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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION ON TUESDAY, 15TH
NOVEMBER, 2011 AT THE RUMURUTI CATHOLIC CHURCH
HALL**

PRESENT

Ahmed Farah	-	The Presiding Chair, Kenya
Tecla Namachanja	-	The Acting Chair, Kenya
Berhanu Dinka	-	Commissioner, Ethiopia
Ronald Slye	-	Commissioner, USA
Patrick Njue	-	Leader of Evidence
Simon Njenga	-	Hearing Clerk

(The Commission commenced at 10.20 a.m.)

(Opening Prayers)

The Presiding Chair (Commissioner Farah): Good morning. Today, Tuesday, 15th November, 2011, is the second day of our public hearings here in Rumuruti. While we are here, there are the women's hearings going on simultaneously at another venue within Rumuruti. Today is also our last day in Rumuruti.

In these public hearings, we will listen to the cases presented to us by the Leader of Evidence. We shall follow our normal procedure of swearing in the witnesses. On completion of the oath, the Leader of Evidence will lead the witnesses in their testimonies. On completion, the Leader of Evidence may put questions for clarifications by the witnesses in order for us to receive unambiguous evidence. On completion, the commissioners will be asked by the Presiding Chair to equally put questions or seek clarifications from the witnesses, if any.

During this hearing session, members of the public are requested to respect the witnesses. As the witnesses give their evidence, you should sit and listen silently. You should minimize movement and avoid chatting amongst yourselves as the session goes on.

You are all requested to switch off your mobile phones as they may interfere with our HANSARD recording. Photography is permitted before and after the witnesses give their evidence. No flash photography is allowed.

I now ask if there are any lawyers or any counsel around. If there are none, it is your right to know the Panel of the Commissioners. Starting from my far left is the TJRC Acting Chair, Commissioner Tecla Namachanja Wanjala from Kenya. On my left is Prof. Ronald Slye, one of our international Commissioners from the USA. He is a professor of law, and his contribution to these hearings is immense.

On my right is another international Commission, Amb. Berhanu Dinka, a diplomat of immense knowledge who has worked with the United Nations for over 30 years. His contribution is also immense. I am retired Maj-Gen. Ahmed Farah from Wajir County, one of the Kenyan Commissioners.

Thank you very much. Leader of Evidence, I hand over the proceedings to you.

Mr. Patrick Njue: Thank you, Presiding Chair and Commissioners. We have our witnesses for today. The first witness comes from the Rendile community. She is coded Witness 016.

(Mr. Adukan Raphaela took the oath)

Mr. Patrick Njue: Good morning? Kindly, for the record, once again, tell us your names, where you come from and what you do for a living.

Ms. Adukan Raphaela: I am Adukan Raphaela. I come from Laisamis Town, Laisamis District. I am currently a teacher.

Mr. Patrick Njue: Mama Raphaela, I notice that to your extreme left, you are flanked by a gentleman. Kindly, introduce him to us.

Ms. Adukan Raphaela: I have come with my fellow brother. I have compiled this report with him, and we are from the same place, the same ethnic group, the Rendile. His name is Peter Garuweri.

Mr. Patrick Njue: Mama Raphaela, as you have said, you confirm that you are here to make a presentation on behalf of the Rendile community?

Ms. Adukan Raphaela: Yes, I confirm.

Mr. Patrick Njue: Kindly, before we get to the issues that affect your community, could you tell us who the Rendile are?

Ms. Adukan Raphaela: The Rendile are Cushitic speaking people. They live in three districts. Some live in Samburu, some in Marsabit South and others in Marsabit Central. They are particularly found to the South-East of Lake Turkana in northern Kenya.

Mr. Patrick Njue: When you talk of the Rendile community spread out in the three districts, what would you say is their approximate population?

Ms. Adukan Raphaela: Their population is 60,000, according to the latest national population census but we strongly refute that figure because the Rendile are nomadic people and during the month of August, it is normally extremely dry. Therefore, most of them, during that month of the census, in August, 2009, they were scattered in different districts, including Isiolo district, looking for pasture.

Mr. Patrick Njue: When you say that they were out looking for pasture, does it mean that they live a nomadic way of life?

Ms. Adukan Raphaela: Yes, they keep camel, cattle and sheep.

Mr. Patrick Njue: In some quarters, it has been said that the Rendile Language is almost extinct.

Ms. Adukan Raphaela: Yes, the Rendile Language is almost extinct. Three quarters of the Rendile people no longer speak their language. Their language has been assimilated into that of the Samburu community. Even the culture of the Rendile, as Cushitic people, we have adopted the culture of our Nilotic friends, the Samburu.

Mr. Patrick Njue: Coming to the issues that affect your community, in your memorandum, you have listed quite a number of the Rendile. Maybe, we could go through them, one by one, beginning with marginalization. How is it that you feel you are marginalised, as a community?

Ms. Adukan Raphaela: As Rendile, we feel that we have been marginalised by the three regimes – the Kenyatta, the Moi and the Kibaki Regimes – except that President Kibaki has tried a bit. We are marginalised. We have had to live around the Chalbi and Kaisut deserts. We have really been forgotten. Our animals are stolen by our neighbours. The Government has done nothing to eradicate poverty. The Government has not given us Government schools or hospitals. We cannot access the one that is in Marsabit due to insecurity. So, most of our women give still births at home. We rely on traditional healers. Most of us are illiterate. Even the few missionary schools that are there have no facilities. We do not get any civic education from the Government to help us know where we are, or whether we even belong to this nation. Sometimes we term ourselves as “Kenya Bs”.

Mr. Patrick Njue: What do you mean by “Kenya Bs”?

Ms. Adukan Raphaela: We mean that we are not in Kenya. Even when it comes to public appointments, no Rendile gets such appointments. In terms of education, the Kenya National Examinations Council expects us to perform just like any other Kenyan, yet we have no schools. The few schools available are 100 kilometres apart from one another. If we take an example of Laisamis Primary School, which was built in 1964, it has been accommodating many Rendile children with no facilities and with only a few teachers. The environment in that area is harsh and, therefore, many Government employees rarely come there to take office when they are posted there.

Mr. Patrick Njue: In terms of insecurity, how is your community affected?

Ms. Adukan Raphaela: In terms of security, we, the Rendile, live among hostile communities like the Borana, Gabra, Burji and Turkana. Most of them have their blood

brothers in neighbouring countries, whereas we do not have any. Sometimes the Borana bring elements of the Oromo Liberation Front (OLF) from Ethiopia into the country. They feed them so that they can attack us. Our animals have been stolen by the Borana for many days. They have been killing us, and we have experienced several massacres by them.

Mr. Patrick Njue: Talking of insecurity, as you have just alluded to, if I may ask, when was the last time you had an incident of the Rendile being attacked?

Ms. Adukan Raphaela: The last incident happened about two months ago. Boranas came and attacked men who were walking from Satellite Kamboya. They had taken their animals to Hulahula. As they approached the town, they were shot by Borana gunmen. In that incident, the best candidate in last year's KCPE examination from Hulahula Primary school, and two other men, were killed. The Rendile followed those people to the Marsabit forest, attacked them and caught one man alive. When they interrogated him, he said that he had been sent by J.J., a former MP, to attack the Rendile. This is something they normally do. They have been attacking us and mutilating people. We have evidence of boys whose private parts were mutilated, and many women who are widowed by the same people. So, we are suffering in the hands of Turkana. The Gabra too attacked a village and killed almost 60 people in the recent past. Those people bring their friends from the neighbouring southern Ethiopia in large numbers, and attack us.

Mr. Patrick Njue: What would they be attacking you for? What is the motivation behind attacking you? When you said that one person by the name "J.J." sent people to attack you, what was the reason for that?

Ms. Adukan Raphaela: The reason is that we live in Mount Marsabit, which is a rich agricultural area. On the windward side of the mountain, the Rendile are spread there. So, they supply the town with vegetables and milk. The problem started when Saku Constituency was created. They decided to get rid of the Rendile community from the mountain top area. They chased us away because we are few. We occupied the Kaisut and Chalbi deserts. The windward side of the mountain are Songa, Kituruni and Karare. Most of the farms were deserted, and they have settled in Laisamis and Kambwe.

Mr. Patrick Njue: Let us talk of infrastructure.

Ms. Adukan Raphaela: When it comes to infrastructure, we do not have any good health facilities. We have the Great North Road, which was tarmacked only two years ago up to a small town called Merile. Since then, we have never had postal services or telecommunication services. So, in terms of infrastructure, we are marginalised.

Mr. Patrick Njue: What about boundaries?

Ms. Adukan Raphaela: The Rendile boundary has been revised four times without the consent of the Rendile people. Our neighbours are taking advantage of the fact that we are least literate. They occupy better Government offices than the Rendile. So, they

decided to grab most of our grazing land. So, right now, we are really squeezed in Arba Jahan, which borders Wajir. When we go up there to a place called Serima, we are pushed back by the Turkana. We also border the Samburu, who have pushed us to Merile, which is the heart of the Rendile people. The Gabra pushed us to within a radius of 300 kilometres, up to Kargi. So, we are really fighting around our borders with our hostile neighbours.

Mr. Patrick Njue: Let us talk of poor representation and governance.

Ms. Adukan Raphaela: On governance, I can speak about the police. They have been harassing us because we do not know our rights. When our boys go to raid, and the police suspect that the raiding has been done by the Rendile, instead of going for the culprits, they take the innocent mothers and old men; lock them up in police cells with even small children. They normally torture and harass them without any trial. Sometimes they are released after we take some bribe to the station. There was a time when the GSU came and harassed people, including the area councillor and the chief. They beat them up before their children. They even shot dead an innocent man. They beat up another one until the nail went into the head. That man is no longer of sound mind.

On the issue of representation, we normally elect our MPs, who take advantage of the place we live in. The area is climatically harsh and the people are poor. They normally go to live in Kenya and build for themselves maisonettes. When job opportunities come, we hardly get them, or even attend interviews, thus rendering many Rendile people incapable of having job opportunities.

Mr. Patrick Njue: Allow me to take you back a little. When you say that they live in Kenya, I wonder. We are in Kenya even where we are. What do you mean by “they live in Kenya”? Are you not in Kenya yourself?

Ms. Adukan Raphaela: We are in Kenya but because we are in the northern part, we think that Kenya is where we find everything good in terms of the climate, food, education and all the other good things found there.

Mr. Patrick Njue: How has food insecurity affected your community?

Ms. Adukan Raphaela: We still depend on milk, meat and other animal products. So, we are marginalised in the following ways: We have no market for our livestock. There is no policy for livestock in terms of vaccination to improve them for better markets abroad. So, there is nothing that the Government has done for the pastoralists. The Government has not even encouraged farming in this area, something which we can do if we are provided with irrigation.

Mr. Patrick Njue: Talking of irrigation and such opportunities for farming, do you have rivers running across the area where your community lives or resides?

Ms. Adukan Raphaela: We have seasonal rivers. We do not have permanent rivers but the Government can drill boreholes.

Mr. Patrick Njue: From the very fact that you are largely a pastoralist community, proper livestock policy is an issue. How does it affect your community?

Ms. Adukan Raphaela: We have not seen a proper livestock policy. That is why I have said that we are insecure in matters of food. We do not even eat a balanced diet. That is why we are very few in terms of population.

Mr. Patrick Njue: Again, I note that land is an issue for your community.

Ms. Adukan Raphaela: Yes. Previously, we were told that land is communal or trust land; it belonged to the Government. We thought that we were sharing that land with the animals out there. We feel that we are not very important. Other people have demarcated their land. We, the Rendile, are told that we just live on trust land or Government land. We do not have our own land.

Mr. Patrick Njue: Lastly, you listed gender as an issue.

Ms. Adukan Raphaela: In terms of gender, women in the Rendile community are oppressed. We have not seen the Government empowering a woman in this area, not even in terms of nomination to public office or in terms of education, so that they can know who they are. Women in the community are treated as children. In fact, we are called children. We are not given a chance in decision making because a child cannot make a decision on anything.

Women do not even have access to education. They are treated as second-class citizens in the community. There was a time when girls, in accordance with our tradition, were given beads so as to have boyfriends at the age of 15 years. When they become pregnant, they are discarded. They are not allowed to be part of the community. So, we feel that the Government should formulate policies to encourage education of girls in the community and also show them that they are important. Girls should be protected from malpractices arising from traditions.

Mr. Patrick Njue: I am talking about the girl child and education. I cannot help but admire, Mama Raphaela; you seem to be quite educated. You have really overcome the obstacle of sort of demeaning women. Up to what level did you advance in terms of education?

Ms. Adukan Raphaela: I studied up to "O" Level. I went to a teacher training college. I am currently a fourth year student at the University of Nairobi pursuing a degree course in education.

Mr. Patrick Njue: It is quite admirable. I know you inspire so many young girls from your community. You have given us the issues that affect the Rendile community. Moving forward, what would be your recommendations to this Commission?

Ms. Adukan Raphaela: We now have the issue of counties. We have been fighting amongst ourselves – the Borana, the Gabra and the Rendile. If the county comes, the situation will be worse. According to speculation, the Government knows that we are totally insecure. That is why they even sent our MPs to bring peace to this area, but their aircraft crashed while it was airborne. If we are not given a county of our own, the situation will be pathetic. So, the way forward is that the Government should come forward and look into that issue, improve the infrastructure in our place, give civic education even to the illiterate people in northern Kenya and create chances for the minorities, so that we can feel that we are part of Kenya.

Mr. Patrick Njue: With me here is a copy of a memorandum, which I want you to look at and confirm that the presentation you have been making comes from that same copy or it is, indeed, a document that was prepared by yourselves.

Ms. Adukan Raphaela: Yes, I can confirm that.

Mr. Patrick Njue: Is it your wish that this memorandum be formally admitted into the records of this Commission?

Ms. Adukan Raphaela: Yes, it is.

Mr. Patrick Njue: Presiding Chair, I pray that the said memorandum be formally admitted into the records of this Commission.

The Presiding Chair (Commissioner Farah): It is so admitted.

Mr. Patrick Njue: Thank you. Mama Raphaela, I have no further questions for you. You have struck a blow for your community. You have been coherent in terms of your presentation. I cannot help but admire you for a job well done. Our commissioners may now ask you questions.

The Presiding Chair (Commissioner Farah): Thank you very much. I will start with our Acting Chair, Commissioner Tecla Namachanja Wanjala, who will ask you questions.

The Acting Chair (Commissioner Namachanja): Presiding Chair and the Leader of Evidence, I am even full of admiration for my sister, Raphaela. You have represented your people so well. I know that for you to reach where you are, to be able to represent your people, you did not get that on a silver platter but you earned it. I know that education for a Rendile girl is not easy. Now that you are there, I would like you to share with the public your personal journey in education to be where you are. We shall really appreciate that, my sister.

Ms. Adukan Raphael: I was helped in my education by the Catholic Church. As I said before, we have no Government schools, but there are some missionary institutions which helped us in education. So, I happened to go to a Catholic primary School. I performed well and went to a Catholic secondary school too. The best two girls in the district were admitted to that school during my time. They gave me a sponsorship up to Form Four, because I was doing well. Thereafter, I went for an interview to join a teacher training college, and I was admitted to Migori Teachers Training College.

By the way, immediately I completed Fourth Form, I got married. So, my husband helped me through college education. Ten years ago, I became a widow but I sat down and resolved to help myself. So, I decided to apply for a degree course at the University of Nairobi, where I have been for four years now. I am almost finishing.

The Acting Chair (Commissioner Namachanja): May his soul rest in peace. We also thank your late husband for having supported you to be where you are. What motivated you into coming up with this memorandum to be presented to the TJRC?

Ms. Adukan Raphaela: At one time, people came to our school and just picked me to attend a paralegal training and I came to understand that most of the nomadic people are marginalised. It is because we do not know our rights. So, from there, again, I was elected as a women representative in the Kenya National Union of Teachers (KNUT) in Marsabit County. So, when the TJRC officials asked who would present the report on behalf of the community, I went to the office and sought permission to do so. I personally compiled this memorandum, together with my friends.

The Acting Chair (Commissioner Namachanja): Thank you again. Do you have any specific recommendations on how girl education among the Rendile community could be promoted? We need more high flyers from this community.

Ms. Adukan Raphaela: Yes, I have that recommendation. Right now, we do not have any NGO or Government organisation to help the girl child in the Rendile community. Most of our women sit back with all the potential in them, because they do not have mentors. Therefore, I would just ask if we could be helped to know ourselves more and learn because most of the parents are poor.

Even when we see women out there, they come to us and tell us that a woman can go further. That is why I was saying that we need to be promoted even in leadership. I have not seen any Rendile in a big office. Parents have lost interest in education because we have no special tertiary colleges in our area. People go to other counties in search of education. So, most people see education as being meaningless in our place. They do not take children to school. The girl-child, especially, is not given any privilege.

The Acting Chair (Commissioner Namachanja): Thank you, my sister.

Commissioner Slye: Mama Raphaela, I want to join my fellow commissioners and leader of evidence in commending you for what you have achieved and also taking the

initiative to draft and present before this Commission this very informative memorandum on the problems and challenges facing your community.

I just have a couple of questions. In your presentation and also memorandum, you speak a little bit about counties. I wonder if you could explain to me, as a foreigner, what in your view counties are and what their purpose is under the new Constitution.

Ms. Adukan Raphaela: I was saying that because in Kenya, most of the laws are made in the National Assembly. It is the indigenous people who live in the constituencies. So, in Parliament, we tend to have several Borans, Somalis and Turkanas. The Rendiles are alone. So, when they pass Motions – and as you know, the majority rule, we find ourselves being forgotten. We do not have an impact. So, having that in mind, three to four counties in Kenya have one community. That shows that the resources are spread to some particular people and not others. So, also in our part, when we go up there, because of the numbers, we might be marginalized in everything. I fear that.

Commissioner Slye: Thank you, Mama Raphaela. I think you know that the Commission was in Marsabit, Moyale and partly in the regions where I think you and your people come from. We heard from the Borana, Gabbra and others. As an outsider, I am struck by how many of the problems and challenges that you recount that face the Rendile, are also faced by those people. There is food insecurity, lack of access to education, health care facilities, lack of boreholes and irrigation for farming. I wonder whether you are aware of any efforts for the Rendile and members of these other groups to come together, recognizing that you have common problems and might be stronger in advocating with the rest of Kenya and central Government in getting resources, if you came together as opposed to staying separate. So, I wonder whether you know of any efforts to try and create that sort of co-relation.

Ms. Adukan Raphaela: I agree with you and that is why I am proud to come here to present this, so that the stakeholders can come together, bring peace and understand one another. This will ensure that we work together for our betterment. We are all Cushites and Kenyans like the rest. We should come together as one nation. We need people to come and help us know that without peace, we can never work against our destruction. So, we need peace and unity as Gabbras, Rendile and Borana. As we now know, a county has come to bring us together. We can understand to humbly share everything together and fight as one for our betterment.

Commissioner Slye: With that in mind, are there any structures that are being put in place between the Rendile, Gabbras, Borans and others? Do you know of any concrete efforts to try and build those alliances?

Ms. Adukan Raphaela: Yes, the Government has tried to bring peace forums, but they have never born fruits.

Commissioner Slye: Still focused on this, but also more broadly, within the Rendile Community, can you speak of efforts among your community to think about how to build those alliances?

Related to that, you spoke about the assistance that you have been provided by the Catholic Church with respect to your education. I wonder if you could spend a little bit of time describing any other institutions or individuals that, in your view, have been successful in trying to improve the lives of your people, and in particular, if there are things that individuals within the Rendile Community are doing.

I am sorry I think I have asked a lot. We can try with the first question, which is the efforts within the Rendile community to, maybe, reach out to Borans, Gabbra or others to build those alliances.

Ms. Adukan Raphaela: Yes, there are efforts. The elders have been visiting our neighbours in Merti Area in Isiolo. Several times, they normally go with the DC and some leaders. So, they have those fora. Even the women groups are fighting for that. They are feeling the death of innocent young men who fight in wards. So, we do that.

Commissioner Slye: You just mentioned women and the challenges faced by the girl-child given the Rendile culture. I am sure you are aware more than I am, but certainly what we heard from Borana, Gabbra and others are similar challenges faced by women in those communities. Have there been any efforts by women to come together, because in some ways, they may have more common interest than some of the men might in terms of building the bridges across communities?

Ms. Adukan Raphaela: I have not seen efforts like those. As I have said before, we lack civic education and empowerment on such things. We lack people to show us that we can come out of our inability. So, I have not seen that amongst us.

Commissioner Slye: Mama Raphaela, I think you have just, perhaps, described a job description by somebody like you who is agitated and sees these things. Maybe one of the opportunities that might be presented to you is to play that sort of role both within your own community and the broader communities.

You mentioned that the Catholic Church has been doing some good work in terms of education. Are there other organizations, individuals or groups within the Rendile Community themselves that are working on these issues?

Ms. Adukan Raphaela: I have seen one in Kor Area which is also part of where the Rendile people live. I have seen the Bible Translation Literacy (BTL) which was supporting the girl-child education in Rendile.

Commissioner Slye: Are there any efforts within the Rendile community?

Ms. Adukan Raphaela: No.

Commissioner Slye: Do you know why that would be?

Ms. Adukan Raphaela: As I have said, they were saying that there is no meaningful education because our boys perform poorly. When we have few schools and resources and lack encouragement, they do not take their children to school or value girl-child education.

Commissioner Slye: Thank you, Mama Raphaela. I hope both your example of how much you have achieved so far and what I hope you will achieve in future will go towards changing that perception and reality.

Ms. Adukan Raphaela: Thank you.

Commissioner Dinka: Mama Raphaela, I would like also to join my colleagues in thanking you for coming and enlightening us on the issues affecting your community. You have done it extremely well. I also would like to salute and celebrate the memory of your late husband who has liberated himself from the status of culture and actually helped you, his wife, to also be liberated and get the necessary education and attain your aspirations.

I also would like to commend you for your efforts to continuing your education. You are now at a very critical stage of your education and I hope that once you get your degree, you will start becoming a bridge between your people and neighbours. You will have not only peace but also very active collaboration between them.

As Commissioner Slye just mentioned, we all have been to the North East and talked to the Gabbras, Borana, Somalis and Rendile as well. They have identical problems, that is, marginalization, lack of schools, roads, education and hospitals. They are the forgotten people. At the same time, you have one essential element that unites you, that is, the Cushitic language. I come from that background also. So, probably, if you start talking not as hostile neighbours to each other, but as neighbours with common problems, solutions can be found in your common efforts. You could actually collaborate in finding solutions basically within your societies and also *vis-à-vis* the Government as one united front. Your situation will improve much better and faster. The way you are now is completely tied up in your past history. You are fighting one another and getting nothing except cattle rustling, raids and things like those, which essentially spoils even possibilities of reconciliation. So, people like you should really become the bridge.

I have one question for you basically about the language. When a Somali, Borana, Gabbra and Rendile meet, do they understand each other at all?

Ms. Adukan Raphaela: No.

Commissioner Dinka: I know that the Gabbra and Borana do understand each other.

Ms. Adukan Raphaela: Yes.

Commissioner Dinka: But not with the Somalis?

Ms. Adukan Raphaela: No.

Commissioner Dinka: You said that your language has been taken over by the Samburu and you have become sort of assimilated now.

Ms. Adukan Raphaela: Yes.

Commissioner Dinka: Hopefully, when you come together and begin to interact peacefully amongst each other, you might begin to resuscitate the Cushitic basis of your language, which can form the basis of your common identity.

Ms. Adukan Raphaela: Yes.

Commissioner Dinka: Is there intermarriage between the Rendile, Borana, Gabbra and Somali?

Ms. Adukan Raphaela: Yes, there are intermarriages between the Gabbra and Rendile in the North.

Commissioner Dinka: That is something to be encouraged also because that would help. I really do not have any further question for you. But this is the same story that we have heard in the North Eastern from all the other people that you have mentioned. I am sure that the solution must be also the same, both from the Government side and your society, working together and separately as well.

Thank you very much for coming to testify to us.

The Presiding Chair (Commissioner Farah): Raphaela, thank you very much for your good presentation. On the question which has just been asked by my friend, I know of the Member of Parliament for Wajir West, Mr. Gabbow, who married an educated Rendile girl. I attended that wedding. Therefore, that should be encouraged. As you said, the whole world is coming together. There is integration and the East African Community may very soon have a common currency and later, perhaps, a political affiliation if our politicians can allow. That is the way to go. I am glad that you are about to finish your degree. I am sure when your husband educated you, he educated the whole family. I am sure your children are going through education. Education is the way to go. Even while you are keeping our nomadic lifestyle, I would like you to work on peace. Look forward and also take part in the county governance. But because we have put the women gender ahead, you might get nominated. So, hold your head up. Once you get something good, you will be of great help to your people.

There is one clarification I wanted. I know of problems between the Pokot and Turkana and also the Samburu and Turkana; not only in Laikipia or Samburu but even as far as Isiolo. In Marsabit there has not been much cattle rustling between the Rendile and the Borana. There have been only occasional clashes. Is that true?

Ms. Adukan Raphaela: Yes, only occasional.

The Presiding Chair (Commissioner Farah): People like you can bring it to an end. We do not mention names and I am glad you just used the initials “JJ.” We do not want to go further than that, but we understand who the person is and what negative things were there during his leadership. So, I join my fellow Commissioners to encourage you to use your education, particularly after you graduate to work for peace.

My Acting Chair here, Commissioner Namachanja Wanjala, has worked on peace building. She may teach you a few tricks if you have some words with her after this session.

Thank you very much.

Leader of evidence, you may stand down the witness and bring the next one.

(The witness was stood down)

Mr. Patrick Njue: Presiding Chair, Commissioners, the next witness will also be making a memorandum presentation on behalf of the Samburu community, the copy that our hearing clerk has just shared.

(Mr. Michael Lolwerikol took the oath)

(Technical hitch)

Mr. Michael Lolwerikol: We have three witnesses from the Samburu community. My colleague on the left is Fred Lesakale and then we have hon. John Lalampa.

Mr. Patrick Njue: Maybe you can ask hon. John Lalampa to maybe stand and we can recognize him.

(Mr. John Lalampa stood up in his place)

Very well! Michael, you confirm that you are seated with us this morning to make a presentation on behalf of the Samburu community.

Mr. Michael Lolwerikol: Yes.

Mr. Patrick Njue: The presentation centres on issues that affect them, for which you will be giving recommendations. For a start, you can tell us who a Samburu is.

Mr. Michael Lolwerikol: The Samburu are the indigenous pastoral community living in northern Kenya. We neighbour Turkana, Pokot, Rendile and part of Laikipia. We also border with Borana and some of the Somalis in Isiolo.

Mr. Patrick Njue: Among the issues that affect your community and according to the list that you have shared with us is the issue of the military training ground. How has this affected your community?

Mr. Michael Lolwerikol: Allow me to read, but I strongly have a recommendation because some of these issues on the military were discussed yesterday. Let me just read the introductory part and then the recommendation.

“A huge tract of prime grazing land for Laesororo of Lososian Community, Uwaso West Location, Uwaso Division, was silently converted into a military training ground by mainly the British Military without any consultation whatsoever. This is a prime grazing area for the community, but it has been translated into a potentially dangerous military zone for the residents. This has brought untold suffering to the residents. Besides, this is also denying the community pasture and water, which is very essential for their survival. Many of the people and livestock have also been killed or maimed by unexploded ordinance left behind by the military personnel on training.”

Let me read the recommendation.

“Since sexual offences are a very personal and delicate issue, we recommend that a qualified entity be appointed to carry out further investigations, to ascertain the extent and actual number of possible victims of this crime.

We also recommend that the Laesororo and Lososian Military Training Camp be closed down. Further investigations should be carried out and those who may have suffered as a result of those military activities be identified and compensated accordingly. In the event that the military will require that land for training purposes, then the same must be negotiated with the community and rented out at the prevailing market rate.

Mr. Patrick Njue: Maybe, before you can go to the second issue, on the issue of the military training ground and also the case concerning Archer’s Post, as is detailed here, I know that there have been some sort of negotiations going on with the British Government and we have victims who are represented by a certain lawyer, I think by the name of Martin Day. Maybe, you can share with us the progress of this case, if any, to the best of your knowledge.

Mr. Michael Lolwerikol: To the best of my knowledge, that has been going on along the Dol Dol area but nothing has been presented officially to the Lososian community, where the current military exercise is going on. So, that community has not been represented. Regarding the negotiation between the British Military and Government, nothing has been said about the Lososian community.

Mr. Patrick Njue: Has the Lososian community itself come out to seek to be included in the negotiations that are ongoing?

Mr. Michael Lolwerikol: They have tried their best to do so and that is why we are representing them before this Truth, Justice and Reconciliation Commission (TJRC); that their matters should be considered and further investigations should be done. That is because there has been enormous encroachment of the land. The neighbouring pastoral people have nowhere to graze their cattle. So, many people have been injured.

Mr. Patrick Njue: Let us talk about rape and other sexual offences. How has that affected your community?

Mr. Michael Lolwerikol: I want to apologize for quickly going to number two. "Rape and other sexual offences allegedly committed mainly by the British soldiers and other armed personnel who roam this area during these trainings has caused untold sufferings, fear and despondency among the area residents, especially women who can no longer herd, go for water, firewood or perform other domestic issues for fear of attack.

We hereby make a recommendation to this Commission. All those found to have suffered in the hands of the military personnel training in this area be fully compensated, including the cost of psychotherapy, if need be."

Mr. Patrick Njue: Again, I know that it has been aired even in the media--- There are children who have been sired out of cases of military harassing women sexually. The common case is the so called "Johnnies" if I may use the word. I know that it might be familiar to the public here. When you talk of compensation, especially in the case of "Johnnies" they are seeking compensation from whom?

Mr. Michael Lolwerikol: They are seeking compensation from the authorities which have allowed the military to come and attack those people and sexually abuse them. Those children who have been born out of wedlock, culturally have been isolated by the indigenous community. The victims in one way or another have also been isolated. That is an extreme social exclusion and part of abuse of human rights. So psychotherapy has to be done to these victims. Even those who have been born out of wedlock also need to live and be part of the community. They need education and health care. That is what we mean by compensation.

Mr. Patrick Njue: You have also talked of confiscation of the Kirimon community land. Tell us about this.

Mr. Michael Lolwerikol: The issue of arbitrary confiscation of community property by the state organs is a reality. For example, about 30 to 40 square kilometres of land was taken away from the Kirimon community and allocated to the National Youth Service (NYS) in 1970s without consultation or compensation whatsoever. This move has robbed the Samburu community of pastoral land and water resources that they so clearly need for survival. There are also claims by the neighbouring community that each time their animals stray into this land, they are charged large sums of money, which is never remitted to the Government.

We recommend to this community that the land taken away from Kirimon community should revert back to the community as soon as possible and the community should have free access to pasture and water in that area with immediate effect.

Our second recommendation is that if for some reason the NYS needs the land, then the same must be negotiated and hired out at the prevailing market rates if the community so desires.

Mr. Patrick Njue: Is Kirimon Community Land a group ranch? Was it registered?

Mr. Michael Matila Loiwerokoi: It used to be a community group ranch. It was established during colonial time. They are registered as a group ranch. But without any consultations, 30,000 to 40,000 square kilometers of land was deliberately allocated to the National Youth Service. This was done without consulting the indigenous community. This is prime grazing land. The community no longer has access to this land.

Yes, it was part of the group ranch, but it is no longer theirs. The land has been alienated from them.

Mr. Patrick Njue: Another issue that you have listed here is the violence that broke out in 2006, which led to the loss of land and displacement of people. Tell us about the fourth issue.

Mr. Michael Matila Loiwerokoi: The fourth issue is about Loss of Land and Displacement of People. The violence that rocked much of the western belt of Samburu Central, Samburu North and parts of Laikipia made many Samburu people lose their. We have so many Internally Displaced Persons (IDPs). These people have suffered huge socio-economic and psychological damages. The people of Samburu Central and North are still living in camps, which traditionally we refer to as Lorora with very little amenities.

Our strong recommendation to this Commission is that these IDPs be resettled without further delay. Those found to be responsible for this violence must be charged according to the laws of the land. The Government must guarantee the security and safety of all these people.

Mr. Patrick Njue: The fifth issue deals with wildlife conservation.

Mr. Michael Matila Loiwerokoi: The Samburu people are very good conservationists as evidenced by the presence of free roaming wildlife on their land. This peaceful co-existence of people and wildlife is now threatened by a new conservation approach largely pushed by the outsiders and donor groups. That isolates the local communities, not only in the management of wildlife, but also in the fair share of the proceeds from the same. This new approach designates certain areas as prime grazing land exclusively for wildlife. The local community is permanently locked out of these areas; a factor that drives a wedge between the local communities and the wildlife. It must be quickly added

that the wildlife in these designated areas are free to move to the land under the community care and will. There are fears that certain areas will soon be fenced off with electric fences thereby permanently locking out the local communities and their animals from pasture or water that may be in such places. This is already creating tensions and conflict in the community.

We hereby recommend to this Commission that wildlife conservation that is peaceful, friendly, mutually beneficial and culturally relevant should be pursued. This one of exclusion, marginalization and manipulation be stopped immediately.

Mr. Patrick Njue: Let us move to the sixth issue which is Access to Forest and Forest Products.

Mr. Michael Matila Loiwerokoi: Samburu District is the largest in the Republic of Kenya comprising of about 320 square hectares. This translates to around 25 per cent of the total national forest cover in Kenya. The current national forest cover is only about three per cent while the national target is 10 per cent. Now that Samburu District has surpassed the national target it is only fair that what is over and above the national target reverts back to the community for the purpose of livestock keeping. It is generally agreed that pastoralism is an environmentally friendly practice. This will, therefore, be no threat at all to the environment once this land reverts back to the people.

This unfair proportion of forest cover denies the Samburu people access to vital forest resources such as pasture, plants with medicinal value, pasture, especially during the dry spells as well as plants with ritual and religious significance.

We hereby recommend to this Commission that land over and above the national forest cover of 10 per cent in Samburu District should revert back to the community. The forest is important to the local people, not only for pasture and water, but also for the mountain plants which have medicinal value and cultural ritual significance.

Mr. Patrick Njue: I find that bit quite informative as well as the other presentation. I am saying that because I did not know, for example, that Samburu District Forest is the largest in our country today.

Take us to the seventh issue, loss of lives and property.

Mr. Michael Matila Loiwerokoi: Scores of people have lost their loved ones and livestock to organized gangs of armed raiders. They invade, kill and steal livestock from unarmed civilians. Laxity on the part of the security agents is largely to blame for the continuation of this practice as seldom are those responsible charged in court. This practice has robbed and impoverished many people. We strongly recommend to this Commission that providing security and protecting lives is the responsibility of the Government. Anyone who lost a loved one or cattle to cattle rustlers must be fully compensated by the Government.

Mr. Patrick Njue: From yesterday's public hearing at the Social Hall, this issue did quite come out distinctly. It was disturbing to note that as much as you know the people

who were responsible for cattle rustling and who killed, when they were taken to court, they were set free. So, it is an issue that I agree with you when you presented it today that, indeed, I heard it also yesterday.

On to the 8th issue which is the Wamba Massacre. What happened here?

Mr. Michael Matila Loiwerokoi: In 1964, a contingent of armed security personnel opened fire on peaceful demonstrators killing several people on the spot. The following people were killed on the spot: Amodai Lenakai, Naaman Leninyiro, Letiyon Lokinyati, Rupaile Lepartile, Malgis Lekitasharan, Lenaitorono Longotolai. Scores of others were badly wounded or disabled for life. They include the following: Lentumula Olodobabit, Suaka Longinani, Nur Olbukash, Lemingani Lekirau. These people were only asking for a fair tax from their Government as they believed the taxes they were paying were then too high. They did not pose any security threat as they were not armed. There are still some eye witnesses on this attack although many of those who saw it happen first hand may have passed on.

We strongly recommend to this Commission that all those who died or got injured as a result of firing by the security forces in Wamba in 1964 must be fully compensated by the Government.

Mr. Patrick Njue: Issue No.9, Police Execution.

Mr. Michael Matila Loiwerokoi: On 29th March, 2010, two young men were seized by the armed security personnel along Lerata Sere Olipi Road as they were herding their family goats. The policemen who were in their official Land Rover were allegedly from the Rapid Deployment Unit of the Administration Police Unit. They were stationed in Wamba then. These young men were seized and dragged into the nearby bush. One of them was brutally murdered after being forced to drink a certain concoction. His companion survived narrowly, but with wounds and a story to tell. To the best of our knowledge, no one has ever been charged in connection to this atrocious act despite repeated pleas from the local community. This issue was raised in Parliament by the area MP, but nothing happened after the initial Ministerial Statement where it was indicated that investigations were going on.

Another young man called Moses Lekoro was badly beaten by the Administration Police stationed in Lodungokwe about a year ago. After a very severe beating Moses was left for dead. But fortunately, a good Samaritan took him to Wamba Catholic Hospital where he was hospitalized for two months. In fact, Moses was operated on twice to correct the deformity which he sustained as a result of the beatings. The officers responsible for this were well known. But unfortunately, nothing tangible is there to indicate a willingness to charge them for this crime.

We strongly recommend to this Commission that the officers who murdered the young man and wounded his companion on 29th March, 2010, along Lerata Serolipi Road be identified, investigated and prosecuted immediately.

Secondly, the Government of Kenya must compensate the family of the dead man as well as the young man who survived the attack.

Thirdly, the officers who assaulted Moses Lekoro must be investigated and charged in a court of law for crimes committed without further delay.

Mr. Patrick Njue: One of the young men was killed on 29th March, 2010 and the other one was wounded. The names of these young men are not here.

Mr. Michael Matila Loiwerokoi: I apologize for that, but their names are known. The victim who survived is well known. The one who was killed, his name is also known. So, we shall include their names in the memorandum.

Mr. Patrick Njue: Do you know them? You could mention their names for the record.

Mr. Michael Matila Loiwerokoi: I will ask my colleague to mention their names.

Mr. Patrick Njue: You can consult with him then maybe mention their names.

Mr. Michael Matila Loiwerokoi: A member of our community who was neighbouring the two boys is here. I would like to kindly request you to allow him to come and tell us the names. His name is Iparo.

Mr. Patrick Njue: Since you are the one under oath, I will ask that you can confer with him maybe in a minute and tell us the names.

Mr. Michael Matila Loiwerokoi: The young man who died was known as Lokini Lemoro and the survivor is Mailo Lekoloi.

Mr. Patrick Njue: I want you to look at a copy of the memorandum which I have here with me. Could you confirm for the record if this is the memorandum that you have been reading from?

Mr. Michael Matila Loiwerokoi: Yes, this is the memorandum I have been reading from. It contains nine issues.

Mr. Patrick Njue: Is it your wish that this memorandum be formally admitted onto the record of this Commission today?

Mr. Michael Matila Loiwerokoi: Yes.

Mr. Patrick Njue: Presiding Chair, if the said memorandum could be formally admitted in the record of the Commission.

The Presiding Chair (Commissioner Farah): It is so admitted.

Mr. Patrick Njue: Michael, I have no further questions for you. You have gone through the issues. In so doing, you also gave us your recommendations. I am sure they will be a sound basis also for our recommendations as we do our report as a Commission. The Commissioners will pose questions to you.

The Presiding Chair (Commissioner Farah): Thank you, leader of evidence. I will now ask the Commissioners to ask the witness questions.

Commissioner Dinka: Thank you, Michael, for your testimony. You have given us very good background of issues that affect the Samburu Community. I do not have many questions, but one question I want to ask you. You have raised nine issues. Most of them are several years old. Have these been brought to the attention of the Government? For example, you have told us about the death of the young man who was shot by the police and his colleague who was wounded and beaten up. Was this brought to the attention of the police? Was it brought to the courts? What happened? Why is it that nothing has happened so far?

Mr. Michael Matila Loiwerokoi: That also surprises us. The procedure was followed. The matter was reported. Our area Member of Parliament for Samburu East presented the matter to Parliament, but no action has ever been taken.

Commissioner Dinka: The parents of the young people, the one who died and the one who was beaten up, have they gone to court? Has any inquest been done? Is there a file for it? How was the file closed? It was just reported and nothing happened?

Mr. Michael Matila Loiwerokoi: We have no information about that, but the families encountered severe psychological torture such that they had no courage whatsoever even to go and see the police. It was an extreme issue for them. The matter was reported to the police and no further action was taken.

Commissioner Dinka: I just want to know if there was any kind of process at least in the case of people who died in this issue. Your memorandum was very clear and your statement has made it even clearer. So, we will study the memorandum and see whether the Commission will include it in its final report. Thank you, for your testimony.

The Acting Chair (Commissioner Namachanja): Thank you for representing your community well. I do not know whether I heard you right during your introduction. Did you say you are a missionary to your people? For the purpose of the record, in what context, did you use that word?

Mr. Michael Matila Loiwerokoi: I am a pastor, a missionary, an evangelist and a community development person. So, I engage with the pastoral community through holistic mission. I am an anthropologist by profession.

The Acting Chair (Commissioner Namachanja): In your memorandum, you have used two words, Samburu Community and Kirimon Community. Could you, please, highlight the difference?

Mr. Michael Matila Loiwerokoi: The Kirimon Community are still the Samburu. I was trying to be very specific to the residents of the area. Kirimon is just an area. However, the people who live there are the Samburu.

The Acting Chair (Commissioner Namachanja): At the time, the land that is now being used the National Youth Service was taken away by the Government. Was there anybody living on it or utilizing it?

Mr. Michael Matila Loiwerokoi: The Samburu people have been living on that land even during colonial times and even after Independence. So, that was their ancestral land.

The Acting Chair (Commissioner Namachanja): So, when the Government took over the land, were they given an alternative land to settle on or to utilize?

Mr. Michael Matila Loiwerokoi: They were not compensated with any land. They were deliberately alienated.

The Acting Chair (Commissioner Namachanja): So, the Government just came one day and told them to move out or how were they alienated? How was the land taken away?

Mr. Michael Matila Loiwerokoi: When the National Youth Service officers were brought, they came with animals to rear livestock there. So, the land became “theirs”. The Samburu people who were there were just pushed away without any reason or explanation. Since they could not resist the authority they just silently paved the way for the National Youth Service.

The Acting Chair (Commissioner Namachanja): How many people were pushed out and where did they go?

Mr. Michael Matila Loiwerokoi: We are talking about 10,000 people. Since they have a symbiotic relationship with their other Samburu clans, they were given space to graze their animals. That became a historical healing process for them.

The Acting Chair (Commissioner Namachanja): In your memorandum, you mentioned about isolation of women who were raped and the children born out of rape. This is a sad situation because it is not the wish of these women that they were raped. Is there anything being done concerning this group of people in your community?

Mr. Michael Matila Loiwerokoi: That issue was also raised here yesterday and we have also raised it again. I know in another forum specifically for the women they are discussing about it. That isolation was inhuman, anti-social and dehumanizing. In simple terms, it is very bad. It is because of the sympathy of the neighbouring community that some of those victims are still alive.

One good thing about the pastoral people, that is the Rendile, Somali and Borana, is that they have a very strong spirit of good Samaritanism. So, the victims are still alive, but they are nursing their psychological problems. They are still alive because the community cares. Outside the community nobody showed any concern about their issues.

The Acting Chair (Commissioner Namachanja): I do not know if I heard you right that they are surviving because of their own community or the neighbouring community.

Mr. Michael Matila Loiwerokoi: Their own community.

The Acting Chair (Commissioner Namachanja): I have no further questions. Thank you for representing your people.

Commissioner Slye: Thank you, Michael, for your thorough memorandum. I just have a couple of questions with respect to some of the items you have raised. The military training ground used by the British, you mentioned that it was converted at one point to that use. Do you happen to know when at first it was used by the British as a training ground?

Mr. Michael Matila Loiwerokoi: It started in the 1960s. According to the information I have, they were just allocated a particular portion of the land, but gradually they kept on encroaching and allocating land to themselves. The neighbouring Samburu community, because of the threat of explosions and numerous injuries moved away. So, this issue of continuous encroachment of the community land is our prime concern.

Commissioner Slye: We know you and others have raised this issue before us and I think before other Government entities. Have you or any members of your community been able to raise these issues directly with the British military authorities on that training ground or have you only been able to raise them with the Kenya Government?

Mr. Michael Matila Loiwerokoi: Yes. The matter has on several occasions been raised with the military authorities by the community, the local leaders and even by British lawyers. However, this is a systemic complex issue that even the Government of Kenya is aware of. The matter is with the United Nations for Human Rights. Some international organizations like Cultural Survival are aware. What we are asking is, why should there be a continuous process of encroachment and several victims have been injured, but they were deliberately ignored and no compensation was paid? If the military need that ground for their military exercise, then they should negotiate with the community who are the owners of the land and pay compensation.

We are kindly requesting this Commission to pursue and help us for the sake of social justice.

Commissioner Slye: Thank you for that. My second question is on Item No.4 on the loss of land and displacement of people in the western belt of Samburu Central and Samburu

North and parts of Laikipia. Could you briefly explain to us or at least to me because I am not aware of this? Who are the individuals responsible for the violence? Is it people from outside the community or within the community?

Mr. Michael Matila Loiwerokoi: That violence of 2006 was complex and so we cannot blame the Pokot as such. We said that they were armed gangsters who may have used the Pokot as a scapegoat. They entered Samburu villages, attacked them, raided their cattle and because of the fear and the threat, the people who survived on the western part of Samburu District were chased away from their prime land. What they did through the council of elders was to form their own traditional camps as a way of security. After the violence, the people have fear of going back. It is both an outside attack and on the ground, we have some information that this violence is also politically motivated. I want to tell this Commission that the Samburu people never blamed the Turkana, we never blamed the Borana and we never blamed the Pokot *per se* but there are some political aggression going on underground. They are using these people to justify their means and that is our concern.

Commissioner Slye: Thank you for that response. In a very brief testimony, you have been able to speak about a very complicated subject in a way that I now have a better understanding and I appreciate that. On Item No.5 on the wildlife conservation, you have made reference to the new conservation approach that does not seem to be taking into account the needs of the local community. Do you know to what extent if any the local community has been consulted or has been involved in any of the efforts to implement this so-called new conservation approach?

Mr. Michael Matila Loiwerokoi: Let me start from the positive. From time immemorial, the Samburu people have co-existed with the wildlife. We have a belief that some wildlife like the elephants is related to some of the clans in Samburu. We see animals like buffaloes belonging to these clans, just like zebras and giraffes so we never kill them because it is a taboo and we have a relationship with them. In the wider picture, the wildlife today in Kenya only exist in Samburu and Maasai in the south because of that symbiotic relationship. The new approach to wildlife and particularly pressured by the Laikipia ranchers brought up what I call neo-colonialism/ecotourism. They came with a scheme that the pastoral land where this wildlife exists should be converted into conservation and the local people were never consulted. We have several conservation groups and they have an umbrella body called North Trust Land. They have a board of directors and none of the Samburu locals are part of that board of trustees. We have the white settlers in Laikipia who are part of it so they are using that to encroach on more land. For example, Ewaso Nyiro which has been the main source of water for Samburu livestock no longer belongs to the local people because it has been converted into a conservancy. Through your profession as a lawyer, you know the history and impact of colonialism. The new colonial ecotourism is now eating the Samburu land and its people and soon we shall be defunct and extinct because they even traffic the wildlife and take to their conservancies. All the prime land for water and the forests is gradually being taken away. To us, the Samburu, this is the cancer that is going to kill us and the Samburu land in the name of conservation is disappearing. We kindly appeal to this Commission and

many other international institutions of peace and reconciliation to send professional investigators to investigate the impact of ecotourism on Samburu land.

Commissioner Slye: I have three more questions, two of which are very brief. On Item No.8 about the Wamba Massacre, you mentioned that there are still some eyewitnesses although some of them may have died. I would like to ask if you could work with our evidence leader in the Legal Department and investigators to give us the names of those individuals so that we can get a fuller picture of what happened back in 1964. As you know, our mandate starts at independence in 1963 and this is something that we would like to include in our final report. Related to that, Item No.9 on police executions which occurred in March 2010, I do not know whether you are aware of the time of our mandate; that we are only supposed to look at things up to February 28th 2008. Things that happened in 2010 are technically not within our mandate. I am not sure how much we can deal with that but there is a representative here from the Kenya National Commission on Human Rights and you might want to talk to her because it fits clearly within their mandate though I cannot speak on their behalf about what they might or might not be able to do. It is something that we will look at but I just want to be clear to you about the limitations that we have on our mandate and where we will be focusing our attention.

I do not know if you were here when the previous witness was speaking on behalf of the Rendille community. She spoke about both the positive and the negative aspects of the relationship amongst some of the local communities, the Gabra, Borana, Samburu, Somali and the Rendille. I believe she talked about the Rendille language being subsumed within the Samburu language. I wonder if having listened to that testimony, if there is anything you would like to say about the relationship between the Samburu community and the Rendille community or any of the other local communities along the lines of the conversation we had with her.

Mr. Michael Matila Loiwerokoi: On the issue of the two young men who were slaughtered, we shall take to the desk concerned and we shall also assist her to see the survivor and see the scars. We shall also provide pictures of the deceased. On the issue of the relationship between the Samburu and the Rendille, we have a historical relationship and sorry to use the word, but we also have an anthropological relationship. We have some Samburu clans who are part of the Rendille and currently as we are speaking, during the recent drought, most of the Rendille clans from Marsabit brought their livestock to Samburu District and all the way to Laikipia. The Samburu who saw them said that the Rendille are their clan and welcomed them to graze with them. We intermarry with the Rendille with no problem. The only difference is just the language. The religious, social and the traditional aspects are the same. We respect the Rendille because they have the traditional priests and prophets who are able to read the signs of rains and the whole cosmos and we consult them.

With the Pokot, if we talk with the elders, they tell us that the Samburu will never shed the Pokot blood because there was a particular age group, of 100 years, who sat together with the Pokot and said that the Pokot keep livestock like us. According to oral history,

they slaughtered a goat and both communities drank blood and because of the blood, they formed a historical symbiotic relationship. When conflict started in 2006, the entire Samburu leaders said that this was not a Samburu and Pokot conflict it must have come from somewhere else. With the Somali and the Samburu, we have a name “*apiyo*” meaning uncle. When we did a research with the elders, they said that many years ago, there was a time we intermarried with these people. They said that we should never kill a Somali just because of the language difference and geographical location. Some of the armed conflict you hear about in northern Kenya is a complicated issue that is beyond our comprehension.

A sweeping statement that is used by the media is that cattle rustling is our lifestyle. This is an abuse to us. We have this historical symbiotic relationship and what is complex to us is how we can continue with peace and reconciliation among these ethnic groups. They need to recapture their historical relationships and co-exist.

Thank you.

Commissioner Slye: Thank you Michael for those wonderful words of peace and reconciliation. On my own behalf and on behalf of the Commission, I just want to wish you luck as you work both within your community and with other communities to make that wish a reality.

Thank you very much.

The Presiding Chair (Commissioner Farah): Thank you Michael for your eloquent presentation. I think other Commissioners have exhausted everything. There is just one thing I wanted to find out from you. Now that we are going to the new dispensation which is the new constitution and the new county system, what is your opinion about the Samburu County taking ownership of wildlife tourism? Just like the Masai Mara, the county will take control and will negotiate with the Central Government on revenue collection, conservation and ownership. The second question that I want you to clarify is, from 1963, the British have been training their military in Samburu because it is the ideal land for training. In fact, it is the men who were trained in Samburu that went and fought the Falklands War and won. The same young men were trained and were deployed in Iraq and Afghanistan and even Pakistan because Samburu represents all these terrains. They also train up in the mountains near Mount Kenya but I suppose there is no conflict there because where they go on training up in the mountain, there is no human habitation. That is why they go towards the snow and the cold climate in the mountains. Now I hear that they have compensated those people who were maimed by bombs up to a certain period and that now, they train in individual’s land where they go and pay. That is what we were told yesterday during the Samburu hearing because today is the second Samburu hearing. Yesterday, we were told that the only thing left is the sexual offences claim which is still pending in London but those who were maimed by the bombs were paid and they have shifted from the communal land where they rent and train within a fenced private property. What is your take in those two issues in summary because we have spent a lot of time on these issues?

Mr. Michael Matila Loiwerokoi: Let me talk about Samburu County in relation to wildlife conservation. Yes, there is hope in the new constitution. When the Samburu County comes into fullness and given their freedom to conserve wildlife that would not be a foreign phenomenon to them; the co-existence will start again and there will be the eco-system balance between the people, their land and the animals. The problem that we are bringing here is that eco-tourism is not benefiting the Samburu. We keep wildlife, we live with them but we do not benefit from them.

In the second issue about the British, the British military has not compensated anybody in Samburu as they are currently training on communal land and if they are paying individuals, then it is in Laikipia and we know that because we see them daily. The issue which was brought yesterday is that what the British soldiers do is that they meet with their leaders in Nanyuki and because there are very many young men who come to be trained, they say that some of them go to some individual's ranches here in Laikipia.

The owners of those ranches who are sons of the colonial people give a condition that if the military exercise will be done on their land, then they pay with no negotiations. The one in Losesian is another big barrack and that is where most explosions occur. The people around there have not been compensated and some people have respiratory problems. With your permission, we can take one of the investigators to see the British barrack in Losesian and see what they have done to the area. We thank God because we have a ground where they can be trained and go and win the war in other countries. I think that is part of the gift of the pastoralists because they have a better place to exercise but we have a cry that our people around the area have been isolated, exploited, maimed, killed and the rivers and streams have been contaminated by these chemicals and that place is inhabitable. That is our cry.

The Presiding Chair (Commissioner Farah): The last question is, have you done any research on any agreement between the Kenya Government and the British Government for training? The Kenya Government is paid in kind, but have you done any research yourselves?

Mr. Michael Matila Loiwerokoi: I have not done any research but we have some information that a bilateral agreement was done in the 60s or before, but our concern is that nobody cares about the community around there. Are they not Kenyans, do they not have the right to live and access clean water? Do they have the right to pasture for their animals and to move there? Why are we ignored?

The Presiding Chair (Commissioner Farah): I do realize that the people there have got their rights. I was only asking you of any information but thank you very much. We will do our own homework and you have really enlightened us. Leader of evidence, I think the doctor has spoken too much and you can stand him down and bring in the next witness.

Mr. Patrick Njue: Presiding Chair and Commissioners, the witness who is stepping down has alluded to an issue affecting the Samburu; being cattle rustlers and this next witness will highlight a somewhat similar case that befell them as a family. That is the memorandum that the hearing clerk just shared with you.

(Mr. Jama Letipo took the oath)

Mr. Patrick Njue: Good afternoon Sir. Kindly for the record, do once again tell us your names, where you come from and what you do for a living.

Mr. Jama Letipo: My name is Jama Letipo. I come from a place called “Olkerei” between the three districts of Samburu Central, Samburu East and Samburu North. I was born in a place called “Ngondome” in Wamba area of Samburu East.

Mr. Patrick Njue: What do you do for a living?

Mr. Jama Letipo: I work as a preacher and evangelist and I am also a pastoralist.

Mr. Patrick Njue: You talked on behalf of the Samburu community and like you have said, you hail from this community and among the issues you have talked about was the loss of life and property and the impact that cattle rustling has had on the Samburu people. In particular, you are here to give us details on an incident that happened to your family.

Mr. Jama Letipo: I am here to explain the problem between us and the *Shiftas* in Samburu East area especially around where we live. We do not really have leaders on the ground or close to us. I come from Ngilai Location near Wamba and it takes years before the chief comes to visit us. We do not have a councillor or an assistant chief and because of that situation, the *Shiftas* who are well armed have for a long time posed a problem to us. They have been taking our animals for a very long time. My father was very wealthy with 885 head of cattle but one day the *Shiftas* came and took 375 head of cattle. When that happened, we moved away from them and sometimes as we were running away, we would encounter more rustlers so we would move again at night without knowing where we were heading to. After some time, there was a prolonged drought that killed many livestock and we also had many livestock diseases that killed many animals. Later, we moved to Baragoi area and when we reached there, we found the people who are called “*Ngoroko*” and they attacked us and they stole four head of cattle and two donkeys from us. After that, our animals were attacked by wild animals as we kept moving up and down. The wild animals killed about ten head of cattle and ten sheep. My father was left destitute because of the loss of property and my mother and brother were killed by the *Ngoroko*. My father eventually died of stress and as the first born, we were left destitute with no property.

Mr. Patrick Njue: Sorry for the loss of both your parents. How long ago was this? When did you lose your mum and brother?

Mr. Jama Letipo: My brother was the first to die and then my father was next. My mother was eventually killed together with an old man called “Ituke”.

Mr. Patrick Njue: When was your mother killed?

Mr. Jamia Letipo: I cannot remember the year when she was killed, but it was recently; around 1996.

Mr. Patrick Njue: Was your brother again killed by the same *Ngorokos*?

Mr. Jamia Letipo: No. My brother was killed during the conflict between us and the Rendille; the people who had been fighting the *Ngorokos*. The Rendille came and took away our goats and that is the time they killed my brother.

It is my mother who was killed by the *Ngorokos* and not my brother. My brother was killed by the Rendille who had come to raid and take away Turkana property. So, they hit everybody on the way as they were running away with the animals. That was when my younger brother was killed.

Mr. Patrick Njue: Where are you living today as an evangelist? Are these issues still prevalent?

Mr. Jamia Letipo: I live in Maralal Central and I know that these issues are still a problem. Before I got saved, I used to go and revenge as well. But as soon as I got saved I decided to forgive them. But these issues have not stopped bothering us because my brother was very close to me. I used to look after the animals and he was protecting the women and the family generally. I have two other brothers and a sister.

Mr. Patrick Njue: What would be your recommendations to this Commission in terms of matters and things that you think can be done to bring good tribal relations and to avert or stop issues of cattle rustling?

Mr. Jamia Letipo: I would like to urge the Commission very humbly to ask our government to protect the Samburu people and other neighbouring communities because I am just talking from my point of view as a Samburu, but even other Kenyans have a right to protection. Such things should not happen again. This game of stealing from each other and killing each other and the wanton loss of life should not happen again.

The Samburu people are generally very peaceful. All tribes of Kenya live in Samburu and we do not attack them; we treat them as our brothers and accommodate them. We live with them peacefully and we love them. If we are not disturbing other people’s peace, why should ours be disturbed?

I would also like to urge that, the Samburu need to live in peace. So, we need peace to prevail so that what disrupted our lives does not happen again. For example, we are surrounded by our brothers; we have *Shiftas* on one side and the Somalis on the other.

We have the Turkanas on one side, the Borana and the Pokots who are always armed are still armed. The Samburus just loved to take care of their animals; they did not have any firearms besides the spears. But when these people come in, because of their superior weapons, they are able to take away our animals.

Later on, the Samburus were also forced to look for firearms. But they still respect the Government. When the Government asks them to return illegal weapons, they do so immediately, but this is not enough we require urgent help from our Government so that these people can live in peace.

Mr. Patrick Njue: Evangelist Letipo, with me here is a copy of a signed memorandum which you can confirm whether the same bears your signature or whether it is your memorandum.

Mr. Jamia Letipo: Yes, that is my memorandum.

Mr. Patrick Njue: Would you like it to be formally admitted as the record of this Commission alongside your testimony?

Mr. Jamia Letipo: Yes. I would like to thank this Commission for enabling us to be here today. But I am also asking for more opportunities because the area where I come from has not been represented. I would like to ask for a week to go to my home area and come back with more information about all the people who have been affected because the Commission has not really reached where I come from.

Therefore, I would like another chance from this Commission so that we can give testimony on how we have been suffering.

Mr. Patrick Njue: But today, would you like this memorandum to be formally admitted on to the records of the Commission?

Mr. Jamia Letipo: Yes. I would like it to be admitted because it is a true representation of the same. I have asked for that chance because I am not the only one affected; there are very many people who were affected and others lost their lives and property. Being very far from the seat of Government, I think this really hurts the citizens of the area I come from.

Mr. Patrick Njue: Presiding Chair, we plead that the memorandum be formally admitted to the records of the Commission.

The Presiding Chair (Commissioner Farah): So admitted.

Mr. Patrick Njue: Thank you, Chair. Thank you evangelist Letipo for your presentation; I have no more questions for you. The Commissioners may now ask questions.

Over to you Presiding Chair.

The Presiding Chair (Commissioner Farah): Commissioner Slye!

Commissioner Slye: I do not have any question, but I would like to thank you for coming here and sharing with this Commission and members of public your experiences. All I know is that it is a very difficult story to relate. As you have told us, your family is not the only one that has been affected. As you have also said, it is not just the families of Samburus who have been affected; there are people from a wide variety of communities who have been affected. So, I just want to thank you for bringing that to our attention. We have heard a number of stories of people who have suffered like your family from cattle rustling. So, it is something that we will take very seriously.

Thank you very much.

The Presiding Chair (Commissioner Farah): Thank you very much for your good presentation. We have travelled widely and have heard about the Pokot saying that they are the most peaceful people and that the Turkanas and Samburu do cattle rustling on them. We have also heard from Turkanas when we were in Lodwar; they also said that they are the most peaceful people and that the Pokot and the Samburu do cattle rustling on them. I am glad to hear you say that the Samburu people are the most peaceful. So, it looks as if each community is peaceful in its own way, but cattle rustling and Moranism still occurs.

We are glad to hear from a person like you; a man of religion--- I am sure with your good effort you will teach the morans how to be a moran without having to go and take other people's cattle. The *Shifta* problem is a long story. But we do hear also that there is a lot of cattle rustling around Isiolo area where the Boranas, Samburus and the Turkanas are all blaming each other. But with the coming of the counties; I think people will start receding towards their counties and I think we have hope on that.

We have taken note and we have heard your side of the story; it has enriched us and we thank you for that.

Leader of evidence, I think you can step down the witness and bring in the next witness.

Mr. Patrick Njue: Presiding Chair and Commissioners, we will not be calling any witness at this point in time. But with your indulgence, I will mention that we have received a number of memoranda this morning. Some of the members who presented their memoranda are here and, maybe, with your indulgence again, we could recognize them as I go through the memoranda before we can seek admission on the same.

The Presiding Chair (Commissioner Farah): Yes. Proceed, please!

Mr. Patrick Njue: We have received a memorandum from the Gendia Samburu community living in Laikipia. If we have members of this community living in Laikipia or their representative here, maybe they can stand up so that we can salute them.

(The Members from the Samburu Community stood up in their places)

We have also a memorandum from the lead agency of the indigenous Movement for Peace and Conflict Transformation. Do we have them here? They seem to have left.

We also have a memorandum by the Laikipia Council of elders. Do we have the Laikipia Council of elders here?

(The Laikipia Council of Elders stood up in their places)

The Presiding Chair (Commissioner Farah): Yes. Thank you very much. We have recognized you; you may sit down please.

Mr. Patrick Njue: We also have a memorandum by Manyatta Ward councillor, Mr. Paul Thairu. Councillor Thairu, where are you? I am told he has just walked out.

We also have a memorandum from Nyahururu and Laikipia West districts prepared by one, Peter Mumo Gathuru. Is Mr. Peter Gathuru here? He has also walked out.

Presiding Chair and Commissioners, those are the memoranda that we have received. Maybe, for those whose representatives are here, if they could be formally admitted on to the records of the Commission.

The Presiding Chair (Commissioner Farah): So admitted.

Mr. Patrick Njue: Presiding Chair and Commissioners, thank you very much.

The Presiding Chair (Commissioner Farah): Thank you very much leader of evidence. We have come to the end of our public hearing. We have heard from the Turkana elders this morning, who have ably represented the Rendille community. We have also heard from Rev. Dr. Michael Loiwerokoi who has, at length, talked about the problems afflicting the Samburu people in general.

We have also heard from Mr. Jamia Letipo who has presented a memorandum on the Samburu. We have also received memoranda which the leader of evidence has informed us will form part of records.

We recognize Edna Nyanoti, who is the Principal Human Rights Officer, in charge of reforms and accountability. I think she has listened to you a lot because the Kenya Human Rights Commission is a sister or brother to this Commission and they will follow up our recommendations. It is important that we have her here today.

We thank members of the public for having come in large numbers, even though after some of their members presented their bit they walked away. We recognize that because, this being an agricultural area, people are busy with their personal chores.

I would like to congratulate the leader of evidence, clerk of the court and the clerk of the session for having sworn in witnesses ably.

I thank the translators, members of the public and the Hansard Team who have been recording our Hansard tirelessly.

We have come to the end of Rumuruti hearings; unless Ann is not around here, I will hand over to the Regional Co-ordinator who is representing her to take over and lead us into prayers before we finish the session and walk away.

Thank you very much.

(The Commission adjourned at 1.20 p.m.)