

10-14-2011

## Public Hearing Transcripts - Rift Valley - Kapenguria - RTJRC14.10 (Mutelo Hall, Kapenguria)

Truth, Justice, and Reconciliation Commission

Follow this and additional works at: <https://digitalcommons.law.seattleu.edu/tjrc-core>

---

### Recommended Citation

Truth, Justice, and Reconciliation Commission, "Public Hearing Transcripts - Rift Valley - Kapenguria - RTJRC14.10 (Mutelo Hall, Kapenguria)" (2011). *I. Core TJRC Related Documents*. 99.  
<https://digitalcommons.law.seattleu.edu/tjrc-core/99>

This Report is brought to you for free and open access by the The Truth, Justice and Reconciliation Commission of Kenya at Seattle University School of Law Digital Commons. It has been accepted for inclusion in I. Core TJRC Related Documents by an authorized administrator of Seattle University School of Law Digital Commons. For more information, please contact [coteconor@seattleu.edu](mailto:coteconor@seattleu.edu).

**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND  
RECONCILIATION COMMISSION HELD ON FRIDAY, 14<sup>TH</sup>  
OCTOBER, 2011 AT MUTELO HALL, KAPENGURIA**

**PRESENT**

<b>Tecla Wanjala Namachanja</b>	-	<b>The Acting Chair, Kenya</b>
Berhanu Dinka	-	Commissioner, Ethiopia
Getrude. Chawatama	-	Commissioner, Zambia
Margaret Shava	-	Commissioner, Kenya
Tom Chavangi	-	Leader of Evidence

*(Opening Prayer)*

*(The Commission commenced at 10.10 a.m.)*

**The Acting Chair** (Commissioner Namachanja): Welcome to today's hearing of the Truth, Justice and Reconciliation Commission (TJRC) in Kapenguria, Rift Valley Province. For almost one month, we have been conducting hearings in the Rift Valley Province starting from Kericho, Naivasha, Nakuru, Narok, Eldoret, Lodwar and we are now in Kapenguria.

On behalf of the Commission, I would like to thank all those who helped us get statements from which we are going to hear the testimonies from. We also thank those witnesses, victims and survivors whom we are going to be hearing from today. We have a panel of Commissioners which will conduct today's hearings and I will introduce them to you.

*(The Presiding Chair introduced herself and other Commissioners)*

I would like to inform you on how we are going to proceed and the rules that will guide the hearings today. First, I would like you to switch off all your phones so that we give the witnesses ample time for them to share with us without any interruptions. I appeal to the people from the media to be in their designated area to limit the movements. If you must take photographs, take from where you are and avoid using the flash. Concerning the hearings, the procedure is that the person who will give the testimony will be invited and an oath will be administered. After that, she or he will share the testimony after which the Leader of Evidence will ask some questions. At the end, commissioners will ask questions for clarification.

We would like to start with the first witness but, before that, I would like to know if there is any counsel present. If there is none, could the leader of evidence administer the oath?

*(Mr. Andrew Akoule took the oath)*

**Mr. Tom Chavangi:** Commissioners, before we start the proceedings, I request the Presiding Chair to recognize the District Commissioner (DC) who is with us today.

**The Acting Chair** (Commissioner Namachanja): Bwana DC, you are most welcome. It shows that you care about your people. Karibu sana.

**Mr. Tom Chavangi:** Thank you, Presiding Chair, and your fellow commissioners. This is witness No.10 but we have decided to start with him because of special reasons. For the record, Mr. Akoule, could you state your name, where you live and what you do?

**Mr. Andrew Akoule:** My name is Andrew Akoule. Currently, I am serving in Eldoret Polytechnic as one of the library staff.

**Mr. Tom Chavangi:** How long have you served as the library staff?

**Mr. Andrew Akoule:** This is my third year since I was employed. On the ground, I am also serving in an organization of persons with disability. The organization itself is called SIDDO which is an abbreviation for Sikaka Disabled Development Organization. I am the secretary of the organization.

**Mr. Tom Chavangi:** For how long have you served as a secretary?

**Mr. Andrew Akoule:** I have been serving as a secretary to that group right when it was a self-help group up to date, and that is about ten years.

**Mr. Tom Chavangi:** Mr. Akoule, you presented a memo touching on issues affecting the disabled people from this region. Could you present it to the Commission in a clear and precise manner?

**Mr. Andrew Akoule:** Thank you. I want to take this opportunity, first, to thank God for bringing us all to converge in this Hall. I also thank the commissioners for taking their responsibility and coming here to listen to us.

I am going to present a report mainly on persons with disability. May I also make it clear that the report that I am going to present will be a foundation for understanding the aspects about people with disabilities in other parts of our country, Kenya. So, Pokot County would be a case study. In my report, I have four major human wants. My report will revolve on education, social, economy and freedom of expression.

I want to begin with education. Persons with disability, as it can be seen from our county, have not been brought to the mainstream of formal education. The physically handicapped people are illiterate. One of the factors that perpetuate illiteracy among the disabled is the family unit. What I mean is that when a person with disability is born, he or she is given a second thought in education. Some parents believe that a child born with disability is not really a person and, therefore, he or she is not even allowed to access formal education. The second factor is that there is no urge to take persons with disability

to school. The community leaders seem to have forgotten to put together programmes and initiatives to facilitate formal education for persons with disability. To demonstrate the point, none of the programmes in school are geared towards meeting the education needs of persons with disabilities. Since I was born up to where I am, I have never seen any programme towards the disabled. I only know St. Andrew where there is a school for the blind. There is one that is beginning, but the effort is not adequate. There is no equal opportunity in education to persons with disabilities. I also challenge the development agencies because they have not mainstreamed their yearly development plans. They have not given priority to education for persons with disabilities.

Let me now go to the social factor. That has been a problem because, in most cases, the gap between persons with disabilities and others keeps on widening.

Those people have not been included in human socialization. The same factor is also rooted in the family unit. Parents and village leaders take disabled people to be lesser persons. The aspect of a human person is not in the world of persons with disabilities. Therefore, less socialization is given to persons with disabilities. To support this point, I would like to urge you, commissioners that, if you go to the villages, you will find disabled women with children because they were impregnated. But at the end of it all, they are not accepted. So, the children are left without a father. If a disabled woman comes out and talks to the institution that is supposed to enforce laws, they are not given room to express their grievances. Therefore, people of all forms of disability just watch social benefits from a distance. They cannot access them.

I would like to say that parents also perpetuate that. Recently, a friend of mine from Chepnyal told me that somewhere in the division, parents with children with disability hide them because they believe that to be seen carrying a disabled child means that one is going to be excluded from the world of human socialization.

The third element is about the economy. Up to today, the disabled people have been grappling with hard economic times. So, the disabled people really suffer. They experience extreme poverty in other areas. Sometimes, parents with disabled children lease out their children to other people to work for them and are given money like Kshs200 or even Kshs100. This is due to lack of purchasing power. I am saying that because I testify the truth. In the year 2000, a disabled woman leased her children to somebody purposely to get some maize. I tried to tell her to bring those children to school, but I did not succeed. When we talk of global economic problem and national hardships, the people who suffer most are persons with disabilities. The reason why those people become poor is that their families do not put some initiatives for them. Some parents deny children with disability access to economic resources.

The other issue is that there is no joint initiative by the community leaders and the Government to come up with programmes towards alleviating poverty affecting persons with disability. The Ministry of State for National Heritage and Culture recently came up and recognized the economic problems among people with disabilities. That does not mean that the problem has been solved. There is more room for improvement. We always

ask ourselves why the community leaders or the Government have not come together to put permanent structures geared towards alleviating the economic problems for persons with disabilities.

Many disabled people survive in the merry-go-rounds. I have a friend called Anne Chebet from Sigor who organized for a small harambee. They asked for people to go and make a contribution which will enable them buy a plot or a piece of land. All those calls were in vain. At the end of it, they were told that the people they invited had other commitments. The question is: Do the disabled people have a right to call for support to alleviate their poverty like any other normal person in Kenya?

The last element is about freedom of expression. Based on what I have experienced, the disabled people do not get a chance to express themselves. If there is room for expression, it is only given so that someone's name has to be heard. But the needs of the person with disabilities are never brought forward. If the media writes or highlights an issue concerning persons with disability, there is too much magnification. The magnification is even ten times the real thing. I remember there was a DC in Pokot who died in a plane crash in northern Kenya. We were given three cycles and four tool kits from the National Fund for the Disabled of Kenya. The following day, I heard over the radio that persons with disabilities in Pokot were given items and tools worth Kshs3 million. A question came into my mind: Why should they magnify something that is not true? The media never allows the disabled to express themselves. In 2000, I took my members to Kitale to a hotel called Bongo. We met the media owners led by Mwonzo. We told them that we would like our grievances to be known. This will enable those who are willing to assist us to do so. We were making grievances against an organization in that district that year. We were asking why their services were not good.

We left that meeting but they had already listened to us. The disabled people are given less and less chance to express themselves. If a chance is given, it is given with conditions. For example, people are told what to say and what not to say. Our question is: Do we deserve equal treatment in making use of the communication tools?

Commissioners, that is the report we have prepared after we have experienced so much as people with disability. This is an image of the persons with disabilities. It might be expressed and reflected in other corners of Kenya. We are asking this Commission about their role to make a disabled person to be in a friendly environment.

Some chapters of our new Constitution have given disabled people room. However, the inborn personalities of the persons in power may not encourage them to implement the contents of this Constitution to enable disabled people in Kenya to rise. Probably, in years to come, all this will just remain on paper. It will be said that the interests of disabled persons are considered in the Constitution. What is consideration minus implementation?

Thank you.

**Mr. Tom Chavangi:** Thank you, Mr. Akoule. You have spoken very well. You have also told the Commission the hardships that disabled people face in this part of the world. What is your level of education?

**Mr. Andrew Akoule:** I attained “O” Level. I recently advanced my education in the field of information studies.

**Mr. Tom Chavangi:** I must congratulate you because of your presentation. Would you wish this presentation to be presented as an exhibit before this Commission?

**Mr. Andrew Akoule:** I want to do some editing.

**Mr. Tom Chavangi:** Later in the day, we shall hear about issues to do with cattle rustling, military exercises and disarmament. What is the experience of people living with disabilities when it comes to such issues?

**Mr. Andrew Akoule:** Such conflicts are rampant in this area. When such incidents happen, those who are affected most are persons with disabilities.

**Mr. Tom Chavangi:** So, what happens? What is the experience of the disabled people from the research you have done in your society? What have you come up with in terms of the experiences of these people when there have been such activities?

**Mr. Andrew Akoule:** When such incidents happen, disabled people experience isolation. When other people run away, you feel that you are the next person to be killed. For example, when I was in Wei Wei Secondary School, in 1992, one night, while we were doing our night preps, cattle rustlers from the Asei people came. However, due to the fights that the Pokots had had with the Turkana previously, it was believed that they would come and revenge. Through rumours, we were told that those who were to be killed were the students at Wei Wei Secondary School. So, those who had legs ran away. I was left alone in the dormitory. Therefore, I hid under my bed because I did not know what to do. I just lay there waiting for whatever would happen, because I was not able to run away. In fact, the direction in which the students were running was like climbing a certain gradient. If they were to run down the gradient, I would have been able to move with them, but that was the direction in which the enemies were believed to be. So, the only option I had was to hide under a bed.

So, when such social problems occur, be it a fight within the home or the village, people with disabilities find themselves in problems.

**Mr. Tom Chavangi:** Thank you very much, Mr. Akoule. You must be a courageous man and very ingenious. You are creative.

The issues you have mentioned are issues which are within your organisation. Have you documented the challenges you are facing?

**Mr. Andrew Akoule:** Yes, I have documented some of them.

**Mr. Tom Chavangi:** Is it possible for you to share them with the Commission later on?

**Mr. Andrew Akoule:** I have documented these issues under the objectives of the organisation. So, the document is in place, and this is what I have said. What I have written here is just an introduction but all the information is within the strategic plan of the organisation.

**Mr. Tom Chavangi:** Thank you very much, Mr. Akoule. When we left Lodwar, we reached a place called Kainuk and the terrain completely changed. From Kainuk all the way to Kapenguria and Kitale is very hilly. With that kind of terrain, what challenges do the disabled people face? There are valleys and it is hilly. What kind of challenges do you face?

**Mr. Andrew Akoule:** The unfriendly terrain hinders disabled people in terms of movement. It also contributes to problems with their bodies. A person with disability who is in some hills in Ortum, be it a blind person or a physically handicapped person or whatever form of disability, the physical terrain contributes to isolation of such a person. The physical terrain also contributes to a problem of identifying these people. It also makes it difficult to identify the persons who hide persons with disabilities. It also hinders attempts by some willing development partners to reach them, because most of those hilly places are far from lines of communication. In this case, a disabled person is left with another world ahead of him. What disabled persons know are the homes around them. They have no knowledge of the existence of other physical places where people live. This contributes to shyness. Disabled persons who live in some hilly places do not believe that there are people anywhere else. If they see somebody other than their family members, they ask: "What is this person coming to do?" because they lack socialisation. They lack means of reaching other places.

**Mr. Tom Chavangi:** Thank you, Mr. Akoule. What would be your recommendations? You have spoken about these challenges – one, on the terrain, and two, on those other activities like disarmament, military activities and cattle rustling. What would you recommend, on behalf of disabled people in this county?

**Mr. Andrew Akoule:** The Government should come up with ways of making disabled persons realise that they are in a world of humanity, and their needs are equal to those of any other person. Let all join efforts with development partners, be they non-governmental organizations or the Government as a whole; to realise the needs of persons with disabilities. In all human development planning, disabled persons need to be brought from the sidelines into the core of development plans of humanity. That way, disabled persons will shed off shyness and enjoy equal human rights like able bodied persons.

In the process of addressing inter-community conflicts to bring peace, this should also be enjoyed by persons living with disabilities. What I know is that peace is measured in three areas. When people are economically stable, people living with disabilities also

enjoy the fruits of peace. When initiating programmes aimed at bringing together communities which have been fighting each other, persons living with disabilities should also be considered. What would be the meaning of a pilot project which has been set up to bring together people who have been fighting each other when the fruits of that initiative never reach persons with disabilities in those communities? It would look like economic segregation against people living with disabilities.

Therefore, I appeal to all stakeholders in peacemaking to ensure that the fruits of peacemaking also reach persons living with disabilities in order for them to become happy.

**Mr. Tom Chavangi:** Thank you, Mr. Akoule. Is your organisation a CBO or an NGO?

**Mr. Andrew Akoule:** It is a CBO.

**Mr. Tom Chavangi:** Besides your CBO, is there any other society here which assists people living with disabilities?

**Mr. Andrew Akoule:** Our organisation is only three months old from the time it was registered. Its historical background is that it has evolved since 2004. Besides our organisation, there is a programme for little children, which has been set up by a friend of mine who was working with the Red Cross Society. It is located around Makutano. So, there is only one organisation that I know of. There is also an organisation around here which specifically deals with education for physically impaired people.

**Mr. Tom Chavangi:** What is your source of funding? Do you get money from development partners or Government?

**Mr. Andrew Akoule:** We integrate. For small activities like meetings, we approach our District Commissioner's Office so that they can support the activities of that day. We also have friends whom we approach to support a day's meeting. We look forward to getting friends who will make our plans a reality and meaningful to the clients of our organisation.

**Mr. Tom Chavangi:** Mr. Akoule, this will be my last question. Is the culture of discriminating against disabled persons in this community still prevalent?

**Mr. Andrew Akoule:** The culture has slightly diminished in areas which are close to communication lines. There is a bit of awareness on issues of persons living with disabilities.

**Mr. Tom Chavangi:** Commissioners, I now hand over the witness to you.

**The Acting Chair** (Commissioner Namachanja): Leader of Evidence, would you like the edited memorandum admitted to the records of the Commission once it is edited?

**Mr. Tom Chavangi:** That is the argument we have with the witness.

**The Acting Chair** (Commissioner Namachanja): It is admitted in advance.

**Mr. Tom Chavangi:** Most obliged, Presiding Chair.

**The Acting Chair** (Commissioner Namachanja): Leader of Evidence, please, approach the Bench.

*(The commissioners consulted with the area  
co-ordinator and the Leader of Evidence)*

**The Acting Chair** (Commissioner Namachanja): Brother Andrew, thank you very much for your presentation. The commissioners would now like to ask you some questions for clarification.

**Commissioner Chawatama:** Andrew, I would like to thank you very much for your testimony. Our Report would not have been complete without contribution from persons living with disabilities. Indeed, for us, our task is to deal with all Kenyans without discriminating against anybody. I pray that our recommendations, not only for policy change, will have some impact on people living with disabilities. Be assured that we have heard you on all that you have said. We have also heard from others as we have travelled throughout this land. I have only one question. I would like you to share with us. When you got your employment with the polytechnic, was it straightforward? Did you face any challenges? That is specifically employment challenges faced by persons living with disabilities. Thank you.

**Mr. Andrew Akoule:** Presiding Chair, one thing I have come to experience since I have been serving in the library is that when it comes to serving other members, there is no difference in terms of rendering services. Services by both able-bodied persons and disabled persons remain the same. For example, I am a librarian. In the world of information, we link the publishers with the readers. We are the intermediaries between the publishers, the authors of various books on human knowledge and the users. So, in terms of the techniques that may be required to be employed in making that information available to an information seeker, it does not matter whether the person doing the job is able-bodied or disabled.

**Commissioner Chawatama:** I am sorry to disturb you. While what you are saying is very useful, I was talking more about the process of your employment that you went through. Please, share with us your experience because we want to appreciate the challenges that people living with disabilities sometimes face when it comes to employment opportunities in terms of how they are treated. Were you singled out and just given a job without applying for it? We would like you to share with us on this issue.

*(Loud consultations)*

**Commissioner Shava:** Through the Presiding Chair, before the witness responds, could we request silence, please? As the Presiding Chair has said, when a witness speaks, we want to give him all the respect and listen to what he is saying. So, even as people are filtering into the hall now, and may have missed the Presiding Chair's announcement, can we, please, observe silence? Let us avoid talking while the witness is speaking. We are addressing those people who are just coming into the hall, and those who are talking to their neighbours. If you need to consult with your neighbour, please, do so outside, but not in the hall and, particularly, not while the witness is speaking. Please, let us have some silence.

**Mr. Andrew Akoule:** Presiding Chair, the employment process I went through at Eldoret Polytechnic was free of any problem. I applied for the job and I was later called for an interview. Finally, I was employed.

**Commissioner Chawatama:** Thank you very much. Very briefly, could you tell us some of the employment challenges faced by people living with disabilities, if any?

**Mr. Andrew Akoule:** There are challenges relating to reaching their places of work. The main challenge that we, physically disabled people, face has to do with physical constraints in some areas. Buildings in some places do not have ramps. It sometimes becomes difficult for a physically disabled person to render services.

**Commissioner Chawatama:** Thank you very much.

**The Regional Co-ordinator:** I would like to take this opportunity to ask all our visitors and the people of Pokot County to be very patient. Those of you who are just coming in, please, avoid talking loudly because you are causing a disturbance to these hearings. I urge you, with due respect, to be patient, so that we can continue with our hearing.

**The Presiding Chair (Commissioner Namachanja):** Commissioner Dinka, do you have any questions for this witness?

**Commissioner Dinka:** No, I have no questions for him.

**The Acting Chair (Commissioner Namachanja):** My brother Andrew, on behalf of the Commission, I would like to thank you for coming to represent the plight of the disabled people. As we end our session with you, the Commissioners would like to come where you are, shake your hand, just in appreciation of the journey that you have undertaken up to now. I would also like to inform you that we have a small present to give you, which will ease your movement problem a little.

For the public, after Andrew's session, we have a team which will come and entertain you and the commissioners with traditional dance. So, when you see them come, please, be patient.

Thank you very much.

*(The commissioners donated a wheelchair to Mr. Andrew Akoule)*

**The Acting Chair** (Commissioner Namachanja): Leader of Evidence, could you, please, help Mr. Andrew Akoule out? We shall receive the traditional dancers before we continue with the next witness.

**Mr. Tom Chavangi:** Presiding Chair and your fellow commissioners, we have managed to unlock the wheelchair. It is being brought across, so that the witness can make away with it.

**The Acting Chair** (Commissioner Namachanja): Please, let us have the microphone next to Andrew again, in case he has a last word to say to the Commission.

**Mr. Andrew Akoule:** Presiding Chair, I have already given my testimony in English, but I would like to address myself to all the employees in Pokot County, so that they can understand the importance of giving equal services to all the people, and not only to the disabled persons.

Thank you very much.

**The Acting Chair** (Commissioner Namachanja): Thank you very much, Andrew.

*(Sengeiywo Dancers entertained the commissioners)*

Please, let us get seated. On behalf of the Commission, I would like to thank the traditional dancers for their great performance. I just inquired about the meaning of some of the songs that they were singing; and I was told they were about peace and appreciating our country. We are living in peace and we pray that we shall continue in the same way.

On that note, I would really want to thank the efforts of one of our daughters from here who has been promoting peace through sports; my sister and name sake, Tecla Lorupe. The peace that we are enjoying is partly her effort.

Before we continue, I would like to recognize the presence of our brother from the Kenya National Human Rights Commission, Prof. Tororey and Our District Commissioner, who will also want to leave soon. I would like to invite him to give us a few words of encouragement before he leaves.

Welcome, Sir.

**The DC** (Mr. Alfred Mwandale): Commissioners, the witnesses and all the people gathered here today; I would like to take this opportunity to appreciate the commissioners' coming to address us and listen to the views from our witnesses.

This occasion is very important because it will go down in history just as the witnesses are referring to history as they give their testimonies. I want to say that we have come from far to be where we are. We have gone through a lot of experiences; good and bad. We do not want to continue experiencing bad issues. Whatever the witnesses are giving, I request the commissioners and all the stakeholders to have the matter addressed so that as we go deep into the future, we continue living peacefully, harmoniously and without bias or discrimination. Let us see ourselves as one community, respect each other; address every issue with a human heart. For those who render services, let us render services without discrimination and forge ahead as children of God and, at the end of it all, we shall continue to interact as one people.

Because I will leave to attend to other matters, I want to wish you well. I want to wish the witnesses well so that as you give your testimony, history will charge us as we address matters before us.

I will join you later, but for now, I say thank you and may God bless you all.

**The Acting Chair** (Commissioner Namachanja): Thank you, Sir. Leader of Evidence, we are now ready to continue with the next witness.

**Mr. Tom Chavangi:** Thank you, Madam Presiding Chair, and your fellow commissioners. This witness is Kapenguria No.3 and he will be representing numbers four and five. He is Rev. Simon Alew, who has a presidential commendation in the name of HSC.

*(Rev. Simon Alew took the Oath)*

**Mr. Tom Chavangi:** Thank you, Rev. Simon Alew. For the record, kindly, state your names again.

**Rev. Simon Alew:** I am Reverend Simon Alew. I am the District Peace Committee (DPC) Chairman, Pokot North. I have held that position for nine years.

**Mr. Tom Chavangi:** Rev. Alew, who are those two gentlemen on your right?

**Rev. Simon Alew:** He is Samson Akasile.

**Mr. Tom Chavangi:** And the other one?

**Rev. Simon Alew:** The other one is called John Luchakai.

**Mr. Tom Chavangi:** Why are you with them?

**Rev. Simon Alew:** The reason why I am with them is that, we come from the same place and they were part of the victims of the operations which took place during the years of violence. They were also former leaders and right now, they are opinion leaders.

Mr. Samson Akasile is a former councillor, while Mr. John Luchakai is a former chief on the Kenya Uganda border and; currently a nominated councillor in Lale.

**Mr. Tom Chavangi:** Thank you. Are you comfortable with their presence there?

**Rev. Simon Alew:** I am very comfortable because they know what I am going to say here.

**Mr. Tom Chavangi:** Thank you very much, Rev. Simon Alew. You are going to present a memorandum on the Kacheliba Massacre and the Lotiriri Military Operation of 1984. We are going to hear about other operations in the course of the day. So, kindly, confine yourself to the Kacheliba Massacre and the Lotiriri Military Operation of 1984. My work here is to guide you, so do not feel offended when, once in a while, I step in to guide you.

Kindly, proceed!

**Rev. Simon Alew:** Okay. Let me take this opportunity to thank commissioners and also the people of Pokot County who are seated here. I am going to talk about historical injustices which happened. I may start with the root causes of all the historical injustices.

One, it is the evictions by the British of the Pokot people from Trans-Nzoia which was their ancestral land. It was around 1926. This made the Pokot, who are now in Kacheliba, to lose that arable land and that year was termed as “kwenda”. So, these people who were evicted from Trans-Nzoia were pushed to Kacheliba. Kacheliba used to be settled by the Karamojong of Uganda. But because there was displacement, the Pokot had to displace the Karamojong until a time when the Government of Uganda - this was during the colonial time - proposed that Pokot/Kacheliba should be under the Uganda administration. It was just an experiment of two years, but it took forty years.

If I may go direct to the operation of 1982/1984; this was the major one where the Government of Kenya led by the former President Moi declared that the Pokot community should be disarmed. The disarmament turned into kind of a communal punishment. I am calling it a communal punishment because everybody, even if you were a peacemaker, a bishop or a professor; you were treated equally. So, if it was beating, you were all beaten. There were some people who were beaten and tortured. Over 25,000 herd of cattle were here taken to Kacheliba Police Station. Over 10,000 cattle died in the same police station and the remaining 15,000 were just transported to unknown places.

In the same year, people were also killed. When the Government went round to collect firearms, they announced that: 'If you surrender your gun, you will be given a certificate of confirmation.' People were informed that when the helicopter come, you should raise that certificate so that they will know that you are a peaceful person and some people did the same.

Mzee Atoligole Losute became the first person to surrender his gun, but when he tried to raise the certificate, the helicopter had to drop down and then he was told: "Because you are a good person, we will take you round to be an example to other people." So, when that mzee was flown off by the helicopter, his wives saw him go inside the helicopter and after going round, he was seen hooked or tied on his neck to the helicopter and then he was flown off and went round the helicopter and after about 30 minutes, that old man died. He was thrown away at the border of Kenya and Uganda.

Another person who was treated the same way was Mzee Achelo. When he raised his certificate to show that he was a peaceful person, he was sprayed with bullets by the helicopter and three others died at a place called Karamel in Nikunyau Division, which was a location then.

There was an assistant chief called Michael Among'utobotela who talked to the people as he was a mediator between the community and the Government. He tried to advise people to surrender guns to him at night and then he would give them to the Army men because the community feared being killed or being shot. So, the assistant chief, Mr. Among'utobotela, received the guns and he surrendered them to the General Service Unit (GSU) and the Army. When he turned after surrendering, he was shot on the back and he died instantly. It was a cold blood killing.

If I may continue mentioning more people, Mzee Chesirok Lotee was given iron metal to chew and he was threatened that he was going to be sodomized. He was told to lie down on his back and he was thoroughly beaten and then the army men had to take some sand and pour into his eyes. That old man is blind as we speak now. I do not know whether he is around here. But, maybe, for confirmation, if you want to see him, you may get him later.

I have some few pictures which show the victims of those who were affected by the said operations. If I may raise this picture here, it shows a man whose leg was cut off. He was shot and because there was no health facilities near; the only option was for the leg to be cut off.

There is another gentleman here who was suffering from epilepsy, but because of fear of the helicopter, he decided to hide himself. He entered into somebody's house and was caught by the disease while there and he got burnt. There are several pictures like these ones which I did not pick. But there is one here for a lady. If you come closer, you can see some scars or wounds on her stomach and even on her hand. This lady is alive even today. If you want to prove whether I am giving you the right information, we can go to Kacheliba and then you will get the same people.

During the operation, there were chiefs who were sacked and became casualties of the day because they knew the culprits and they were termed as the beneficiaries of stolen animals. If commissioners can allow me to read their names because they are here, I can and they are many. They are as follows: Messrs. Alachua Andrew who was the chief of Allele; Assistant Chief Mark Kagogo; Peter Lorachi; Augustino Lolentum; William Long'oro; Kambalali; Silas Sabolo, William Atokoi who is seated behind me here. Chief Philip Lowaserehe and other three old men Ramadhan; Long'ing'i David and David Limo were sacked. He can stand so that you see him. Mr. David Limo, please, stand so that commissioners can see you. Mr. David Limo, chief Oukomoi; William Luchakai, Lolotong and many others were also sacked.

Madam Presiding Chair, if you allow me to continue a bit; there were some people who were tortured whose names are: Mr. Ramadhan Onyang' Poghismo, was tortured and he is sick at Kakonyau. Mr. Lotecha Sigolu, whom they poured sand into his eyes until he became blind. This included Mrs. Chepsokong whose picture I have shown you. Mr. Tokoese Logodisinglo is at Karameleli right now. He has a permanent wound which has pus.

Messrs. Olechemele Eliang, Odeng'o Lomasia and Mzee Longilobali were killed at Loloo during an operation between the border of Kenya and Uganda at a place called Wamchang'o. Mzee Konyau was tied with a rope under a tree and the army men raped his eight wives and his two daughters in front of him.

Mr. Logumo has one hand; Kamket Kelisa was seriously injured. Mr. Linalolong'olekit was wounded at the buttocks. Mr. Samson Akasile who is sitting near me here; the army personnel camped at his home and turned it into a barrack. He was mistaken because he was the area councillor by that time. Information went out that he was sheltering Ngorokos within his area. He was being looked for because he had a gun, and therefore, the army men stayed at his place for six months. Some of his houses were burnt when the army left. One of his sons who was sick and hiding in the house died in the house.

Mr. Akasile was arrested and taken to Nakuru. I hope he may get a chance to tell you more about that. As I speak here, our home was bombed. Some of my certificates for primary school got burnt and, therefore, I am a victim. We lost so many goats and food.

In the year 2005, which is not long time ago, the UPDF crossed the border at a place called Chepchoina and took 595 cows across the border while our Government was just watching. The owners of the cows are here and if the Commission can allow; they can stand up, like mzee Achak. "Mwalimu Achak, can you stand up?" Mwalimu's cows were taken by UPDF and even the cows of hon. Moroto, Mr. Chemara Abraham; Mr. Francis Musa Alokuleng', Prof. Lonyangapuo; Peter Litonyang and Mzee Busiko. We tried to make a follow up for the animals as peacemakers across the border, but our Government gave us a deaf ear.

In 2007, again, the UPDF crossed the border to Kenya and raided several homes and attempted to take away cows at a place called Asilong. All of you know that place. When you are going to Kacheliba, before you reach Kolichi, there is a centre called Loloo where they shot so many people and displaced many people. They killed mzee Aloba near the border. They injured Ms. Chebasigari Lomolele and Lorionokolowa. When they were almost defeated, they sprayed 172 cows with bullets. So, if you want to confirm that, we can go to that place.

In 1976, the Right Reverend Bishop Kewasis, who is seated with us here, after he had finished his Form Four, was beaten at Nasogolo, West Pokot, and the area chief called Joshua Lotodo, was also a victim.

In 1979, in Sigor, Pokot Central, there was a chief---

**The Acting Chair** (Commissioner Namachanja): Just a moment, Sir. There are some people who are settling down at the back there. Please, do it quickly so that he can proceed.

**Rev. Simon Alew**: Okay. I was talking about 1979. There was a chief called Lokiriang'ole and a disarmament operation was announced when the former President---

**The Acting Chair** (Commissioner Namachanja): Sorry, Sir. You were talking about Bishop Kewasis. You did not finish that story.

**Rev. Simon Alew**: Okay. I said that in 1976, there was an operation which took place in Nasokol area of Nagei. Bishop Kewasis and Chief Joshua Lotodo, among many others, were beaten in the name of disarming the Pokot Community. I said that they are here and they can bear me witness. You can imagine the disarmament happened as if it was a communal thing. Whoever was a Pokot, whether a teacher or a pastor; you were punished. In each location, there were so many ladies who were raped. The minimum operations that took place in Pokot were 20. I cannot remember everything. There are some elders who know more about the story.

Let me now go to 1979, in Sigor. I mentioned a former chief called Lokirionole who is late now. In the name of disciplining the chief, his private parts were tied and his legs were also tied onto a Land Rover. He was driven along all the centres until he died.

In the same year, some camels were stolen from Turkana. Then there was an operation which took place and some cows were collected by the army personnel and they were returned to Turkana. So, the Commission can ask me some questions and then I will go back to my story.

**Mr. Tom Chavangi**: Thank you very much, Rev. Simon Alew, and your two colleagues. I believe you have spoken extensively, and probably they do not need to add anything that you have left out. This is because you have mentioned their names and what they

have gone through as individuals and as a community. Now, from your testimony, there is nothing good---

**Commissioner Chawatama:** Leader of evidence, I believe, even if it is just for a few minutes, we would like to hear from the second and third witnesses. Just briefly, maybe a personal experience. We heard the general story. We now want to go to specifics.

**Mr. Tom Chavangi:** I am guided, Presiding Chair.

**Commissioner Chawatama:** Thank you. Please, administer the oath to both of them.

*(Mr. Samson Akasile took the Oath)*

**Mr. Tom Chavangi:** Commissioners, this is witness Kapenguria No.4. Samson Akasile, for the record, please, repeat your full names.

**Mr. Samson Akasile:** My name is Samson Akasile. I am very grateful to the commissioners for coming to Kapenguria and all those who have come to this place to listen to our problems. I am one of those people who faced problems and I do not know how to start and where to end. I faced all those atrocities and, therefore, I thank God because He took care of my life until now that I have had an opportunity to stand before this Commission.

In 1974, at around February, or thereabouts, it started as a simple theft of cattle, but the leadership took it as a punishment. It was as if they wanted an excuse to kill people. I do not know whether I am being heard. When they started the operations, they started calling chiefs to the DO's office and held them there. Then word came out that people were being looked for.

When I heard that, I ran into the bush with all my family members with the sounds of a helicopter in the air. The helicopter came and all the animals; be it cows, goats and sheep, were collected and were taken to Kacheliba Police Station. People ran away and disappeared into the bush. There was no room even for those who were sick to be taken to hospital. There was no way that one could be taken to hospital because if a man was seen carrying a sick person to hospital, he would be caught. Some patients were deserted by their relatives who had taken them to hospital because there was no way it could have been possible.

That made people to die at their homes and even in the bush. People slept in the bush with snakes because their houses were not any safer.

The others were shot in their houses, because there was no way somebody would get out. I sat in the bush until April. Before I was caught, I surrendered myself because things were becoming very hard. I surrendered myself and I was arrested at the DCs place in Kapenguria here. I found my friend called Lochakai, who had been brought from Malaral. That was a problem that arose in this place of West Pokot. The people who were

shot in my area, those people whom I was with, there was somebody called Lodokori, who was hanged in a helicopter. I was with Longorkeita and Akorikori. These people were from my village and I knew them. These people were shot dead.

After I had been arrested, I was taken to Nakuru with my friend, who is here. Nobody wanted us to sit around. I was taken to one of the houses and my friend was taken to another house. Nobody wanted us to meet. This went on for a long time. Even when you look at me now, I have only one ear with which can hear. I do not have another ear. If there is something you can use to test whether the other ear is working, it is okay. I cannot hear words with the other ear. This was one of the problems I encountered in Nakuru.

*(Loud consultations)*

**The Acting Chair** (Commissioner Namachanja): Could we, please, maintain silence? *Tunaomba, tafadhali, tutulie.*

**Mr. Samson Akasile:** I can see that a majority of the commissioners who have come to Kapenguria are women. How long do you live with a man if you do not have a child? I can see you are mothers. But it is good, because my wife accepted God and she knows that I was not bad. She has a reason why she came to my home. Up to now, we are living together. We are lacking people because of the operation. When I think about those issues, I feel so bad. I do not see the reason why we should talk over such issues, because it will not help me. I do not have any children; one of my ears cannot hear; I do not have any property; my son, who was a man, died because there was nobody who could take care of him when he was sick. I failed to get another person, who was a man, who will now inherit my wealth. Even if I talk from here, I do not know whether the Government that can really help somebody. What is the importance of all these discussions as we sit here? I never knew what time I woke up after I had been beaten. But they were using instruments to beat us. My friend here told me, "You were beaten yesterday." I was thrown into the water outside the police station. My colleague here told me that the police quarreled among themselves, "Why did you bring somebody who was dead?" Those were things that happened and I never knew the time. It was still during the day when I saw something, but the following day, I could not be able to tell what it was. Therefore, I was taken to some place with weapons. I was taken to Nakuru to a place called--- They wanted to go and kill me there, but God did his miracle. I got hold of the person who wanted to throw me down, and he did not know whether to leave me or not. Those things happened.

In brief, I suffered that problem in Nakuru with my friend, who is just next to me here. Nobody wanted to see anyone else when he was being tortured. When this friend of mine was brought here, I was taken away to another house. Finally, after one month, we were taken together to prison for one month where we were now required to explain ourselves. After that, we were released.

Therefore, I can now say that whatever you call “operation,” it came but I cannot believe the operation was meant for those who were stealing cows, because up to now, cattle rustling is going on. There was something among the Pokots that the Government wanted from the other operation. It is as if the then DC of West Pokot, Mr. Peter Lagat, wanted something from this place. It was not about cattle rustling only.

Therefore, in brief, so that I do not disturb myself any more, if I think about my family, I cannot get sleep. My sleeping time has been shortened. It has become very short and I cannot even tell why. I now have over 70 years; I do not know what it is that will take care of my life for some time, because if I have all these scars and I am aged, then something will happen or can happen to my health and life. I do not know what the Government will do to take care of me. We have only one child as at the time my wife was pregnant. I do not know what the Government can do to me, because I am very poor; my body was really injured and tortured. For that child, who is a girl, what is the Government going to do? The Government can help me about that, so that, at least, I can be comfortable. If somebody is skilled, there is a punishment. If that punishment has been done, then there is a blessing. I do not know what the Government is going to do, what they are going to offer, so that the pain in my heart can go down. What is it that the Government is going to do, so that I am comforted over what has happened, because it is affecting me up to now?

Thank you so much.

*(Applause)*

**Mr. Tom Chavangi:** Madam Presiding Chair, that is Kapenguria No. 5.

**The Acting Chair** (Commissioner Namachanja): The elder should restrict himself to personal experience, because we have heard broadly what the operation was all about. We want to know how he was impacted on, personally.

**Mr. Tom Chavangi:** Most obliged, Madam Presiding Chair.

**Commissioner Shava:** Can you, please, administer the oath?

*(Mr. John William Lochakai took the oath)*

**The Acting Chair** (Commissioner Namachanja): I can see our leaders leaving. Before we start with our next witness, I would like to recognize the presence of our Members of Parliament, hon. Julius Murgor who is the Assistant Minister for Environment and Minerals and the Member of West Pokot; hon. Litole, MP, Pokot Central; hon. Moroto, former MP, and our bishop. Hon. Members of Parliament, I was hoping that after we finish with the elders, you would get time to address the people, and also share with us your recommendations before you leave, even though we understand that you have such a busy schedule. Thank you.

**Mr. Tom Chavangi:** Mzee John William Lochakai, please, state your names and what you do for the record.

**Mr. John William Lochakai:** I am John William Lochakai. I come from Pokot North. I used to be the chief of Alale Location. I was employed in 1971. Some elders came to ask my father to release me to them, because at the time, I was the only one who had gone to school from that area. Then, the elders requested my father that to give release me so that I become their chief and help them in their place. Then my father said, "But he is not yet through with school." The elders said "No, no, no, no; if he has got that, just give him to us to be our chief." Then my father requested me to drop out of school. I accepted their request because I respected the elders, who came to my father. My father really cried and persuaded me to listen to the elders. I accepted to become a chief. I never knew that such a job had such problems, as I later found out.

Before I proceed, Presiding Chair, I want to tell you how Pokot North is. Pokot North is in the northern part of--- They border with the Karamojong from the left, the Turkana from the right and the Sebeis are also on the other side. All those people are in that area. When you cry from this side, that cry can also be heard on the other side. That place is just a small area. We live with two people who have firearms. Those who are there, the Turkana and those people have guns. When we were reading books in the 1980s, the Turkana had rifles. The Turkana started acquiring guns from Ethiopians and Sudanese. Those people really disturbed us. We had arrows and spears. That was what the Pokot used to have, and the hilly area really assisted us. We were in the hilly side while the Turkana were in the lowlands. Those hills really assisted us.

When I was employed, I realized that, that was a very hard job because uniting those people who were in the right and those who were in the left was very hard. I came to realize that it was very hard. Since 1971 when I was employed until 1978, I struggled until we had peace in that place among the Turkana and all the others who were there. When Amin was removed from power, guns found their way to West Pokot where people had no guns before. Guns went to the Turkana and that place was filled with guns. Fighting and cattle rustling increased because of the guns. The Kenyan Government attacked us, as chiefs, saying that we had allowed people to have guns yet the truth was that they knew that the guns came from Uganda, and the gun business was free to anybody. They were freely loaned to Kenyans from Uganda. Those were the kind of guns that were there. That was why we were targeted. All the assistant chiefs and chiefs who were there at the time, 14 of us, went home without pension. There is no one amongst us who gets pension up to now. There is somebody called Gabriel. That is the only one who got pension and he was employed later. Nobody else in Kacheliba got pension, or is getting pension just because of those guns.

The first operation started in 1977 and Government agents never got hold of cows, but they got hold of chiefs. I was caught in Alale. Another chief was caught in Kasei, and Sakarai was caught in Kacheliba. There was another one who was caught in Kacheliba and we were taken to Kitale. We were there for three days on interrogation about the guns. When that was over, another operation started in 1979. I was brought here in

Kapenguria and then to Kitale. There were two of us, me and another chief called Rikomun. We were there for one week. Rikomun never reached there. He went back from Kapenguria. The army used clubs to beat us. When we reached Kitale, at least, we settled and relaxed. But all the way to Kitale, we were really harassed. It was like we were not human beings. We could not even be given time to relax. That was the operation of 1979 where people were caught and some of them went to Lodwar.

When that ended, the operation of 1984 came. That was a very serious operation. It was as if it was targeting me. They wanted to kill me. Those who were in the opposition wanted us to be taken away and they wanted us to die, so that they could take over. The ordinary people cried that “Our chiefs have gone;” They really cried.

That was why I was arrested in 1984. The operation started in Kacheliba in February and proceeded to other areas. We thought it would be in Kacheliba alone, but it went on until Alale. That is when they came to my place. I had four wives and I had built my houses, so that they were in the same place. They were four houses and they were iron sheet thatched houses. I had my cows, sheep and goats, which were being taken for grazing. Some of the big bulls were taken to Uganda for grazing. At the time, I had gone for a visit. They came to my place with a maroon vehicle and one which was for the police. They had come from Nakuru. Its colour was grayish. This was the lorry which really hurt our place; those two lorries.

When they came to my home, they removed everything. The children were even sleeping on the cemented floor. When I came back from my business, because I was selling gold - I started the business of selling gold and sometimes selling cows in the 1980s - I was warned not to use the normal route to my home. So, I decided to go through the bush. When I reached home, I found that the people had left home and gone to the hills, while the children had gone to the forest. They really looked for me and they really wanted to meet me. Why? Just because of those things. Then I went to the forest. They sent people to come and look for me, but the hills and the bush was so thick. So, we had to hide ourselves in the bushes and the hills. When the army men came, they threw bombs at us; they searched for me in bush and they would bomb that bush. Up to now, those bombs are in the bush or forests and we are waiting for the Commission, so that those bombs could be taken from that place because they can explode anytime and kill us.

I would request the Commission to look for a way, so that we can go and look at those bombs, so that they can be witnesses. People have really been taking care; now that this Commission has come, we just need to go and remove those bombs.

**The Acting Chair** (Commissioner Namachanja): Thank you, Mzee.

**Mr. John William Lochakai:** At that time, all my cows went. I lost all my 40 cows; I lost all my sheep, around 160 of them; I lost all my goats. Those were around eighty and that was not very important. I lost all my chicken.

**The Acting Chair** (Commissioner Namachanja): Mzee, can you now summarize, so that we move on, please?

**Mr. Tom Chavangi:** Actually, Madam Presiding Chair, that is what I have been trying to do. You saw me stand up twice to try and confine the mzee to the issues at hand.

**The Acting Chair** (Commissioner Namachanja): Recommendations? You had started on your recommendations and you requested that the bombs should be removed from that place. Can you tell us other recommendations; two or three, because already, all the other issues have been articulated?

**Mr. John William Lochakai:** When my cows were taken away, and when I surrendered myself to the OCS, the OCS gave me a letter and asked me to take that letter to that place. The DC had gone. The DC made a call to the army “Just go and get hold of that man called John. He has come to that place.” So, I went out to where the children were. The operation was coming to an end and the people were being told to go back to their homes. Then they arrested me. I saw four aeroplanes. One went to that side and another one to that other side. There were also lorries which came. I was staying with some old man, who had come to receive me. I came with my vehicle, a new one which I had bought, registration number KUF 595. I was arrested. They got hold of me and took me to the vehicle. I was taken to Emokuria Police Station and asked to go and show where my children had gone to. I took them to where I used to work in the gold mines. That was where my wife was. We went to that place and they searched, but they did not find anything there, because everything had been taken. They had taken everything from the shop. When I was taken, my vehicle was left at Emokuria Police Station. We came and I met with my colleague here, who is called Akasile. I was brought by that aeroplane to Kacheliba and then we were brought to Kapenguria by a vehicle. Later, we were taken to Nakuru.

We were really tortured at Nakuru. Lotodo was there in Milimani Prison. We were transferred from Nakuru. If I was taken to one cell, my colleague here would be taken to the other cell. We stayed there for around four months. It was just torture. We would be beaten all the day after which we would be taken back. When you were taken back, it was like you were just dead. We were there for that time. They wanted to release us so that we could make a statement. They wanted to release me, but I refused because my colleague, Lokwakapei, never knew anything about the law. We refused because we knew that if we were taken to the other place, we would be given another---. We stayed in that place until they could not give evidence. When we were released, I came to this place and found that my vehicle had been taken. I heard that my vehicle was brought to Konyao, and from Konyao, nobody knew who had taken it. We do not know whether it was taken by the army. That is how my brand new vehicle disappeared.

I bought it from Westlands, Nairobi, using the profit I got from selling gold. I lost my cows; and gold which was found at home. I lost everything that I had. I was left without anything. We went again to the forest looking for gold, but we had suffered so much. I became sick for around one year.

**Mr. Tom Chavangi:** We are now clear on the suffering the witness endured during these operations culminating into his arrest and being taken to Nakuru. Probably, the translator

can ask him to go directly to his recommendations, because he is actually repeating himself now. Because what he is saying is what Mzee Samson said earlier. So, it would be nice for him to go directly into his recommendations. If he cannot manage that, then I will ask the Reverend - the Reverend has actually summarized the recommendations - to present the recommendations and the way forward.

**Mr. John William Lochakai:** For me---

**The Acting Chair** (Commissioner Namachanja): Mzee, we have understood what you went through together with Mzee Samson and, now, we would like to allow you this opportunity, so that we can get your recommendations. Thank you very much. We have understood you. Thank you very much.

**Rev. Simon Alew:** Thank you very much, Madam Presiding Chair. I am going to give our recommendations in general, because we represent many people here. Since we mentioned in the first place that we lost our land in Trans Nzoia, if this Commission is genuine, and if our Government also is genuine, it is our recommendation – on behalf of our people who are sitting here and those who did not come; they are just saying that if there is a way in which the Commission can recommend to the Government that our land should be returned to us.

Not all the land, but the remaining land because there have been some recommendations to that effect. Since the colonial time, our land was taken by force and the subsequent regimes also took advantage and resettled their own people instead of the Pokots. We lost our livestock during those operations and we need to be compensated. Our people were killed and we request the Commission to recommend that those families be compensated.

Lastly, in 1976, the operation took place in Nasokol. There was another one taking place in Konyao, Uganda, where eight people were killed in a bush. A man and his two daughters were also killed. The incident was reported to the Kenyan Government. Idd Amin was the President of Uganda then. The Provincial Administration was to visit Konyao, Uganda, to find out whether it was true. The Government said that it wanted to see the heads of the deceased. They asked this through the former Paramount Chief, the late Zachariah Lochoto. I was a herdsboy then and was also shot at, but the bullet did not get me. I saw the 11 people who were killed in the bush. I witnessed the warriors, under the orders of the chief, cut the heads of the dead bodies. Those heads were taken to Nakuru for confirmation that Ugandans had crossed the border of Kenya. Up to now, as we sit here today, those heads have not been returned for burial. So, we are also claiming those heads, so that we can bury them and also for compensation purposes. It is the responsibility of our Government to ask the Ugandan Government to act. We now have the East African Community. If we need true reconciliation through justice and reconciliation, Pokots should be compensated and the injustices occasioned to them addressed. By so doing, peace will prevail in Kenya from north to south.

The little gift which we have been given by the previous regimes and the present one, if it is not an operation, then it is a borehole, dam, or water pan. There is nothing much. Maybe the new Constitution or this Commission or the present Government will help us, the Pokot. The name Pokot has been demonized and mistaken. It is this Commission which will ensure that the name Pokot is cleared by taking our recommendations and pushing them forward.

For those who are here and those who have gone, that is, those who are alive and those who were killed – they could be listening to us through the spirit surrounding us here – the Commission is taking care of those injustices. We wish you good luck and nice time. Many commissions have been formed to address Pokot issues, but there has been no answer. We, however, trust this Commission because of the Constitution and the new policies which are coming.

**Mr. Tom Chavangi:** Presiding Chair and your fellow commissioners, I seek your guidance. Do we proceed to ask question or are we going to invite the Members of Parliament to address this Commission?

**The Presiding Chair** (Commissioner Namachanja): Because of the length of time it has taken since we requested Members of Parliament to be patient, we thank them for having stayed on. We could hear from them and our Bishop and then we will finish by asking questions.

**Mr. Tom Chavangi:** I am guided. Thank you.

**The Acting Chair** (Commissioner Namachanja): For our leaders and Members of Parliament if you can, please, restrict yourselves to the recommendations concerning the historical injustices here, we shall appreciate because we have received memoranda from the community and there is still time for you to present more memoranda. We shall be more than happy to receive them later. If we could take a maximum of five minutes for each one of us, we shall appreciate.

**Hon. Wilson Litole:** Presiding Chair and the commissioners who are here, my name is Wilson Litole. I am the Member of Parliament for Sigor Constituency. I thank you for giving us this time and giving the Pokot time to air their grievances. Initially, we were told that you were not going to come here. We realized that the Pokot are the most marginalized south of Sahara and north of Limpopo. If there are any people who suffered in Kenya, it is us. Pokot is the most peaceful place. If you can continue with this issues even up to late in the night, I want to assure you that this place is very peaceful unlike what other people are saying about us. One time I was with an Italian father and he wondered why the Pokot were called bad people and yet people were streaming to Pokot every other day. He asked me: “If you are bad, why do people come to you?” I answered in the negative. He told me that we are very peaceful people. He told me that one day that people will appreciate us as peace loving people.

With regard to my recommendations, I know my student, Rev. Alew, gave you a bit of it. If you want truth and justice to be realized, let us compensate the Pokot the way the young man was saying. You can imagine that Pokot was a closed district up to 1970. Nobody was allowed to go to Pokot. Education was limited to the Pokot and our land was taken by the British Government. The Kenyatta Government was given an equivalent of US\$100 million to pay the settlers, so that the land could revert to the people. I still want to stick to that recommendation.

*(Applause)*

**The Acting Chair** (Commissioner Namachanja): Members of the public, during these hearings, we ask you to listen keenly and with respect without applauding. It is not allowed.

**Hon. Wilson Litole:** Madam Presiding Chair, you will forgive them because this is the time they are getting their first Uhuru. So sometimes they get excited. So, please, bear with our sufferings.

If we are not going to be compensated, where did the US\$100 million go to? Since some Kenyans have settled on Pokot land, I seek to recommend that the remaining part of land within Trans Nzoia be given back to the Pokot, so that we live together with our neighbours. I said that we are peaceful people. We absorb people here. Nandis and Sabaots who were chased from Trans Nzoia and Mt. Elgon were welcomed by the Pokot in the early 1990s. That is how kind we are. We wish now that the land remaining in Trans Nzoia be given back to us so that we live together with other Kenyans.

The Government should offer free education to the Pokot children who are in school. It should allocate more money to our counties, so that we catch up with other Kenyans. I have more than once told my people that we should not cry that we have been left behind. As other Kenyans walk, the Pokot will run so that they can catch up with them.

Finally, you must have been told about the problems we have with our neighbours, the Turkana. History has it that Pokot reached a certain area, but the white man decided to push us back. Unfortunately, our neighbours want to push us further. That is something we are resisting. We were pushed by the Europeans from the other side of Trans Nzoia and now the Turkana are pushing us from the other side. We wish that you look for a solution that will enable these communities to stay peacefully.

We need to give the people time to talk and not us the leaders. Therefore, I beg to stop here and thank you for coming.

**The Acting Chair** (Commissioner Namachanja): Thank you, *mheshimiwa*. I am happy that the Members of Parliament from this region have contributed towards the recommendations that we are going to make. Our prayer is that you support the recommendations that we shall give in our Report and also ensure that they are implemented.

**The Assistant Minister for Environment and Mineral Resources** (Hon. Julius Murgor): Thank you very much. My name is Julius Murgor. I am the MP for Kapenguria and also the Assistant Minister for Environment and Mineral Resources. I will not say much because my colleagues and others have shared the same issues.

The Pokot Community has been published very negatively over the years. In fact, when Government officers are posted here, they protest coming. Once they are here and they get a transfer to go away from West Pokot, they resist. That means that the place and the people are not as bad as it is portrayed out there. As my colleague has said, we faced the first persecution from Europeans where we lost lives and property. The year then was known as *kwenda* because the Mzungu then did not know any other word to communicate to the Pokot, except the word *kwenda*. When the Pokot tried to resist, their houses were burnt down and they were shot. A gun was a new thing and the people did not know what it was. They could not match in the battle.

After being pushed out, they have been faced with starvation year after year. Apart from diseases that have killed our people, hunger also takes a toll on our people. It is needless to say the number of cattle they have lost to drought. Pokots should be compensated fully for the losses incurred in the colonial times and even during the Independent Kenya.

That compensation includes land to settle the Pokot. If the land cannot take all of us, then we should be compensated monetary wise. Our roads should be constructed through Government funding. Our districts and locations should have hospitals and dispensaries. Our children should have free education up to the PhD level because every system has taken advantage of us. The worst was the KANU regime. You heard how people were persecuted then. We are grateful for this opportunity to speak out because we have not had this over the years.

**Hon. Litole:** You will give us leave, Madam Acting Chair.

**The Acting Chair** (Commissioner Namachanja): Permission granted. We will now hear hon. Moroto.

**Hon. Moroto:** Thank you very much, Madam Chair and your team. Personally, I am happy to be here. It is a good day. For us we say that it is a God-given day because we are here to air out our problems which we have faced for a very long time. You already heard from the victims how people lost property and life in ways that were not supposed to be. Among all communities living in Kenya, the Pokot are peculiar. We are before you and like somebody said, we are worried of the previous commissions. People gave their grievances, but nothing was done. We have been following what you people are doing and through the new Constitution, we can say that we are there.

Our problems started during the colonial times. We have realized that the major problem is inequitable distribution of resources which include land. It also includes political power and other struggles. Our people used to occupy the land up to River Soi. The

Carter Commission in 1932 recommended that people living north of River Soi be moved. If you check the history well, these were the Pokots. Among the Pokots, there are other communities like the Sengwer and the Sabaots. They were all displaced from their original land. They are now relying on relief food year in, year out, and yet, their fertile land is occupied by others. That is why we have problems.

Our recommendation is that the land reverts to the Pokot. That is what we are after. When we got Independence, the colonialists gave us our land back. They paid Kshs100 million. There is a letter to that effect and somebody will produce it today. However, we do not know where the money is neither, do we know where the land is. Other people came in the name of land buying companies. This is not incitement, but I am just citing history. If you go to Trans Nzoia, you will get different names of places. There is land belonging to this community and other people. This Constitution should help us resolve this problem. There are boundaries present and land should be given to the deserving people. It is your team, Madam Chair that will present these recommendations strongly. Take note of the indigenous communities I have mentioned, that is, the Pokot, the Sengwer and the Sabaot. That is a time bomb. We realized the problem in 2007. We are peace loving Kenyans, but the problem should be solved amicably. We realized that if you do not use force, for example, those who were displaced, some of them have been given land. Whether they had land or not, they are settled. We are equal to these people. Our people are suffering and they also need to be settled. I am asking the Government to allocate land and also set up educational institutions, so that our people get education.

If you go round here, the secondary schools present are those that were initiated by the religious bodies. There is nothing to do with Government. We have Chewoyet which was an African court. Kenyatta and the team were there. There is nothing we owe this Government. It needs to come and help us here. Right now, they are making us fight our neighbours, for example, the issue of Turkana and Pokot. There is a clear map where the Turkana belong and where the Pokot belong, but they have brought the Turkana in and you will find an Assistant Chief of Turkana is on our side. *Hiyo ni nini? Si ni kutenganisha watu?*

In Trans Nzoia, there is a place called Chepchoina. They brought IDPs all the way from Nakuru. They wanted to settle them there, and yet, we have squatters even in the same place. How more important are these people than the locals who are around here? Our appeal is that the Government should settle the locals and make them live in peace. We have not fought anybody. People talk of cattle rustling, but we are now moving towards land. Let this one be an eye-opener. They are even building houses for these people.

Lastly, I am also a victim of the 1979 operation. I was a student at Ortum Secondary School. The President came and people arrived to entertain him. There was an issue with the way people were dressed. They said, "These people are dirty." The next day, women were removing their necklaces. They were walking naked. Some died because of that. When our women sing that is how they dress. How can that one cause people to be beaten? In 1979, a person was killed at Nasokol for pursuing cattle rustlers. Instead of looking for the killers, they went to attack innocent people.

In 1984, there was a major incident. I remember animals were taken from us and given to our neighbours in Trans Nzoia. My appeal is that justice should be done to these people. There are records and those who lost should be compensated. This is because it is the Government which did it.

In December 1998 at a place called Kanyarkwat, people came and attacked the people who were celebrating. They burnt houses and killed a young girl who had two children. We have asked the Government to educate these children. We will give you records so that these people can get help.

Thank you very much.

**The Acting Chair** (Commissioner Namachanja): I would also like to recognize the presence of hon. Lotim, former MP, Kapenguria Constituency. Let us hear from Bishop Kewasis. Mheshimiwa, before you leave state your names and where you live for the record.

**Hon. Moroto:** I am Samuel Moroto. I live at Kanyarkwat which is not far from here. I am former MP for Kapenguria.

**Bishop Stephen Kewasis:** My names are Bishop Stephen Kewasis Nyorsok. I reside not very far from here at a place called Nasokol. I am also a resident of Trans Nzoia County because I have property there.

I am speaking as one of the victims who were tortured for 12 hours in 1976 by the police in an operation they carried out. This was after a Special Branch Officer was killed by cattle rustlers who had stolen animals at Nasokol. A week after that, we were rounded up very early in the morning. We were beaten up and taken to Kapenguria. We asked ourselves whether we were in Independent Kenya or not.

The summary I can make about the Pokots includes the torture that they have undergone throughout their history. They have remained as an excluded community from the Republic of Kenya for a long time. The same Government which should be protecting them is the one that comes around to kill and torture them. You have heard that it started from the colonial times. They were chased away from where they had settled in their own land. They were pushed to the periphery to fight with their neighbours. All that went on until we became independent. Instead of addressing those historical injustices, the same scenario continued even in Independent Kenya. But I want to thank God because the Pokot have always remained as peaceful people. Even when they are pushed to the wall, they still co-exist with their neighbours. Although this Commission has come rather late, this is the time we now demand for justice.

Madam Chair, can you recommend very strongly that the Pokot must be compensated 100 per cent for all the injustices that they have gone through in the history of this country? Every case has evidence and you can access that evidence. If you want evidence, we can even give it to you. The Pokot cannot talk of what has not happened.

They will always make reference to incidences that happened and give you all the details. As leaders and especially spiritual leaders from this part of Kenya, we have spent tireless times making peace for our people. We again call for the provision of education to the Pokots like it is being done elsewhere in this Republic. The issue here is that when we were excluded by the colonialists and remained a closed district---. I think in the Republic of Kenya, we continue to remain the same. We should now be mingling with other Kenyans and enjoying the cake like other Kenyans. I do not think the Pokot will demand what is not theirs. They will always demand what is rightfully theirs. We would like this Commission to make strong recommendations on the findings that you are hearing today until the conclusion of this hearing, so that Kenyans may know the truth about the Pokot community that has always been misunderstood. The challenge is that we may not know whether you have the capacity to do it. But we do believe that since you are dealing with truth, justice and reconciliation, all that the Pokot are demanding falls in that category.

Madam Chair, before I conclude, I would like you to take time and listen to these people. Let the Pokot tell you all the injustices they have gone through over the years; be they political, economical, insecurity or land matters. Listen to all of them so that from today, Kenyans may know how this community has suffered over the years, so that compensation and justice may prevail among the Pokot people. I want to compare the Pokot community with the words of St. Paul from his second letter to the Corinthians, where he said: "Inside there is no peace; outside no harmony, where do I turn to?" All these years, the Pokot have been squeezed like nobody by people from outside and neighbours to the Government. Where do they go to? You have heard about those killed by Ugandans, our own Kenyan security officers and the animals that are taken away. Surely, the Pokot must be wonderful people. Today, they still live with other Kenyans even in their own county; they have no problem. They are just at peace with everybody. So, when they speak for their rights, let us listen and give them what is rightfully theirs. Thank you very much.

**The Acting Chair** (Commissioner Namachanja): Thank you, Bishop Kewasis. For the record, please, kindly share the church you are in. Which is your church?

**Bishop Stephen Kewasis:** I am the Bishop of the Anglican Diocese of Kitale. So, I belong to the Anglican Church of Kenya. We have done a lot of peace initiatives in this region. Formerly, I was a Bishop of the larger Diocese of Eldoret before it was subdivided and we got Kitale. We have always made peace among our people whenever they are quarrelling with the Marakwet, the Turkana and even beyond; the Karamojong and the Sebei. I have always participated at a regional level in ensuring that arms and light weapons are removed from our people. We have regional meetings including the Great Lakes and the Horn of Africa. So, I have played a very crucial role in making sure that there is peace in this region. Thank you very much.

**The Acting Chair** (Commissioner Namachanja): Thank you, Bishop. I know that you have also participated a lot in the democratization process in this country. As I shared

with the Members of Parliament, we know that even for these recommendations to be implemented, as a church, we need to continue being a watchdog of this very important document that this Commission will produce. So, please, be there even at the end of this Commission to ensure that the recommendations are followed. Hon. Lotim, do you have something to share with us briefly?

**Hon. Christopher Lomada:** Madam Chair, thank you very much. I would just like to correct that I am not hon. Lotim. I am hon. Lomada, the former Member of Parliament, Sigor Constituency.

I would also like to concur with my fellow witnesses as one of the leaders and civilians in Pokot County. Our forefathers went through very astonishing issues. Regarding colonialists, our land was grabbed. We were told that in the earlier years, our people were evicted from where they had started their livelihood and moved to stony areas. We lost the important land and we were oppressed on many issues. We lost many livestock. When you see these leaders speaking, some of them were also living at that time and have the history. If we ask the Government to return back our land, we have a right to do so.

Some of us have faith in this Commission and believe that it has come to help the Pokot people. Also, the current Constitution recognizes that the Pokot really suffered. So, we take it to be our Constitution. So, we want our land and things that were taken from us, especially the ones which were taken from us by the past two Governments. We would like wealth to be returned to those who were affected. We would like the Commission to help them to be compensated.

Also, I encountered a problem in 1979. There was something which was called *Kibujuju*. I do not know whether you were told about the exercise which was conducted by the military. When they were doing the operation to recover guns, people scattered to different places. I was a teacher in Ortum at that time. I was chased away from my house at 6.00 a.m. in the morning and taken to a field. We were told that all men should lie down and raise their legs up. The men were told to look at their breasts. For two days, people suffered. I really suffered and nobody wanted to know that I was a teacher. Also, during that time, the police officers went around Sigor and stole people's property. They beat them and did so many things that we cannot say right now. Also, my father lost 65 cows. They were taken and distributed to people in another area. There was a chief who was called Lukiro who died in Masolin area.

If we want to continue having peace in this country, the Government should return our land back to us or compensate us. If there is money that was left when the colonial people were going away, that money should be given to us so that we can help our children to have education.

Madam Chair, since I do not want to repeat what my fellow friends have said. I would like the Commission to help us and the Kenyan people in general.

Thank you very much, Madam Chair.

**The Acting Chair** (Commissioner Namachanja): *(Inaudible)*

**Hon. Christopher Lomada:** I come from Sigor and live at a place called Ortum. I am also a director at KBL. I am very grateful that you have come to this place to hear from the Kenyans of this particular county. May God bless you and your team.

**The Acting Chair** (Commissioner Namachanja): If you wish to record a statement with the Commission, you will be directed on how to do that. Thank you for coming.

**Hon. Christopher Lomada:** I will do that, Madam Chair.

**The Acting Chair** (Commissioner Namachanja): Hon. Lotimu, thank you for having mistaken hon. Lomada for you. Please, take two minutes, so that your people can continue with the hearings.

**Hon. Emmanuel Lotimu:** Thank you very much, Madam Chair for this chance and for visiting our county.

I will say a few things. My names are Emmanuel L. Lotimu. A lot has been said about land. In the Kenyan history, it is known that the Pokot people used to live in Trans Nzoia and parts of Uasin Gishu. The colonial people did their own things and when we got Independence, many people in Kenya took that land as theirs. Since we did not have education, the Government gave us a shortcut and they took the land away from us. We have heard about the British Government which gave 100 Pounds so that they could take the land. That money disappeared and we still stay where the colonialists left us, despite the fact that we have Independence. We pray that we be given the land which is remaining in Trans Nzoia. That is because it is better to have half a bread than be without bread at all. That is my prayer and I think it is the prayer of many people. When the British people left, they said that, that place is for Pokot people, but no Government has accepted to give us that land. Katikurum was crown land. The people who lived there had a lot of troubles because of trespassing. Many times, when the cows went to those places, they were not given back. So, I bet that those who have given memoranda have written all that. I will come to the 1979 operation.

**The Acting Chair** (Commissioner Namachanja): There are people who will appear as witnesses to that. Please, just limit yourself to the recommendations so that we move on. You can write a statement so that, that statement can be part of our record.

**Hon. Emmanuel Lotimu:** Madam Chair, I do not know how I will do that. I wanted to just air a little bit of it.

**The Acting Chair** (Commissioner Namachanja): Okay.

**Hon. Emmanuel Lotimu:** Around September, 1979, the Government sent police officers. They came mainly to Chepareria area. At that time, people were gathered and

taken to Chemulundio. I do not know anyone who went to that place and is alive at this time. I was a teacher at that time in Kacheliba area. One Saturday, we were working and came to the education office. I went back to my house and then left again. Six people who were my neighbours were arrested and taken to Chemulundio. None of them came back. I do not know whether I was also needed. One boy who is now a teacher at Kitale Technical told me: "You should not go back home. Stay here." He told me that a GSU Land Rover had gone to my house. We hid and later on I saw the Land Rover leaving my place. I stayed until 7 and went back to my house. Everything had been taken from my house. I have not found my KCSE certificate until today. I also had Kshs3,000 which was taken away. Also, my teaching certificate was taken away. I have not found those things until today. So, such things were very inhuman and brutal. There is a place where a hole was dug and people put inside. Very sad incidences happened. There is nobody among the six that were taken that lived after that. We do not even know where they were taken or buried. It would have been better if they returned those people or their bones so that their children can bury them. The children of those people who died are here and are listening. They should be compensated because they lost their lives without any good reason.

So, we believe that this Commission will make recommendations that will satisfy the people. If it is done well, we will know that there are people who care about other people here in Kenya. Without that, they will say that these are just agents of the Government who take us to be their enemies.

Thank you very much.

**The Acting Chair** (Commissioner Namachanja): Thank you very much. We are very sorry for what you and also other people underwent. We will now continue with our witnesses. Leader of Evidence, take over.

**Mr. Tom Chavangi:** Thank you, Presiding Chair. I had about 15 questions for these witnesses but I think most of them have been dealt with by the Members of Parliament and the Bishop. I am looking at my cause list and wondering if we should proceed because the Members of Parliament have actually spoken on these issues. But because it is a public hearing, I beg that we proceed as we were doing in the morning. I have two questions for this witness.

What is the culture of the Pokot people; are they pastoralists or farmers?

**Rev. Simon Alew:** About 68 per cent of Pokots are pastoralists.

**Mr. Tom Chavangi:** Which part of Pokot do these pastoralists occupy?

**Rev. Simon Alew:** I can say that only 9 per cent is arable land; that is, Kapenguria where we are sitting. The remaining percentage where people depend on animal production, is the major part; that is, Pokot North and Pokot Central. There is also part of Kapenguria; that is, Kanyarkwat.

**Mr. Tom Chavangi:** Thank you very much, Reverend. We have also been to several parts of the country. We have been to Eldoret and lately, we have just come from Lodwar. In all these locations, communities there have said that the Pokots are the aggressors. What do you have to say about that? You are the ones who are armed and go to raid and steal cattle from them. That is what we have heard from those people.

**Rev. Simon Alew:** If I may remind the Commission, among the pastoralists, the Turkanas were the first people to receive guns from Ethiopia. Also, currently, they are also getting them from Sudan. But for us, until late 1982 after being conquered by Turkana and Karamojongs from Uganda, that is the time that the Pokots came out and also had to look for ways of defending themselves. So, if they are saying that the Pokots are aggressive to them, I do not know--- If I talk of Karamojong, Turkanas and maybe Marakwets--- That is because there is that allegation that we are also fighting the Marakwets. It does not matter whether or not you are a pastoralist so long as you have got a gun. There was a time when Marakwets bought guns from Pokots. After they had acquired the guns, they also wanted to test the same guns. So, they shot the Pokots who sold the guns to them. They started even killing the children who were taking milk to the shops. That is how the war between the Marakwets and Pokots started.

**Mr. Tom Chavangi:** Thank you very much, Reverend. My last question is on the military operation. We have heard from the witnesses and also Members of Parliament that the military is the one that has been mopping up guns in this region. Given your understanding of the Kenya Army, what is their main duty? Is it their duty to defend the borders or to come and disarm civilians and mop up illegal guns from them? Do you think that they did the right thing? Do you think that the exercise was successful?

**Rev. Simon Alew:** The work of the army is to protect the international boundaries. So, the work of disarming and maybe, following cattle rustlers is for the police and community members like the Kenya Police Reservists (KPRs). So, in fact, they went even beyond what they were supposed to do. We, as Members of the peace committees, with the recent operations advised them on how to carry out the disarmament. It was very successful because it was voluntary. But the only challenge is that they are not even solving the root causes of the conflict. They have carried out several disarmament exercises but the problem is still there. That is because when they disarm the Pokots, they do not disarm the Turkanas, Marakwets or Sebeis. So, the pressure is there and we have to go back and the gun business does not know the enemy.

**Mr. Tom Chavangi:** Thank you very much, Rev. Simon. Commissioners, I have no further questions for this witness.

**The Acting Chair** (Commissioner Namachanja): Thank you. Ambassador, do you have any questions?

**Commissioner Dinka:** Rev. Simon, I would like to thank you for your statement and two gentlemen who accompanied you, who made very important statements as well.

I want to ask you two related questions in order to have some clarity in my mind about the role of Uganda. The intervention by Ugandan Peoples Defence Forces (UPDF) has been mentioned. Was it intervention by UPDF on the initiative of their own Government or were they requested by the Government of Kenya to carry out joint operations? What is the role of Uganda in Kenya?

**Rev. Simon Alew:** I may answer as per my level of understanding, but you may get an answer also from the Kenyan authorities because we are under a country which is independent. We pastoralists were not even covered by any law. As we mentioned earlier, maybe the current Constitution is the one which is going to protect us as pastoralists. The authorities both in Kenya and Uganda take advantage, knowing that there is no way we can defend ourselves. I am saying that because I have attended several meetings nationally and internationally on conflict. Member states of East Africa and even the Great Lakes region normally invite people like us and when we try to present our grievances or complaints to them--- I will ask this question because I asked it somewhere else also. Is a semi-arid or desert a resource to a country? When you get a pastoralist who lives in a dry land, there is not much in terms of development which the Government can do.

**Commissioner Dinka:** Reverend, with all due respect, that is not my question.

**Rev. Simon Alew:** I will come back to your question. We have done some research and found out that the Ugandan military is not paid enough in terms of salary. So, when they go for operations, they normally take advantage. They take cows which they sometimes sell in order to get something to eat.

**Commissioner Dinka:** Let me bring you back to my question. Why are they coming into Kenya in the first place? Were they invited or they intruded?

**Rev. Simon Alew:** I may not say yes or no because we have the District Officers and District Commissioners. When the operations cross the borders and we report the cases, they twist the story and say that the UPDF were following the Pokot who raided the Karamojong inside Uganda. They give the wrong information. So, they normally disarm the Pokot who are in Uganda, but come to Kenya. So, when we report to the Government of Kenya, they go silent.

**Commissioner Dinka:** The other question is: I think six of your people were killed in Uganda by the order of a chief. Their heads were cut off and brought to Nakuru. I cannot understand this. Why would your people be killed in Uganda and then their heads are brought to Nakuru and they disappear? Can you explain that to me? I am not a Kenyan and, maybe, that is why I am getting confused.

**Rev. Simon Alew:** Thank you, Commissioners. The way you are wondering is the same way we are wondering. In 1979, eight people were killed in a bush. People of Kenya and Uganda know the borders. So, the case was reported to the area chief, the late Zacharia Lochoto who was to forward the information to the Kenyan authorities. There was a

demand for approval with claims that if it was true that some people went to the bush, that was wrong. Then they made a request that they wanted the heads because they could not carry the whole body.

There are some people who are aware of what transpired. So, after the heads were put into a Land Rover belonging to the army or the police, the chief told the community that they were taken to the provincial headquarters for approval. What made us to wonder was that after they took the heads that was the end of that matter, even to date. One can only check the records to find out where these heads were taken to.

**Commissioner Dinka:** You mean all these raids, counter-raids and injuring of people was done by the Kenyan security agents? Have these cases been reported to any agency of the Government, whether it is the PC, the DC or even higher up in Nairobi? What has happened? Has it been reported by the victims? What happened?

**Rev. Simon Alew:** The Government was carrying out a disarmament exercise. The agent of the Government who is closest to the community is the area chief. The chief is answerable to the DO. The DO is answerable to the DC. The DC is answerable to the PC. After that it is the Permanent Secretary and the President. So, with the President being the head of the armed forces, how can a layman report these injustices to him or the same Government that is causing all these injustices? The NGOs and the civil society have tried to raise this issue. I have also tried, through the civil society, to present to the African Union in Addis Ababa. I went to Arusha to report to the East African Community headquarters. However, when it comes to issues between two countries, sometimes it becomes a shame if the father is causing the problem and then the child is trying to sue his father. You can see the situation. Who will win?

So, when the NGOs are trying to advocate for the community, they become confused because there is no policy. We do not even have lawyers. Even if you take the case to court who appoints the Judges? As I mentioned in the beginning, maybe this Constitution and the way the Kenyans are thinking now, there is little hope. The precious Constitution does not favour the person at the grassroots level, be it a Pokot or any other pastoralists. Somebody mentioned that Pokot District remained a closed district until 1970.

So, when you look at our policies they normally state that the Pokot cow has a permanent disease. That is why it cannot be transported from Pokot to Dagoretti. You can only transport it, if it has been slaughtered.

My colleague here wanted to add something.

**Mr. Samson Akasile:** Madam Chair, there are some sentiments that were made earlier on. Any person even the DC could have come here in Pokot to say that a Pokot is a bad person. When you go into details of this person who is a Pokot you do not understand him. This has been aggravated by leaders from outside our district. These leaders do not see anything good from Pokot community. A Pokot man does not tell lies. When Turkana raids a particular village, they say that it is the Pokot.

So, a Pokot is a person who cannot reverse anything. Even if he is raided today, you cannot hear the Pokot complain. He is just quiet. The Pokot can be raided even 10 times; that is when he can also retaliate.

**The Acting Chair** (Commissioner Namachanja): We shall discuss other issues later. We are now addressing those ones who are under the oath.

**Commissioner Dinka:** Reverend, therefore, I take it that your answer has been that it was not reported. That is what I understood. Am I correct?

**Rev. Simon Alew:** No. maybe the media houses---

**Commissioner Dinka:** No. I am not talking about the media. I am talking about victims reporting to the Government through channels. There are police stations, Provincial Commissioners, Districts Commissioners. That is what I am saying. So, I have understood you. Nothing was reported. Thank you.

*(Loud consultations)*

**Commissioner Chawatama:** Excuse me. I call upon security people to maintain a bit of order, so that we can make some progress. Where is our security? Where is Col. Mulumbi?

I would like to thank all the witnesses for their testimonies. They touched on the issues of land, communal punishment, loss of lives. We also heard issues as they relate to raids, loss of property and how different people suffered at the hands of the police and the army and to some extent on the subject of access to justice. We also heard of the lack of schools, hospitals and the very many recommendations that were made. I would just like to thank the witnesses for their testimony and assure the second witness who asked the question: Why am I talking about these issues that happened to me?

**The Acting Chair** (Commissioner Namachanja): Before we continue, I would like to explain again about the process of the public hearings. Public hearings are meant for the cases that have been selected from the many statements that we received.

The selected cases will serve as an example of other cases that we shall not get time to hear. So, the people we are hearing from are those ones whose cases we selected and they are under oath. So, we shall only hear the cases that will come on this table. So, sorry to the public. Please, do not think that while you are there, we can just pick on you and you speak; No. that is not the process we follow. However, all those who recorded their statements will be heard. It will form part of the report that we shall produce. Today we will only hear people who will come as witnesses and the questions will be directed to only those people. So, please, let us have the patience.

**Commissioner Chawatama:** I was addressing the second witness who gave his testimony and asked very pertinent questions: Why should I talk about these issues today and what is the importance of this discussion? In part, you had to talk about these issues today. We observed the great pain that you went through in sharing, but it was necessary. We are here to hear the truth of what happened to you and your family. There are a lot of Kenyans who do not know what happened to you, who need to hear what has happened in this part of Kenya.

It was also important for us because when we make recommendations we shall have you in mind, so that what happened to you will not happen to anybody in future. So, you are a very important person for this Commission. We view your testimony as very important and we were humbled that you shared with us. We felt your pain and your sorrow.

One of the things that really encouraged me is that you said that God did his miracle. So, even if it is just for the sake of being a good witness to the goodness and the faithfulness of God, that in itself, is also important. So, rest assured that we have heard you. Also rest assured that we shall make appropriate recommendations. Our prayer is that in future, the people in this region and the rest of Kenya will not suffer the same pain and it is only because you had the courage to speak. *Asante sana. Bwana asifiwe.* That is all I have.

**Commissioner Shava:** Thank you, Presiding Chairlady. I would like to thank Rev. Alew for representing your community. Your memorandum was very well presented and documented. We have seen the pictures and that will form part of our records and will also inform our recommendations. So, I would like to, first of all, thank you very much.

I would like to thank Mr. Samson Tuyos Akasile and Mr. John William Chakai for having the courage to come before this group of people. Here we have men, women, youth and elderly people. Sometimes to speak about very difficult issues in public is not easy, especially when you are sharing very painful memories. So, we acknowledge what you have done. We salute your courage and we thank you.

Mr. Akasule, as my colleague has said, you asked a very important question: What is the point of all this talking? What will happen because of all this talking? I would just like to say to you that a lot of times speaking out is the beginning of healing for the person. Nobody knows what you are going through. It is kept hidden. For example, now that you have spoken, perhaps, the Commission can be in a position to assist you in counseling you and your wife, if you so desire.

In many places where we have gone, we have been surprised because you just see people walking around and you think that they are whole, well and that all is well with their lives. However, they are carrying terrible burdens. When people speak out, then sometimes that is when healing starts. Not only just for you, but it can begin for other people.

As my colleague Judge Chawatama has said, we have gone to different places. We have gone to many places in the north like Wajir where we have heard terrible stories about the

same operations that you are talking about here. The same things we have heard in Mt. Elgon, Moyale and Isiolo. Families have suffered terribly. Men, women and children have suffered. They have suffered economic loss which has made their livelihoods impossible, so that children do not go to school and the areas do not develop. So, even when we publish our report, your story will also help to encourage those people that these things have happened in other parts of Kenya, as terrible as they are. That people are not suffering alone. So, we thank you for making that gesture to let your story be known.

Part of the work of this Commission is also to write our history as Kenyans. A lot of times our history is written for us by other people. They say that history is written by the victors. Therefore, those people who win the war are the ones who write the history.

So, you will find that a lot of the history of Kenya is contained in archives of other countries such as the British. We do not know our own history because we have not had the opportunity to talk to each other in the way that we are doing now. We have never had the opportunity to have such a national forum. So, your contribution to the re-writing of the history of Kenya, so that we have the correct record, is invaluable. This is because you are a direct witness and you have told us exactly how it was and what happened there. We thank you very much for that information.

Finally, we will be making recommendations. As we said to Members of Parliament present and past who were here, it is up to Kenyans to get involved in the implementation of our recommendations. According to our Act it is mandatory for the recommendations of this Commission to be implemented. So, it will be important for you to read our report when it comes out to know what we have recommended, so that you make sure that your Member of Parliament is doing what the law says that MP must do.

With that, I would just like to thank you all for speaking and taking your time to sit here the whole morning with us and re-visiting those very painful memories because they will help you and they will definitely help Kenyans.

I would also like to recognize the MPs, past and present who came here because I think I am correct in saying that since we began our work in May, we have never seen so many MPs in a public hearing. In fact, in one place we were told by the members of the public that the MPs caused the problems, but since there was no MP in that hall, it was clear that the solutions would come from the people themselves and MPs were not going to help them.

I think we can say that is not the case here. Clearly your MPs are with you and we would like to recognize them and thank them for their time and effort in coming to attend the proceedings.

Now I will address Bishop Kewasis. I remember that was a very famous name. I think I was, probably, in High School. There were demonstrations and sit-ins which I did not really understand, but I have since come to understand. So, I am very happy to finally see the person who was so central to that fighting for space.

Clearly, you are a leader in your community of birth. You are a leader at the national level with the Anglican Church and you are a regional leader. You have spoken about peace-building efforts. I myself was privileged to participate with the leader of the Anglican Communion, the Archbishop of Canterbury in an initiative called Great Lakes Ecumenical Forum. I think you possibly have been referring to that; it has done a lot of peace building efforts in the Great Lakes Region which is very problematic in terms of conflict.

Bishop, when you spoke I heard you speaking as a leader of Pokot. I would just like to hear you speak as a local leader, but with the benefit of national and regional experience. Could you, perhaps, address the issues of injustice, conflict and peace within Kitale as a leader who speaks for a lot of the people within that area which comes under your watch?

**Bishop Stephen Kewasis:** Thank you, Madam Chair. The common issues that we have in this region is all about the conflicts among the communities living in this area; fighting over resources; be it land; animal conflicts where they steal from one another or do cattle rustling. That has been a very common problem over the years in this region. It has actually made a lot of reverses.

Historically, underneath you will hear the Sabaot say our land was taken. The Pokot will say our land was taken. The Sengwer say our land was taken by other people and so forth. Those are issues we have been raising in our forums be it at the DDC level or District Peace Committees and also in the Land Adjudication and Land Offices. However, Kenyans are very slow in making resolutions and overcoming issues. They tend to prolong problems rather than resolving them within a time frame, so that we move forward. That has remained a very big challenge in our region. It is on record like in Trans Nzoia. I have always made it very clear that Trans Nzoia belongs to all Kenyans because the people who have settled in Trans Nzoia represent all the other 42 tribes. They are all there. You will find the Mijikenda, Kalenjin, Luhya, Luos, Kikuyus, Kambas and all the rest of tribes in Trans Nzoia. We always tell people this should be the model for this nation. We have lived together and we are learning to co-exist. We are also doing a lot of good work, being the basket of Kenya, producing a lot of maize to feed the rest of you. Those have been our efforts; that we always make that point very clear.

I want to conclude by saying: God helped us a great deal in the conflict of 2007 arising from the electioneering exercise, especially in Trans Nzoia. We had few cases that came mainly from the Marakwet side in Kapcherop area and we were able to contain them within a very short time. Then the SLDF came from Mt. Elgon. You handled that when you went to Mt. Elgon. They crossed into Trans Nzoia and caused conflict. However, I thank God and that became an example where we worked as a team.

The District Commissioner and his security team joined hands with us religious leaders. We were able to maintain peace in Trans Nzoia unlike in Uasin Gishu where there was fire for a long time. We thank God for that because we had a common concern and joined hands together and we were able to make sure there was peace among our people.

Where there were conflicts in isolated places as I have mentioned we were able to address them within very few months and people went back to normal life. Thank you.

**The Presiding Chair** (Commissioner Namachanja): On behalf of the Commission, I would like to thank Rev. Simon, Mr. Samson and Mr. John for coming before this Commission and testifying. Many times we have heard about military operations in the name of disarmament. The understanding of many Kenyans is that the military officers will come in the area and get the guns from the community members. What many do not know is the suffering of the people in that community in relation to the military operation. You have shed more light on this. You have shared with us the pain that you went through during the military operation and all we can do is to thank you and your families, especially the wife of Mr. Simon for understanding the situation; being there with you and in the family during very painful moments. All we can assure you is that the recommendations you have shared with us today will form part of the recommendations that this Commission will come up with. Thank you so much and God bless you all.

Leader of Evidence.

**Mr. Tom Chavangi:** It is 3.00 p.m. I seek your guidance in the procedure.

**The Acting Chair** (Commissioner Namachanja): First, approach so that we talk together.

Members of the public, we would like to continue with our hearings; if you could continue bearing with us. As you see, it is raining outside. So, there is no way we can break for lunch. So, we will continue with the hearings. Hearing Clerk, please, swear in the next witness.

*(Loud consultations)*

Members of the public, I want to ask you to continue maintaining silence. The testimonies we are hearing are very painful testimonies. We would like to respect people who are sharing these testimonies. The only way we can respect them is by patiently listening to them. So, please, it is the last time that I am asking you kindly to listen with patience as people share their painful stories.

*(Ms. Selina Cheptoturwa took the oath)*

**Ms. Emily Kimani:** How are you this afternoon?

**Ms. Selina Cheptoturwa:** As at now, I will talk about women.

**Ms. Emily Kimani:** Kindly state your full names for the record.

**Ms. Selina Cheptoturwa:** My name is Selina Cheptoturwa.

**Ms. Emily Kimani:** You are going to bring out the issues that Pokot women and children have faced since Independence. Is that the case?

**Ms. Selina Cheptoturwa:** I will start by narrating what happened at Kemolunja about the operation.

**Ms. Emily Kimani:** If you could kindly take some time I will ask you some questions to guide you through your testimony. You have had the benefit of sitting in for the better part of today where we have heard witnesses and also the local leaders talking about the various military operations. Kindly take us through how these operations impacted on the women.

**Ms. Selina Cheptoturwa:** During that operation, these people were coming at night, at around 4.00 a.m. They came on a Saturday night and went to stay at a place called Kimulunja. On Monday, they started collecting people and all the animals. They put all the people and all their animals in a very big field. What surprised us most was that people were killed, and even they would beat children. They caught people from Kayemet. They found five people there and they were taken to Kimulunja.

**Ms. Emily Kimani:** About the operation, what are you specifically telling us?

**Ms. Selina Cheptoturwa:** The Kimulunja massacre of the Pokot women--- Women were raped. Even one mother was beaten until she died. She died because she ran with her children to the bush where she slept for three days. So, she wanted to go back home to get food for her children, but she was caught and raped severally until she died. Her children were very young. Those people whose parents died are suffering. They do not have anything. Those children are here. That was the biggest trouble amongst the women. Even the children do not have anything to cling to. They even do not go to school. Nobody allowed the women an opportunity to express their sufferings. Nobody hears them. Over that period when people died, children did not have anything. They are just in problems.

**Ms. Emily Kimani:** You have said that there were several consequences that the women faced. What other issues do Pokot women face?

**Ms. Selina Cheptoturwa:** Besides that operation, there is also another problem among the women. Pokot women have the problem of carrying the burden of their families. In terms of providing food, they are the ones who do it. In terms of looking for firewood and food and taking care of animals, it is them who do it. The biggest problem among Pokot women is that nobody recognizes them. There are women groups, but we just hear over the radio that the Government is helping people. Women are not helped; they are not sensitized through information. Sometimes they go for a month without food, with their neighbours not helping them. Even their leaders do not help them. Those who do not own farms just live there. Nobody listens to them. Nobody takes care of widows. In fact, their property is taken away and they are left helpless. The people are of the opinion that women should not own property. So, I feel a lot of pain over that problem. Even their

children are not going to school because they do not have fees. Even if we say we go to our leaders, they do not help us at all.

**Ms. Emily Kimani:** Selina, what are your thoughts on the education levels among the Pokot girls?

**Ms. Selina Cheptoturwa:** We only hear that there is adult education, and the Government can help us with these good things; come and educate us, and we will be glad. We are only asking the Government to help us as women because they are low economically and academically.

**Ms. Emily Kimani:** You have told us that the Government needs to help you, what recommendation do you have, so that the women of the Pokot Community can feel that the Government is helping them?

**Ms. Selina Cheptoturwa:** In my own opinion, I would say that the Government should help women, so that those who are poor can be at par with those who have property, and they can be at the same level. This issue of discriminating and oppressing women should come to an end.

**Ms. Emily Kimani:** Thank you very much, Selina. Do you have a formally written memorandum on the issues that you have talked about?

**Ms. Selina Cheptoturwa:** Yes, I have it.

**Ms. Emily Kimani:** Presiding Chair, you can admit this memorandum on the Kimulunja massacre. They have no formal compilation of the issues about women, but could the same be admitted as part of the Commission's records?

**The Acting Chair** (Commissioner Namachanja): It is admitted.

**Ms. Emily Kimani:** Thank you very much. I have no further questions for the witness.

**Ms. Selina Cheptoturwa:** I also have some pain over another issue. I am also one of the victims who went through bad things in the way I am living. Those people who give birth to only girls are discriminated against and their property is taken. I am one of those who have such a problem.

*(Loud consultations)*

**The Acting Chair** (Commissioner Namachanja): Excuse me please. It is very hard for us to listen to the witness since there is too much noise.

**Commissioner Shava:** The witness has said that women are never given the opportunity to speak. The witness has said that when massacres happen, women are raped and not given the opportunity to speak. The witness is saying that women are not valued and

when they have only girl children, there is nobody to fight for them to keep their land, and then their children do not go to school. The witness is trying to speak for the women in this room and outside. We are not giving her an opportunity to speak. Is this witness speaking for the women in this room or she is not saying things that are true to you. Are these issues important to you? If they are important, could we maintain some silence and we also ask the old men to respect women and listen. This Commission has got another half day here and then we will listen to other Kenyans and this is the only opportunity for you. If the proceedings are not important to you then we have no business being here. So, we will leave it to you to decide whether we continue or we leave. Would you like us to continue?

*(Technical hitch)*

**The Acting Chair** (Commissioner Namachanja): Leader of Evidence, continue with the questioning.

**Ms. Emily Kimani:** We had just admitted the memorandum that the witness had placed before us, and I had just finished my questions. So, I now give the floor to your side.

**The Acting Chair** (Commissioner Namachanja): Thank you. Yes, Ambassador Dinka; do you have any question?

**Commissioner Dinka:** No.

**Commissioner Chawatama:** Thank you very much for your testimony. Your testimony is very important. We believe in the Commission that when a woman is healed, then her family and community are healed and that will lead to the healing of a nation. We also believe that these hearings are useful and especially when men are present, so that they can fully appreciate and see the challenges that women go through. I thank you for your testimony and all that you covered. What is the culture of the Pokot in dealing with widows and orphans?

**Ms. Selina Cheptoturwa:** Her property will be taken by the brother to the husband. Even her farm will be taken and she will be told to take her children away. That is very painful to a Pokot woman.

*(Loud consultations)*

**Commissioner Chawatama:** Please, leave the hall. We have people who are hurting since they have no opportunity to talk to a Commission. There is too much noise and you are telling us that we came here to waste our time. There is a pastor here.

**Commissioner Shava:** Can we capture them for the record? There is this pastor continuously talking as if he is not a shepherd.

**The Acting Chair** (Commissioner Namachanja): We do not want to talk to you as if we are talking to children.

**Commissioner Shava:** Please, let them leave. If you do not want to listen, please leave. We are forced to do this for the first time.

**Commissioner Chawatama:** Presiding Chair, come back to me later, please. Thank you.

**The Acting Chair** (Commissioner Namachanja): Sorry about that Margaret; do you have any questions for our female witness?

**Commissioner Shava:** Selina, I have a few comments for you. First of all, on behalf of the commission we would like to apologise for the repeated interruption of your testimony. We have noted that this did not happen when any other witness was speaking. It has only happened when you were speaking, and we will be asking ourselves questions as a Commission about the culture in this area, and how women are treated in this area because we have seen for ourselves certain things that do not speak well in this area with respect to women and their rights, because they are human beings. They have the same rights as other human beings. As you try to speak out about women's issues, what are some of the difficulties that you have faced?

**Ms. Selina Cheptoturwa:** I have a problem. Even if there is a Government, there are people who do not look at the rights of people. You have come empty handed and that means that you will not help us.

**Commissioner Shava:** My question is: You are sitting there on behalf of women, and trying to articulate how women suffer and the way they live in Pokot. I believe that you talked about how women should defend their rights. You talked of hearing good news about funds which were given to women in other parts of the country, and you did not access them. You are trying to promote your livelihoods. What are some of the problems you face?

**Ms. Selina Cheptoturwa:** There is a lot of noise and I am not getting what you are trying to ask. This is a major problem here. The Pokot do not want women to say anything; but as a Pokot woman, I will say the truth. Pokot women who do not give birth to sons are discriminated against. Children do not go to school and they do not eat well. Nobody listens to the views of women. Even when a daughter is married, she will be outside the house and people will be inside the house.

**Commissioner Shava:** Thank you very much Mama Selina. We have heard those stories in other parts of Kenya. I would like to assure you that the problems which are facing women in Kenya are not only here in Pokot alone, and that is one of the issues that we will come up strongly in our report. We would like to also let you know that everywhere we go, we have a sitting for women only, and that is where we are going to go more

deeply into these issues and ask you for your specific recommendations on the situation of women.

**Ms. Selina Cheptoturwa:** If it is possible, I am requesting the leaders here--- The problems that Pokot women are facing is coming to an end in Pokot and generally in Kenya, because you have come to hear our problems. We have not seen an opportunity where people have come and seen how the Pokot live and meet us. So, this is a very good thing that is taking place; go and talk over these issues. I request that these matters are highlighted. Even orphans have problems and please solve them. Mothers should also live like other mothers. Women rights should be known. Mothers go looking for food while thinking about their children. It is not good for children to sleep hungry. Also, I would request mothers who kill their children because they are not able to maintain them to stop doing that. Why should somebody take her child to somebody else?

Lastly, I am one of those whose property was taken by force. When I reported it to the police, some youth hurt me and this was unfair. I wanted to follow the law but that law affected me negatively. It never helped. I saw my property being taken and that was not good. I was denied justice and those who had taken the property were given justice. So, I feel it is a big problem on my side. I am requesting this Commission to solve our problems as women. We are discriminated against. My father has four wives and my mother is the oldest. There is a disease that killed three of my brothers and two of us were left. It is only me who tries to assist my ageing parents. My mother died and we had an orphan in our family and we raised her. We had around 100 cows in my mother's house. They came and took all the animals and send away the orphans. I was not married then and then I went back to live with my parents. They took all my property. They sold all our animals. They took them using lorries. Up to now they still have those animals. I came here myself. When they realized that they were required at Kapenguria, they rushed and sold some of the cows from where they had hidden them. When they heard that I had gone to an advocate---

**Commissioner Chawatama:** Mama Selina, I would like you to pause there because the story that you are telling us is very important. I would like to ask the Leader of Evidence to ensure that Mama Selina does not leave here without writing her own comprehensive statement on what she is saying. I would like to finish by telling you that some of your leaders earlier said that what is going to help the pastoral communities is the Constitution, because it provides for equality and the recognition of, all including women. I would like to congratulate you for having the courage to fight for your rights. Where we have gone around the country, we have heard where boys are valued over girls. That is the tradition. I remember one person told me in North Eastern Province that he sacrificed all his animals, so that his sons could go to school. He told us that his sons are in foreign countries and they do not even call him. However, he also educated one daughter and he was crying when he told us that it is this daughter who bought for him the house he lives in, provided him with capital to start a business; if it was not for her, he would not be living the way he is. So, things are changing in Kenya. With those few words, I would like to encourage and thank you for being courageous.

**The Acting Chair** (Commissioner Namachanja): Mama Selina, thank you for being courageous to come before this commission. I would like to assure you that we are not through with the women session. Tomorrow we are meeting specifically women; if you think you are not over with your story, you will have a chance to share it with us. Thank you so much. Leader of Evidence, step the witness down and call in the next witness.

**Ms. Emily Kimani:** Commissioners, our next witness is Witness Code KAP 6.

*(Mr. Meningole Wepoghe Yarangur took the oath)*

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

**Mr. Meningole Wepoghe:** I am fine and the story I am going to tell is about the people I lost in 1979.

**Ms. Emily Kimani:** Before you tell your story, state your full names for the record?

**Mr. Meningole Wepoghe:** I am called Meningole Wepoghe Yarangur.

**Ms. Emily Kimani:** What do you do?

**Mr. Meningole Wepoghe:** I am a farmer.

**Ms. Emily Kimani:** You have written to us a statement as a victim of the 1979 disarmament operation locally known as “the Chemoling Massacre”, which many of our witnesses have spoken on. Would you briefly tell us what happened to your family in this exercise?

**Mr. Meningole Wepoghe:** I can say that it was in October. I had gone on a journey in the morning and in the evening when I came back, I found that my family was not there. The place was deserted. There were no animals and it was 5.00 p.m. in the evening. I was surprised not to find my family. I looked sideways and I saw smoke coming from my neighbour’s place. I looked for people and found that they were crying. My parents were really tortured and even my wife. I found people who had been tortured and they were crying. I decided to go to some people in another village and they were also crying. I decided that I should go and die with them.

But those villagers got hold of me and asked me not to go there. I watched as he was suffering. That was very painful experience to me. My father cried and called out his mother’s name. A grown up man calling out the name of his mother who died long time ago, to me, it was very sad. That is why I also wanted to die with him. However, I was prevented by some villagers from going there. Those people were really tortured. My wife who was pregnant was also tortured. She died together with the baby she was carrying in her womb. She miscarried and died. The whole of my family was affected. Those people are no longer there. They were killed.

My brother who is also here with me was also beaten seriously. Finally, he decided to lie to the GSU because life was becoming very difficult. He said that his gun was somewhere. Around 50 of them went with him to his place. When they reached there, he asked them to shoot him. He decided to roll down the hill. That man is here, I think he could be having a problem with his head. You could even think he even older than me, but he is suffering because of the problems he had.

Those are the violations that were very painful to me. So, when I heard the Commission was sitting here, I decided to come and air my views in the hope that the Government will compensate those people who were killed. I will be grateful if the Government can compensate us. We can only cry for this Government. If a father kills his sons, then whom would you cry to? At least, if the sons quarrel, they will go to the father. That is why we have come to this Commission. We were really disturbed as a family and neighbours. All our animals were taken away. My father was asked: Could you show us your best bull that you love?" He showed them using his mouth because his hands had been tied behind his back, a bull that would cost around, Kshs100,000 as at now. That bull was shot three times.

Amongst the goats, he was asked which goat do you love and when he showed them, they were all killed. Therefore, that is the pain. If a case has gone to this extent, it is very painful to me.

They would plead for their lives saying that if they were set free, they would even give them their daughters. However, those attackers could not understand our language. They thoroughly beat them. That is why I also wanted to die. These two people you see here are now very sick. One of them, his condition has really deteriorated. It seems as if something blunt was used to hit his eye. He cannot now see. I do not know what the problem is. The other one cannot hold anything. He just walks, but he cannot hold anything.

**The Acting Chair** (Commissioner Namachanja): We can see them wherever they are.

**Meningole Wepoghe:** The person who is behind with a red jacket is the one who trooped on the hill. The person who is in front of him by then was 15 years old. But he was really beaten. As you see him now, he cannot cut any tree. That person who standing there, ran mad.

**Ms. Emily Kimani:** Thank you very much, Mr. Meningole for your very painful accounts. I now wish to ask you a few questions from your statements and testimony before us today. At this time in October of 1979, where were you living with your family?

**Mr. Meningole Wepoghe:** We were living where people were being killed. A place called Kacheptaron.

**Ms. Emily Kimani:** Which specific security forces were on the ground? Was it the GSU or the police?

**Mr. Meningole Wepoghe:** Their uniforms are almost the same. We could not tell which GSU they were. But I believe they were GSU.

**Ms. Emily Kimani:** You have stated that people from your village were headed to your father's farm. Do you have anything to say on that?

**Mr. Meningole Wepoghe:** People were taken to my father's farm.

**Ms. Emily Kimani:** Are you able to give a rough estimate of the number of people that you saw?

**Mr. Meningole Wepoghe:** I cannot say how many were in the field. But those people who were from that place, there was nowhere else they went to.

**Ms. Emily Kimani:** What do you think the Government should do for the victims of these operations, so that they can feel the impact of justice after many years?

**Mr. Meningole Wepoghe:** People who died cannot come back to life. However, their children can be assisted. The Government should look into ways of helping them.

**Ms. Emily Kimani:** Thank you, for your testimony. I have no further questions. I now hand you back to the Commission.

**The Acting Chair** (Commissioner Namachanja): Commissioner Shava, do you have any question?

**Commissioner Shava:** Mr. Meningole, I just like to thank you for being courageous enough to come and share story which after so many years is clearly very painful.

Some people have asked us why we are going around the country, and reopening wounds. But is clear, looking at your younger brother, you can see he looks older than you because of the torture he underwent. It is clear that people are living with these wounds. They have not gone away anywhere. We have heard what you have said. We want to assure you that we will be making appropriate recommendations in your case. Thank you.

**Commissioner Chawatama:** Thank you very much for your testimony. I have read your statement. You have stated how happily you lived with your dear wife before this incident took place. Could you for our record tell us the name of your late wife, please?

**Mr. Meningole Wepoghe:** She was called Chepsokong. Her baptismal name was Mary.

**Commissioner Chawatama:** For the record as well, could you tell us the name of your late father?

**Mr. Meningole Wepoghe:** He was called Nyarangora.

**Commissioner Chawatama:** I believe the two year old daughter, you are the one taking care of her.

**Mr. Meningole Wepoghe:** My wife died. So, it was my mother who took care of the child. She is at home, but she is now married.

**Commissioner Chawatama:** Thank you, for your testimony. That is all the questions, I had for you.

**The Acting Chair** (Commissioner Namachanja): Mr. Meningole, I have one question for clarification. You said that there were villagers who restrained you from going where your people were being tortured. How far were these villagers that they were not seen by the military? How did they escape that torture?

**Mr. Meningole Wepoghe:** Their place is far. But when they heard people crying they came to where they are. I met with them along the way. That is why we went to a place where we could see people being tortured. We heard these people being tortured and crying. We stayed with them. However, when I told them that I wanted to see my father, they held me back. They did not allow me to go.

**The Acting Chair** (Commissioner Namachanja): We thank God that you are alive. Maybe, it was for this purpose that your life was spared, so that you could come and share with us the pains your people went through.

Now, when your brother stood up, you mentioned that one of them is not able to use his hands well. Is it because of the torture?

**Mr. Meningole Wepoghe:** Yes, it was because of that torture by the GSU.

**The Acting Chair** (Commissioner Namachanja): I am a bit far, but I do not know if I noticed that one of his fingers is missing. Is it missing because of the torture?

**Mr. Meningole Wepoghe:** His still has his fingers, but they cannot hold anything because of the torture.

**The Acting Chair** (Commissioner Namachanja): Thank you, for that clarification.

On behalf of the Commission, I would like to thank you so much for coming to share with us from your personal experience what you and your family and community members went through.

Leader of evidence, could you, please, stand down the witness and call the next witness?

**Ms. Emily Kimani:** Commissioners, our next witness is Witness Code 8.

**The Acting Chair** (Commissioner Namachanja): Kindly approach.

*(Mr. Moses Barasa Kirop took the oath)*

**Ms. Emily Kimani:** How are you, Mr. Moses? State your full name for purposes of the record?

**Mr. Moses Barasa Kirop:** My name is Moses Barasa Kirop.

**Ms. Emily Kimani:** You did record a statement with us as a victim of cattle rustling.

**Mr. Moses Barasa Kirop:** Yes, that is true. I recorded a statement, because of my cattle that was stolen. This was back in 1993. It was not all that severe, but it went on. It became too extreme, until it brought about killings.

In 1980, my three sheep were stolen. In 2004, my cows were also stolen. The incident of 2007 was very severe because my cattle were stolen and my son was killed. He left behind three children and a widow. My son did not have wealth. That is what he depended on in life. When they were stolen, he started doing menial work to survive. In my own opinion, the Government should support such people. My son died as he was going after his cattle which had been stolen. He died together with a friend. His friend left behind five children. His name was Kidiago Kimtai.

I come from the Sengwer Community. The Sengwer Community has undergone a lot of problems. They have really suffered due to raids. Their cows are stolen and they do not retaliate back. They just scream and try to trace their cattle, but they do not bring them back. Most of time, they have lost a lot of property. These people are very poor. I would like to appeal to the Government of Kenya to assist the people whose properties were taken away because even educating their children is a big problem. They cannot educate them due to lack of means. It has been really painful. When we went to Kapenguria Police Station, we saw cattle that had been recovered. They belonged to the Sengwer Community. However, when we asked for them, they refused to surrender them to us. We are now living in abject poverty.

In conclusion, I would like the children who were left behind to be assisted. I appeal to the Government to consider the education of these children. I would also like to appeal to the Government to assist family members who were left behind. It should build decent houses for the widows and their children. There was no property that was left behind by their husbands.

I was selling my cattle to educate my children. I was also milking the cows. I could sell the milk and get money to pay school fees for my children. Presently, I am suffering because I do not have cows. I plead with the Government to assist me to bring back my cows. It should compensate me for my lost cows, so that I can continue with my

livelihood as normal. Currently, I am not strong enough. I am 60 years old. I cannot go back to farming as I used to do in the previous years. I lost more than 100 cows. If possible, let them pay me Kshs100,000 per head. I also appeal for compensation for my son because I believe the Government was responsible for his death.

In the nutshell, that is what I can say. I shall be grateful if the Government considers our concern.

**Ms. Emily Kimani:** Thank you very much, Kirop, for your very concise testimony before us today. I highly empathise with what happened to your son.

I now wish to ask you a few questions. For record purposes, kindly tell us the names of your late son and his friends who were killed in 2007.

**Mr. Moses Barasa Kirop:** My son's name was John Kipchoge Kirop, and his friend was Lukas Kibiego Kimutai. They were killed together. There were others who were killed. I do not have the list with me. But if it will be needed, I can avail it.

**Ms. Emily Kimani:** Thank you very much, for that answer. We will highly appreciate if you furnish us with the list.

Now you have mentioned in your testimony that people keep making reports to the Kapenguria Police Station. Are there people who have been brought to book on this issue of cattle rustling?

**Mr. Moses Barasa Kirop:** Yes, there were others who were arrested. They were taken to the police station and set free. There are records in the police station of the people who were arrested and set free.

**Ms. Emily Kimani:** What do you consider as a lasting solution to this issue of cattle rustling which is very rampant in this region?

**Mr. Moses Barasa Kirop:** I would like the Government to take action, if they find that a person is a thief or is a criminal. They should be dealt with properly because he is a person who is disturbing other people.

**Ms. Emily Kimani:** Thank you very much. Do you have any documentary evidence in support of your testimony before us today?

**Mr. Moses Barasa Kirop:** Yes, I have some documents about the killing of my son. I also presented them to the statement takers. They are among the documents that I handed over to the Commission. This is one here is the burial permit.

**Ms. Emily Kimani:** Chair, the witness has furnished us with the permit for burial for Luka Kipyego Kimutai, which he would wish to add in furtherance to the documents he had given to our statement takers.

**The Acting Chair** (Commissioner Namachanja): So admitted.

**Ms. Emily Kimani:** Thank you very much, Mr. Barasa for your testimony. I have no further questions for you. I hand you over to the Commission.

**Commissioner Chawatama:** Thank you, for your testimony. Sorry, for the loss of your son. I am sure he is the one who you thought would look after you in your old days. But then this tragic event took place and took him away from you. I am also sorry to hear of how you are suffering together with the widow, your daughter-in-law and the children that your son left. I would like to ask you one or two questions, were you present when the police found the bodies of your son and his friend?

**Mr. Moses Barasa Kirop:** No, I was called and informed that the bodies had been taken away. I went to Kitale mortuary to confirm.

**Commissioner Chawatama:** Were the police able to establish what had been used or what weapon had been used?

**Mr. Moses Barasa Kirop:** Yes, post-mortem was done and the result was that it was the gun shot.

**Commissioner Chawatama:** You said that you sought help from the police according to your statement. But nothing came out of it.

**Mr. Moses Barasa Kirop:** My statement was to the police. They assisted me. We were together when we were taking the bodies to the mortuary.

**Commissioner Chawatama:** As a non-Kenyan this issue of cattle rustling is very disturbing. I imagine a situation where people sit and just make a decision that today they will steal cattle and if anybody interferes with them or does not even interfere with them, they would kill. What is also disturbing so far is that we have not really heard of any arrests, or people being taken to court. As a victim who lost a son, what would your recommendation be to the Government on how to curb cattle rustling?

**Mr. Moses Barasa Kirop:** I believe the Government is capable of curbing this menace of cattle rustling through peace initiative committees. The District Peace Committees were started in 2004. These committees brought a lot of peace in the region and incidents of cattle rustling were reduced. There was some peace. People could even sleep at night. Prior to this, people could not sleep at night because of gunshots. I am just appealing to the Government to see that the District Peace Committees should be reinforced, so that they can join hands together with the Government. We can deal with the cattle rustling if we start such committees. That is my opinion. The Government should join hands together with local communities to curb this menace.

**Commissioner Chawatama:** I would also like to know the police station where you reported this incident. Would you know how many police officers man that station?

**Mr. Moses Barasa Kirop:** Presently, I cannot really know the number of the police officers manning this police station. At that time, we only reported to police officers we found in police station. They assisted us to collect the bodies and take them to mortuary. I cannot really confirm how many police officers were in that police station.

**Commissioner Chawatama:** Do you think that if you had sufficient police officers that these would deter cattle rustling?

**Mr. Moses Barasa Kirop:** If the police cannot join hands with the council of elders, there is nothing much they can do to curb cattle rustling. However, if they join hands with the Council of Elders and Kenya Police Reservists, then this would be a thing of the past.

**Commissioner Chawatama:** Thank you very much, for the recommendations that you have made. This will assist us think through this problem of cattle rustling. I hope that we can come up with solutions that will bring it to an end.

**The Acting Chair** (Commissioner Namachanja): Mr. Barasa your statement is clear. We now have the last questions from Commissioner Shava.

**Commissioner Shava:** Thank you, Presiding Chair.

Mr. Moses Barasa Kirop, thank you for coming to speak to us and making these testimonies with your perspective.

I would like to thank you for highlighting the plight of widows and children. You have very clearly shown how they are not assisted together with their children. You have also shown how this situation of widows has become a burden to other members of the family who are struggling to survive. So, I would like to thank you for bringing that issue before us.

In your statement, I am a little bit confused about where you live. What I have in front of me shows that you were born in Tala, West Pokot. So, you moved from Tala in 1997. But then I also have another sentence which says that in 2004, cattle and beans were stolen from your farm in Tala. So, even though you moved from Tala in 1997, you also became a farmer in Trans Nzoia. Maybe, you could make it a bit clear to me.

**Mr. Moses Barasa Kirop:** Thank you. I will explain: In 1993, we were given land by President Moi because, as the Sangwar Community, we did not get land. In 1997 we were given land at Kapol. During the survey, I got the land and settled my family. In West Pokot, Talau is my home. When my son was killed, he was at Kapoi. I was called and found that he had been killed, but I buried him in Kapenguria. He was killed in the forest following a raid for the cattle.

**Commissioner Shava:** That is now clear to me! Thank you!

**The Acting Chair** (Commissioner Namachanja): Thank you. Your recommendations have been noted down and we shall ensure that they are part of this report.

**Ms. Emily Kimani:** Our next witness is Christina Arengwony Rengesiwa.

*(Ms. Christina Arengwony Rengesiwa took the oath)*

**Ms. Emily Kimani:** Christina, how are you? And tell us what you do for a living.

**Ms. Christina Arengwony Rengesiwa:** I am fine! I am a farmer.

**Ms. Emily Kimani:** You recorded a statement about the killing of your husband sometime in August of 1992. I now wish to invite you to make your presentation on the same.

**Ms. Christina Arengwony Rengesiwa:** The Government killed him and I am wondering why he was killed and yet, he had never killed anybody. I have cried and asked myself why the Government could not have taken him to court and released him later. They would have investigated and seen what he did but they killed him. I asked the police why they killed him and who killed him. What will happen to my children yet I am still young? I brought my children to where they were and asked them what I would do with them. One was two years old and the other three years old. The Government told me they would help my young children, but they later told me they were sorry. I was sad because my husband was the breadwinner. I was told to take my children to Kapenguria and a sub-chief from my place took me there. They asked us to look for the body of my husband in the mortuary. We were then told to take out the child because the body of my husband smelled. I am alone; I do not have anybody else apart from my parents who are Marakwet. My brother asked me if I could help myself and he sent me Kshs10,000 to help bury my husband.

*(Ms. Christina Rengesiwa sobbed)*

I later told him that we had buried him well but the Government said they would help my children. However, nobody followed up that issue and that story came to end. I did not have fare to go to Kitale for the case. But when I managed, there was no witness. They had all disappeared. I went to Kitale with my sister-in-law and our area sub-chief but the case was always postponed and I could not manage the bus fare. When we got to Kapenguria, we were taken by a police vehicle to Eldoret. I did not know what was going on, but I told those people that I would not go again for the case. When I was at home, they sent some written material asking me to go and the sub-chief said he would help me. So, I took my one year old child and went to Kitale but the case was not heard that day. I went back to Kitale the following day but I never heard anything and I went to the police to take me back home but nobody helped me. My brother told me to go home with him but I asked him what would happen with my children. I had half an acre of land and if I

went with my brother, people would have sold my small piece of land. So, I decided to stay at my place. They gave me Kshs20,000 for my children until they grow up. I took care of my children and I sent them to school with whatever they had. I sold that piece of land and gave another part to someone else to till because I did not know how to farm. My husband used to work hard to take care of the family, but he was always struggling to get our basic needs. He was an orphan and we married to support one another. Soon after, my son had completed Class 8 and so I went to my parents for help. They asked me why the Government would not help my children in Pokot yet they were helping other children in other places. They told me to take the children to Marakwet District. I, therefore, sold all the piece of land. Some friends gave me Kshs10,000 and another gave me Kshs20,000 and, finally, the boy cleared Form II. When the money was over, I thought of taking drugs to kill myself but the boy said it was better for him to leave school than to cry over their dead father and mother at the same time. I thought my child would proceed with education and help me in future. Then we heard that there was a Commission looking for people whose relatives were killed. The lady with the information came up to Chesegon. I told her not to remind me of somebody who had died because I had forgotten about him. Somebody else told me to bring my problems here and I told him I could not face the problems once again.

After some time, the man asked me again but I refused because I would be asked to look for fare and yet, I did not have anything for my children. But I came because we do not have any other alternative. I am even wondering why the Government, instead of protecting people, it kills them. I am sure even my younger children are wondering why I came with my first born whom they rely on. I told my firstborn to remain at home because we no longer have land, but he encouraged me. I thought that when he cleared his education, he would become a very important person to help me. Once, he went to Sigor for police recruitment and they asked him about his father's papers. The papers were issued by the same Government that killed him. Why?

*(Ms. Christina Rengesiwa sobbed)*

I do not want to add more but as a Commission, you must see how to help people who have been wronged by somebody else. Were it not that I had good relations with others, I would not be here. I am crying because of the problems that I have and speaking about things that I had already forgotten. Because of these things, there is even someone who committed suicide, but my son warned me against killing myself.

**Ms. Emily Kimani:** Commissioners, with your kind permission, I wish to guide the witness as we are not getting what we want. I am very sorry about what happened to you and your family in August 1992. I have your statement here where you have described a series of events and for record, go back to the morning of August 1992. You told us about the killing of your husband by the Government. What were the circumstances under which he died?

**Ms. Christina Arengwony Rengesiwa:** There was nothing that happened.

**Ms. Emily Kimani:** Is it correct that Mr. Ruto is the policeman who killed your husband?

**Ms. Christina Arengwony Rengesiwa:** That person comes from the village. If you say that, I feel offended because I think he may come and kill me.

**Ms. Emily Kimani:** Do you have details of the case in Kitale?

**Ms. Christina Arengwony Rengesiwa:** I do not have them because I had not realized that they would be required. It is the sub-chief who has called Mr. Raphael. When he died, he never showed them to anybody. He said he would give those papers but he did not.

**Ms. Emily Kimani:** Did you find out the outcome of the court case?

**Ms. Christina Arengwony Rengesiwa:** I was notable because I did not have fare to go to that place.

**Ms. Emily Kimani:** What does justice mean to you and your family in light of what happened?

**Ms. Christina Arengwony Rengesiwa:** That is very unfair and I do not know how you can help me.

**Ms. Emily Kimani:** In what ways do you want the Government to help you?

**Ms. Christina Arengwony Rengesiwa:** I want the Government to help me with my children in school and to take the position that my husband left to provide for me so that I can forget the violation.

**Ms. Emily Kimani:** Sorry for your very sad testimony, I have no further question for you and I hand you over to the Commissioners.

**The Acting Chair** (Commissioner Namachanja): Thank you Mama Christina.

**Ms. Christina Arengwony Rengesiwa:** I also do not have anything else to add.

**Commissioner Shava:** We will try not to ask you very many questions because clearly, this is very difficult for you and it would be very difficult for anybody having to remember such terrible things. I would just like to confirm one or two details. Is it correct, as you have written in your statement, that you were married again?

**Ms. Christina Arengwony Rengesiwa:** It is true! The first one came when I was still young. To my relatives, a young girl cannot stay alone without a husband.

**Commissioner Shava:** What is the name of your first husband? Was it Rengesiwa?

**Ms. Christina Arengwony Rengesiwa:** Yes!

**Commissioner Shava:** What is the name of your second husband?

**Ms. Christina Arengwony Rengesiwa:** He is called Limapkang, but I do not know whether he is alive or he has been killed.

**Commissioner Shava:** That is now very clear! When your first husband was killed, is it correct that where you found him, he was removed from that tree by the police?

**Ms. Christina Arengwony Rengesiwa:** He was taken by the police and we came on a Tuesday. We found him at Kapenguria when he was dead.

**Commissioner Shava:** I am sorry to remind you of these very painful things but between finding your husband at that tree and you arriving at the mortuary, what happened to your husband's body? Did you take your husband's body away from that tree?

**Ms. Christina Arengwony Rengesiwa:** I was not able to carry him because he was heavy. So, it is the Government which took him to Kapenguria. When he was in Kapenguria, I told the Government that we wanted to do a postmortem to determine what had happened even if his body had rotten. When they performed the postmortem, they realized that his lungs had been split into two.

**Commissioner Shava:** And you had given all these papers to the chief?

**Ms. Christina Arengwony Rengesiwa:** I gave them out because I never knew what to do with them and I was still young.

**Commissioner Shava:** Thank you very much; I do not have any further questions.

**The Acting Chair** (Commissioner Namachanja): Mama Christina, you said that your son could not get admitted into the police force during recruitment because of lack of the death certificate of your husband. Did I hear you correct?

**Ms. Christina Arengwony Rengesiwa:** He went to Sigor to try and get that job. He said that if he got it, it was fine but if he did not get it, it was also okay. I had told him that we did not have enough money to take him to college. We had two animals which I had sold.

**The Acting Chair** (Commissioner Namachanja): So, the reason why he could not get admission was because he did not have the death certificate of the father?

**Ms. Christina Arengwony Rengesiwa:** He was asked to give papers. I do not know whether the papers were money to bribe or it was the death certificate. We need to look at why the Government said that, yet it knew that my husband was killed. A person should not be tortured like that.

**The Acting Chair** (Commissioner Namachanja): The manner in which your husband was killed was very brutal. The Leader of Evidence will get in touch with you before you go back so that we get the details, especially concerning the court case and other information that you were not able to disclose here, to see how best we can also follow your case.

Thank you for coming all the way to ensure that the case of your husband is also recorded by this Commission.

**Ms. Emily Kimani:** Our next witness is Witnesses Code 7A and 7B.

*(Mr. James Pkemei Kaptipin took the oath)*

*(Mr. Solomon K. Koyopei took the Oath)*

Commissioners, the witnesses before us are from the Sengwer Community and they wish to present a memorandum about the injustices that have faced their community. The first witness will be bringing out the issues and their background while the second witness will dwell on the recommendations.

**Commissioner Shava:** Through the Chair, is it our understanding that the two witnesses have different positions. Is that the correct understanding or not?

**Ms. Emily Kimani:** Yes it is, but the witnesses having come from the same community have been briefed on what was the agreed subject through your guidance.

**Commissioner Shava:** Are the witnesses agreed that they come from the same community or there is some contention around that issue?

**Commissioner Chavangi:** Commissioners, if you look at the write-up of these two witnesses, they all say that they come from the Sengwer Community, while speaking to them, they bring a contention. The last witness on my right says that he comes from the Cherangany Community but he also says that “Cherangany” means “Sengwer”. The gentleman here also says that he comes from Sengwer and while I am reading their write-ups, the issues are the same but the prose is different. You can actually see that they are referring to agreements, both of them but in different formats. So, that is why we clustered them together, but between the two of them they feel that they should present differently. I think it will just be a repetition if they decide to present separately. But there is that contention amongst the two of them.

**The Acting Chair** (Commissioner Namachanja): In that case, then we shall hear them separately, but we shall encourage them to be as brief as possible. We shall hear them separately.

**Ms. Emily Kimani:** May I invite the first gentleman, Mr. James Pkemei Kaptipin to make his presentation. Please, kindly tell us your full names for the record.

**Mr. James Pkemei Kaptipin:** My names are James Pkemei Kaptipin from Sengwer Community. I will explain the problems that have faced the Sengwer Community from the colonial times.

When colonialists entered Trans Nzoia, they chased away the Sengwer community from its land. This was in 1895. From that time, the Sengwer community has had a lot of problems following the colonial injustices. When we got independence, their land was not returned to them. They took our land from Trans Nzoia and tried to place us in their three groups. Some members of our community are in Marakwet and others in West Pokot. Those who remained in Trans Nzoia were very few. We did not get the services. We did not have representatives in any area of leadership. Even our cows were taken away by the British and they made us do hard work. They brought us governance from other communities. So, we lost our land and governance. For example, they brought the communities from Marakwet and Keiyo to come and govern the Sengwer people. In West Pokot, they said that we should give the people of West Pokot the land and we lost our land. That was in 1933 until 1934. We the Sengwer community suffered a lot. We tried to ask for our rights but we did not succeed because of the leaders in the Government at that time.

After independence, Kenyatta brought his people and placed them on the land which the Britons had taken from us. Even other communities settled there. There is Cherangany Settlement Scheme where other communities even from Kikuyu settled. They took our land. Other areas are Munyaka. Those communities came from far away. We lost our land and we really suffered a lot. When it came to the Moi regime, it heard our grievances and said that we should be given our ancestral land back from the Duke of Majesty and Kobolet. We were given one section of the land and the other section was not given to us. We are still waiting to be given. They said that they have given Phase I to people and there is no allotment.

In Phase II, they beat up people who were there waiting for the survey to be done and arrested them in 2008. They came and destroyed their land. In 2009, they arrested them and shot some of them. Some of them stayed in hospital for three months. They used Forest officers to shoot people. So, in general, Sengwer community has really suffered. It has not been recognized. We have not been happy about our rights and justice. There has not been justice for traditions and culture. They have really suffered. The Sengwer really tried to fight for their rights, but have not been given justice. I have been arrested three times because of seeking our rights to get land. Right now, I am still in court. We were around 45 people and we have really suffered. A lot of things are in our memorandum. I will not be able to go through everything because of the pain that we have gone through. Members of the Sengwer community are in the three counties, namely, West Pokot, Trans Nzoia and Marakwet, but are not represented in those areas. They are really suffering. There is no employment for them. We have not seen independence.

Fellow Kenyans have seen independence, but we, the Sengwer community have not seen any independence. We have really suffered a lot being a minority community.

**Ms.Emily Kimani:** Thank you very much, Mr. Kaptipin for your presentation. I now wish to invite the next member of the Sengwer community to make his presentation. Please, kindly start by stating your full name for record purposes.

**Mr. Solomon Koyopel:** My name is Solomon Koyopel. I come from the same community as the first presenter; the Cherangany community, also called Sengwer. Mine is going to be very brief since he has stated most of the issues. Since we came here not really knowing exactly what each one of us was to present, I am happy that we have been given separate times to present. We have been having gatherings within the three areas where we live, namely, West Pokot, Marakwet and Trans Nzoia.

Three days ago before we came here, the community had been gathering. They wanted specific people to come and present on behalf of the entire community. We have been having discrimination and other ills that have bedeviled the community for a long time now. As a community, we were having challenges even before the Commissions came here. It is really a pity to us as a community, but for the Commissioners, you can only take the points.

In our memorandum, we have stated this and it is good we have given it to you. We have enumerated among other things the status of the Cherangany community. These people have generally suffered discrimination, lack of self determination, poverty, leadership vacuum, territorial occupation, forced assimilation, cultural genocide, unemployment, lack of proper education and regular and persistent cattle rustling that even included day light robbery with violence. There has also been propaganda, genocide and currently rejection. These ills have eventually brought about rivalry, infighting and sabotage, selfishness, polarization, malice and critical crisis of survival even within the community itself. As a community, we have suffered. From the initial colonial era, the most ills are from cattle rustling.

The estimate of the loss we have suffered from cattle rustlers is approximately around 30,000 cows, 15,000 goats and 20,000 sheep besides the territorial occupation that we have suffered so far. We have had people maimed and others killed. I will try to go through very briefly without being elaborate on some of the issues. My first presenter has just taken us through them. I will only pick on those which he has not touched.

The memorandum that the community has presented to you has annexes, archived documents from the National Archives and other Government documents which are tangible evidence. In one of them, we have annexed one of the important documents that as the first speaker said, the Cherangany people lost part of their territory due to grazing rights given to our Pokot counterparts. After they were given that grazing right, it has eventually become territorial occupation. Efforts by the Cherangany to get an administrative area like a district were fruitless since they were evicted from Trans Nzoia.

In Annex 4 of our document, we have also presented to you real evidence that the Cherangany had been driven to Cherangany Hills. That is already in the memorandum we have presented to you. Quite a number of people are claiming Trans Nzoia to be their home. We have also included some of the wrongful claims by other communities as Annex 5. Our challenges started early and one of our elites William Kisang' wrote asking for governance structures to be created by the Kenya Government. He wrote a letter on 15<sup>th</sup> October, 1963 and he was given a reply that the Cherangany community's rights were being taken care of either from the West Pokot side, the Marakwet or the Trans Nzoia side, where they were living. That was a bad way of governance. The Government did not make an effort to uplift the livelihood of these people socially, economically and politically. They have been living in abject poverty from then up to now. This has been made worse by cattle rustling and killings.

By 1970, a certain elite also wrote a letter to the Minister for Lands and Settlement stating what the colonial masters had done especially in Trans Nzoia and talked about Kabolet. Our efforts have been towards trying to tell the Government to try and assist the community but no assistance has been made so far. In 2005, our community started writing to the ECK asking to be given a district of its own. The community is estimated currently to be around 50,000 people according to the 2009 census. At that time, the Pokots were trying to get an extra district within Pokot South and the Cherangany were also trying to get a single district to encompass part of the Trans Nzoia and part of Marakwet. The district issue might be obsolete and maybe, the only thing that we would ask from the Commission is an electoral area.

In 2009, we requested for a division to be created within West Pokot for these people, called Kaibos Division. We have put that as Annex 11. It should pass through the normal channels of requisition and it was recommended to be given. Out of the eight divisions which were given, that of Kaibos was not given up to the current moment maybe due to tribalism, politics or some other things. That gives the status of the Cherangany people or the Sengwer people.

We also wrote a memorandum to the experts of the Constitutional Review Commission. The devolved governments will enable people to make decisions on the ground. That may bring more challenges. I want to make some recommendations to the TJRC for the Commission to assist this community.

The first one is to empower the community to have a voice that will enable them to negotiate for their rights as stipulated in the Constitution. This must be done through affirmative action on all positions in order for the community to nominate themselves to the relevant positions at the county level.

Secondly, a constituency should be created to be called Cherangany East Constituency. The Cherangany community should be integrated to include those in Trans Nzoia, West Pokot and Marakwet counties in order to create an administrative constituency for the Cherangany or the Sengwer minority community to enhance the people's traditional, social, political and cultural values.

Thirdly, we need compensation in cash and in kind to be paid on land, houses and people maimed and killed.

Fourthly, we need governance structures, for example, a district, or other visible governance structures to be formed as per the operationalization of the Constitution for leadership positions and empowerment. Last but not least, the Commission should recommend national or international liberation for the violations we suffered.

Although we had so many issues to table before you, at least, I have stated about the welfare of this community. Since initially we were told that we were to come here tomorrow, on Saturday, we relaxed a bit and thought that we could bring you more memoranda for all of you. Maybe we will give you more memoranda later.  
Thank you.

**Ms. Nancy Kanyago:** Thank you Mr. Koyopel for your testimony. With you is a memorandum and several annexes. Would you wish to adduce the same as evidence before this Commission?

**Mr. Solomon Koyopel:** Sure.

**Ms. Nancy Kanyago:** I request that the same forms part of the Commission's record.

**The Acting Chair** (Commissioner Namachanja): They are so admitted.

**Ms. Nancy Kanyago:** Mr. Kaptipin, you have with you a memorandum and minutes of the meeting held on 29<sup>th</sup> May, 1997 between the Provincial Commissioner and the Sengwer/Cherangany delegation from West Pokot, Marakwet and Trans Nzoia districts. Do you wish to adduce the same as evidence before this Commission?

**Mr. James Pkemei Kaptipin:** Yes.

**Ms. Nancy Kanyago:** I also request that the same goes as part of the Commission's record.

**The Acting Chair** (Commissioner Namachanja): Admitted.

**Ms. Nancy Kanyago:** Thank you very much, the two of you for your testimony.

**The Acting Chair** (Commissioner Namachanja): Ambassador, do you have questions for the two presenters?

**Commissioner Dinka:** Thank you very much for your testimony; both Mr. James Pkemei and Mr. Solomon. Your testimony is straightforward. There is no much discussion about that. I do not have any questions on the substance of your testimony. But the Cherangany community considers itself as part of the Sengwer. However, from Mr. Solomon's recorded statement, he says that the land was originally grabbed by the

white settlers and was again taken away following independence by opposing tribes including the Cherengany community which has claimed to be part of the Sengwer. It would appear to me that this is a classic example of people fighting over resources.

However, in 1997 in the joint delegation that you had, again, you went to Cherengany and Sengwer. So, what is the deal now? Are you both sub-clans of the Kalenjin community? Secondly, is Cherengany part of the Sengwer community or not? Just tell me why you do not accept Cherengany as members of Sengwer community.

**Mr. James Pkemei Kaptipin:** We cannot accept Cherengany as Sengwer because the people who have taken our land in Trans Nzoia are a mixture of communities. They are the ones who call themselves Cherengany, for example, Joshua Kutuny who is the MP for Cherengany. We have refused that even in West Pokot. The people who have mistreated us there are also the Cherengany who are made up of various communities.

The information is contained in the memorandum and it says we are Sengwer and not Cherengany. We fear the name “Cherengany” because many people have come and mistreated us.

**Commissioner Dinka:** So, it is because you have been mistreated by this collection of other communities that call themselves Cherengany, that you refuse to accept them or there are deeper goings on than that? Could it be that you do not accept the fact that they claim they are Sengwer?

**Mr. James Pkemei Kaptipin:** It is true there are things about leadership. They have taken away governance from us because they are different communities. When we go for elections they take the leadership positions from us. For example, in West Pokot, there are people called Kaibos and Talau. The councillors come from different communities but call themselves Cherengany. Some of them are from Sabaot.

We are very different because Cherengany and Sengwer have different code numbers. Even our traditions and cultures are very different.

**Commissioner Dinka:** What is the code number? Can you explain that to me? Is it for the census?

**Mr. James Pkemei Kaptipin:** Yes, for the census.

**Commissioner Dinka:** Do you speak the same language?

**Mr. James Pkemei Kaptipin:** The language is different and the traditions are also very different.

**Commissioner Dinka:** Ok. Thank you very much. I will now ask Mr. Solomon to give me the answer to my questions.

**Mr. Solomon Koyopel:** Thank you Commissioners. Before we presented, we swore that we were going to say the truth. I feel very disturbed but I will tell you the truth.

Actually our traditional or major name is Cherengany. Our other name “Sengwer” is our cultural name. We are one and the same person. So whichever name you mention you are just talking about the same person. That attests to what the community enumerated; that they have suffered ills even within their own community.

Maybe I was misquoted when you were trying to clarify something before you asked the question. There is a statement which I had written but I request that it be read again so that I make a clarification. This is where it says: “The Cherengany or Sengwer are among those who have taken land in Trans Nzoia”.

**Commissioner Dinka:** It is Mr. Pkemei who says: “Land was grabbed by white settlers originally and later after independence by other tribes including the Cherengany community which has claimed to be part of Sengwer”.

How about the language?

**Mr. Solomon Koyopel:** Let me make further clarifications; the language, traditions, dialect and everything are the same. We are just the same person. I do not know how I am going to make more clarifications than that.

**Commissioner Dinka:** Thank you very much. Since I do not speak the language, one says it is the same the other one says it is not, so I leave it at that. I thank both of you for your testimonies.

**Mr. Solomon Koyopel:** If the Nandi and others were to be the Cherengany, they would have been registered in the recent code number. Unfortunately, we have two code numbers; the Cherengany is 603 and the Sengwer is 616. This cropped up because of the issues I had just enumerated. There is rivalry which I am sure you heard about. There is sabotage and all those ills.

I understand why they wanted to change the name to “Sengwer”. However, all the documents within Trans Nzoia attest that we are Cherengany people. It is my first memorandum where even the current Pokot were currently called the Suk. So there was that Suk/Cherengany/Marakwet boundary. That name was there initially. The name “Sengwer” came about I think in 1997 or about that time.

**Commissioner Dinka:** Thank you very much. I have no further question.

**Commissioner Chawatama:** To who does the code 603 belong? Is this the census code?

**Mr. Solomon Koyopel:** Cherengany.

**Commissioner Chawatama:** What was their population at the last census?

**Mr. Solomon Koyopel:** It was about 15,000. The Sengwer code had about 33,000 or something like that.

**Commissioner Chawatama:** One of the things that we were tasked to do is promote national unity. I think I am now more puzzled than I was before on how we are going to grapple with national unity when even sub-clans cannot come together and be united. If you were to help us in what might unite the two groups, what would that be?

**Mr. Solomon Koyopel:** That is a very important question for us as a community. Even before we came here to make the presentation, Mr. James Kapteben and I consulted first before coming here. Unfortunately, time caught up with us.

For the unity you are talking about, it is high time I requested the community to go back home and have some forums to see why they have these issues and maybe chart their way forward. Now we are claiming to have been marginalized by other people but maybe we are marginalizing ourselves here. Let me assure you that we want to go home and sort out those issues. I am very optimistic about that.

**Commissioner Chawatama:** Could you kindly then forward to the Commission your deliberations on the question of unity. I think we also did well to put you together because when we looked at our list and looked at your memoranda, we saw a people who are one. That may be the starting point that the Commission saw you as one. So we really need to understand why you do not see yourselves as one. I think that will help us so that as we try to promote healing, reconciliation and unity, we will know how to handle your situation.

Thank you.

**Commissioner Shava:** I would like to associate myself with the comments just made by Commissioner Chawatama. I have no questions for you. However, Mr. Pkemei and Solomon, I would just like to thank you very much for coming today and even though you have indicated that you felt a little bit ambushed, you both wanted to speak the truth.

One of the reasons for this Commission is that in Kenya there are contested truths; I have my truth and you have your truth, but that is your own truth and I feel mine is my own truth. However, somehow we have to occupy this same space and live in this Kenya together. How are we to do it?

I think today has been a very good illustration which some of our politicians should take note of. Even if you do not necessarily agree, you can still discuss so that you can come to a point of agreement. With that will and vision, I am sure we can all learn to live together in peace. We can disagree without violence.

I thank you very much.

**The Acting Chair** (Commissioner Namachanja): I just have one question; do we have a council of elders for the Sengwer community?

**Mr. James Pkemei Kaptipin:** Yes, there is.

**Mr. Solomon Koyopel:** The Cherengany Council of Elders are also participating in MIOT Council of Elders. They are ten.

**The Acting Chair** (Commissioner Namachanja): Do we have members on the council from this other community represented by James on the Cherengany/Sengwer Council of Elders? James said we have a Sengwer Council of Elders. Are the Sengwer/Cherengany community part of this council of elders or yours is a different one?

**Mr. Solomon Koyopel:** During the MIOT Council of Elders which is for all Kalenjins, they told all communities associated with it which are ten to do elections within their areas of operation. We went round all over. The Cherengany community inhabits about 16 locations. We went round all the areas and for me, if it were not for the census issue, I could not even say there are Sengwer or the Cherengany because we are one.

For the sake of this Commission, I would say we went through all those locations. During the elections, nobody was being told that they are Sengwer or Cherengany. All of us participated. Even James' team which prefers the name "Sengwer" were participants. It was an open thing and those who were elected are the ones who came up with the name "Cherengany" after the elections.

**Acting Chair** (Commissioner Namachanja): Thank you so much Solomon and James for your testimonies. I think those are all the questions we had for you. Leader of Evidence, please, step down the witnesses and then bring in the professionals from the community.

I just want to register our appreciation that there is a team of professionals, some who came all the way from Nairobi to come and package a memorandum for this Commission. Time is not on our part but we shall give them each, five minutes just to share what is contained in the memorandum they have.

It is good that members of the Pokot Professional Community have been listening since morning. Therefore, I would encourage that you only stick to the five minutes you have been given each, if you can focus on the recommendations. The memorandum is there and we are going to read it.

*(Mr. Stephen Kirop Moroto took the oath)*

*(Mr. Robert Lang'at Katina took the oath)*

*(Mr. Samuel Karongu took the oath)*

**Mr. Tom Chavangi:** For the record, kindly state your name again.

**Mr. Stephen Kirop Moroto:** My names are Stephen Kirop Moroto.

**Mr. Tom Chavangi:** Stephen, what do you do?

**Mr. Stephen Kirop Moroto:** I am a clinical officer.

**Mr. Tom Chavangi:** Where?

**Mr. Stephen Kirop Moroto:** At Kapenguria Township.

**Mr. Tom Chavangi:** You have a memo about the Pokot. The Northern Kenya Pokot Council of Elders representing West Pokot, Pokot North, Pokot Central and East Pokot. Having gone through this memo, briefly the issues that you want to talk about are issues that your fellow community members have spoken about the whole morning up to now. We do not want to repeat ourselves. What we urge you is to go directly to the recommendations.

**Mr. Stephen Kirop Moroto:** Madam Tecla Namachanja, the Acting Chair, today the 14<sup>th</sup> of October, Pokot as a community is appearing before your Commission. On 14<sup>th</sup> October, 1932, Pokot community was before another commission. 79 years down the line on the same date, they were at Taraket and Naminit discussing the issues of land. They were pushed to the periphery by the colonial government. All the way from Soi, Sirgoit, there were three exodus. Some were pushed through Sirgoit to go to Baringo. Others passed through Kapterit to go to Leilal. The other group went through Kanyarkwat to Kacheliba. Where they went is barren. They were oppressed and I can compare the Pokot people to the Israelites or the Kurds and something called Enosis in Greece.

When they went to Uganda, the Kenya Protectorate and Uganda Protectorate agreed that these people should go to Uganda to inter-marry with the Karamajong to dilute their military prowess. Like the Jews they went there for 40 years. When Uganda got independence they were there for eight years. When Kenya got independence they stayed there for around seven years. Those were eight years plus, of exclusion.

Two, there is the Turkana question. The Turkanas were armed by the Ethiopian Government where Commissioner Dinka comes from. The father of Haile Sellasie and Menelik II armed the Turkanas. They pushed the Pokot from the lowlands all the way from Lokichar to the hills. Our colleagues the Turkana said they were elephants because they were on the plains. Because the Pokots were pushed to the hills they said they were the *Echom* or baboons who live on the hills.

In 1917, ---

**Mr. Tom Chavangi:** Commissioners, I wish to guide the witness. We have heard this history of the Pokot and that is why probably the Commission did not even go for lunch.

What I am requesting from the witness is to give us his recommendations but not go through the history of the Pokot. Otherwise, we would not probably leave this place.

**The Acting Chair** (Commissioner Namachanja): The good thing is that the history is there and we shall read. Give us the recommendations so that we can capture them.

**Mr. Stephen Kirop Moroto:** Maybe I can say something about Chad so that it adds to what I want to say. The French colonial Chad divided the country into two; southern Chad which had arable land with all the infrastructure and northern Chad which was arid and semi-arid and nothing given to them. They called it Chad useless. Today, there is a big conflict between useless and useful Chad. This is because of massive marginalization.

About 80 per cent of Kenya is owned by pastoralists and 80 per cent of illiterates in Kenya are amongst the pastoralists. And 80 per cent of gun runners are the pastoralists. So they have been marginalized all this time. We want this Commission to recommend to the Government that what was done in Maori in 1866 during the Waitangi Treaty and was done in Australia in the famous Marble Case and what happened in Sani in South Africa where they were given some land from the Kluger National Park, be also done here.

Kenyatta was here during the Kapenguria Six because of historical injustices created in Central Province. Now, there are the Ocampo Six again because the father created the same historical problems.

Secondly, Koitalel Samoei was assassinated on 19<sup>th</sup> October, 1905. My friend hon. Ruto was suspended on 19<sup>th</sup> October, 2010, 105 years down the line.

Thank you.

**Mr. Tom Chavangi:** Thank you very much.

Robert, for the record, kindly state your name.

**Mr. Robert Lang'at Katina:** My name is Katina Lang'at Robert. I am a practising advocate here in Kapenguria. I am here to make a presentation on my own capacity as well as a representative of a few victims whose economic rights were violated especially a big number of former administrators; chiefs and assistant chiefs, and people who were leaders between the period of 1984 to the 1990s.

Just to mention a few of them; I believe they are here. There is Thomas Lokorua, Pius Kachute and Paul Chepotpot. This is just a representative team. They are so many. We have 32 former chiefs who were fired and dismissed for differing with the DC of the time. In brief, they brought the memorandum to me, which I believe has been submitted to the Commission.

Most of the people I am talking about right now were incarcerated. Just to mention, Mr. Thomas Lokorua, was detained for 37 days without being taken to court and while in

custody he was tortured and finally when he came out he discovered that he had lost his manhood. I am sorry to mention that publicly because it should have been in camera. However, there are repeated cases like that.

Now, there is another chief Loyierer who is around here. He was also unlawfully dismissed. All the documents are with me here but for want of time, I may not be able to read them. I will submit them. When you look at the communication at that time, you will notice that those leaders were really intimidated; they were vilified by that DC. I may just mention the name. The person I am talking about is Peter Langat. There are letters here which will point to the fact that the attitude the DC had at that time towards the community was very bad.

Now, after the dismissal of these people, they lost their livelihood and they are now languishing in poverty. They were not even able to educate their children. That is the reason for the economic violations we are talking about now. When the leadership of a community is humiliated, even the ordinary *wananchi* are also humiliated.

During that period in question, chiefs used to receive instructions from the DC and the DOs to raise funds for various *Harambee* projects. The chiefs would go to homesteads within their sub-locations. Most of the time, the targets were very high. I have got documents to support that here. Some chiefs were told to get as high as Kshs10,000 in the 1980s. You can imagine the families that were not able to raise those funds. They lost their cattle and chicken. That became a practice so much so that the ordinary *wananchi* would not want to show their properties. They even lost hope of productivity.

Whatever they produced was taken away by the Government. These documents are here and we can trace them in the Government archives. That amount can be quantified. When we demand for compensation, we can produce evidence from the archives. From the archives, we shall know exactly how much was taken from every sub-location. The people in the sub-location remained poor and even their productivity was affected.

**Mr. Tom Chavangi:** Commissioners, I would like to remind the witness that he had five minutes to present but it is now more than 15 minutes.

**The Acting Chair** (Commissioner Namachanja): Yes, and it is even getting dark.

**Mr. Tom Chavangi:** These things are discussed within. He is not a stranger to this discussion. I even told him to present these documents 21 days prior to this hearing. So, I would urge him to go directly to the recommendations.

**Mr. Robert Lang'at Katina:** Most obliged. These things are quantifiable and we can get compensation out of that amount. The recommendation is that the money be recovered and brought back to county treasury. That is as far as economic violations are concerned. In the same period, there was a strategy of crossing over and hiding famine relief food. There was a time when there was a lot of hunger in this community and many people died. Issues were brought up, you remember the famous Muge story. As a result of that,

we decided that come-what-may we should be able to study and become leaders of this community. In fact, yours faithfully was motivated to go out of the country to study and make sure that this community is elevated. I believe that today, those prayers have been answered. None of us believed that there would be a day when the truth would come out. As you can see, I am the first Pokot lawyer in the community and just a few more are behind me. My recommendation is that the Government should be serious about affirmative action. I believe Article 204 of the current Constitution provides for equalization fund and I want to state that we qualify for equalization fund and not just a little bit like everyone else who is marginalized, but so much more to catch up with the rest of the community.

Due to lack of time, I will honour the Chair and say thank you very much. Thank you for indulging us, I know we came late but God bless you in your endeavours. We will follow you with an e-mail of these documents, but I will submit what I have right away.

**Mr. Tom Chavangi:** *Wakili*, do you want to submit all the documents that you have as exhibits?

**Mr. Robert Lang'at Katina:** Yes.

**The Acting Chairlady** (Commissioner Namachanja): So admitted.

**Mr. Tom Chavangi:** Mr. Langat, there are some documents here, do you wish to produce them as exhibits?

**Mr. Robert Lang'at Katina:** Yes.

**The Acting Chairlady** (Commissioner Namachanja): So admitted.

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

**Mr. Samuel Karongo:** Commissioners, my name is Samuel Kapar Karongo, I am here to represent the Pokot professionals from Nairobi and others from other regions. I want to highlight a few things as far as marginalization is concerned in four sectors; education, health, roads, water development and industrialization.

Due to time and the fact that others have touched on it, I want to propose the suggestions that can go into alleviating those kinds of marginalization. Noting that most of the things are basic, we urge that the Government takes deliberate action to enhance bursaries, provide scholarships of higher education and support the increase in secondary and primary schools because most of them were initially started by missionaries. We note that the increase in health infrastructure is not commensurate with the increase in population. We only have one district hospital which is located at the extreme end of the county. So, those who are at the other end are not served. So, we request that health infrastructure should be enhanced.

The only tarmacked road in the county is the Kitale-Lodwar Road, which I would imagine came due to the connection to the Sudan border. We also request that something is done with regard to infrastructure of roads so that accessibility is improved. This will improve economic development. We all appreciate that West Pokot County is predominantly under Arid and Semi-Arid Lands (ASALs). If you have been keen on water development infrastructure, there is no significant effort made towards that. This being an ASAL area, there should be many dams constructed across the county. We also recommend that the Government takes deliberate effort and ensures that dams and other water infrastructure are well developed. I wish the Commissioners had an opportunity to stay in Makutano. That is a town without a well developed water supply system. So, definitely, we do not expect faster growth but with deliberate effort, we hope that the county will come up and do something.

Regarding industrialization, I would like to say that we do not have any single industry in this district and yet, there is potential. This being a predominantly pastoralist region, livestock-based industries have high potential. At the same time, we also proposed that the Government takes deliberate effort to ensure that livestock-based industries are set up so that the economy of the region is improved. I would recommend that for purposes of realizing other economic empowerment we have opportunities to host institutions of higher learning, like colleges. There is a nursing college which is just talked about. There are buildings but it has not been made functional. If this is put into place, it will contribute towards even healthier development. So, in summary, I believe that the issue of the equalization fund should be enhanced in Pokot County because we so much lag behind. I request the Commissioners to allow us to prepare our summary because we thought we were presenting on Monday.

**Mr. Tom Chavangi:** I want to believe these are our last witnesses today. However, I got some memos which were presented to me while I was doing my rounds. I pray that they be recognized and be admitted by the Commission. There is a memo by Solomon M. Nyorsok, a write up from Benson K. Katoni on how he lost his job, and a letter from Kiplang'at Cheboi Kipkony who spoke about his loss of employment. I pray that these three memos be admitted as exhibits.

**The Acting Chair** (Commissioner Namachanja): So admitted.

**Mr. Tom Chavangi:** I have no questions for these witnesses.

**Commissioner Shava:** Thank you. I would like to thank the professionals for taking their time to put together all that information which is very useful to us. I only have one question for Mr. Samuel Karongo. You did not tell us what your profession is.

**Mr. Samuel Karongo:** Commissioners, I am an engineer by profession.

**Commissioner Chawatama:** Mine is to just thank you. The few minutes you have spoken to us, I got an understanding of what is happening in Pokot. Now that you are a lawyer and another one is an engineer, how many people have you taken with you? How

many people have you encouraged to do law, engineering and to join the health sector? These people need role models to see that this is just not it and that there is a bigger world out there and education is important. I have not seen a female professional but I would like to believe that there is one. If there is one, please, encourage her to be a role model and ensure that every year, there is a target of at least ten young people to follow the professions that you are doing. Then you will begin to see change even amongst your people. I do not think it is right that poverty is just there for people to see. I have just been here for two days but it is clear when you see it. In ten years' time, we should sit somewhere and have coca-cola and talk to me about the development and all your achievement. I wish you well.

**The Acting Chair** (Commissioner Namachanja): I do not have any question for the team of professionals but thank you for sharing with us.

**Mr. Tom Chavangi:** Chair and Commissioners, that brings us to the end of our today's session. I seek further guidance from the Chair.

**The Acting Chair** (Commissioner Namachanja): Please guide the witnesses to their seats so that we can close.

*(The witnesses resumed their seats)*

Commissioners, staff of the Commissioner, the Leaders of Evidence, our hearing clerk, our documentary people and the people from Pokot, I greet you. We have come to the end of our public hearings in Kapenguria which brought together people from West, North, South and Central districts of Pokot County. My sincere thanks go to all of you who ensured that these hearings are successful. We began in the morning and it is now at night. The women's hearings will continue tomorrow but for public hearings, this marks the end. Thanks to all of you who recorded statements and from your testimonies, although we read them, they do not prepare us for what we have heard with our own ears. So, we have heard you on issues concerning cattle rustling and loss of lives during such events. We have heard you on murders and extra-judicial killings, the Kacheliba massacre, the 1984 and 1979 military operations, the stigma facing people living with physical disability, sexual violations and land injustices. We have also heard about issues of marginalization. As we leave this place, the Pokot community has defined the way forward. Some responsibility will lie with the Government. We again applaud the courage of witnesses who have come forward and spoken to share their personal experiences with the nation and the entire world.

On behalf of my fellow Commissioners, I thank each one of you who has participated in the hearings. We want to assure you of our commitment, as a Commission, to seek the truth and facilitate the quest for justice. Therefore, I urge you to continue with the conversation until recommendations which you have given and which will be captured in our reports are implemented. The truth, justice and reconciliation process is yours as Kenyans. Please own it and let us all remember that a cohesive and peaceful nation is the one that prospers.

Allow me now to acknowledge all those people who testified before us today. They are:- Andrew Akoule, Rev. Simon Aleu, Samson Akasile, John William Chakai, Mama Selina Cheptoturwa, Minigol Iagul, Moses Baraza Kirop, Christina Rengesiwe, Solomon Koyatel, James Pkemei Kaptipin, James Lorema and others, Stephen Krop, Robert Langat and Samuel Karongo.

Thank you so much and God bless you.

*(The Commission adjourned at 7.00 p.m.)*