their friends and relatives and they had children with them. We could not identify them because after this incident, everybody tried to run away for safety. The ones that we were able to identify were 14. Those who died from being cut and clubbed were 12 and they were buried like animals because we could not go back to bury the bodies since the area had become a no-go zone. We just threw the bodies away because they could not stay in the mortuary.

Among those who were injured and those who got 50-80 per cent burns and those who had been cut or clubbed were 52 people. They were hospitalized at the Moi Teaching and Referral Hospital in Eldoret. Among the 52, three succumbed to the injuries, among them one child. Some might not have been injured but they lost a lot of property on that day. Between 250 and 300 people were affected and, as we speak, their children are living in squalid conditions.

After all this had happened, most people walked from Kiambaa up to the Catholic Church in town. I would like to thank Bishop Korir for the services he rendered to us that day and the protection that he gave us. May God bless him! We were able to stay outside the church until 19th when we were moved from there and taken to the Eldoret Showground.

The KAG Church was a benefactor of the people from Kiambaa so that they could move away from this area in order to recover from the trauma and to help them to come to terms with what had happened to them. On 26th February, I requested the KAG Church for any assistance that they could give to us in order to move us from this area. We were given money and we were able to hire lorries and buses which moved us to Limuru at the Word of Faith Church where we stayed for two years until December 2009. Some of us went to Ol Kalou while others went to Ruai Sewage. That is where some of the people who had come from Kiambaa and who had lost their loved ones were resettled, though there are still some of our brothers who are in the village here in Kiambaa.

One last thing that I would like to say is that some women were left widows and we have men who lost their wives. We also have children who lost their mothers and these people have been living a squalid life because the Government has not extended any assistance to them. It has not even come to see how they are coping with their lives. Those who died lost their lives because of the Government we have in place at the moment.
They died while fighting for the democracy of this country. It is because they were involved in election which is everybody’s right. They were not thieves and they had not taken anyone’s property, but they died a death that is not the will of God. The Government that they elected has not tried to help them in any way. They are crying and asking what kind of help they can get from the Coalition Government. Those who were hospitalized came out of hospital before they fully recovered because the hospitals were overcrowded. So, anytime they saw that you have slightly recovered, they would discharge you so that you could give a chance to another person.

I would like to tell this Commission that there are people who are still living in tents and some still require treatment. I want to thank those who sponsored the four children to go abroad for specialized treatment and they are now recovering. For those who remained here, as we talk now, some of them were psychologically affected; some of them have run mad and others are of very little use to their families. Some of them cannot go back to fend for themselves and their families and they need help. But who can provide this kind of help if it is not the Government? I would wish to see the work that this Commission will do beside the other commissions.

Thirdly, those who were not cut or burnt in the violence were also affected because their property was destroyed. Others have some illnesses creeping in like heart diseases because of stress. They would also like to get some kind of compensation from the Government in order for their lives to be restored to where they were. They have a right to property. They also have a right to be treated as citizens just like those who visited this on them.

We also have children and some of them were in Form Four and Standard eight who managed to save their lives but they were affected. That is the generation we refer to as future leaders. A number of them have not been able to go back to school and as we speak now, some of them have not got any assistance to go back to school. Some of them completely lost direction. We have parents who have worked hard all their lives to educate their children so that they can have better lives than them. We have no way of assisting them and they have no way of helping themselves. So it is going to be a generation with tribulations. All these came from what we call a political war.

We have had very many commissions being formed and we never know the results of their work. The reports are put in cupboards and forgotten. This is the problem that needs to be looked into more seriously by people who love their country. We have always had problems and conflicts in this area. These conflicts are sometimes regarded as ethnic and political conflicts. We have never had anybody to explain to us the connection between politics and a person’s blood. What is the connection between politics and killing your brother? How does it help you to kill me just because of politics? There is one thing that is emphasized; that it is politics. However, I do not believe it is politics.

There is something that makes me a Kikuyu to get attacked; that is, land. I urge this Commission to look into the thorny issue of land so that wherever I live, I should be accepted. I should feel safe and secure like every other Kenyan.
If you look at me, I have no livestock, I have no house, my children are just as poor as their parents whereas I had enough property to feed them and leave them with some inheritance to start their lives. I now have no job or business. What will my children inherit? I am talking on behalf of all the people in Kiambaa and any other place that were affected by the conflict. We should carefully look into the issue of land.

Finally, we cannot be having reconciliation meetings and yet the people who were thrown out of this area are still living in tents and are vulnerable to diseases. How would you reconcile with somebody who has not been relocated from the tent? I have not had the opportunity to talk to the neighbour who beat me up, so that he can tell me why he attacked me and what my mistake I committed so that I can forgive him.

The Bible says that everyone should fear God and even the Muslims are part of it. There is also a verse in the Bible where God says that if you want to be forgiven your sins, you must confess, ask for forgiveness and God will forgive you. If you did what you did and you have not confessed, then you have not accepted your mistake. How would I forgive him? Forgiving is not difficult but we must know what we are forgiving you for. You cannot just forgive somebody because they want to be forgiven.

I want to thank the commissioners for listening to me. I expect that justice will be done for everybody and that everyone will feel that he is a Kenyan and that my death and blood will not help anyone in any way. We must try to live in peace and the politicians who brought this problem have not lost even a needle. They still move around asking us to elect them and get them to the other side. I still have a problem with the people who were used to do what they did. I still have a problem with the people who were used to do what they did. I have financial problems and I have no home. Whoever did this to me must be psychologically affected and God will forgive him only if he confesses. Politicians should know that the blood of a human being will not help them in any way because we are creatures of God.

God bless you!

The Commission Secretary (Ms. Nyaundi): Thank you very much, Mr. Wanjohi. As I had explained earlier, we will give this opportunity to the lady sitting at the end and then all three of you will be asked questions after her submission.

(Ms. Rebecca Wangui Kiongo took the oath)

The Commission Secretary (Ms. Nyaundi): Thank you very much and welcome to the Commission. Kindly, tell us your name, where you live and what you do for a living.

Ms. Rebecca Wangui Kiongo: My name is Rebecca Wangui Kiongo. I come from Kiambaa and that is where I have lived for a very long period of time. I came to Kiambaa in 1974 with my husband and I lived there up to 2007. The December 2007 clashes found us there. On 31st December, while I was at home, we saw a group of people coming from a farm that used to be called Kimuri Farm. We had heard that there were a few problems
in the country. I and a group of women walked with the people towards the church. We stayed in the church with the other people who were inside the church. We asked them what had happened where they had come from. They told us that they had been chased away by their neighbours and they had spent the night in the forest.

We looked at them with a lot of sadness. We looked for means of providing them with food. We cooked food for them and spent the night with them with a lot of fear because we were even scared to go back to our homes. My husband who was the pastor - who has been mentioned by the previous witness - had spent three nights in the church praying for the problems that the country was experiencing at that moment. In the morning at around 6 a.m., they came and picked us from where we were sleeping because some people were sleeping inside the church and others were sleeping outside the church.

Together with my husband, they came and called us. They told us to wake up and pray. He spoke in Kiswahili and told us that he had received a message from God. He told us to pray. He told us that for him, he was going to pray because God had allowed us to see a new dawn. He then told my husband that we also needed to pray for the sake of Kenyans and the problems that the country was experiencing. As they continued praying till morning, Pastor Stephen Mburu told us that it was necessary for us to go home. He told us to go and make tea, but the food we had cooked was to be left there for the visitors.

However, even before the tea was ready, we had some screams. I was still with my husband inside the house and the daughter to my sister. I ran outside the house and my husband also followed me running. When we reached the area of the church and could not see the source of the scream, we went back home. I felt like my body was very weak. I went and slept outside the house. My husband came back and I told him that even if we were not going to be battered that day, I felt fear inside me and I was weak. I could not foretell what was going to happen.

I stayed lying down outside there for about one hour. I then felt like I had regained energy. I went back to the house and cooked tea. I served my husband. He had a specific chair which he used to sit on. I sat next to the door. We then started chatting. As we continued with our conversation, we heard some more screams outside. He walked out very fast to see what it was. He then came and called me. He told me: “Come out, they have come”. I walked out to peep. I was peeping through our neighbour’s shamba. I saw a large group of people coming towards our house. They were looking like they were carrying some luggage. They looked like they were holding luggage on their back and another object on their hands. I was shocked and ran back to the house.

My husband went out again. A woman who was our neighbour came and called me. She told me: “Come out, what are you doing in the house and you are going to be killed?” We came out and walked towards the church. When we got to the church, we looked back and there was a lot of smoke from where we had come from. Just before we arrived at the gate of the church, these people had caught up with us. People started screaming and others prayed. We were trying to think on how we could get rescued. We were thinking of where to run to.
As we reached the gate of the church, the group blocked us. We were now in the middle. There was no escape. I was with my daughter who was expectant. I was also having a young child. I pulled my daughter from where she was and told her that we should go inside the church. It did not hit my mind that we could be burnt inside a church. When we got inside the church, people kept running into the church. We screamed so loudly that my eardrums were affected.

When we were still inside screaming, wailing and crying, I spoke to God as I cried so hard. I told God: “If there is a way you can save us---“, At that point, I saw fire that had been lit from the roof. It continued burning when we were still inside the church. I do not know what happened next. I only say it is a miracle from God that I was able to escape with my children.

When I stepped outside and looked at those people, they had arrows which they were pointing towards the door. They had machetes, sticks and small axes. God helped me to escape. After walking from them, a short distance away, I looked back at where I was coming from and I saw the house had burnt down to ashes. People were screaming inside the church all this time. We continued walking but we did not know where we were walking to. I could not walk very well because I was holding my expectant daughter. That is when I saw a girl by the name Wanjiru. I saw she had been burnt. That is when it hit me that people had actually been burnt.

As we continued walking, the sister to my husband called me and asked me where we were. She told me that people had informed her that we had been burnt. I told her that it is true people had been burnt in the church. She asked me where I was. I told her we were on the road moving towards town. She told me we are welcome. After walking for a distance which is the same as from the front to the back of this building we are in, her husband called me and asked me: “Where is Baba Anna? We are calling him and the person picking up the phone is a Nandi man”. He told me they are saying they have already killed him and his family. I told her that I did not know where he was because I could not see him. I told him that if those people were having his phone then they have killed him.

I tried walking but could not walk properly because of the shock. By that time, I was not with two of my children. When we reached the main road, we met several cars passing. My daughter got transport from them. I called my husband after my daughter left. The phone rang twice and then it was switched off. We continued walking with other people. When I reached the Moi Teaching and Referral Hospital, I found my husband lying on the ground. I was even more shocked. I screamed and jumped outside but then I later went back. I went and called him. When I tried to talk to him he was not in a position to talk to me. I asked him: “What is the matter?” but he was not able to answer. He just used signs and touched his ears. He then called me with a very low voice. He told me to help him sit up. He made a wheezing sound and told me to let him lie down again. As I was trying to lay him back, I realized he had a major cut at the back of his head and it was deep. We did not talk with him anything more and he died.
When I arrived at the hospital, one of my sons whom I had not seen initially was at the hospital. He also had a cut on his head but he had been stitched. He also had a minor cut on his hand. We walked to the police station where we stayed. We spent there and then moved to the Cathedral. From there on, we have suffered a lot. I lost my husband and I did not have a place to stay. Those problems have even made me hypertensive. Even today, as I speak to you, I do not know the grave of my husband.

I would like to ask this Commission to help us so that the problems we have experienced cannot be experienced again. I always say that I became a widow because of the Government. I had my cows and goats. I had a home and I would say that if the Government can assist us, they should help us so that we see justice has been done. I need a home to stay in and also need to know where my husband died and was buried. He did not have a problem with anybody.

My son who had a major cut on his head has medical problems and was not able to complete his education. I would request the Government to assist us; me together with the other women who were widowed and the husbands who were left without wives and with children. The Government should also help the children who were orphaned. When we come and speak before people like you, we feel encouraged and strengthened. Even today, we live with fear and sadness. We are even asking ourselves where we will live, now that we are nearing 2012 elections. We do not have property or work we can do. We cannot work because our bodies are weak as a result of poor health. We have lived in tents for about three years yet initially we had homes.

The Commissioners who are before us have been with us. I am making a plea that you defend us so that we can get assistance to have homes so that we can commute from our homes just like you people also commute from your homes. Now we are here but when we leave, we are going back to a place that is not good. We are going back to a shanty but you are going back to homes.

When I look at the President we voted for; President Kibaki and the Prime Minister, they are living in their homes with their children. We got into all these problems because of them. They should have an empathetic heart to others. Now, if we all die because of hypertension and the problems that we are suffering from, even for those who want to be voted back, who will vote for them?

Thank you.

The Commission Secretary (Ms. Nyaundi): Thank you very much Mama Wangui. I will now start with Joseph.

Joseph, you said that you came here in 1985 from Nyandarua. When you settled, the first place you settled in was Kiambaa, is that so?
**Mr. Joseph Githuku:** When I moved from Nyandarua, I bought a *shamba* in Kiambaa. This was bought in 1964 just soon after independence through a society using money that had been contributed by farmers’ societies in which our parents were members. After the survey, some of us were resettled there.

**The Commission Secretary** (Ms. Nyaundi): So when you came in 1964, you came to your family’s portion? Your father had come before you?

**Mr. Joseph Githuku:** My father has never come to this place but they are the ones who had bought the land. As a son, I am the one who was asked to come into my father’s land.

**The Commission Secretary** (Ms. Nyaundi): There was a title to that land or it was just owned communally by the society?

**Mr. Joseph Githuku:** At that time, the farm belonged to the society and so there was only one title. It had been bought from a colonial settler, Amohart. It was sub-divided in the year 2000 and everyone was issued with their individual titles. Therefore, everybody on the Kiambaa Farm has their title.

**The Commission Secretary** (Ms. Nyaundi): Do you have a land reference number you can give us and say: “This was my title number”.

**Mr. Joseph Githuku:** The plot that I live on is Plot No.37 among the plots in Kiambaa.

**The Commission Secretary** (Ms. Nyaundi): You said that you had 11 children and did I understand you that right now you only have ten and that you lost one?

**Mr. Joseph Githuku:** I have 11 children and when the church was burnt or when we were attacked, my wife was not in the church. She had spent the night at home. My ten children were in that church. My first born was 24 years old at that time. She is the one who noticed that the attackers were coming. She is the one who told the mother. By that time, as I had explained before, I was in town. They therefore, ran to the church where the others were.

When they got to the church, my eldest daughter was carrying the youngest child who was three years old. The mother was there and was carrying the second last born who was five years old. It is the five year old who died together with the mother and I was left with ten children.

**The Commission Secretary** (Ms. Nyaundi): Now, you said that eventually the GEMA intervened using DNA to identify the bodies. I just want you to confirm that among the bodies that you were able to identity were those of your wife and child.

**Mr. Joseph Githuku:** After the testing took so long and the Government failed to take the DNA test, we eventually got some donors who were the GEMA. I have never spoken to them but there are those who managed to speak to them. They got a private pathologist
and conducted the DNA test. As I said, 15 families came out to allege that they had lost their loved ones. There are other bodies that were not claimed. My family and my wife’s family are included in the 15 families. I could mention the people who wanted the DNA tests so that you can know who they were looking for; we had those who had been burnt in the fire at the church.

There was Margaret Wambui Njau who was a disabled woman, there was a lady known as Naomi Ng’eno Mburu, there was a child called Joyce Macharia and my wife who was Edith Mumbi Githuku, my son was called Samuel Irungu Githuku. There was also Eunice Njoki Njoroge and a small child called Peter Nai, Benson Njoroge Macharia, Denis Waiganjo Kuria, Peter Njehia Mwangi, Miriam Ng’endo Mwangi, Faith Gathoni, Anne Wanjiru Wanyoike and Daniel Mwangi Kong’u. Those are the people we lost and their families came seeking DNA tests.

The Commission Secretary (Ms. Nyaundi): Thank you very much. For the names you mentioned here, who among them were positively identified by the DNA test?

Mr. Joseph Githuku: All of them were identified. When the DNA tests were eventually conducted, the rest came out and they were all found. However, there were other 24 burnt bodies which were unclaimed. In total, there were 38 bodies and out of this only the 15 were identified because the families came out to claim them.

The Commission Secretary (Ms. Nyaundi): Are those the ones who were buried on the 14th of May, 2009?

Mr. Joseph Githuku: These people were all buried but not in the same place. There were two bodies that were transported according to the wishes of the family and taken somewhere else; for example, the bodies of Eunice Njoki Njoroge and Peter Nai. All the other bodies were buried at the church in Kiambaa.

The Commission Secretary (Ms. Nyaundi): Thank you very much Mr. Joseph. Those were my questions to you. When I finish with Mr. Wanjohi and Mrs. Wangui, the Commissioners will also ask you their questions.

Mr. Wanjohi, when you came in 1968, you said you came with your parents?

Mr. Joseph Kamande Wanjohi: Yes, I came with my parents.

The Commission Secretary (Ms. Nyaundi): Both of them?

Mr. Joseph Kamande Wanjohi: Yes.

The Commission Secretary (Ms. Nyaundi): Are your parents alive now?

Mr. Joseph Kamande Wanjohi: Yes, both my parents are still alive.
**The Commission Secretary** (Ms. Nyaundi): Where do they live?

**Mr. Joseph Kamande Wanjohi:** I have been living with them in Ruai but last year they relocated back here because of my brother who was ill. He eventually died and we buried him.

**The Commission Secretary** (Ms. Nyaundi): So your parents were there during the conflict of 2007?

**Mr. Joseph Kamande Wanjohi:** Yes, my two parents were there. My father actually had an arrow in his back and my mother was slapped when she could not run because my brother was disabled and she could not leave him in the house. It forced me to go back at about 6.00 p.m., put him in a sack and carry him to the roadside. I got help from the Red Cross who brought him to the Cathedral here. This is where we lived with them before we moved to Ruai in Nairobi.

**The Commission Secretary** (Ms. Nyaundi): Thank you very much, Mr. Wanjohi. You say that in 1992, you and others lost property. I would like you to tell us the circumstances under which you lost your property.

**Mr. Joseph Kamande Wanjohi:** To explain briefly, at that time, it was time for politics. It was during the onset of multi-party politics after the repeal of Section 2(A) of the old Constitution. We had many political parties. Because of its nature, KANU did not want to relinquish power but because of multiparty there were problems. We were in the so called opposition parties and this was known as a KANU zone. The Kikuyus had to be evicted in what was called tribal clashes. This affected us in Kiambaa village. However, it was not as bad as it was in 2007. Our properties were destroyed, one house was burnt but there were no deaths. A lot of property was looted and we had to run away. I went to Nyahururu where I stayed for nearly six months before coming back with my family.

**The Commission Secretary** (Ms. Nyaundi): Mr. Joseph, you have explained to me that you had your own plot within the Kiambaa Farm. I would like to know the plot number.

**Mr. Joseph Kamande Wanjohi:** When we came, I was young. I was just about ten years old. I came to live with my parents until I finished my high school. When I finished and came back, it was 1979. I then started running businesses. I was still living with my parents but later managed to buy my own farm. This was plot No.209. After doing my business for a while, I was able to buy yet another piece of land, No.155 just within the Kiambaa Farm. I bought these pieces of land by myself and not through the society. It is my father who was a member of the original society.

My father’s plot was No.87.

**The Commission Secretary** (Ms. Nyaundi): Can you confirm— *(off record due to technical hitch)* with the representative of Rongeria Ward; was it in 1992 or 1997?
Mr. Joseph Kamande Wanjoji: It was in 1997.

The Commission Secretary (Ms. Nyaundi): You said that in 2005 during the referendum, you received threats. I want you to confirm that the threats were from people you knew.

Mr. Joseph Kamande: They were from people I know very well. They were people that we have done business together. In business you do not choose tribes to do business with. Even in 2007, it was the same people who did it although they were joined by others. Those who were leading them and showing them direction were people from our area.

The Commission Secretary (Ms. Nyaundi): In 2005, did you report those threats to the authorities and was there any action taken?

Mr. Joseph Kamande: To be honest, I never mentioned the matter to the security agents.

The Commission Secretary (Ms. Nyaundi): Have you ever sought political office?

Mr. Joseph Kamande: Yes. I wanted to contest again in 2007 but I thought it was too dangerous especially in our area.

The Commission Secretary (Ms. Nyaundi): You said that there was a polling station that received results that PNU was victorious at Kiambaa. Based on what you have told us, do you think that the way the results came out determined what happened at the church?

Mr. Joseph Kamande: When we were going back home after receiving the results, we were walking together with friends who are also neighbours from the Kalenjin community. They started whispering saying that the people of our village can never vote for ODM. We were the majority in the area. One of them said that we shall see.

The Commission Secretary (Ms. Nyaundi): Have you ever been involved in peace and reconciliation initiatives between the two communities?

Mr. Joseph Kamande: I have never attended any meeting because I do not know where they meet.

The Commission Secretary (Ms. Nyaundi): I realized that you can understand and talk in Kalenjin?

Mr. Joseph Kamande: Yes. I have lived here since 1968. We have gone to the same schools with our neighbours. I schooled here in primary level and went to secondary school in Thika. After completing Form IV, I came here in 1979. Since then up to 2007, I have lived here. So, I understand Kalenjin language although not entirely.
The Commission Secretary (Ms. Nyaundi): Do you understand the word “Bunot”?

Mr. Joseph Kamande: I have heard the word but it is only yesterday that I knew the meaning. Previously, I had never attached any significance to its meaning.

The Commission Secretary (Ms. Nyaundi): Based on what you heard yesterday, what would be your recommendation about reconciliation and ensuring that those things do not happen again? You have heard the Commission say that all the perpetrators must face the law. But given what we were told about “bunot” yesterday, do you think it is something that can help in healing and bringing together two communities?

Mr. Joseph Kamande: I can only say that anyone who calls you by that name does not like you. I know my friends and neighbours but I would like to be recognized as a Kikuyu. If I want to change my name and get a different one, I do not think it is good. If you have lived with someone for 70 years and you have never quarreled, I do not see why you should not recognize him the way he is. If he or she is a Kikuyu or a Luhya, you identify him or her as so. We need to share ideas with friends so that we can develop where we live. The word “bunot” was explained in detail here as a stranger or a person who has stayed in a place for a while. If you have lived with someone for a long time, there should be no problem. Even intermarriages should be tolerated. When I marry a Nandi and we get children, they will belong to both Kikuyu and Nandi communities. So, the word “bunot” shows that we Kikuyus are still tagged as strangers and we have never been accepted as residents of this place.

The Commission Secretary (Ms. Nyaundi): You have talked about some members of your family. I just wanted to understand how they are and how they were affected. Do you have a wife?

Mr. Joseph Kamande: I have a wife and six children. My first born is 28 years old and my last born is 16 years old. They are all safe. God did a miracle because the day the church burnt down, one of the children was in the church but he was able to jump over other people. When he ran out, he found other boys waiting for them outside. So, they managed to run without being injured. My daughter who was also in the church survived together with her children.

The Commission Secretary (Ms. Nyaundi): You have documents that you brought to us. Could we get copies so that we can have them in our records?

Mr. Joseph Kamande: We shall avail the copies to the Commission.

The Commission Secretary (Ms. Nyaundi): Now, I will ask Mama Wangui some questions. Mama, you said that you came in 1974?

Mrs. Rebecca Wangui: Yes.

The Commission Secretary (Ms. Nyaundi): What was the number of your land?
Mrs. Rebecca Wangui: It was 47.

The Commission Secretary (Ms. Nyaundi): What were the names of your husband?

Mrs. Rebecca Wangui: He was called Samuel Kiongo Mirithu.

The Commission Secretary (Ms. Nyaundi): How many children did you have?

Mrs. Rebecca Wangui: Seven.

The Commission Secretary (Ms. Nyaundi): Did they survive what happened in Kiambaa?

Mrs. Rebecca Wangui: Yes, they survived but one was hurt in the head and hand.

The Commission Secretary (Ms. Nyaundi): You said that you saw people approaching where you were and you became scared. What exactly did you see that scared you?

Mrs. Rebecca Wangui: They were holding something from behind and they were walking towards our house. I was afraid because it seems like they were carrying weapons. I thought they were coming to kill us.

The Commission Secretary (Ms. Nyaundi): How old is your son who was hurt in the head?

Mrs. Rebecca Wangui: He was around 18 years old at that time.

The Commission Secretary (Ms. Nyaundi): You said that a lady called Wanjiru was burnt. Did you see her at the church or on the road?

Mrs. Rebecca Wangui: I saw her on the road as she was coming from the church. She was crying saying that she needed help. Her skin was peeling off and her body was red. She was screaming for help but nobody could touch her because her skin was peeling off. That is when I knew that she had been burnt.

The Commission Secretary (Ms. Nyaundi): Who is Baba Anna?

Mrs. Rebecca Wangui: He is my husband.

The Commission Secretary (Ms. Nyaundi): I thank the three of you. The Commissioners will now ask you questions.

The Presiding Chair (Commissioner Chawatama): I would like to thank you for your testimony. As you spoke, we could just imagine what you saw and felt. It was, indeed, very moving. I would like the Commissioners to ask you a question if they have any.
Commissioner Farah: I do not have any question but I would like to say that your story was very moving. It is as if we were with you from the morning you woke up until you boarded the buses and lorries to Central Province. Your testimony was very moving and we empathize with those who lost their loved ones. Your statements were very detailed. We shall read them and as a Commission, we shall decide what to recommend.

Thank you very much.

Commissioner Ojienda: Presiding Chair, I just have an observation. I have been to Kiambaa and spoken to some of the witnesses who have spoken today. The Kiambaa fire incident is one of a kind beside the Naivasha fire incident that we all know about. It paints a sad picture of the darkest side of humanity that, indeed, human beings can set other human beings on fire. It is especially sad that they did so in a sacred place of worship. It is incomprehensible. On that sad day, Satan descended upon Eldoret Town. Political violence can descent to the level where brother turns against another brother. It is a lasting shame to Eldoret and to this nation. That incident is a shame to this region. It is a dark reminder of how unforgiving humanity can be to itself. The pains of those who have testified and their relatives, both those who were identified or not, and buried without identity, will be the strength for the beginning of peace. When I say “peace” I mean lasting peace for this region.

The second witness has referred to the land question as being central in all this and not politics. That gives us a lot of issues to investigate. You said that for lasting peace to prevail, the land question must be resolved. At the same time, the three of you seem to have come here as early as 1964 when the co-operatives sold shares to individuals and you bought them. So, you are asking this Commission to deal with historical questions that were inherited from the colonial government and to find out what link they have to the current political situation in the country. You also seem to blame politicians and politics for a number of happenings. That raises political questions and the need to play politics away from the lives of people. I think this Commission has the obligation to make recommendations that will ensure that this country sticks together.

You have raised concerns about the implementation of the report of this Commission. I just want to mention here now that under Section 48 and 49 of the Truth, Justice and Reconciliation Commission (TJRC) Act of 2008, this Commission will make recommendations in the nature of prosecutions, further investigations, reparations and we may give amnesty as well. The other issues that you raised, we will be able to deal with them. TJRC is unlike the other commission of inquiry. The report of this Commission must be implemented. That is the difference. There is a framework for implementation that is set out under the Act and that we shall recommend and within seven days of handing the report to the President, we are required by law to publish the outcome of our findings. So, our recommendations will not be a secret. They will not be held in the shelves like the previous commissions. So, the answer lies there. This is a Commission with a difference. We will strive for the interest of this nation to foster reconciliation and
healing. I agree with you that those perpetrators who inflicted pain, burnt you, surrounded you, raped you should own up and ask for forgiveness. That is the challenge.

Thank you.

**Commissioner Dinka:** I do not have much to say to the witnesses. I think the Presiding Chair has said it all on behalf of all of us. Your story is so riveting and you have been so clear in your narration. We were all walking with you in that church. What I would like to say is that what happened to you is a tragic thing. The loss of your loved ones, friends and property is tragic. You came here to talk to us to relive those tragic events. That shows two things. One, that the human spirit is so resilient. That you could survive that horrendous incident and then decide that for the benefit of your family, relatives, your country and the Commission as well to come here and share with us that horrendous story, that is tremendous. At the same time, I have seen how you are determined to live your life and carry on with the remaining members of your family. That shows commitment, dedication and strength. I have nothing to say but I would like to salute your courage and say to you how grateful we are to sit with you and have this discussion.

Thank you very much and I wish you the best because one should not talk about how one fell but how one got up.

**The Presiding Chair** (Commissioner Chawatama): I join the Commissioners in thanking you for coming out to give your testimony. I admire your strength and courage and that you have been able to live one day at a time and here you are still alive. It is good that you have come to this public hearing. It has given many Kenyans an opportunity to hear your experience. What we have heard today should give us food for thought as we consider how best to live in unity, reconciliation, bring about peace. We should remember what you have shared today and be strengthened. It is time for this nation to unite, reconcile and for all Kenyans to love one another, to be Kenyan first and anything else should be secondary.

Thank you very much and I wish you God’s blessings.

**The Commission Secretary** (Ms. Nyaundi): Presiding chair, with your kind permission, I have memoranda that I request that you admit as the record of the Commission. The first one is a report by a task force that was set up to inquire about Embobut Forest in Marakwet East District. The hon. Assistant Minister, hon. Lina Jebii Kilimo wishes to submit it to the Commission. There is also a memorandum read on behalf of Ogiek and is submitted by Rev. Henry Kirui. I pray that you admit the memoranda.

*(Somebody fainted in the hall)*

**The Presiding Chair** (Commissioner Chawatama): Do we have a doctor or a nurse in the House or somebody with first aid knowledge?
The Commission Secretary (Ms. Nyaundi): Chair, I have been informed that the lady who has been carried out is from Kiambaa. I would request that if there is anybody from Kiambaa in the hall, he/she can assist.

The Presiding Chair (Commissioner Chawatama): Could our brothers and sisters who have come from Kiambaa rise so that we can recognize you.

(Several people stood up)

The Commission Secretary (Ms. Nyaundi): There is a memorandum submitted on behalf of the Terik and is signed by Kefa Chemwori. I pray that you admit all the three in the records of the Commission.

The Presiding Chair (Commissioner Chawatama): Admitted as prayed.

The Commission Secretary (Ms. Nyaundi): There is a matter that has arisen. Mark Kiprotich Kimor submitted a memorandum yesterday on behalf of his family in relation to the death of Jude Kimel Kibor. He now informs us that he has received a Short Messaging Service (SMS) threatening his life. I will be guided by your direction but I was praying that while the Commission is in town, you could summon the Officer Commanding Police Division (OCPD) to appear before you tomorrow so that he can make an undertaking on the security of Mr. Kibor.

The Presiding Chair (Commissioner Chawatama): We all seem to be in agreement that your application is in order. I do not know if the witness is before us. Is he here? Have you seen the SMS? Right now we want the number to be tried.

(The Presiding Chair examined the SMS)

It is truly sad that at a time when we are sitting here as a Commission and we have pointed out time and again that we are here to promote peace, healing, national unity and reconciliation, that one of our witnesses would receive such an SMS. It is very disrespectful and very contemptuous. It is not something that we will abide. We would like to assure the witness that immediately we rise, we will take the necessary steps. We will do our best to get someone to trace where the SMS came from and let the record show that we are summoning the OCPD and the regional commissioner because we want certain assurances made to us so that we can make assurances to this witness. Could that be done, please?

The Commission Secretary (Ms. Nyaundi): Thank you Chair. Earlier, there was a request by a resident of Marakwet East to make a submission on behalf of the residents of Embobut. He is seated in the hall and he is called Onesmus Kipchumba Komen. He had indicated that he will not be available tomorrow. I am aware that the Commission has other engagement and it is already past 2 p.m. Therefore, I will be making a request that Mr. Kipchumba stands up and be recognized and that the Commission asks him to make
a written submission or we can probably hear him at another place if he is able to travel there.

(Mr. Kipchumba stood up)

**The Presiding Chair** (Commissioner Chawatama): We recognize you and thank you most sincerely. We will go by what the Leader of Evidence has recommended. We would want you to prepare a memo and if you are able to travel, then we will make arrangements for you to appear before us so that you can come and give us your testimony.

**The Commission Secretary** (Ms. Nyaundi): Chair, I want to say that we shall have no other witnesses today until tomorrow.

**The Presiding Chair** (Commissioner Chawatama): On behalf of the TJRC, we would like to thank you most sincerely for attending today’s hearings. I want to thank all our friends and our sister commissions that are represented and also members of the public. It was very important for you to have attended today’s hearing and hear what the witnesses had to say. As I said earlier, I hope that what you have heard has given you food for thought and, as a Kenyan, you will make a decision today on the kind of country that you want to live in and how you are going to live with brothers and sisters from other tribes. You might as well accept that in heaven, we will all live together. So, why not start the rehearsal here on earth? So, let us find a way of living in peace and harmony. We thank you very much and we invite you to our hearings tomorrow at 9.00 a.m. Please do come and ask others to come.

(The Commission adjourned at 1.45 p.m.)