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Public Hearing Transcripts - Thematic - Ethnicity - RTJRC12.03 (NHIF Building) (Armed Militia Groups and Ethnicity)

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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION ON MONDAY, 12TH MARCH,
2012, AT NHIF BUILDING**

PRESENT

Tecla Wanjala Namachanja	-	The Acting Chair, Kenya
Berhanu Dinka	-	Commissioner, Ethiopia
Ahmed Farah	-	Commissioner, Kenya
Gertrude Chawatama	-	Commissioner, Zambia

(The meeting commenced at 9.45 a.m.)

(The Acting Chair (Commissioner Namachanja) introduced herself and other TJRC Commissioners)

(Opening Prayers)

The Presiding Chair (Commissioner Namachanja): Good morning again and welcome to today's hearings. For a year now, the TJRC has been conducting hearings. The first set of hearings was public hearings. During public hearings, individuals and groups were invited and the Commission gave them a platform on non-retributive truth telling for individuals, communities, groups, witnesses and even those who were adversely mentioned; for almost two months now, the Commission has been conducting thematic hearings. Thematic hearings are hearings where we invite knowledgeable people who can shed more light on the structural nature or contextual nature of the violations that this Commission is expected to investigate. Today our thematic hearing is on armed militia groups and ethnicity.

So, without wasting time, I would like us to listen quietly. As I said, what this Commission does is to provide a platform for non-retributive truth telling. So, I would request all of us to listen patiently even at times when you do not agree with what is being shared. I would also like to ask you to listen quietly, even when you are pained by what is being shared. For us to do that, I request that you either switch off your phones or you put them on the silent mode, so that they do not disrupt the hearings.

I would like now to welcome the Leader of Evidence to usher in the first witness. Yes, Emily.

Ms. Emily Kimani: Thank you very much Acting Chair. Our first witness this morning is Mr. Maina Njenga. Mr. Maina, how are you today?

Mr. Maina Njenga: I am very fine.

Ms. Emily Kimani: Welcome to our session. You are here before us to take us through the root cause of armed militia, specifically about the *Mungiki* and the integration of reformed armed militia group members that are available; you could also go further to give us the way forward. Give us your presentation and before you give us the topics, tell us your full names for record purposes. Feel most welcome.

Mr. John Maina Njenga: My full names are John Maina Kamunya Njenga. I am a Kenyan. I have been in school like any other person; I was born in 1968 in Nyandarua District and joined primary school in 1976 in Uhuru Primary School in Nyandarua District. After Class One and Two, I went to OINarua Primary School in Laikipia. After my primary school, I joined Ortum Secondary School and from there, I joined Jomo Kenyatta Secondary School. So I have been to school. I know the problems that are facing Kenyans. I have heard of groups which are unlawful and some Kenyans have said that we are also unlawful, but I do not think we are unlawful because we belong to this country. We need to know the causes of all these problems before we can say that something is unlawful. Even some people say that the TJRC is not good. So, it is according to people's beliefs but we need to make people believe that the TJRC is good, and that is why I came to this place.

I came here voluntarily, that is without being forced by anybody. I would like to make this Commission understand that I, as Maina Njenga, do honour this invitation of the Truth, Justice and Reconciliation Commission (TJRC) through a letter dated 8th March, 2012. I am ready to respond positively; I am willing to do this with regard to the root causes of armed militia groups in Kenya, the *Mungiki* experience. I wish to respond to the first statement on root causes of armed militia in Kenya.

Regarding the *Mungiki* experience, I want first of all to explain what is *Mungiki*. *Mungiki* started in 1987 and initially it was not known as *Mungiki*. It was just a simple group of people working together because they thought that they were very much neglected in society. I was not able to pay my school fees. So, I tried to look for people who we would work together during the time I was out of school, so that I could earn some money. My father was a peasant farmer and was I not able to pay my school fees. Because of all those problems, I was able to gather some people. I was in Laikipia District. We have a farm of about 20 acres and later we added to it another 50 acres. That is the place where we started this organization. We bought 100 *jembes* which were meant for work. We also bought some *pangas* which were meant for work; my belief initially was that Kenya could be saved through hard work, and by people doing their work seriously. So, because I was a young boy aged 20 years getting Kshsh100 was a problem.

My father had a donkey and a cart. So, I used to work with a donkey and a cart, and for every trip I did I was paid Kshs50. That was what I was doing to get my school fees. It was a big problem initially; but during the holidays it was possible for me to get my school fees by working together with my other friends. The society was not registered but it was very much accepted in the society; we worked on our farms, and also in the neighbouring district. The whole district started working with us for our betterment. So, what I am saying is that bad governance and lack of skills and support from the

community and families caused all these things. The Government is not doing its work; it is relaxing. We want the Government to start working and assist the youth because when people are idle they tend to look for some work to do.

Going back to the history of Kenya, it dates back to the freedom fighters' days. In this country, there were people called the *Mau Mau*. When the state of emergency was declared in Kenya and fighting started, the *Mau Mau* fought the colonial rulers. They fought very hard and suffered a lot. As they fought, thousands of people died. After their death, we had a lot of problems all over the country. I believe this struggle was started by our forefathers and the cause of fighting was the need for freedom, return of land and achievement of right of worship. I believe that without freedom, there can never be peace. There is that freedom of movement and association. When we have freedom of association, we do our own things and I am not saying that you can do anything. However, when you deny people their freedom, you deny them their rights and freedom of association. If you are greater than them, they will try to come together to be able to get themselves out of the problem.

So, at that early time, we felt that we had to start an organization which was very much based on our own welfare because we had to have something in our own pockets. The whole organization started in central Kenya in 1987. At that particular time, we had 100 members who used to meet, so that they could work to be able to defeat poverty and ignorance; the money they got would be used to educate us. So, there was a problem. Even when somebody was sick, he could not go to hospital due to lack of money. If one went to a hospital, he or she was forced to pay a lot of money, which they did not have. When you went to school, you were told that money was wanted. We did not belong to the rich. We did not have any cows to sell. We only had our brains which we used to come together. That was what God had given us free of charge.

So, when people say that *Mungiki* is a military group, I do not agree with them because the initial purpose of our organisation was not to become a military group; it was a group which was to take care of our own welfare. As time went by, we had problems all over the country. These problems were not caused by our organization. Most of our problems have been caused by the Government that has denied the youth chances to work; it gives them names that we do not understand. I do not know where the name "*Mungiki*" came from because when we came together we had no name. One Kikuyu man said, "These young men are working very well and earning money; now they have started buying plots. They are becoming strong. We need to support them and stay with them. They are our children". For quite a long time, we have worked with the villagers very well and we have managed to have a network all over the country without any problem. Any person who has been elected in politics, we have worked with him. We have been able to have peace.

It was later when politicians did not agree with what we wanted; that was when they wanted to use the youth and arm them. When we resisted, we started to be branded names. The origin of these names was politicians, and that was why I said that it is because of bad politics that there are problems in Kenya. Even the post-election violence

started because of incitement by politicians and arming of the youths; communities started fighting each other. However, I and the youth had no intention of fighting each other. Our agenda was to bring Kenyan youth together and work together without fighting each other. I believe that in Kenya we do not want people to be fighting each other, but when politics comes in and people get threatened because of the youth coming together, they start engaging in propaganda. Since we did not have money, they would spread propaganda the way they wanted.

I talked about the *Mau Mau*; they had children and I believe we are the children of the *Mau Mau*. According to the beliefs of the majority, what they fought for did not reach their parents. So, today they still believe that they did not get what they wanted. That is another cause. When you do not have anything, you tend to believe that Kenya belongs to all of us and you need to become shareholders; people do not know why we have so many rich people and so many poor people in Kenya. That was why we supported the Constitution. When we changed the Constitution, we changed the way of living so that we could kick out discrimination. This discrimination has been brought by the people who took over power in 1963; 50 years later they still practise discrimination and oppressing people's sons and daughters.

I have heard the cries of Central Province of Kenya, where people die or disappear mysteriously. I used to get scared of what was happening. I believe it was the Government machinery that started all the propaganda. That propaganda went against the people and they started being oppressed. So, when the youth are oppressed they tend to resist. Due to that resistance, anybody who is caught with firearms in Kenya is treated as a *Mungiki* member by the Government. So, every person who was causing problems in Kenya, the intelligence said he was a *Mungiki*. I do not believe that anyone causing trouble in Kenya is a *Mungiki*; every human being created by God is created in the likeness of God.

The genesis of all these things was that when we were working in the early days, we used to pray while facing Mount Kenya. I became a preacher and then an archbishop. I was preaching and telling people to pray facing Mount Kenya because that was what I found our forefathers doing. I believed that God is one and that he has messengers all over the world. When he wanted to reach our people in Mount Kenya, he had to use the very native people; even when he wanted to reach the Muslims, he used Mohammed. I am not saying that I do not believe in Islam; I believe that Mohammed is there and also Jesus is there, and we are there with our prophets. That is why I decided to adhere to our community.

When you pray using your traditions, people tend to hold together. You preach to them in the language they understand. I started a religious organization and not a military group; our faith was in God the Father, who is the maker of heaven and earth. I did not believe in Jesus Christ because I believe that Jesus Christ was born like any other person; I believed he was just a simple boy like any other boy. I believed that the message that Jesus came with was meant for Israelites only. I had nothing to do with Israelites because Jesus was following what His forefathers were doing. That was why I decided to take

care of our forefathers. Now, because what we were doing was against the churches, people believed very much in what we were saying and they started coming in very big numbers; what they wanted was hope, which we gave them. We also gave them opportunity to work. Every place we worked, people found hope. In most cases, it was said that we invaded the roads. We did not invade any roads, but talked to the owners of vehicles and they provided us with work. For many years we were given the work of driving their cars, washing and taking care of them; this was known to everybody, from councillors to the president, because every move that we made was communicated to all of them. For example, in 1992 after the general election, you all remember there was Youth for KANU which was all over the country. The same youth came to us and we started working with them. They started renting offices. So, from that time, young boys started working on roads, but when we started going there the Government felt threatened; they saw young men coming together. That was when the propaganda started. Also, politics started. So, every politician wanted to divide the big group so that they could own part of it. If it was not owned, the group had to be destroyed. It was because of bad politics that we have lost over 10,000 young men all over Central Kenya and all over the country. Even during the post-election violence, I believe the young people were used, and it was because of bad politics that peace was not realised.

Now, I support this Commission because people need to tell their part of the story. Every time you accuse somebody and you do not give that person a chance to talk, he feels very inferior. That is why the youth need to be given a chance to talk. They do not have to be told that they have formed organized gangs.

Our parents have failed because they have not given guidance to our young people. Instead of guiding them, they are lost in clubs. Others who claim to be church elders have not given the youth the truth. That is why we have groups of people forming themselves. If those people are given proper guidance, I do not think we will have any illegal group in Kenya.

When you look at Mt. Elgon, the Sabaot Land Defence Force (SLDF) were talking about land. If that problem had been solved initially or their problem heard, the problem could have been solved amicably. So, it is our duty as the Government, church or parents to give our people good guidance. If you give people guidance, they will believe in you and the church should preach as well as the mosque to tell people about the truth so that we do not have idle people. We have busy people and a working nation.

What I wanted as young as I was, was to build Kahama cities. When I was a small boy, I came to Nairobi and I saw that it was such a big town. I thought to myself that if we built so many cities in the rural areas, nobody would be coming to Nairobi. So Kahama city is Kenya's alternative. It means it is Kenya Alternative into Human Integrated Manpower Awakening. So my work in the early age was to try and teach people to start businesses without capital and I succeeded in doing that. The place I did not succeed, I would talk to the Government from the chief to the president and I did that. So anybody who is saying that I had an illegal group is very much misplaced and must understand what is happening. The *Mungiki* Organization went on until it got about 10 million members. For

example, if people want to fight the community and the one million people take *pangas*, I think one million people would be dead. Is it true? That is to say, we have never gone against each other. We have been very much patient but anybody who has been fighting was not fighting as a group; he was fighting on his own. Even if we have had many people being caught with guns, it is not hard to get an arm in Kenya. It is the duty of the Government to secure our boundaries because guns are coming from Somalia and all over our neighbouring countries. So, it is the duty of the police and Government machinery to make sure that our boundaries are safe. Even the cows that are brought from neighbouring countries are used to bring guns. Guns are put in the stomach of the cow and they are brought to this country.

So anybody who wants a gun, it is available even in Eastleigh. It is sold! Why does the Government allow this thing to happen? That is why criminals come up because when they do not have money, they get small money and buy guns. But it is not as an organization. They buy on their own. I do not say that they do not buy; they buy. Even if you want to buy, you can go and buy. People are going to Somalia to fight the *Al Shabaab*; these are people like you. Even *Mungiki* are people like you but what is there is we must be firm in ourselves; protect people so that they cannot get harmful things. Also, we should train our forces because they are being used--- I am saying some squads are being formed like the *Kwekwe Squad*, the Eagle and they have done so many bad things. Like myself, I was arrested in 2006. They said that I had an illegal organization. They said I had a gun. They said I was oathing people. Even if that was happening, it did not come from me. It is the community that decided that the people had to take an oath. Myself and the people of Central Kenya took an oath. What was the purpose of the oath? It was to bring people together so that they could become loyal to their leaders. It is surprising that every person talks about Maina, that he is the genesis of the problems. But I am not the problem. I am part of the solution. When I was taken to prison, there was no war but when I went to prison, people started fighting. I was committed to jail for five years because of a crime I did not commit. I did not have a gun but we had a problem with the person who arrested me. They came to my house very early in the morning with over 500 policemen and invaded my house in Ngong. When they invaded my house, they searched the whole house. They said they had information that I had lorries and lorries of guns and that I move with about 16 guns, including M16s. Those are misguided beliefs because when they came there, they were ashamed because they did not see even one. What they did to try and brainwash Kenyans is to come with a pistol without a trigger. A pistol without a trigger cannot fire. A pistol without a trigger is not a gun and it is just like metal. During that time, I was arrested with Kshs500, 000 in my car. That was my own money, earned from the business I was running because I have been selling cereals and after that, I got some profit. At that particular time, I had sold 1,000 bags and kept Kshs500, 000 in another place and the other Kshs500, 000 in the car because it was at night and I could not take it to the bank. When the police came, they said that, that was the money that I used the gun to get from people. If you have as much as Kshs500, 000 and businesses all over, buying and selling pieces of land, you cannot have a gun without a trigger. I would rather you get a good gun so that you can protect yourself. Even as judges, people see lies and propaganda being spread. Sometimes, people say that I do not

wear shoes and I do not know how to speak. Do you think you can be a fool and yet bring people together? You have to have a brain!

So, the brain that I have, small as it is, I used it to put forward my defence. I was taken to court and I spent my year on my case. Even when the judges saw I was right, I was given mentions. When I put forward my appeal, I was being told that there were orders from above that the case should go on. So, I believe there was no justice in my court. When there is no justice in the court, there is no fairness. The place we believe should have justice had none. So, I continued suffering. When every prison in the country was being opened, I was taken there. Every time, I was guarded by the GSU, the police, the Flying Squad and prison warders because they believed that I am a commander of a very big group. After my case, the court discovered that the gun did not belong to me. Even if I had the gun, it was very meaningless. I could not have had a gun without a trigger knowing that the Government was looking for me. So, the courts discovered that it was not true. So they expected me to have a real gun! I was able to convince them that it was the police who did that. In my case, we have had cases where somebody is shot and the pistols that are kept at police stations are laid on the person to implicate him as a criminal and to justify that case so that the shoot to kill order can stand.

Unless we have a good police force and people with a good understanding of humanity, there can never be truth, justice and reconciliation. That is because if you do not give somebody a chance to talk, even the Bible says “do not give false witness”. So, all the charges that had been brought against me were fabricated charges. I have never been a commander of the army; I am not a trained army soldier. Those people who say that the young people are trained should have shown us where people were training. But my question is: When I was 20 years old, I was able to organize people in a country that has a Government. For 20 years, I had no problem with anybody. When I get to my 40th year, it is when the Government is realized there are illegal groups. Even a fool can see that, that is not right. The truth is that we have been working with most of them and this is the time to speak the truth because had it not been because of the assistance of all the people, we would not have been able to come up.

What I want to say today is that we have had many problems. For example, when people come and burn your house, even if you are a saint, you cannot look at somebody who is just burning your house. He is burning your house, killing you and saying: “You will see funerals every time. That seed must be finished”! According to my own understanding, it is good that God did not camp here on earth but stayed far. If he had come to this world, each one of us would go to his office. But, nowadays, we have preachers but they are not serious. They are just for business. When I go back to my case, there were many lies and I was set free. When I was in prison, people killed my wife believing that she was also a commander. Why do you kill a young lady of 26 years? Where is the army that she had? You kill her in the forest; you also kill the driver, the cousin and innocent people. Do you not think doing that is not justified even in heaven?

As much as we are given responsibilities to work and the authority to do so, we should act responsibly because today you are here but, tomorrow, you will not be. So it is good

to come together and try to listen to our problems. Before my wife died, she came to prison and showed me a message which was written in her phone; that she had to die because she was associated with me. One thing we need to understand is that people cannot die from morning to evening. You just die! When you die, you either go to heaven or hell. So, the best thing is to stay together in peace. When I lost my wife - it is very painful to lose a wife. It is not until you lose somebody that you realize the problem of losing somebody. I lost a mother of three children. My eldest son is 15 years old. The other is six years old while the last one is 4 years old. The mother left the child when she was just a baby. I was taking care of the baby and after that there were demonstrations all over the country against evils that were committed at that particular time. If somebody is talking about wrongs committed against him, do you kill that person because he is outspoken? Even if you kill 200 or 5,000, can you kill a generation? You cannot do that!

It is good that we come together and reason together. Without reasoning together, there cannot be an answer. So, when I left prison, I found that my wife was still in the mortuary two years after her death, together with the driver and four cousins. I organized a *harambee* where I had a bill of about Kshs6 million. I thank Kenyans because each one of them managed to give me Kshs50 and Kshs100 until I got Kshs10 million. Although we got that money, it is very unfortunate because some people ran away with the money and so we were not able to settle the bill. They are senior people who you cannot ask anything. They said the *harambee* was illegal and we were not supposed to do it without their permission. Who are the people who are supposed to do *harambees*? Who have the right to stay on this earth? If you deny people their rights, it becomes a problem. So, unless we give our people space, if they want to have their own organizations, let them have those organizations under supervision. Whenever they want to meet, let them meet and let them talk what they have in mind. I hear people talk about their wives saying they are good at home; they know how to make laws and they are obeyed in their families. What I would like people to understand is that people cannot control women. It is the women who control themselves and take care of their families. You cannot control a wife by beating or coming drunk at night. That is why those men are being beaten every time because, sometimes, they behave like fools. Why do you come home very drunk? You cannot provide anything! You cannot even produce children. The wife will be forced to go to a neighbour's house to have what she wants. That is why they are being fought. Where are the children? They behave like their parents. They become street boys and what is the source of those street boys? It is our leaders! They befriend girls and the result is street boys. I was also a street boy sleeping at the city center. The food that you ate and threw was very good for me. But I know that God is very powerful. Every time you ate good food, you fell ill. But I fed on rotten cabbages yet at no time did I go to hospital. I would stay for days without bathing because there was no water.

I have gone through life that a simple person has gone through. From the time I left the city center, I was able to bring together over 5,000 street boys and they started listening to me. Do you think a fool can listen to another fool? Why do they talk about Maina every time? It is because they believe Maina is not a fool. Let them tell the truth about us. We are of sound mind, we are educated and we can work in the society. We marry like any other person, we have children and we know that there is God. We know that before

the world existed, Jesus Christ was there. There is also one thing I want us to understand. If you do not believe in somebody else's faith, do not fight it. Most of our people were fighting the faith of the young boys because they were praying facing Mt. Kenya. When they face Mt. Kenya, there are Christians who do not want that faith. So my appeal is for people to respect each other's faiths. If you are a Muslim and you believe in Mohamed, have that faith. If you are a Christian, continue being so. If we have indigenous churches, let them be there. But I later became saved and knew that Jesus Christ is not only the son of God, but also the creator. So, today, we have done quite some good. When I left prison, I joined the Jesus is Alive Ministries, I was baptized and I became a churchgoer. I have made it possible to bring young people together to come to church and every time, we have been baptizing thousands and thousands of youths. They are now in churches and those who do not believe in Christianity are in the Mosque and I think if you listen, the country is calm. There are no problems and so the whole problem was from the police through bad and misguided information.

So, today, we have the Amani Sasa Foundation; it is a peace initiative meant to bring people together for peace and reconciliation. We have started moving around the country and we had a meeting early this year and many others have been going on. We are expecting to have a peace and reconciliation meeting on 17th March, 2012 and we have invited members of the Kalenjin and Kikuyu communities; those who were meant to be fighting each other because we, the youth, are the ones who were said to be the fighters. We have decided to come together and talk. If we can talk, nobody will use us and we will recognize enemies of the community. We are saying: "Let the community praise God and stay in this world."

We are saying that all the community prays to God and they stay in this world because they are all foreigners on this land. After living on earth for a while they will go to live with God. I do not have much to say unless you have any questions for me. Thank you for listening to me.

The Acting Chair (Commissioner Namachanja): Mr. Njenga, before the Leader of Evidence comes in, I would like to introduce two Commissioners who joined us while you were giving testimonies.

On my far right there is Commissioner Chawatama from Zambia and on my far left is Commissioner Margaret Shava a Kenyan. I want to take this time to ask if there is any counsel present. They can introduce themselves and tell us who they are representing before we continue.

Mr. Andrew Mbugua: My name is Andrew Mbugua and I am with Amani Sasa Foundation. I do not represent Maina Njenga as in legal capacity but only as his advisor in this Commission.

The Acting Chair (Commissioner Namachanja): You are most welcome. Leader of Evidence, please continue.

Ms. Emily Kimani: I want to thank Mr. Maina Njenga for taking time to be with us this morning. I have a few questions arising from your testimony. From our hearings across the country, we have heard of many armed militia groups mentioned such as the *Sungu Sungu*, Sabaot Land Defence Force (SLDF), *Kamjesh* and so on. In your view, why do these groups engage in criminal acts to advance their course rather than engaging in dialogue as an option?

Mr. Maina Njenga: I have said before that when these groups come together they are not given a chance for dialogue. We only have misguided leaders who say that it is the police who can do that work or the army. Initially, when people are studying these groups, if they are given a chance to dialogue they can air their views and give out their grievances. My point is that chances of dialogue are denied. They are given after problem arise which is very bad.

Ms. Emily Kimani: My second question is that you told us in your testimony that when you came together as a group you were nameless and your agenda was to bring young unemployed people together to try and get some leverage in life. How successful has *Mungiki* been achieving those ideals that led them come together?

Mr. Maina Njenga: I think you have heard about 10 per cent of what *Mungiki* has been. I want to tell you today that in every village, there is a member who was perceived to be a *Mungiki*. For example in Central Province at least everybody has worked with *Mungiki* in one way or another. As a community, Gikuyu, Embu and Meru have worked with the youth before. This name was given to them so that a situation can be made for them to be beaten because that generation does not come from the people they want.

Ms. Emily Kimani: My other question is; the *Mungiki* that you have extensively talked about, how does the groups insulate itself from political interference?

Mr. Maina Njenga: I am saying today that the group does not exist in the name of *Mungiki* but it the young people of Kenya that have been labeled *Mungiki*. Every youth in Central Province are said to be members of *Mungiki* including myself. When there is a problem in central Kenya it affects the whole country because these people move all over the country. We should have a sitting like this where people are told the truth. Avenues have to be set so that those people who do not have enough money can go to good schools. When they go to good schools they can get good jobs. Our parents have to give our people good guidance and should not involve themselves with politicians. As much as they do not get involved with politicians we cannot say that we cannot be involved in politics. There are good and bad politics whereby politicians arm the youth. As we talk about the youths, even politicians and administrators must be very much disciplined. It is the politicians who provide the youth with facilities and invite them. Without incitement there cannot be war. People will stay in peace. Politics will always be there and we must have good managers in the police. That is what I can say.

Ms. Emily Kimani: My next question comes from what you told us in your testimony about your treatment by the Judiciary and the police; do you think that other members

who have been arrested on allegation of being members of this illegal group receive the same kind of treatment?

Mr. Maina Njenga: Yes. When I was in Kamiti Maximum Prison many people who were being arrested with tobacco were said to be *Mungiki* and they would be searched for guns. When you are arrested because of a petty crime, you are taken to court with grievous harm charge or robbery with violence. The police come up with other serious charges. Thousands of people are taken to prison with crimes that they did not commit. I believe that it was the Government policy that if someone was arrested and he was *Mungiki*, he was given a bond of over Kshs500, 000. When they were arrested some of them managed to come out. That was when shoot-to-kill order was introduced. When you shoot to kill because someone has been released from court then you are adding a lot of insult to injury. The families of those affected are usually in pain. They are even forced to demonstrate or do some other things. I believe that what was done to me has been going on. We have heard many complaints. I am not saying that somebody should not be arrested but somebody should be arrested and charged for a crime that he has committed. As a result of that, we have had so many widows and widowers. They are about 20,000. What about the orphans? We have over 50,000 orphans. These orphans do not have fathers or mothers. This is another problem because it is like building another gang. The history of their fathers will remain to be told all through unless the Government takes a stand and sets up a branch in a Ministry where widows and widowers are facilitated. Their children should be educated because if they are not educated they will form illegal gangs.

Ms. Emily Kimani: Thank you for that answer. My next question is the need for freedom where you told us that without freedom there is no peace; in light of these illegal armed groups in Kenya would you say that the Government should legalize them instead of banning them?

Mr. Maina Njenga: I want to tell you that we do not have military groups in Kenya. These groups that you are seeing are just simple boys who train themselves in simple things. They are people engaged in crimes. If we had a military group in Kenya which is trained, getting arms is not a problem because even the police give out arms. We need to train the police not to work with criminals by providing them with arms. We should not have unlawful groups in the country but it is because of that denial that we have this problem. People do not start like a group that can fight. They start as good societies but because of the aggressors and the oppression they are forced to defend themselves. When police come and beat you using a gun, young men are forced to go and look for guns also. When they go to look for guns they find them. Those who fight have brothers in the force and they give them all those things. So, it is this hand fighting this hand which is very hard. I would rather that when we are looking for a leader we should look for a leader who is very serious on that matter because leaders are the cause of all these things. We can talk to the villagers, encourage people to go to church, attend *barazas* and also participate in sports so that they can be busy all the time. I do not understand why people say that there are armed gangs in Kenya. If 1000 people take guns and start fighting each other, there could be a problem all over.

The truth is that these are harmless youth in Kenya. They are branded to be very bad people, but they are not. They are our children. We are their parents. So, we need to provide them with parental guidance and take care of them. If we give them resources, they can become great people in this country.

Ms. Emily Kimani: My last question is on your recommendation on the next general election which may be held this year or next year. What measures do you feel that the Government should put in place to prevent a recurrence of the violence that we saw in the last general elections?

Mr. Maina Njenga: I would recommend that the election be held in December this year. This time we have an electioneering mood and those who are retiring can do so this year, so that we get new leaders at the beginning of next year. There will be no problem in the country. The youth will not be used. We need to listen to our brothers. We should all respect the outcome of this year's general election. If our opponent wins, we should all support him. Demonstrations will not take us anywhere. We all know what happened in 2007 after the presidential results were released. I think that the Kenyan youth are now mature and are ready to keep peace all over. If you have time, we invite you to a meeting in Nakuru, so that as much as you are talking in your Commission, you can see the people you talk about. You can be talking about somebody and you do not know that person. I would urge the Government to make it possible that the election be done this year, so that this problem can be over.

I would also urge Kenyans to elect leaders of high integrity. All the corrupt leaders must pack up their bags and go home honourably.

Ms. Emily Kimani: Thank you very much, for responding to my questions and also for your peace initiatives under the Amani Sasa Foundation. I have no further questions for you. I just want to ask you if you wish to share with us your memorandum, so that it can form part of the Commission's record.

Mr. Maina Njenga: Which memorandum?

Mr. Emily Kimani: The write-up that I can see you holding.

Mr. Maina Njenga: I do not believe so much in paper work. But if you want me to write up a memorandum I can do so. Some people cannot articulate their ideas without looking at the papers. Those papers have become like their small gods. So, learn to have everything at your fingertips. The time I was given was not enough for me to prepare or compile a memorandum. However, given time, I will do so and present it to the Commission later.

Ms. Emily Kimani: Thank you very much. We look forward to receive your documentation. I have no further questions for you.

The Acting Chair (Commissioner Namachanja): Thank you, Mr. Njenga. I will now ask the Commissioners if they have any questions or clarifications. But meanwhile, please, help yourself with that small bottle of water as we continue. You have talked for long.

Mr. Maina Njenga: Could we not have a health break of five minutes?

The Acting Chair (Commissioner Namachanja): Do you want a health break of five minutes?

Mr. Maina Njenga: Yes.

The Acting Chair (Commissioner Namachanja): Okay, it is granted! We shall adjourn for five minute and come back.

(The Commission temporarily adjourned)

The Acting Chair (Commissioner Namachanja): Welcome to our hearing. There has been a request that we use English because of the media. I would like to check with the public if there are some of us who may need us to use the Kiswahili Language. Those who want Kiswahili can slowly move to that end so that they can be assisted. Is that okay?

We were at the point where the leader of evidence had put all the questions to the witness. It is now time for the Commissioners to ask the witness some questions. I had asked Commissioner Chawatama to proceed before we took our short break.

Commissioner Chawatama, Please.

Commissioner Chawatama: Good morning. Thank you very much for agreeing to testify before the Commission this morning. You have educated us on a number of things and it is also good to hear the two sides of the story.

You talked about when the struggles begun and how your forefathers fought for freedom and your ownership of land and the right to worship. You said that without freedom there can never be peace. I am not a Kenya and maybe, I might not have as much information as my Kenyan colleagues. One of the things that we kept hearing in North Eastern Province or even Western Province was, “When you go back to Kenya, please tell them--” meaning, therefore, there are Kenyans who feel that they are not treated as Kenyans. The word “war” was often used by people.

So, on one hand we know that Kenya gained its independence in 1963, but on the other hand there seems to be continuous struggle so that there maybe the realization of the expectations of what independence should have brought about but was never achieved. So, when you still talk about the struggle for freedom, what are you really talking about? Do you feel that this country gained its independence; or do you think the majority of Kenyans are enjoying the fruits of its independence?

Mr. Maina Njenga: What I would say is this; I am not saying that the country does not have independence. Kenya got independence in 1963, as a matter of fact; there has been a lot of discrimination which is what has been happening all over. For example, when it comes to job opportunities, there is no equal distribution of jobs and even resources. There is that generation that took over power from 1963; sometimes they do not allow any other crop of leadership to come up. There are some operations sometimes and that is why we have some rebellion every time. That is why I am saying that there is no freedom of association, expression and movement within the Kenyan society.

Commissioner Chawatama: To some extent you also alluded to the Constitution and probably some of these things have been dealt with in the Constitution. You also talked about the end of time when a group or hundred--- Maybe we can call them the founding fathers got together and said that there was need to form an organization so that, the main concern at the time was one of welfare which I guess is lack of education and opportunities for employment etcetera. That was the vision. Is that not so?

Mr. Maina Njenga: Yes. That was the vision.

Commissioner Chawatama: Now, I want to talk about the time of your arrest in 2006 and maybe just share with us briefly your treatment by the police and, it is at that point that you entered the criminal justice system. I would like to understand in your own words, whether or not, at that time, in 2006 the criminal justice system was functioning the way it should have functioned. Then in light of that, what you think about the new reforms that are taking place in the police or the Judiciary?

Where do you think the police or the Judiciary fell short?

Mr. Maina Njenga: Thank you very much. May I say that there can be a very good Constitution in the papers--- What I would say is that implementation is the best thing that a Constitution can do. But what people do is what is against what is being done. What I would say is that implementation is the best that can be done.

For many years, the Constitution of Kenya has been the Constitution for the poor. When the rich are caught doing wrong, they are released. If they steal millions of money; for example, Kshs100 million, they are jailed for two years. We have seen those things happening. If they have scandals of money, they are taken in for a very short time. When a peasant steals Ksh20 or Kshs2, 000, he is taken in for five years or for a life sentence. The police are sometimes used by the administrators to oppress their opponents. So, the administration and the police have in previous times been used to oppress their opponents and all those people who do not support a leader in power use the police to oppress others which is wrong. That has been my case and I believe it is not good at all.

The police should be trained to give good treatment to all people of Kenya irrespective of their riches or poverty. The Constitution should care for all of us.

Commissioner Chawatama: Let me just ask a direct question. Were you tortured by the police? I know that the police came to your house and they conducted a search and you were arrested at some point. Did the police torture you at all?

Mr. Maina Njenga: When the police came to my house, there was a lot of mental torture because I was arrested because of the crimes that I did not commit. After that, when I was taken to court, I was released the very day, the former Commissioner of Police brought other charges when I was still in court. That is to mean that I committed another crime where more than 29 people were killed when I was still under police custody. At that very time I was taken to prison. When I was taken to prison and before I left the prison gate, I was re-arrested and taken to police station again.

When I was re-arrested, I was taken to the mortuary and shown 29 bodies. Is that not torture? Staying in the mortuary for one hour while the mortuary is closed is tormenting. They were telling me that I was the one who killed those people while I was in prison. Is it possible for somebody to kill people while in prison?

The charges that were brought against me when I was released, I was told that I killed 29 people when I was still in prison. Now the person who claimed that he came to see me in prison said that she came to see me in Kamiti Maximum Prison while at that particular time, I was in Manyani Prison. So, the contradiction made it possible for me to be set free against those fabricated charges. What I would say is this: Whatever happened in Kirinyaga, Naivasha, Nakuru and all those other places, I was not present and at that particular time I had no influence on anything. I have heard over the media, people claiming that I received millions and millions of money to fan violence. It is not possible for somebody who is in prison, guarded by the police and prison warders to be told that he received money. That in prison, somebody was planning violence. That is very ridiculous and cannot happen!

In fact, when you go to prison the highest amount of money you are supposed to have is Kshs1, 000. That amount is kept in prison custody. Now, when it was being claimed that I had a lot of money while I was in prison that is not true, but whatever happened outside the area, I would not be able to tell because I do not know.

Commissioner Chawatama: You have answered my question. I think what was going on in my mind was what you said about there being 10 million people, but you have said that you were not the commander. I was trying to imagine the difficulties of trying to manage 10 million people spread all over the country.

You have talked about your wife and I am really sorry for that and the hour of mourning. We were following the stories, of course, in the newspapers and what you went through and the challenges you faced. I do not know how you are managing with the children. How are the children? Do they still ask after their mother?

Mr. Maina Njenga: The children are good but every time they ask for their mother. She told them that she had gone to buy them fruits. Every time they ask me, “when will *mama*

come with fruits”? At first I did not tell them the truth about what happened. I just kept quiet even I did not take them to the burial site. I told them that their mother went to study abroad and that she would come back. They have that problem of wanting to see their mother. Like many other Kenyans they have had that problem.

Commissioner Chawatama: How about yourself? What went through your mind when you heard about the death of your wife and the fact that she was also killed as being a leader of an illegal group? What were your thoughts?

Mr. Maina Njenga: I felt very bad because I saw an innocent person being blamed for a crime she never committed. I believe that what happened at that particular time did not happen to me only, but to every person who lost a child, wife or husband. It was very painful.

That is one of the reasons why I would like people to tell the truth about everything that is happening. So, unless somebody is given a chance to talk about himself, you can never talk about somebody. So, it is better to talk face to face. At the time of her death, she was campaigning to be a Member of Parliament for Laikipia West Constituency. She was working with the youth like any other leader. I believe that there has been a lot of discrimination in Central Kenya, but the cause of all this discrimination is politics. It is not criminal it is political because there is a crop of leadership that does not want other leaders to come up politically and that is why they are eliminated. My appeal is that we cannot stay in power for ever; instead, we should leave opportunities to the other generations coming after us.

For example, the very short time you have given me has enabled me get more information than I would have had. I am told that the meeting that we are organizing in Nakuru will not be allowed to take place because we have not notified the police. The meeting is supposed to be attended by between 50,000 to 100,000 people. Now, people fear when many people come together.

The late Minister John Njoroge Michuki, his brother Bishop Michuki and I had planned for that meeting. I meet Bishop Michuki during the burial of his brother together with the council of elders and we said that it is good to have a meeting. That was before the late Njenga Karume died and also during his burial. We realized that there is something happening in Central Kenya. We have to come together and pray for our community. We took an initiative to go to the District Commissioner's office Nakuru, to inform him of our intention of having a meeting on the 17th March, 2012. Then yesterday, somebody said that the meeting we are planning to do in Nakuru is not a peaceful meeting. They think it is a meeting to campaign for Raila. I am not a campaigner for Raila, nor am I a campaigner for anything. My meeting is a peaceful meeting to bring people together to talk on how we can bring other people together.

It is because we want to allow an avenue of peace. When I come to your office as the District Commissioner, we share the same table and I tell you that I wish to have a meeting on such and such day, then we agree and I give you a letter of notification and

then after some days you say the meeting is not going to be allowed because we think it is not a peaceful meeting, what are you saying? You have all the machinery of the police, we have the Administration Police. People are moved by political affiliation; they think that when you want to have a meeting you have to be affiliated to a certain person.

My appeal to Kenyans is that they should give peace a chance, even as much as they are campaigning. When we do our prayer meetings with a larger number of people, it is seen not to be good. But when some people hold their meetings, they do it even without licenses. Is that not discrimination?

Commissioner Chawatama: Thank you for your message of peace. I am sure Kenyans who are in this room will get to read in the newspapers or watch you on television, and they will know that you would have sent out a message for peace.

Let me ask my last question because I know my colleagues will cover so many other questions that I will not be able to ask. But I will also give the Leader of Evidence some pointers on some of the issues that I want you to cover in your later submissions to the Commission. You have mentioned about quite a number of widows and orphans. You said that the numbers are quite huge and I do not know how they are coping and who is looking after them.

We heard that a lot of people who were perceived to be members of *Mungiki* are having difficulties getting employment and even setting up businesses. People shun their businesses and even education of their children. They have a lot of challenges.

So, my worry is on what you talked about a generation to lead whether it is this country or any other country. Looking at the group of people you served, we are talking about people who are very bitter, for good reasons, maybe because of unemployment or lack of education. Some cannot even get their identification cards; children cannot get their birth certificates. We have heard a lot of things that are in our records, that is where the leadership is going to come from. But, as a person who has some influence, what are you doing in shaping the next generation to be the leaders' guard? When you started off as founding fathers, what would you want to see in Kenya?

Mr. Maina Njenga: First of all, I would say that this is a very good opportunity whereby people sit and listen to each other. When you have about 10,000 parents dead, and their sons have become orphans, the number will live to tell that story about what happened. There was one time; I do not know whether you were in Kenya, when people were being found in mortuaries every day and they were being taken away for burial. It is very sad for people to be got from mortuaries every time and they are young people. People who were dying were between the age of 40 years and below.

If you are seen having tobacco, you are considered a *Mungiki*. I am saying that there is a lot of discrimination because the Maasai people do take snuff but they are not *Mungiki*. It is good for them and they even carry *pangas*. But if a youth from Central Kenya carries a *panga*, it will be a crime. But for the Maasai, it is okay.

Other people even carry guns in North Eastern Province. But if you ask, you are told that they are home guards. Now, why do we not have a law that is good for all of us so that what is being done in Central Kenya can be done all over the country? I am sure that will help shape this country because I believe, whether somebody is from Nigeria, London or any other country, blood is one. Human beings are one. Let us have one system of governance.

I have teamed up with Christian Independent Movement and we are working very closely with all the other churches. We have had a meeting in Nakuru and we have communicated to all the mosques and other churches in Nakuru. So, we are expecting not less than 50,000 people in the field. You know when people see people of such great magnitude coming together and hearing that young people are coming together, they feel threatened.

My prayer is that people should have good understanding. They should learn to listen to their people, they should learn to give people chances and that is what we are doing. So, Christian churches are coming together and we are advising them in their areas of leadership. They train people to become good citizens and they hold peace forums; whereby they can be able to educate the youth on matters of peace and also the need to respect each other in the community.

But my question as a person is: Why should we look for land to give to the Internally Displaced People (IDPs) when these people had their own land? It is very logical for each one of the IDPs to go back to their land which they bought with their money. Why do we have to look for an alternative land?

Communities of Kalenjins and Kikuyus are said to be working together. You cannot work together and at the same time we need to facilitate people who are in the IDPs to go to their original land which is still there. For example, I have a piece of land in Molo. People cannot go there. That land was so productive. We were growing crops like maize and keeping cattle and sheep. Now, why is it that this Commission is talking about the original land that people owned?

A member from the Kalenjin Community can go and buy land in Mombasa, or I can go and buy land in North Eastern. Why do we have to be chased from the Rift Valley and come and live in camps in Naivasha, Nakuru or Nyahururu? The type of land that is being bought for me as an IDP is unproductive and in dry areas! That one also compounds the already existing problem.

Commissioner Chawatama: Thank you very much. The issue of land is an issue we are also addressing. So, please look forward to our report as it will adequately address the issues that you have brought up.

Madam Acting Chair, I have no more questions, thank you.

Commissioner Dinka: Mr. Njenga, I take this opportunity to thank you for voluntarily sharing your experience with us. I would also like at this beginning, before I get into asking you questions to express to you the fact that I empathize with your suffering, pain and particularly the loss of your wife in such circumstances. I know bringing up children alone successfully is not an easy task. I wish you success in your endeavour.

I have quite a few questions for you. You said that you started getting together as young people and about 100 of them in 1987 to start doing something for yourselves so that you could pay school fees and make some money. You never call yourselves anything like *Mungiki* or whatever. What did you call yourselves then? Did you have any name for your association or your group?

Mr. Maina Njenga: At that time I was just a small boy of 20 years. We had no name.

Commissioner Dinka: Do you remember the first time the name “*Mungiki*”, was used, either from the radio or television? Who said it and how did it come about and what does it mean, if you have any idea?

Mr. Maina Njenga: Yes, I have an idea. When we started working together as school boys out of school, one villager called Muturi came and said: “The work that is being done by these young people is so good. It is greater than many people staying idle.” In Kikuyu language, they say that this work is not for many people. It is for small and young persons who are not supposed to be touched. So, in our vernacular, that old man said: “*Wira uyu ti wa Mungiki. Wira uyu ti wanake, ti wa wa Mungiki*”. This work does not belong to many people. It is for few people. Therefore, the word emanated from that statement.

So, some malicious people tarnished us by saying we are *Mungiki*. Just imagine you invite 300 people to this hall, then all of sudden, 1,000 people decide to come. What will happen here? There will be a lot of confusion because this hall is meant for only 300 people. So, if one person goes out there and tells them, they cannot be allowed in because the meeting was meant for *Mungiki*, he will create a lot of confusion. That is exactly what happened. So, they believed all those people who were inside that hall were *Mungiki* adherents. That is where the word “*Mungiki*” originated from.

Commissioner Dinka: In other words it means numerous.

Mr. Maina Njenga: Numerous people.

Commissioner Dinka: In the African societies, they usually have different grades going with age. If you look at the Maasai, Borana and Somalis, among other people, during that transition from one age set to the other, there was a point at which a certain age set becomes the military wing or defender of that tribe or clan. If there is some cattle raid or something from another tribe, from across the border or from inside that group would defend the tribe.

Now in your community, I am sure they must have had something like this, what did they call it?

Maina Njenja: They called it “*rika*”

Commissioner Dinka: Okay.

Maina Njenja: For example, after 40 years, there is an age group that would want to take over leadership.

Commissioner Dinka: But the defence group is called what? That must be the governance class. But the younger ones, the ones that go to war, if war breaks out, who were defending your community?

Maina Njenja: They are the young people.

Commissioner Dinka: During what age, usually, I think if you look at the Borana, for example, it is the age between 16 and 30. These are the warrior class.

Mr. Maina Njenja: Let us say the age between 18 and 35 years.

Commissioner Dinka: You said they are called *rik*?

Mr. Maina Njenja: *Rika*.

Commissioner Dinka: Okay. So, there was nothing associated with any kind of warrior group called *Mungiki* or anything. I am non-Kenyan. I would like it to be clear in my mind because we have different literature about *Mungiki* and other organised groups in Kenya.

Mr. Maina Njenja: Let us separate the real issues with propaganda. Some people will brand you as a very bad person. They will even talk evil about you because they do not have access to the right information. You are also denied the opportunity to say who you are. What you do and what you would like other people to do for you. So, let us understand the real issue.

Some people were arrested after being accused of being *Mungiki* sympathisers. It is a pity that many young people are now serving different jail terms in our prisons because of authority not understanding them. They think these are *Mungiki*.

As far as the Government is concerned, *Mungiki* is an illegal gang. So, let us deal with individual criminals and not brand them as *Mungiki* in order to punish so many young people in our society.

Commissioner Dinka: You said your group has a membership of about 10 million throughout the country. How did you use to communicate with them? Was your leadership limited to local group only or did it cover the entire country?

Mr. Maina Njenga: I was the founder member of that organization. It started when it was small, but later on, it attracted many members. I was a spiritual leader of the whole organization.

Commissioner Dinka: So, you were the leader of your group or your association in secular sense. You also mentioned earlier in your statement, you almost reached the grade of Archbishop of these people who face Mt. Kenya when they worship.

Mr. Maina Njenga: Yes.

Commissioner Dinka: You were the spiritual leader?

Mr. Maina Njenga: It was a kind of religion if you look at it from the Christian point of view.

Commissioner Dinka: Had they abandoned Christian religion or Muslim religion at that time and accepted this one?

Mr. Maina Njenga: Yes.

Commissioner Dinka: How is it right now?

Commissioner Dinka: Right now, from the time I left prison and I got saved, we have had so many meetings all over the country. We have embarked on building consensus and fostering peace among our people. We have initiated peace incentives whereby, I myself have initiated these initiatives all over the country, whereby we have been visiting all the 47 Counties of this country. We have made forums in churches. I have said earlier on we had the Christian independent movement, whereby we are bringing all the churches together with the Muslim brothers. We work together for the sake of peace. We have also the gospel churches Council International, whereby we have joined hands with pastors and Bishops. Even some of them you can see here. We have *Akorinos*. So, we have a number of churches like 1000 coming together, to work together for the sake of peace.

So, every place, every religion, it is the responsibility of the pastor, church elder, people in the mosque to make sure that we have peace all over the villages, starting from the village.

Commissioner Dinka: I understand the group that—actually the network that almost reached 10 million as you said is now converting itself from not only welfare for themselves, but also as a peace movement.

Mr. Maina Njenga: The propaganda that was there is not there anymore, because there was a lot of misinformation and misconception. So, at least, I can see some change, because we do not have all these cases, a lot of harassment. Although there is, there is minimal harassment. We would say that if we continue with that pace, we want people to

abandon all these illegal groups so that they can come together and join back to the society and work with people who are responsible in their villages, in every level. We are urging them to learn to follow the laws and to solve problems by ways of dialogue and communicating to each other, where there is that space of dialogue.

Commissioner Dinka: Thank you. We also hear from time to time and sometimes in the papers about Mungiki versus vigilantes in Central Province. What is the situation right now?

Who are the vigilantes and what is the fighting about?

Mr. Maina Njenga: What I am saying is this: At least, today, we can say that any member of the Kikuyu community youth is said to be a Mungiki because the message is very dominant all over the Central Kenya. People from Central Kenya have moved all over the country. You can see them in Mombasa, North Eastern, Kisumu, everywhere. So, the whole message is everywhere.

So, when we say that people are changing and they want to change for the better of this country, they want to change because they have realized that maybe the ways that they have been worshipping their gods of tradition, they want to change from their past ways of believing.

There are big pockets of people who have been resisting the move. Those are the people calling themselves vigilantes. As much as they are there, we have realized that some of them were being sponsored by some politicians and being supported by the police and administration to unleash terror on innocent people.

We are talking to our people, especially the youth, telling them the goodness to have persistence and when they are beaten not to beat back, the need to have peaceful co-existence. At least, we have seen change in most of Central Kenya, Nairobi and all places. There is a lot of change, because we can have some people starting to listen to their grievances.

Commissioner Dinka: It is a good start. After you came out of prison, perhaps, because of your newly found religion, you decided to become an apostle of peace. You are doing all that. In your estimation now, out of the total former associates of your 10 million, 5 million, whatever, how many do you think are strongly vigorously supportive of the Amani Sasa Foundation and its objectives?

Mr. Maina Njenga: By the look of things, at least, we have about 75 per cent support, because every place we go to, we do not find any resistance. People come and listen, and they want to work with us.

Commissioner Dinka: Thank you, my last question. I hope you would forgive me because as I said, I am a non-Kenyan; I really want to understand these things because there are a lot of rumours, write-ups and so on.

There are a lot of stories about organized groups, Mungiki and others, who do a lot of extortion. For example, if somebody in Central Province or other places, where there are large Kikuyu communities wants to build even a house, they have to pay a certain amount of money, get a licence from this group before they build. Otherwise, they cannot build and the house would be demolished. Or even if somebody wants to get married, he has to pay. I hear these kind of things happen, and of course---

An example that is usually given is the extortion from the Matatu industry, how do you see that?

Mr. Maina Njenga: May I say that people are very much misinformed about what is happening all over the country, because as I said earlier, we have a problem of unemployment, whereby most of our Kenyan youth are not employed. More so, they have not been able to have enough education. Now the work they can get is the work of driving because they go to school for only two weeks. They can drive cars and then they are given work of conductors. They do not employ themselves; they are given because sometimes they do not own the car.

Now in the matters of asking for money everywhere, may I say that one is not acceptable? But the condition is forced by lack of finances, whereby creation of jobs is very much necessary. Now the way you look at me, you look at me, when you are very smart, because sometimes, or all the time you get enough pay from maybe, TJRC. But supposing you get money, you do not give to your children. You have a big shamba; you do not want to divide it among your sons. These boys would rebel. That is why I am saying that whatever is happening all over cannot be said that it belongs to Mungiki. These are just simple Kenyans, who want to be helped by the community, the church and the Government. If at all a good forum is put in place, I do not think there would be anything like that.

Commissioner Dinka: Just to follow up on this one. If these are part of the 10 million, out of the 75 per cent, which is huge, then you know the 2012 elections are coming. These guys are ready made for any eventuality. If somebody offers them money or promises them something---- How do you think they could be helped to follow the peaceful path and follow the philosophy of your first association, helping themselves through hard work?

Mr. Maina Njenga: I think what is important as for now is to bring those people together, talk to them and then have initiatives of income generating projects, whereby if they are operating illegally a legal forum is supposed to be formed, whereby they can operate in a legal manner.

For example, because you have never lived in a village, you may not understand the problems of a village. There was one time I was living in Mukuru Kwa Njenga. In Mukuru Kwa Njenga we do not have even toilets. We have flying toilets, whereby you go

and help yourself and you throw anywhere. You can throw at a person going around. That is the life of the village.

Now, those people in the village, apart from the small house they have, they do not have a toilet or a bath room and they are living in a very bad conditions. So, one thing we need to do is to eliminate these slums by bringing more upgraded system of living, whereby, maybe these people can be given loans to be able to help themselves.

You cannot continue saying that people are collecting money, and yet you yourself you do not have a procedure of giving them anything. Now when we leave this place, you will go for lunch and in most cases, you go to big hotels like Inter-Continental where you pay huge sums of money that you do not feel bad. Last time I saw Commissioners coming to me. They were driving very good cars. They have body guards. Now there is somebody who does not even have food to live on until the end of the day. Those are the people we need to discuss about. They are helpless. They do not have education. They go to quarries. Maybe, they are looking for their daily bread. They are encouraged. They are taken to polytechnics. They are taken to churches and mosques. We would have problems every time because they may not be called Mungiki, Taliban or Kambi Jeshi or whatever, but the problem would still remain. So, the most important thing is to encourage people to work and to know their creator, and know why they were created, for what purposes and they have to know everything starts with God and ends with God. These people, who are piling a lot of things, should share with the less privileged people, and help them.

I think we do not have a lot to say about them because they are still our people. But we need to put a lot of effort.

Commissioner Dinka: Thank you very much, Mr. Njenga, you have been very informative and I have learnt quite a lot today. Thank you very much again. I have no further questions.

The Acting Chairlady (Commissioner Namachanja): Major General do you have any questions?

Commissioner Farah: Mr. Maina Njenga I thank you very much for your candid presentation this morning. I join my fellow Commission in empathising with you for the loss of your beloved wife and the terrible time that you spent in the Prison.

We have got evidence. We have got testimony of some people who served in prison and it is not a very good thing. Now, I want to understand the genesis of your movement and in my mind, I would like to understand it this way that even before you, immediately after we got independence, that is you alluded to Mau Mau freedom fighters and you said we are the children of our fore fathers who fought for independence. But according to you, the reasons why they fought for independence were not realized. Therefore, as children of the freedom fighters, you also in your youth, in your childhood, you did not get the fruits that your fathers fought for. Therefore, you started a very hard working systems--- It is a noble movement really in order to help yourselves.

I am very touched when you said that your father, the only thing that he had was one donkey and one cat and he used that in your hard work to earn some money. So, you are a model for those--- I do not want to use that word, because you have now explained that the word Mungiki means many.

So, let us forget about numerical numbers. But let us talk about the youth. Now, I want to understand at what stage either the politicians or those are who against your movement brought in some bad politics, because I am a Kenyan and I do remember--- You also mentioned the fact that there was some religion brought into it, hard work, working for your daily life and obeying God, praying to God.

Now before you, there was a kind of a religion that used to be called Tent of the Living God started by Gonya wa Gakonya, if I may remember. Was that your predecessor to the movement of the youth without using the word Mungiki but the movement of the youth? Was the Tent of Living God a precursor to your movement only in the form of theology or was it just a continuation? The reason why I am asking you this is I want to understand where the politicians came to meddle in your affairs and misuse your noble cause?

Mr. Maina Njenga: Thank you very much for your question. But are you retired, Major General, or you are still serving?

Commissioner Farah: I retired long time ago.

Mr. Maina Njenga: Somebody serving as a Major General stays with very many soldiers behind him. Can you give an order which cannot be done? I am asking you.

Commissioner Farah: Well, that is not the rules. Your order must be followed.

Mr. Maina Njenga: So, that is why I am saying our organization was not military. You know when you have somebody who is called a commander, they call me commander. But how can it be? You are commanding--- They are saying you have millions and millions of people. I have never commanded them to do anything. But when I come back to the point, when we came from the rural areas, it is very good of you to have reminded me that there was somebody called Gonya wa Gakonya who was from the older generation that was there, that came before us. They started it all from Nairobi. They were preaching from the Nairobi Town, Kamkunji ground, and all over these places in Nairobi, and most parts of Central Kenya.

Now, when we came from the rural areas, we found it very much interesting and good to go to where these Wazees were, and start taking advice from them. Now, they started teaching us our own tradition of living. These are the people who introduced even oathing in Central Kenya, whereby people were oathed to take care of the community. I was not the person who was doing it. But it was done. Not by myself but the whole community did it.

Now, whatever happened at that particular time, it was a community affair, whereby I am not in control of any community. I have not been in power. So, I did not have power to control the whole region. According to my age, I cannot understand how I could have had that influence and money to be able to mobilize all people in Central Kenya to rally behind me, if I was alone. Not mentioning anything, may I say that those people who we met in Nairobi especially the Tent of the Living God had their own way of doing things.

One thing that we did not agree with them was that after sometime, they wanted to drink beer and also come to the teaching ground. They were encouraging people to have as many wives as ten. Now, it was not possible for us to have as many as ten wives. You know maintaining a wife is like maintaining an old mercedez benz. It is very hard, my friend. Those of you who know---

(Laughter)

Commissioner Farah: Continue, I agree with you.

Commissioner Chawatama: I do not agree.

(Laughter)

Mr. Maina Njenga: Maybe, people may not agree but let me tell you--- May I say what I have said is true.

If you are not employed anywhere and you want to maintain a lady, you take her to saloon, she spends some thousands, necklaces, nice dress. If you go to a shop you buy expensive things. You do not want cheap things. So, it is good to take care of somebody you can be able to afford than to have many that you cannot be able to do that. When you have so many wives or concubines that you cannot be able to take care of them, that is why we have so many street boys spread all over this nation, because of our leaders are irresponsible people. When they want to have children, they have but they cannot take responsibility. Do you not think that is adding to the problem of unemployment; having children that you cannot be able to take care of? The same people, if they are Christians, they do say that have one wife. But they have 25 concubines.

Now, why can they not do the right thing, they stay like Borana who say they have this and Muslims, not being hypocrites.

I am saying that group brought some other ideologies that were new to us and because we were young, we started following. After following them, they are the people, who introduced us to politics, whereby when you see many youth coming together, politicians see votes, leaders see victory.

Now, if you deal with so many people, who are helpless, you can manipulate them with what you have. That is what happened.

Commissioner Farah: Thank you very much and I now understand and I agree with you. I also know the Kikuyu culture, when you take one wife, you give her a granary, and she is in charge. Therefore, when you take 25 women, where would you get 25 granaries? So, the Mercedes analogy is not very good. The granary analogy is good. Thank you very much. I am now clear. What I want to know, therefore, is who was this other predecessor of yours who was in charge of the organization, who later on retired and went to church, what was his name? Was he your boss or a rival?

Mr. Maina Njenga: May I say that---

Commissioner Farah: Do you remember his name?

Mr. Maina Njenga: There was one Ndura.

Commissioner Farah: That is the person I am looking for.

Mr. Maina Njenga: He is Ndura Waruinge; he is the national co-ordinator. National co-ordinator is somebody co-ordinating all over the country.

Now when I left prison, I do not know what transpired later, but I believe that he is in a church somewhere, doing good things as we are doing. Also, may I say that the youth cannot be led by youth alone. We had elderly people like a council of elders in Central Kenya. We had the Gema community.

The Gema community working hand in hand with the young people--- Now in times of trouble, may I say that youth did not just watch their community being oppressed and sometimes being resisted, when they were removed from their areas of residence. I think that brought some conflict, which is actually normal for people living together. But we urge people now to try and heal their wounds and learn to stay together as a community.

Commissioner Farah: Thank you very much. I am clearer now in my mind. It is a pity that a noble movement that was a self-help initiative was interfered with by politicians who misused some sections of it.

Mr. Maina Njenga: What I would want people to understand is that there have been very many cases the youth coming together even in areas like North Eastern or Pokot. When the Karamajong come to take your cattle which is the source of your wealth; do you just sit and watch as your cattle go? That is why you employ home guards. So, the same case applies to our people in Central Kenya, Nairobi and Rift Valley. When people started fighting each other, there was a great problem, and this problem, in fact one time before the violence broke out in 1992, I was in Oleguroni. I had gone to visit my friend there.

We were seated and somebody came, a young boy came and told us we have to leave this place at night because it would be very bad. We asked them why? We heard our old men saying that you have to go. Myself I just listened to the voice of the young boy. I left that

place and went to Molo town. But after sometime, there was a lot of trouble from all over the areas. So, a community fighting another community is such a very bad thing.

What I would urge people to do is to know that they are Kenyans, they are Africans and they should respect each other. I have a lot of respect for human life. I like listening to people and the way people have believed is not what is there. So, they should learn to do the right things.

Commissioner Farah: Thank you very much. One community fighting another community is worse. But also fighting within the community is also bad. If you want to leadership, it is best to talk about it, because politics is good to talk about, and people can always change leadership through the vote during the Election Day by lining up peacefully and voting.

Mr. Maina Njenga: Then to add on that the other thing that brings about problems in Central Kenya like for example in 2002, when most of our youth could have been used in campaigning for certain individual characters, and our politicians should not feel threatened and engage the youth into some suppression, when they do not support them. People should learn to feel comfortable even in front of their enemies. They should learn to accommodate each other irrespective of their political affiliations and ambitions.

Commissioner Farah: Thank you very much, I have no further questions.

Commissioner Shava: Thank you very much, Mr. Maina Njenga, I would like to associate myself with the comments of my fellow commissioners with regard to things that have befallen your family and to thank you very much for coming here today to speak to us so openly and in such detail.

So, this old and ancient Mercedes Benz has a few a questions for you.

(Laughter)

I will start with what you had said about the way the movement grew, even what you have said just now about what has happened to your rally on the 17th, where you said, you had informed the DC, the provincial administration was aware.

You said that when you started teaching youth how to start business without capital and you were succeeding you were doing this in conjunction with the Government. The Government knew what you were doing. Can you tell of any support that you received from the Government in doing this work? Was there any support or involvement of the Government?

Mr. Maina Njenga: I will say that when you are working from the village, you get protection from the chief who takes care of you. In case of any problems, you work with the villagers and by that time, the village becomes peaceful. For many years, we had no problems with the police and the Government. It is after 20 years that the movement was declared illegal. It had been there for 20 years. When you want to say that something is bad, it is better you say it when it is very young. Our Government has machinery. We

have the police, the intelligence and all the other apparatus where we can have information of any illegal grouping that is cropping up. I wonder why it took them so long to discover that there was an organization called *Mungiki* until after 20 years.

Commissioner Shava: So, you are saying that for all that time, you were able to hold *barazas* and the chief would be there to provide security and calling people to gather. Is that what you are saying?

Mr. Maina Njenga: Yes.

Commissioner Shava: With regard to the issue about why it took the Government 20 years, with all the machinery, to know what was going on, I would like to know, in what year did you start experiencing problems and why do you think that the problems came about at that particular time?

Mr. Maina Njenga: The problem started in 2006.

Commissioner Shava: What is significant about 2006? Why did you not have problems in 2002 or 2009? Why 2006, in your view?

Mr. Maina Njenga: My greatest problem is that during 2006, we had come from the referendum campaign whereby there was a campaign to pass or not to pass the constitution. Most of the Kenyan youth felt that the Constitution which was supposed to be passed was not good for them. We led some campaign in rejecting the Constitution and it failed. Most of the big personalities believed that I was the person together with other persons like Raila Odinga who teamed up to see that the Constitution failed. That was one of the reasons I was arrested and not because I had done something wrong. It was because of politics that I had to be taken to detention. Since there is no longer the issue of detention, I had to be taken with a gang and some cases. Whenever I went to see a judge, the judge would not rule in my favour. So, I was there for more than one year. I could not believe why a judge could sit there and after doing his judgment he tells me that; "although you do not have any case according to me, I have authority from above to take you to prison," is that right?

Commissioner Shava: I do not think I have ever heard of any law like that in my years of studying law.

Mr. Maina Njenga: That is why you need to investigate. If the courts are not independent, they should be independent. The judge should listen to his client and the facts. The court should not be moved by rumours or the people in power. Let people be judged according to their own mistakes.

Commissioner Shava: Indeed. Are you in a position to remember the name of the judge since the judgment is a matter of public record? Can you remember who the judge was?

Mr. Maina Njenga: I will not say who the judge was because I had 100 of them coming and going.

Commissioner Shava: Okay, we understand. We will ask our leader of evidence to ensure that we obtain together with the written memorandum you will give us later, copies of those judgments.

Mr. Maina Njenga: I remember all the proceedings which were in the court were not based on any truth. Even on the part that I was to present my defence and there was some truth, they did not follow it. If I had to be taken through ten judges and after my appeal they tell me it is my time to go and my time for remaining in prison was over, that means that we need to have justice that is not influenced by any person and one which is not political. The court should not be used to punish other people for their own benefit.

Commissioner Shava: What you are saying is something that Kenyans have realized and that is why all the reforms are going on now with regard to the Judicial System and stories like yours will help demonstrate the extent of the problem and why it is that we need these reforms. We thank you for giving us that texture. If you allow me, I would like to turn to the very painful topic of the death of your wife. You said that when you were in prison, people killed your wife. Do you have any idea or information on who these people may have been?

Mr. Maina Njenga: According to the information I have from that time, my wife came to prison and she told me that there are certain policemen who had approached her and told her that she should not campaign in Laikipia West and if she continued to do that she would die. I did not take it very seriously because I did not think that anything would happen. However, what she had said came to happen. Apart from knowing that she was abducted when she went to town, I do not know anything else apart from the fact that there was a squad called “Kwekwe”. I believe that the Kwekwe Squad is the one that did all that work. When I left prison, there were strange people coming to my house and asking for me. A month or two ago, strange people would come to my house wanting to know where I was. They would tell me that I should give them Kshs1 million so that I can save my life. I do not believe that we will live in a country through fear. I know that there was that squad that was eliminating people and if it was there, it is my humble appeal that we should not use illegal criminal police squads to engage the other perceived criminals. All of them must be criminals, indeed. So, my appeal is that if these are law enforcers, let us use them in the right way. We should not have rogue policemen who participate behind what is seen like trying to intimidate people who are peace loving.

Commissioner Shava: Thank you, Mr. Njenga. You have just described some of the things that can happen in a country where we do not respect institutions that are supposed to be about rules and not individuals. Their operations should be about those rules from which we should not deviate otherwise we get into the kind of situations you are describing. So, whether it is the police or the judiciary, thank you for adding that texture. We can also tell you that we have been listening to the phenomenon of political violence against women who are seeking political powers and positions. We have heard this in

Nyanza in public forums, and in Kisumu from hon. Phoebe Asiyoo on what she went through. We have heard from hon. Ndeti, former Member of Parliament and from hon. Wavinya Ndeti. So, we have heard very harrowing stories from Wundanyi and the kind of thing you are describing is what we should take note of in this country in terms of what people are doing to women in this country, women who are seeking political power, which is their right, just like any other Kenyan.

Mr. Maina Njenga: I can say something about women. I have no problem with women. I love them very much. They are good people and it is because of them that we are happy in our homes and we feel happy to be with them because without a mother, a sister or a friend, there is no life. Young people have been circumcising women. I do not understand how there can be a propaganda that young people have been circumcising women. If we had one million people who wanted to circumcise people we would have one million people being circumcised in a day. If you have the media and the Government is saying that young people are circumcising women those are mere propaganda. We should not base our work on propaganda and misinformation. We should learn to get the facts and we will live forever. There is one thing I want to say, that we should not brand the youth for something they are not. The youth are very good if they are supported. They are ready to work with the nation and there is no time that the youth engaged in circumcising women. One thing I do not understand is why you get circumcised and yet you cannot go to court. Why should you stay without taking the grievances to court? That is mere propaganda. If there is any person who is being harassed by any youth, let us not say that the youth belong to *Mungiki*. *Mungiki* does not exist anymore. We encourage the other groups to disappear and work with peaceful Kenyans and engage in dialogue and work together for the betterment of the country and our country will be very peaceful. When we are building Kahima Cities in the rural areas, they should be with us.

Commissioner Shava: Thank you, Mr. Njenga for raising that important point. My next question is with regard to the tragic demise of your life. You carried out this *harambee* and persons with a lot of power made away with the money. I do not want you to name the individual because our rules state that if you name particular individuals who have not been named for such a thing and the information is in the public forum, then you have to notify them. So, I will not ask you to name that individual. However, can you describe to me where the power of this individual came from? Is this somebody who was very powerful in your church or is it somebody who was very powerful from an institution? What institution gave that person that power?

Mr. Maina Njenga: When I left prison, I joined a church where the pastor is an Assistant Minister. When you have such a church, there are many people there who tend to be just like her. I am not saying that she is the sole cause of that. However, most of the people who are in Kenya, in Government or in other positions know me and I too know them. Most of them helped me to settle the bill and we were able to raise some money. However, one Assistant Minister was told to take the money and settle the bill. After taking the money, I do not know what transpired because he just paid Kshs4 million and remained with Kshs2 million.

The other time that people were looking for me; they were saying that they were looking for me because I had taken people to testify against some individuals at The Hague but I have not done that. If somebody has gone to The Hague to testify against any individual, that is not according to my instructions. By the time that evil was committed, I was in prison and I could not have done that when I was in full custody and in Government hands. So, I would like people to differentiate facts from propaganda and learn to solve their own problems instead of solving their problems by engaging in other people's affairs. Although there were some people who approached me about cases in the International Court, I could not have sided with any of them because the information that was being asked from me is one that I could not assist with because I did not know.

Commissioner Shava: Thank you, Mr. Njenga. The next question I will ask you is with regard to your upbringing. You led a very difficult life as a child. Despite what you have told us that people have been saying about you, you have been sitting here for the last three years testifying very clearly in the English language. I would like to know, how did you manage to acquire education?

Mr. Maina Njenga: I have done it on my own. I have been my own mentor and everything including going to school is something I did privately in my own time. I have been able to do as much as I could. I have been able to support myself. I am not employed by anybody. I employ myself and I sleep well.

Commissioner Shava: That gives a good example to the young people that you are trying to mentor. I have one more question to you and it is with regard to the question that was asked by my colleague, Ambassador Dinka regarding age groups. I feel that was a very important point and we needed to go back to it. Ambassador Dinka asked whether there is a particular age set that is charged with the duty of securing the security of the community. So, you spoke about *rika* which is an age set. Each age set in the Kikuyu Community has got a different name.

Each age set has a different name in the Kikuyu Community. You said that the age groups of people who are 40 years and above are the ones who should be directing the affairs of the community. That means that one group should exit for another group to come in. The other age group that is up to 35 years is the one that is charged with the security of the community. I have two questions for you. How is the age group of 18 to 35 described? Does it have a name?

Mr. Maina Njenga: It is very automatic when you have a home. Normally, you have boys and girls and when the father or mother starts aging, it is automatic that the young people start taking charge. They take care of the family and in case of any aggressors from outside they are the people who are responsible. So, one home mixes with another home and with another that becomes a community affair whereby the youth at that time are the people who defend the community in times of danger.

Commissioner Shava: In the same way that the Maasai call theirs the "Moran". What do the Kikuyu call them?

Mr. Maina Njenga: We call it “Iregi”.

Commissioner Shava: Thank you for that clarification. I think that is what the Ambassador was looking for. The next question I will ask you is that you have said that it is possible for political power control to pass from one generation to another. I am asking this question because when I look at the information you had given us and the history of this group of young people that you were organizing which was later given the name *Mungiki* and which you have told us ceased to exist but we still have young people with the same needs you identified--The issue of *Mungiki* has brought a lot of conflict between the community and the State. Relating to the issue you talked about; relating to transfer of power and control of the community that makes me wonder apart from the community element, there are other issues going on. Therefore, I would like you to describe something you may have read about called *rika* and tell us whether that has anything to do with the issues surrounding *Mungiki*.

Mr. Maina Njenga: I will go back to the Bible. The Israelites are just like the people of Mount Kenya and the way they used to do things is comparable to the people of Mount Kenya. They would burn goats in the mountains the way we are doing. After 40 years, there should be a generation change or a change of guard according to the age group where those people, who took over after Independence, after 40 years, were supposed to give power to the next generation. That is not what has been done in Africa. People have tended to cling on to power for a long time. That is one of the major problems we are having in our community and in Africa. This is because our leaders do not want to give power to other generations. Even with regard to inheritance, they do not want to give properties to young people. Normally, when they die, that is when cases start in court. So, we should learn to write a will before everything is done to avoid conflict. You cannot go to central Kenya and fail to find one person, at least, in every village. So, let us forget all those stories and learn to create better stories.

Commissioner Shava: Mr. Njenga, the information you have given us today has helped us complete the story we will tell Kenyans because we have heard the truth from your perspective. I would like to thank you and Mr. Mbugua for coming here today. I would like to finish by asking you to ask those who accompanied you here to today to stand so that we can recognize their presence.

(Several people stood up in their places)

Thank you very much. Mr. Njenga, would you like to describe the people who are accompanying you?

Mr. Maina Njenga: We have Bishop Josephine and she knows more about the pastors. Can she introduce the pastors? She is our chairperson in the Christian Independent Movement. Although we have been accused of working with the youth we have been working with an old woman who has been our mentor. We have the Christian

Independent Movement. We have Bishop Maina. The others are also pastors and youth who want change for a better Kenya.

Commissioner Shava: Thank you for coming. We have seen you.

Mr. Maina Njenga: Others are members of Amani Sasa Foundation who want nothing but peace.

Commissioner Shava: Thank you very much. I have no further questions.

The Acting Chair (Commissioner Namachanja): Let me join fellow Kenyans in saying *pole* for the loss of your dear wife and the struggle you are going through in raising children on your own. I wonder whether you have any postmortem report on the death of your wife and if you could share it with us so that we can understand the cause of her death?

Mr. Maina Njenga: That can be done later.

The Acting Chair (Commissioner Namachanja): We will appreciate that. Next, I would like to find out your view concerning the Youth Fund. Do you think it is helping the youths considering the way you are struggling? Are the Government funds helping the youth?

Mr. Maina Njenga: The funds are there and are supposed to be distributed equally. The funds should not be given to relatives of the people responsible. Yes, the money is benefiting the youth but also the relatives of the people responsible for administering the funds. We need to do things not with our relatives, cousins, mothers and grandfathers in mind. Let us work as a country by involving everybody. As somebody who is said to be a former *Mungiki* youth, I have not seen anyone get this money. So, it is going to certain people. It is good to involve all the people.

The Acting Chair (Commissioner Namachanja): You once said that you were in Molo or you had land there. How did you leave that place? Was it because of clashes?

Mr. Maina Njenga: When I left home I went to Molo. In Molo, I was doing simple work of roasting maize to sustain myself. I left Molo in 1992. I would go and come back but in 1992, I left owing to tribal clashes where the Kalenjin were fighting the Kikuyu or people who were there. I saw people losing their lives and my prayer is that we should not fight one another because I know the problems that affect people when they fight. People who have not fought should not think about fighting. My appeal to people in central Kenya who say that people in Rift Valley should be beaten because nobody took them there is not the language they should use. People were looking for shelter, food and better life.

People should access most of this country and nobody should be denied the opportunity to go anywhere. He should not be beaten nor have stones thrown at him. When you throw stones at someone coming from Kisumu or central that is another genesis of

problems. Let us give democratic space to everyone and elections should be done in a peaceful manner. We will have change the way we want.

The Acting Chair (Commissioner Namachanja): Thank you for that. Of the initial members who formed this group, are there some who were IDPs and if so, what percentage?

Mr. Maina Njenga: At least, all of them are people who were living in their land in Molo or Rift Valley. However, when they were chased away, they went to other areas looking for daily bread. We came together because of a common problem, shelter and looking for bread. So, the genesis of these problems is that the first problems that came up were not solved at the right time. So, if a problem is not solved at the right time, we cannot be able to solve it.

The Acting Chair (Commissioner Namachanja): I wanted that to come out because the initial research that was done by the NCKK indicated that *Mungiki* was a very specific formation of the children or sons of people who lost their land during the ethnic clashes which you have just confirmed now. Going around our hearings and while we were in central Kenya, we received really painful stories of families which had lost their children either through *Mungiki*, the vigilante groups or the Kwekwe Squad or any other Government forces. We saw that people are still wounded and divided because these are community members who were fighting one another. I wonder whether after you came out of prison you have been conducting any healing meetings among the communities that are divided as a result of the various groups that caused pain to them by killing their children.

Mr. Maina Njenga: The voices I have encountered all over the region is that we are sorry for what happened. I will say that it is good to prevent more problems from coming up. As I said earlier, we are doing several meetings all over the country and we are doing peace and reconciliation meetings where we are even raising money to buy land for those people who have problems especially widows and widowers. That is mainly the work of Amani Sasa Foundation. We have been visiting churches everywhere to talk about the problems that arose in the villages and how we were perceived as fighters at that particular time. We try to give them the truth about the matter, that everything that happened is out of our control and that those people who tried to incite the communities against our people, this time round should not make it happen again.

The Acting Chair (Commissioner Namachanja): Thank you. As a youth who has struggled and lived in the slum areas, I wonder what views you have concerning the youths who live in those areas. I am asking this because I used to live in Madaraka and this is on the way from Industrial Area to Kibera. They are the earliest risers and they work more than us or any other Kenyan. You will see them waking up very early in the morning, walking very energetically to the Industrial Area in search of jobs. You will see them coming back very late and tired with a packet of *Unga*. So, as much as we appreciate the upgrading of houses of such people living in such conditions, what do you have to say concerning the multinationals and the business people who employ them

especially in the Industrial Area? I wonder if they are still on casual terms and if you think that is fair or what recommendations you have so that when they go to work, they are remunerated like the rest of us, Kenyans, so that they can find their own housing, leave alone the upgrading of houses that is going on. Any comment on that?

Mr. Maina Njenga: What is happening in all villages including Kibera, Mukuru Kwa Reuben, Mukuru Kwa Njenga and Kiandutu Slums in Thika--- For example, most people who live in Kiandutu Slums work in the pineapple farms, sometimes they are under-paid. They are paid very little money and they can go there and be paid Kshs100 the whole day. I wonder what someone can do with Kshs100. If you were given Kshs100 for the whole day and you were expected to take lunch and even dinner and you had a family, what life would that be? My prayer is that the people who employ young men from the villages should have a standard amount that they should give somebody. Some people give something very little which cannot afford a family anything.

They are supposed to have a standard of the amount that you are supposed to give somebody if need be because some people try to give something very small which cannot afford a family even a meal. Then if somebody is having the ability, they should be given a reasonable pay for them to support themselves. It is because of this problem of the inability to eat well and sleep nicely that affect the people. If somebody gets Kshs100 per day, at the end of 30 days, he will have about Kshs3, 000. This is the kind of money that you spend on breakfast in one morning which you expect somebody to use in 30 days. We need to build the KEAHIMA cities everywhere; namely, the Kenya's Alternative into Human Integrated Manpower Awakening whereby apart from having a city like Nairobi, we have many more in the villages. Through this, we will not have rural urban migration but urban rural migration and people going to work in their villages especially at the county level.

We should not base all our things in Nairobi. Now that we have county governments, we should start building new cities in our counties and this will create employment and many opportunities. That is why it is good for people to work together and organize themselves to create employment where the Government cannot afford. Even the Government which employs people, it needs to give people good pay to avoid unnecessary demonstrations everywhere. We saw the nurses demonstrating and leaving people to die in hospitals, I think they have gone to the last bit. It is good to discuss these issues and treat these people like human beings for them to take care of us. Likewise, the people who are working in the various Ministries, we should have a policy which looks at the salaries and ensures that they are increased. If somebody is getting Kshs200, in all hotels in this town, tea cost Kshs200. What will the life of that person be? That person cannot even maintain a wife and a child. Most of them are forced to steal. If we live in a society where majority of the people do not have anything, we will still have a problem. We need to try and have relatively equal pays, so that each and every person in the Republic of Kenya is comfortable. We have a lot of land even if it is in North Eastern or in places where it is not productive, they should go and settle there. We can dig boreholes and farm in those areas, so that we can create job opportunities. Those are the things that I think are good for us.

The Acting Chair (Commissioner Namachanja): We would like to stop at that with the wise words that you have shared with us. Again, on behalf of the TJRC, I would like to thank Mr. Maina Njenga for coming to share with us your version of the story concerning the militia groups in this country, with specific reference to the Mungiki. Please, continue preaching peace. We have been going round and Kenyans are worried about the elections that are coming. For those who have been in conflict areas, they are saying that once beaten, twice shy. Our prayer is that what happened during the 2007 post election violence, no Kenyan again shall lose his wife, child, husband, mother or a father, because of a vote. Thank you and God bless you.

Mr. Maina Njenga: I also thank you for giving me that opportunity to talk to you. I have been hearing of the Commission and I thought I would find Kiplagat, my old friend and just greet him. I also thank you because we have had a good time with you. I was afraid of judges and Commissioners because I thought they are harsh like the ones I have been with, but I saw that you are very friendly and you can lead this country to a better position if your recommendations are taken seriously. So, be blessed in Jesus Name. If you are not saved, I invite you to Church.

The Acting Chair (Commissioner Namachanja): Thank you, Mr. Maina. Leader of Evidence, please stand down the witness. We shall hear one more witness before we break.

Ms. Nancy Kimani: Commissioners, our next speaker is Mr. Wambugu Ngunjiri, the Executive Director, Change Associate Trust who will be giving us a presentation on armed militia groups and the ethnic dimensions thereto. Before I invite him to make his presentation, I would request him to give us his full name for record purposes and then he will proceed to make his presentation. Mr. Wambugu, you are most welcome.

Mr. Wambugu Ngunjiri: Thank you very much, Commissioners, who invited me again on a separate topic. My names are Ngunjiri Wambugu, the Executive Director of Change Associate Trust. We have spent the last four years going round the country trying to understand why our ethnic diversity is such a challenge to the issues of nationhood and having listened to Maina's presentation this morning, I realized that I will just be giving an overview because he has given the details of a specific group. So, mine will not be a long presentation. First and foremost, I would like to start from the fact that from our research, we discovered that; the reason why we have ethnic militias and the result of ethnic militias including extra judicial killings is because the politics we have in Kenya is more of inter-tribal war. It is actually not a competition of ideologies. I mean that every time we go to election every five years, what happens in this county is that various tribes are fighting to get into power because they believe that once you get into power, you become the one in charge of distributing national resources. That being the basis of which our politics have been ran, at least, up to the last election and hopefully it will change in the next election, but that being the history we are coming from, the politicians then run political strategies that are based on ethnic rhetoric. We hear a lot of "this is the time for our people. This is the time for our community. That community has already been in

power and that other community has already been in power, so they need to give way for another community and that Kenya is not made up of a certain number of communities”. That is the political rhetoric that we hear during campaigns. Each tribal leader, for lack of another word, has to generate an enforcement mechanism of ensuring that their particular communities stay or tow the line of whatever direction they are supposed to go. That is where ethnic militias have come from.

From Maina’s presentation, we heard about how some of them are formed, especially how the Mungiki was formed and we discovered that politicians will either create their own militias or hijack existing groups of youths and convert them into militias. We all remember the days of KANU when KANU had KANU youth wings and incidentally, our research showed that KANU was one of the few parties that had an inter-ethnic youth wing in that it had young people from different communities all being members of one group. However, since then, a lot of the militias we see are very tribal. What is interesting is that this happens even in situations where people are living in a slum all of them. The youth in that slum will create gangs specific to their communities despite the fact that they are neighbours or live within the same geographical area. Another reason we have realized that has brought about the existence of ethnic militias is the disenfranchisement.

There is a feeling and I would say that this was raised in the earlier presentation, that the freedom that this country got basically benefits only a certain group of people and that the majority, especially the younger people are not beneficiaries of that freedom. We are in a country that has a huge youth batch. We have a situation where I am 37 years old, meaning that 75 per cent of this country are younger than me. This is a group of people who all feel disenfranchised from opportunities to advance themselves. When they look around, it feels like you need to belong to a certain tribe or be a supporter of a certain tribal leader for you to move forward, namely, to feed your family, get education and proper health care. This disenfranchisement of primarily the young people creates a very conducive environment for young people to be misused. Going back to how the politics are being done, you realize that you actually have a captive market of people who can then be directed at very low costs to cause mayhem, enforce certain tribal perspectives or positions and to also be mobilized to fight other communities. When you listen to the explanation of how the Mungiki came about, you realize that a lot of it has everything to do with the fact that the Kikuyu community is much more pronounced *vis- a-vis* the socio economic challenges that happen within the community. That means that the problem that was defined by Maina’s presentation is going to be happening in a lot more communities as we go on. Every time a community gets to a certain point where you have a lot of young people who are unemployed, because the Central Province has a challenge in how they distribute the resources to the next generation where somebody inherited four acres or two acres of land and has eight or ten children and you are struggling to figure out how you are going to distribute this land to the next generation. As we keep seeing a lot more communities getting to the point where they are having this challenge of distribution of resources downwards, we will have a lot more groups developing that also have a situation similar to the circumstances that led to Mungiki where you have young people who are rebelling against their parent’s generation because they feel like they are not being recognized and being resourced; and we also have an

environment in which everybody is hanging on to the little resources that they have because it is not even enough for them. So, specifically we can see this happening in the near future within a number of other communities.

We also have the socio-political realities that are happening in our country today. We look at the ICC process and the siege mentality that has been developed within the Kikuyu and the Kalenjin communities and we can foretell that we most probably, if it is not managed, we will have a similar situation happening with the Kalenjin youth where it will then be very easy for them to then be mobilized into doing political hooliganism if they fall under the wrong people. This could also happen with the Kisii where there already exists a group called *Sungu Sungu*. It is very easy for that to get hijacked. One of the other places that we saw where maybe nobody is looking at is the Somali community where the feeling of disfranchisement from being part of the country is creeping in. I could not help but remember the recent interview of some children whose results were cancelled and you get the feeling that you already have another youth group that feels that they have to fight for their space in this country. If that feeling is not dealt with early, it will cause problems.

Militias are growing because a particular community in youth feel that they can only succeed by ganging up against authority to make their voice felt. Those are the things that need to be looked at. Something else that we realized is the environment that leads to ethnic militias growing coming together. It is a challenge of modernization versus culture. We have a whole group of young people who have gone to school up to a certain point and like any other time in the past, a lot of the young people that we have are educated to some basic extent. However, we still live in a culture where young people are supposed to wait for their turn. The feeling of leadership and being told that you are the leaders of tomorrow. So, you have this group that is educated that is being told to wait and they have been exposed to opportunities either in school on television and they are being forced by the culture to wait. At the same time, we have an older generation above them that does not know how to manage these young educated people.

This being the basis, you start seeing that rebellion and the rebellion that is intergenerational becomes very easy to convert once again to a militia if it is not dealt with.

Finally, I would like to make the point of misinformation. We have a lot of instances of misinformation. We as Change Associates have always raised the facts that one of the challenges of dealing with ethnic militias has been that every time you give them a name that cannot be defined you make it extremely difficult to deal with the causes that have formed that group. For example, the earlier presentation which I have to keep using a lot was about Mungiki and the problem about dealing with the Mungiki was that you could never tell who Mungiki was. So, what happens is that you are arrested as a young Kikuyu and it is now up to you to prove that you are not Mungiki. So the burden of proof rather than being taken to the person who is supposed to arrest you, he can collect a whole bunch of young men and the ones who will be released are the ones who can prove they are not.

The problem of that kind of branding that is not distinct to crime is that it becomes very easy for even people who are not criminals to quickly fall into the group of crime because if you are already depicted as a criminal - which could be a similar thing happening to young people from the Somali community; you are struggling to go through life and build your own positions in life, once you meet these kind of challenges or once you are arrested once or twice purely because of your ethnicity, the third time you are also being called in to join the ethnic groups - it becomes so difficult to refuse to become a member of the gang. The society has already put you in that group.

Therefore, developing a brand that becomes a national brand of fighting crime; you have SLDF and when you get a person it is up to him to prove that he is not a member of the SLDF. For as long as you are Sabao and come from the general location it is up to you to prove that you are not in SLDF. It is a lot like what happened with the Mau Mau. Every Kikuyu who was arrested had to prove that he is not Mau Mau. So, that has to be looked at as a means of fighting crime because it does not really fight crime. It just makes a whole community feel under siege and makes it a lot more difficult for the truth to come out.

The specific solutions that we think would be brought up include: As I said, militias or ethnic militias are a result of tribal politics. So, once again as I said, the last time I was here, we need to focus a lot of our efforts on nationhood building. If it is possible to get the young people to expend as much energy as they expend protecting their communities to protecting the nation. Then, you would have them thinking a lot more different about the people they live next to. However, to do that you must ingrain in them a feeling of being Kenyan. They still have a situation where each of them understands their ethnic community but they do not understand what it means to be Kenyan.

We need a consistent justice system. Once again one presenter talked about a person being found with tobacco and you are a Kikuyu, you are arrested because you are a Mungiki. If you are found with tobacco and you say you are a Maasai, you are not arrested. If you are found with a *panga* and you are Kikuyu you are arrested and if you are found with a *panga* and you are a Maasai you are not arrested. Now, that lack of a consistent justice system means that you feel as if you are being targeted. So, if it was possible to have a consistent justice system; this is not acceptable. It does not matter who you are. We would have a situation where the issues of people feeling that they are being targeted specifically because they come from a particular community do not result in that group then going into siege and becoming an ethnic militia.

We need to call crime, just crime. We need to move away from calling crime other names because sometimes we were developing names to fight a particular group because you seem to have run out of ideas on how to fight the group. So you immediately create the name Mungiki or Taliban or Baghdad Boys or Kondele Boys and create a list of outlawed groups and then you go collecting anybody who looks like they could be in that group. It is more of threatening young people from a certain area not to go into crime because you can very easily collect them. Even for those people who went killing people at different

times, what they did was actually crime. What they needed to do is to be charged according to that crime rather than come up with another gray area of saying you are also a member of a proscribed group which even the prosecutor is not able to prosecute in court. People are arrested and then they are prosecuted and the prosecution cannot sustain the prosecution and they walk out. Then you have the police feeling frustrated because they feel like they are arresting people who are not being kept in and then you have extra-judicial cases coming up.

Finally, there is the issue of structural changes. The rule of law needs to be respected and looked at as the rule of law. This means that we need to have well trained, equipped and remunerated police officers and an incorruptible judiciary. As long as we do not have a well trained police system or an incorruptible judiciary we will have people manipulating the system. If you are working for a certain powerful politician and you are arrested, he will come and get you out and you start generating the feeling of impunity; that you can do anything and get away with it because you have people in high office who know you. In our opinion, the other thing that needs to get looked at is how the rule of law is going to be made supreme and independent so that there is no option for the manipulation or trying to make people feel like you are different because of your connections.

My presentation tends to be that and I wait for questions because a lot of the morning thing took a lot of what I would have talked about.

Ms. Emily KImani: Thank you very much Mr. Wambugu for your candid presentation. I have no questions for you.

The Acting Chair (Commissioner Namachanja): Thank you Mr. Wambugu. It is good to hear you again.

Commissioner Shava: I would just like to thank Mr. Wambugu; you have alluded to the presentation before which was quite extensive. I think what you have added is the analytical look at these issues and the phenomena of militias. I would like to agree with you that it is important that we call crime by its name. When you call something cattle rustling you seem to excuse it by saying it has a cultural aspect while actually it is theft of livestock using armed weapons. The same is when talking about extortion; if somebody comes and decides that they are going to use force to compel people to pay a service charge which is unlawful then you must call it by its name which is extortion. Since these crimes are carried out by individuals and not by communities then I think once those individuals begin to be identified and punished, it will cease.

In the previous presentation we heard that this was not part of the culture of the group that was called Mungiki. Those individuals need to be identified and made to face the full force of the law. That is the way, as you say; we will discourage this kind of impunity.

I do not have any questions for you. I just like to thank you for coming and waiting patiently all day and adding that extra dimension of analysis to the presentation.

Commissioner Farah: Thank you very much Wambugu Ngunjiri for your eloquent and candid presentation. You are the first one who has come up and said armed militias are connected to ethnicity and, therefore, the youth having been neglected obviously become easy prey for politicians who want to say that the presidency should not leave our land or should not go to the other land. Now, do you think with the new Constitution that has taken a lot of powers from the presidency and brought a lot of powers to the counties the scenario will change?

Mr. Wambugu Ngunjiri: As I go to that question, the first thing I would want to comment on is cattle rustling that you have just made reference to. We had a meeting with the members of the Borana community and they were very upset. They were talking about the Post Election Violence (PEV) and they were saying what you people talk about happens in our place all the time but nobody ever talks about it. It is not about machetes, it is people using AK-47 rifles and shooting each other. Every week or so, a couple of people are killed but it does not even make news. When it does, it is referred to as cattle rustling. If the same thing happened in the Central Province, Coast or Nairobi, it would be called armed robbery. I guess that comes back to the issue of having a consistent way of looking at the law and having a consistent tabulation of what crime is.

Going to the second question about the new Constitution, it is both a challenge and an opportunity. It is an opportunity in that, if we devolve power from the centre, ideally it becomes less for anybody to hold it and manipulate it. But the challenge is that by devolving power from the centre you are creating very many mini homogenous groups which can very comfortably create their own official police services and armies. One of the things we discovered is that a lot of the young people who are recruited to join these political militias are recruited with the promise that they will be put into the official Government security machinery. Therefore, we have young people believing that what they are doing is part of the process of joining the army, police or GSU because that is what the politicians told them. Every now and again a few will actually join the police force or some security agency. Those are the ones who become an example to the others who have been left. That is the challenge we will look at as we look at the county.

We now have 47 small regions which could very easily convert themselves into their own mini republics with their own organized militias. That is something that will have to be looked at very seriously at national security level so that we do not have people devolving the militias to the counties. Now the militias are more or less nationalized and it is very easy for them to be broken down into county militias.

Once again coming to the counties, it boils down to the issue of what we call ethnic nationalism where people believe that you are a better Kenyan by being a Kikuyu, Kalenjin or Luo. You are challenged to become better at your tribe so that you can become better in the country. That is another challenge that we will have to keep fighting with the issue of nationalism. There are people saying you cannot be Kenyan without being from one of the tribes in Kenya so how can you stop being a member of your tribe? That is so easy to deal with. It is such an easy idea to sell to young people who are disenfranchised and disempowered. You tell them if you invest in your community then

you are working for the nation because your community is part of the nation. That can only be tackled by recommendations to have issues of nationalism being made as basic primary education. Young children should be educated on what it is to be part of a nation. If we spend a lot of our effort on the national platform investing in education of young people to understand nationalism and to challenge nationalism with ethnicity, we might actually have a way of dealing with the ethnic militias.

Commissioner Farah: Thank you very much. You have come to a very good and important point. In fact, we took the wrong step after independence. The Ministry of Information was taking John Wayne's movies around the countries. Those cinemas were free. That time there were no videos or mobile phones. There were rolls of films which the Government used to show in the villages free of charge and here you are shown John Wayne shooting his way through. That is why bank robberies started in Central Province. So, civic education is one thing that you have now come to. We should show films of the right education materials to the villages.

Commissioner Dinka: Thank you very much for your testimony. We listened to you last time. You are still very good on this as well. We are grateful to you. I have just one question; in this issue of patriotism versus ethnicity, now that the new Constitution has created 47 counties and on very homogenous groups, that certainly would enhance or create the condition for the enhancement of the sentiment of ethnicity, what can be done or what is being done in your estimation to create a driving force in favour of patriotism or Kenyanism? Is something being done on that line or you just leave it and say things will take care of themselves as they develop?

Mr. Wambugu Ngunjiri: I think, as I said earlier, the challenge of the counties is going to be seen over the next couple of years. The more you learn the history of this country you realize so many miss-steps that were made when we were forming the country. Once again, this is another place like that. How we form the counties and generate the environment in which people live together in the counties is going to be the biggest challenge that will happen in the counties. Are we going to become a federal state or are we going to become a country with counties working together? The challenge is on the leadership that is going to take us through the transition and county government and how they are going to deal with the issue of patriotism and nationalism. I think, for example, recommendations should be made to commissions like the CIC to challenge a lot of the forums that are being held where people declare that a certain county belongs to a certain political position. That cannot be acceptable because once you start having that especially in a country where political parties belong to particular tribes, what you are saying is that if you are in this county and you do not vote in a certain way, you do not belong to this county. That is a bad foundation that is begging.

These are things that are being done in the media; adverts are actually put in the newspapers that a certain county forum met over the weekend and decided that this particular county belongs to this particular political persuasion. Those need to be challenged before they become grounded. You would hear others say that before we start

the conversation, if you do not belong to this party in this county, then you need to move and go and live somewhere else.

That is the same thing that used to happen with the old Constitution. A certain region was perceived to belong to a certain political persuasion and if you did not agree, then you were forced to move out. A lot of the forced displacements of the people were not really about land or resources. It started when we started having political competition and because a certain region wants to stay in a particular political position, you are forced to remove what is called *madoa doa*. Those are the people who are making your vote not to be whole. They are pushed out so that when you are doing your projections as a politician, you are able to project a particular county being your county.

In a country where you are supposed to get a certain number of counties behind you to become President, it means we are going to see many politicians clearing out hostile voters from their counties. It is very strange when you hear somebody say: "I have 34 counties behind me". Elections have not been done and everybody has a voter's card in their pocket but a particular person is able to say this country belongs to me. That is a very dangerous foundation that we are beginning and it has to be challenged by all the organizations in authority. Anything that is a threat to nationalism needs to be challenged immediately it starts showing up even if it looks petty. That petty conversation is what grows up and becomes local folklore and before you know it, you are being asked, why you are not thinking like us when trying to think national.

You asked what is being done or what can be done to remedy this situation. In my opinion, I think we need to focus on the things that make Kenyans feel proud of being Kenyans. There needs to be a specific Government effort to keep celebrating the things that make Kenyans feel Kenyans.

There are those things that bring the emotion that we are better like this. That way, we all own something that we do not belong to. When Kalenjins go and run, everybody is rooting for them. At that time, you are not thinking that they are Kalenjins. If it was possible for the Government to invest on celebrating situations like those ones, then what happens is that you will stop people from thinking; I do not need them. You will realize that the people who are giving you international support or making you be recognized nationally do not actually come from your county or tribe. If you disown them, then you are going to lose the fame that comes with it. So, we think about that, we think about music, we think about sports. We think about the system of education; being able to celebrate the best students as Kenyan students rather than students that come from a particular county.

That competition between counties is good but also creates divisions with people saying: "Our county should be number one". When you hear people say our county should be number one and yet we are 47 counties, then what we are actually saying is that some counties will feel like they were defeated. When counties feel they are defeated, they will have to come back and fight. That is how our politics has developed where people believe

our community must be number one. To be number one, it means you are beating somebody else. Therefore, we are no longer competing because we have different ideologies, even education-wise, it could generate situations of cheating. Many of the situations of cheating could very easily increase if we do not deal with the whole issue of nationhood. It is not going to become acceptable to cheat in a county so that you can become better than the other county. Those are some of the things that need to be looked at.

We need to, I do not know how; figure out a way of investing and making people feel Kenyan beyond anything else.

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

Commissioner Chawatama: Thank you very much for your presentation. I think I wrote two words down and it is “hero worshipping”. It is so easy if this issue is not resolved that you have a generation of young men between the ages of maybe 10 years or younger to about 15 years who will hero worship people who have joined the militia when they hear their exploits. It is a thing that good movies are made of and something needs to be done. I hope your organization will really continue to speak and come up with solutions to this problem.

I recall when we were in Mt. Elgon, once this young man stood up to speak and talked about the land that belonged to his great grandfather and then inherited by his grandfather and then inherited by his dad and supposedly inherited by himself. But with that inheritance, there is a lot of bitterness. In fact, it is not the land that was being inherited. It was bitterness and pain that they have had to go through in just trying to keep that little bit of land and all the harassment. So, in as much as we say that nationhood should be included in what the children are taught in school, it is also what happens in the homes. What are the parents telling them?

We have also seen that the breakdown in family life where children are being brought up with single parents especially women. One really feels a little bit overwhelmed but thank you very much for coming and for speaking to us. We shall continue to work together to try and see how best we can resolve this issue.

Mr. Wambugu Ngunjiri: Thank you very much. You have just reminded me of a couple of comments I had forgotten. One is the issue of land and what has become an excuse for ethnic violence in this country. Why I call it an excuse is because we had so many forums where people would come out during lunch time. In the morning, we would be spending the whole day talking about how our land was stolen and at lunch time, somebody comes and tells you, “You know actually, it is not about land”. They would not say that on record but off record, they will tell you, “By the way, actually, it is not about land. It is about *madharau* and being treated badly”. We discovered that it is no longer about land but about territory.

Right now what is happening in Mombasa or the Coast region is something that needs to be looked at very urgently. It is a challenge between the people who feel they are indigenous to Coast and the people who they feel have come. It is no longer about business or the land. It is about these people who are becoming too powerful politically that they can actually start determining the political direction that we follow and we are the ones who come from here. So land is only understood as means of territory. Anytime that people are fighting about land, they are not fighting about land *per se*. They are fighting about protecting political territory.

Something else that we would recommend that needs to be looked at very urgently is the whole issue of transparency in cultural practices. You watch the Bukusu having their circumcision ceremony every end of the year; you have the Kalenjin doing it and the Maasais doing it every couple of years. What has been happening is that those processes because of being very closed, become places where other people use to beat that community. They say now they have initiated a whole battalion of young people and are preparing to come and fight us. Their work is to come and kill a certain number of people for you to be recognized as a man in your neighborhood. There needs to be a certain way of enabling others. Of course, you cannot become a part of the community as an outsider and become part of the initiation process. If it was possible, this should be made general knowledge; this is what happens when the Bukusu, the Luos and Kalenjins are going through their processes. By doing so, you get rid of the stereotypes of how they are oathing. You hear when they do this, they oath in a certain way and they oath to fight a certain kind of community. That will reduce the feeling. Some militias are formed to protect the community from perceived militias of other communities. It is not real but a community says we also need our own army because they have one and they are structured. So that is one way of getting rid of militias.

The issue of generational transition was talked about by the earlier speaker and the challenge between generations where one generation wants to take over from the other one and feels like it is being stopped. That feeling that I am 40 years old and I am still looked at as a young person, I do not know how that will be engaged at a national level but that transition from one stage; childhood to youth, from youth to adulthood and to elderhood needs to be looked at. One of the things that we discovered is that we have completely eroded the role of elders in our society. Nobody wants to be an elder any more. Since nobody wants to be an elder, then you stay at that stage of being an adult until the day you die. You are not willing to step away from that post because when you step away, what do you become? As you refuse to get out of that office or position of authority, there are people who now should be in that position of authority who are the ones who are now competing against you and they use whatever means is in their power to get it.

In Kenya, the best example is during the single party era when certain people felt that KANU was refusing to allow new blood into the party. They went into demos and came up with all manner of organizations to try and fight the Government. Imagine that happening inside communities. You are feeling that the institutions in power at that moment are refusing other people to get into power and because of that, you are now

generating your own systems of fighting. Maybe some of the inter-ethnic violence you are seeing is coming from things like that. You hear young people have done really atrocious things to older people and you wonder how. It is because of that that you are trying to fight for your space and nobody is doing it.

Finally, the hero worship you talked about. I think the media has played a very big role in hero worship. When you have a full pullout in the newspaper talking about how a certain militia disseminated a whole village, how the Government is facing challenges from a certain militia, how the GSU has been sent to fight a certain militia because all the other police forces have been unable, you create the feeling in young people that those must be very serious people. As you said, it is like the movies; that thing of wanting to fight against the system and win. If you hear a certain group doing it, some people just want to join that. It is not whether they are doing a good or bad thing. You want to be part of the group that is giving the Government a hard time as part of what makes you feel you are a grown up.

We have a lot of media covering groups and really creating those groups and making them a lot more powerful than they are in the real sense of the word. Maybe one of the things that could be asked for is for disposable reporting because it must be towards a certain goal. It cannot just be reporting for the sake of making a story. Are you reporting to build the group or to help young people in the group get out? Are you giving solutions in your reporting? Maybe that is not their responsibility. Sometimes they think we know a lot of groups that we have never engaged with. You know of Taliban, Baghdad Boys, Kondele Boys and Mungiki. We have never engaged with them but we hear about them and hear that they are big groups. You only hear about them from the media. So if three young men stop you in the middle of the street and tell you; we are from Kondele and we can kill you unless you give us your purse, you will give them. Maybe they were not from Kondele Boys. Maybe they are just some idle boys who just decided to ensue an opportunity of a name they can use.

That has also happened a lot within the groups that were being discussed in the morning where you have people waking up and saying we are Mungiki when they are not Mungiki because they know the fear that that name causes somebody. It becomes an easy way of raising cash.

The Acting Chair (Commissioner Namachanja): Thank you very much, Mr. Ngunjiri. I think your last point on the media is very important. Research has shown that it is the media that baptized the youths who were fighting for their land rights in Mt. Elgon as the Sabaot Land Defence Force (SLDF). It was not their own making. We have also heard from Njenga that they were also just a movement but the word Mungiki came from elsewhere.

Thank you so much. I know you have presented in a summary but we shall benefit a lot from the detailed document that you have. Please, if you can give us copies, we shall appreciate.

Leader of Evidence, please, kindly approach, as you step down the witness.

Thank you so much, Leader of Evidence, and the public. I can see that we have our colleagues from the Ministry. I think we can hear them now. You are most welcome.

Ms. Emily Kimani: Commissioners, through the Acting Chair, our next speaker is Mr. Julius Kubai. He is the Director of Youth Development from the Ministry of Youth Affairs and Sports. He is here to represent Mr. James Waweru who is the Permanent Secretary of the said Ministry.

Mr. Kubai, how are you this afternoon.

Mr. Julius Kubai: I am fine.

Ms. Emily Kimani: Before I invite you to make your presentation, you could kindly start by telling us your full names after which you will go ahead to make your presentation. Feel most welcome.

Mr. Julius Kubai: My name is Julius Kubai; I am currently serving as a Director of Youth Development in the Ministry of Youth Affairs and Sports. I am here to represent my PS who could not be here because of other State engagements. I am accompanied by Mr. Kaku, the Chief Economist and other officers from the Ministry.

Basically I think I would like to give an overview of the Ministry of Youth Affairs and Sports for those of you who are not familiar with it. The Ministry was established in December 2005 to address youth issues that concern the Republic of Kenya. The Ministry is divided into four technical departments and one general administrative department. The departments are; the youth development, youth training, sports and NYS.

The core functions of the Ministry of Youth Affairs and Sports are national youth policy, National Youth Service, Youth Development, Youth Polytechnics, National Council Sports Policy, Youth Development Fund, Sports and National Stadia Management.

There are two parastatals within the Ministry; the Youth Enterprise Development Fund (YEDF) and the Stadium Management Board (SMB). We address eight thematic areas in the Ministry; youth and employment, youth empowerment and participation, youth education and training, youth and health, youth, crime and drugs, youth and environment and youth and sports, youth leisure and creation, community service.

Now, youth development in outlawed groups in Kenya is what I am going to address briefly because it is one of the reasons we are here. If you look at the historical analysis, you find that the violence which is vented by youths in Kenya could be attributed to deteriorating socio-economic development in our country as well as the feeling that young people are marginalized in this country.

We have a very huge proportion of young people in the country who are very energetic, enthusiastic and full of vigor. If as a country, we do not channel vibrant youth to productive activities, then they are likely to lead to some very destructive activities. So,

in Kenya, as in many other countries in the world particularly in the slums and informal settlements, gangs of young people have arisen because of various factors.

1. It is because the majority of young people are idle. They have no employment opportunities and because of that, they tend to engage in violent activities basically because of idleness.
2. The feeling that they are marginalized and are not in the centre of socio-economic activities.
3. Way back in the 1990s when the Government was not providing public services particularly in slums in urban areas, these gangs emerged to act as shadow governments because they could provide services like electricity, water and the like. So they became preferred option due to ineffective response by police in terms of providing security. They also became accepted because of lack of various other State utilities like Kenya Power and Lighting and the City Council in providing various services.
4. Political parties in the 1990s and 1980s started organizing young people into groups so that they could pursue their own political interests. It became fashionable for politicians to have their own violent gangs of supporters generally from their own ethnic group to pursue their own political agenda.

Now, the Ministry's policy on youth empowerment is another area that we are supposed to look at. According to the Minister, the youth are considered to be empowered if they have the knowledge, skills, capacity and the capability to make choices in life and be aware of the implications of those choices when they make them. When youth are empowered, they have the knowledge that they can make choices in life and are aware of the implications of those choices. When they make informed decisions freely, they take actions based on those decisions and accept responsibility for their consequences. So when young people act on their own terms other than terms of other people, they are said to be empowered. If they have the knowledge, skills and capacity to make decisions and act on their own terms, then they are said to be empowered.

The Ministry's policy on youth empowerment is documented in the Kenyan Youth Policy (2007) which was formulated and approved by Parliament in the year 2007. The Youth Policy visualizes a situation where the youth have an equal opportunity to realize their full potential through productively participating in economic, social, political, cultural and religious activities of the nation. The policy addresses a wide range of issues and challenges facing the youth like the unemployment problem, the crime issue, youth and vocational training and many other issues.

We, as a Ministry, are continuously empowering youth through various programmes such as giving them skills training in our youth polytechnics, empowering youth organizations so that they can promote the interest of young people in the country, provide opportunities for self-development of young people in socio-economic activities, enhance the spirit of patriotism and volunteerism among the youth, engage youth in employment opportunities through Kazi kwa Vijana and other programmes like internship and so forth, promote youth and sports so that our young people can compete efficiently and

effectively in the international arena and also give credit to youths own enterprises. We mainstream youth issues in all aspects of national development.

To be able to realize these objectives, the Ministry of Youth Affairs and Sports has been implementing the National Youth Policy as well as the Strategic Plan of the Ministry which covers the period 2008–2012.

The National Youth Policy recommended the establishment of the National Youth Council which is intended to give the young people a forum; a voice to discuss their own issues and challenges and be able to participate in all aspects of national development. We are in the process of operationalizing the council but we have some challenges because of the legal issues surrounding that.

In order to address the youth empowerment issues in the country, the Ministry is trying to involve the youths at all levels of governance, decision making processes ensuring that affirmative action for the youth is taken so that young people can be taken at all levels of national development. Our YEDF is also giving loans to youth to own enterprises so that young people can create employment for themselves and for other people. We are providing entrepreneurship training, leadership and management skills for our young people. We are busy sensitizing our youth on the Constitution of Kenya, Vision 2030 and Millennium Development Goals. We are implementing vocational skills training and we are also involving young people in nation building through our NYS.

We are also sensitizing young people on the importance of peace in our country, particularly during this period and the importance of pursuing peace in conflict resolution measures.

Other measures that the Government is taking include constructing of youth empowerment centres in all constituencies in the country. There are 212 constituencies in the country and as a Ministry; we have managed to construct about 164 out of 212 empowerment centres countrywide. Out of the 164 we have constructed, we have equipped 74 of them and they are fully operational. Young people are accessing various youth-friendly services in these youth empowerment centres.

On unemployment and employment challenges facing young people in Kenya, we note that out of all the many challenges that face young people in this country, unemployment is the most daunting. It is the most challenging and in fact, the most critical because as a result of that, it brings about other problems. Youth in Kenya form 60 per cent of the labour force. Majority of them are unemployed and hence, they are idle and free to be misused by those willing to use them to pursue their own political or other forms of agenda. The unemployment rate in Kenya is 75 per cent meaning that it is only 25 per cent of the young people leaving our schools who get absorbed in the job market leaving 75 per cent jobless.

It must also be realized that 90 per cent of the unemployed young people of this country have no vocational skills. This, therefore, compound their problems more seriously.

The measure the Ministry is taking to address unemployment challenges in Kenya in collaboration with other Government Ministries is as follows:-

We have developed what we call a National Youth Employment Marshall Plan which we are implementing and it is geared at creating about 500,000 decent jobs for our young people annually in this country. We are also engaged in enterprenual development which is geared at nurturing the entrepreneur potential of young people and encourage them to participate in business enterprises for self-employment. We are implementing vocational skills training program through our youth polytechnics which are aimed at imparting marketable vocational skills in various areas such as carpentry, motor vehicle engineering, electrical and so forth and so on.

The Ministry is implementing Kazi kwa Vijana program which is aimed initially at creating manual short-term employment opportunities for unskilled young people. Now we have skilled and it is intended to include the unskilled and skilled young people of this country. We are also giving them affordable loans for them to be able to start their own business enterprises. We are encouraging the Government to engage in labour intensive programmes as opposed to capital intensive programmes which can absorb young people particularly in various community programmes in the rural areas like road construction, dam de-silting and building, bush clearing and so forth,

We are also trying to work with the private sector through KEPSA to start what we are calling internship attachment programmes where young people from our universities, polytechnics and middle level colleges are attached to practice their skills. Through that, they are able to get skills and experience which can count when they are looking for employment.

We are promoting volunteerism and community service as a way of the young people trying to gain some valuable experience. The Government, through the Ministry, has emphasized on affirmative action and we are implementing it where we are saying young people must be given 10 per cent of public procurement jobs in Government Ministries. We are also promoting labour export abroad especially the Middle East.

What are the challenges facing youth and factors driving the youth into organized crime? I will look at an outlawed group and define it as a self-formed group of young people united by mutual interest that control a particular territory, facility or enterprise. The group uses symbols as a way of communication and basically, the group is collectively involved in crime. It is also regarded as a group of people with common interest whose activities are suspicious and criminal in nature.

The emergence of outlawed youth groups in Kenya is a thorny issue in the society and is really a time bomb. It is believed that about 2.5 million youth at one time or the other in this country have been or belonged to these alleged outlawed groups. The emergence of the outlawed groups is believed to have started in the year 1988.

What were the factors that led to organized crime? As I said earlier, unemployment brought about inadequate job opportunities due to economic slowdown and other factors such as corruption.

There is also population explosion of the youth. Today, our young people are about 34 per cent. That has led to unemployment.

Lack of vocational and technical skills among the majority of young people is another source of organized gangs. Our current education system is geared towards producing graduates who are looking for white collar jobs.

The other reason is indulgence in drug abuse by many young people. This has ruined their potential to be responsible citizens. Political manipulation of the youth leads them to acts of criminal nature especially during electioneering period. There is high rate of school drop outs among girls due to pregnancies and early marriages especially in the marginalized areas in the country.

Propagation of negative ethnicity thinking by the political class has impacted negatively on sharing of national opportunities and integration.

Limited funding for youth programmes and projects is another problem. Others are; inadequate housing especially in slums, lack of recreational facilities and social amenities, idleness due to lack of work for the youth, peer influence, disintegration of value system in our country, criminalizing poverty, negative ethnicity and marginalization of young people.

It has been argued in some quarters that outlawed groups emerged due to the pull and push factors where pull factors are the factors that are associated by the group themselves. Young people see some benefits when they join the group. Push factors also exalt the group that pushes some young people to join outlawed groups.

Now there are some outlawed groups; I will give a few examples because I think they have been mentioned by the previous speaker. In Kenya, we have the following as some of the outlawed groups:-

1. Mungiki
2. Jeshi la Mzee.
3. Jeshi la Embakasi.
4. Jeshi ya King'ole
5. Baghdad Boys.
6. Chinkororo.
7. Amachuma.
8. Banyamulenge.
9. Talibans.
10. Dallas.
11. Kamjesh.
12. Kosovo Boys

13. Mombasa Republic Council.

What are the implications of emergence of these groups? There have been increased acts of lawlessness in our country as witnessed in Mathare, Kariobangi in Nairobi, parts of Central Province, Kwale, Likoni Mombasa *et cetera*. This has led to loss of innocent lives of Kenyans, destruction of property in areas such as Kiambu, Thika, Nairobi, Coast and so forth.

Members of outlawed groups are used as drug peddlers and scores of them abuse drugs which culminate into criminal activities. In recent times, innocent Kenyans have fallen victim of outlawed groups. There have been cases of rape especially in Nairobi and other areas.

They also scare investors and tourists which is a negative implication. Of late, there have been increased cases of kidnapping in Nairobi and surrounding areas. Young people have been kidnapped and it is associated with outlawed groups. These kidnapping is manifesting itself as they could be changing tactic of operation since there have been high degrees of insecurity in our country associated with members of outlawed groups activities.

What are the short and long-term measures to reverse the trend of youths joining outlawed groups and taking part in crime? We are proposing that we involve our youths in all aspects of national development. Let them be in the forefront. Let them not feel marginalized.

Let us also introduce community policies where young people are represented adequately. Let us advocate for equal opportunities for all Kenyans regardless of their age, gender, tribe, religion or any other considerations. Let us emphasise on providing skills and leadership training for our young people. Let us expand our technical institutions or youth polytechnics to give young people vocational skills which can enable them earn a living. Let us provide special skills facilities and social amenities in our villages in the rural areas, in our markets in the estates and other places.

Let us create support systems that could assist the youth to become responsible and reliable. Let us encourage young people to form groups to pursue economic functions or even social activities. Let us, as a country, sensitize our young people on the dangers of involvement in crime activities. Let us sensitize our communities on effective parenting, so that our parents do not leave the role of parenting to teachers and other people. Let us take this seriously as a country. Let us use role models to influence behavioural change. Why do we not use reformed criminals to persuade the youth to shun criminal activities, so that they can act as role models?

So, those are some of the measures that can be taken to ensure that our young people do not join these outlawed groups.

On education opportunities for the youth, we are saying we have youth polytechnics, which offer training in addition to the training offered by the Ministry of Education. We also have the National Youth Service (NYS) doing some training. The Ministry of Youth and Sports is also training the youth on entrepreneurship and ICT. We also do trading and sports and recreational activities. We are also developing talents through our national talent academy and various regional talent academies.

There is the question of what efforts we are making to integrate reformed members of the outlawed groups. There are quite a number of measures that are being taken. For example, peace campaign and community sensitization; media change programmes, vocational training, provision of support to reformed youth, *et cetera*.

There are challenges on the Youth Enterprise Development Fund. The Youth Enterprise Development Fund is one of the parastatals of the Ministry. It was established in the 2007 and converted into a parastatal in May the same year. It is meant to give loans to young people, so that they can start business or expand businesses. There have been lots of achievements of the Fund. I will mention a few of those achievements.

As we speak today, the Fund has advanced about Kshs614 million to about 30,000 youth groups countrywide. It has also given about Kshs66.1 million to individual youths. The Youth Enterprise Development Fund has continued to perform other roles example of which is establishment of infrastructure to support youth enterprises.

Finally, I want to look at the question of how to deal with youth in armed militia. We say that there is no harm in negotiating with the youth, including those in armed militia, an example of who are those in the Mombasa Republic Council. If, we, as Government or as a people, we sat down together and found out what their grievances are, we may sort out that problem before it escalates. Let us at all times ensure that we integrate young people back to communities.

Let us again find out what kind of youth really get involved in militia and see how best we can address their issues and challenges before the situation gets out of control. If there are young people who are in armed militia, then we must develop strategies to demobilise them and ensure that they are integrated into society. We must also take deliberate measures to publicise the positive activities of reformed youth to the rest of the communities through various channels. Let us give employment to the reformed youth.

In conclusion, in order for us to be able to deal with the youth and security issues in this country, it is the duty of everybody, and not that of the Ministry of Youth Affairs and Sports or the Government. We must work with all the stakeholders to address youth issues, particularly the issue of youth employment. We should address the issue of equitable distribution of resources by avoiding skewed distribution of resources.

Let us bring our young people to be the centre of socio-economic activities. Let them feel part and parcel of this great country. There is nothing as serious as a situation where a big proportion of the population of this country feels that they have nothing to lose even if

they destroyed their own country. So, as a country, as Government and as a people, we have a duty to our young people. Let them feel part and parcel of the population of this country and by so doing, they hold the safety, prosperity and the future of this country to themselves.

Thank you very much.

Ms. Emily Kimani: Thank you very much, Mr. Kubai, for your detailed presentation. I can see that you have a written document. Do you wish to share the same with the Commission, so that it forms part of the Commission's record?

Mr. Julius Kubai: Yes.

Ms. Emily Kimani: Commissioners, I request that the presentation be admitted to form part of the Commission's record.

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

Ms. Emily Kimani: Mr. Kubai, I have a few questions for you. The first one is with regard to the statistics of the youth who benefitted from the Kazi Kwa Vijana (KKV) initiative. You gave statistics on the beneficiaries of the Youth Enterprise Development Fund. What about the KKV initiative? Do you have statistics?

Mr. Julius Kubai: Yes. The greater KKV initiative was implemented by the Office of the Prime Minister. That is where the bulk of the KKV Programme lies. In fact, the Office of the Prime Minister is the one that is implementing the World Bank funded KKV Programme at the tune of Kshs4.6 billion. What the Ministry of Youth Affairs and Sports does is a very insignificant component. We implement a very small component of the KKV Programme called "Trees for Jobs", where the youth plant trees and get paid a little money. So, we implement the "Miti kwa Kazi" Programme, which is funded entirely by the Government of Kenya at the tune of Kshs330 million per year.

That money is divided across the board to all the 212 constituencies countrywide. I may not have brought the statistics but so far, we have created employment for over 555,550 young people. These are temporary jobs which we have created since the 2008, when we started the programme. The other component, which is being implemented by other line Ministries, under the direct supervision of the Office of the Prime Minister, I may not have the statistics but that is where the greatest employment is generated.

The other thing I would like to say on that is that the KKV Programme as it were, through the Ministry of Youth Affairs and Sports, is a basis of trying to engage young people to plant trees, so that they can increase the forest cover in this country and at the same time, earn a living for themselves. So, it is a small component. The bigger component is actually at the Office of the Prime Minister.

Ms. Emily Kimani: Thank you for that. You also told us about a national talent academy. When was this established, and how many young people are enrolled in the academy?

Mr. Julius Kubai: Thank you very much. The national youth talent academy is an initiative of the Ministry of Youth Affairs and Sports in collaboration with UNICEF. In fact, UNICEF is the donor. So, UNICEF, in collaboration with our Ministry, has started a national youth talent academy, which is based at Kasarani Sports Centre. The talent academy basically trains young people in the areas of football, volleyball, netball, performing arts, music and film making.

We started it in the year 2009/2010 financial year. The first group of about 250 young men and women have graduated from the academy. Those who have been pursuing talent in soccer have joined both local and international clubs. Those in music and performing arts have also been able to enter into various employment opportunities. So, already, 250 young people have graduated. We have taken a second class of 250 young people, drawn from all parts of Kenya. More importantly, we have also established about 14 regional talent development centres across the country with an enrolment of about 120 each.

So, as a Ministry, we are saying that those young people who are not talented academically and who may, therefore, not pursue their academic line to high school, universities and so on; and those who do not qualify to go to technical training institutions, they cannot be wasted. They can be made into some productive young people through talent development.

Ms. Emily Kimani: Thank you very much for that answer. You also stressed on the need to reintegrate youth who are members of the armed militia groups. You said that you are open to dialogue. Has the Ministry for Youth Affairs and Sports reached out to these youth in a bid to integrate them back to society? What is the Ministry doing about those youth who are reformed members of armed militia groups in Kenya?

Mr. Julius Kubai: When the issue of Mungiki was very hot in Murang'a, Kiharu and other areas, through our youth officers who are stationed in those places, we extended a hand of friendship. As long as we see some genuine concern and as long as we do not criminalise poverty, and as long as you understand these people and embrace them, they are willing to come forward and discuss their issues with you.

We have been able, through our own effort, to rehabilitate so many young people, particularly in Murang'a, which was the bastion of Mungiki. I can tell you that most of the young people who were in Mungiki in the Nyeri and Murang'a areas of the Central Province have been reformed. We linked them up with the Youth Enterprise Development Fund from which they were able to get money. After we trained them, they accessed the funds and they started some income generating activities. So, they moved away from that kind of activity.

However, once you confront them with a gun, you are making the problem worse. They do not need to be arrested or confronted by violent means because violence begets violence. Our strategy of reforming the youth has been to talk to them and find out why they do what they do. So, through our networks and our support, we have really been able to almost change the scenario in those places. We found that they are not inherently really bad. It is the situations, bad times and the circumstances that have led them to crime.

In Cheptais area of Mount Elgon, again, through youth change programmes, and through volunteer community service and through training and talking to them, again, we have been able to rehabilitate most of the young people. The same applies to Tana River, Samburu and Isiolo. So, our efforts, in many parts of this country, particularly in the hotspot areas, have actually borne fruits.

Ms. Emily Kimani: Thank you very much, Mr. Kubai, for your presentation and for the response to my questions. I have no further questions for you.

Commissioners, through the Chair, your witness!

The Acting Chair (Commissioner Namachanja): Thank you, Mr. Kubai, for taking time to come here and make your presentation on behalf of the Ministry of Youth Affairs and Sports. I now want to check with the commissioners, if they have any questions for you, starting with Commissioner Shava.

Commissioner Shava: Thank you, Presiding Chair. Mr. Kubai, thank you very much for taking the time and travelling to come here today and present the memorandum, which you have really taken time and trouble to develop. I would say that I found the large part of your presentation profoundly depressing. This is because what I was hearing was a lot of bureaucratic and rhetoric. I was not seeing ownership of the situation. It sounded like an academic discourse, where there was pointing of fingers and things like those. I was looking for solutions.

I was waiting to hear of your direct interactions with these people, and not a list of statistics because the context in which we are having this discussion is the context of armed militias in this country. It is a serious problem. As you have pointed out, we have a youth pond that we are experiencing in this country, which means most people are under the age of 35. These are the people who are prone to joining such groups. As you have pointed out, these people are a national resource – the most important resource is the human resource – but they have the capacity of turning into a national nightmare.

As a Ministry that has been created, I wish to believe, in recognition of such facts, and given that we have to have a particular focus on young people if we are to develop them and develop our nation into what we need it to be; this Ministry is the one that is directly charged with the responsibility of looking into those kinds of issues.

The first question I would ask you then is, when you evaluate the effectiveness or otherwise of your interventions, do you involve the youth? Is there a place where the

youth evaluate the effects being made as opposed to simply having a list saying X number of people received Y amount of money? Do you get feedback from the youth on the effect that your interventions are having on their lives?

Mr. Julius Kubai: Thank you very much, Commissioner, for that question. You are very right to say that we are the Ministry that is directly responsible for all aspects of youth matters in this country. All youth issues fall under our docket and it is true that we must be in the forefront in understanding and involving young people in finding solutions to the challenges that face them. So, to what extent does the Ministry of Youth Affairs and Sports involve young people in deciding, planning and implementing youth programmes in this country?

I want to state that the Ministry does not sit in Nairobi at the Headquarters and purport to know the issues or challenges that affect young people in various parts of the country. If you look at our structures, you will see that we have youth officers right from the divisional level, the constituency level, the current districts as established through the old order and at the provincial level. We have youth officers there who are, on daily basis, in touch with youth issues in the areas they work. Through them, we have to get the feelings and the opinions of young people, so that we factor them in our planning and designing of our programmes.

More importantly, every year, we bring youth representatives from all over the country, through the National Youth Council; to Nairobi and dialogue with them. It is called "Talking to the Youth". We listen to the voice of young people, so that they can tell us what challenges affect them in their own areas. We also look at the programmes that we implemented the previous year to see whether they have had any impact in terms of changing the lives of these young people.

So, I can say that the Ministry is very much concerned with the extent to which young people themselves own our programmes. This is because if they do not own our activities and projects, they will not make use of them. For example, when putting a youth empowerment centre, we involve young people, especially the leaders of a given area.

We ask them where they want us to put the empowerment centre. We do not ask the politicians or the community leaders. We ask the youth leaders themselves. We then ask them how they want the centre to be managed. In fact, they form their own youth committees to manage the empowerment centres. They agree how youth from different corners or regions of those areas will access the facilities there.

Another thing I would like to say while we are still on this matter is that even the running of our youth polytechnics as well, the youth fraternity, through their leaders, are involved. In fact, they are the ones we use to go and campaign and popularise the youth polytechnics, so that they can bring in other young people who left school to come and learn in those facilities, so that they can get technical skills.

In fact, we ask them what kind of technical skills are required in the respective areas. We ask what the training gaps are in the respective areas. We do not impose a kind of a national curriculum in every part of the country. Young people are involved in the kind of skills they think they lack, and those are the kind of skills that we train young people on in that particular area.

In the running of sports centres in this country, again, we involve young people. They are the ones who run the sports centres that the Ministry has established. Also, in terms of admission to the National Youth Service, young people are involved.

So, I want to assure you that the Ministry deeply involve the youth in all aspects of planning, designing, implementing and evaluating of the success of our programmes. Even when it comes to the Youth Enterprise Development Fund, we ask young people to form groups and screen each other so as to minimise the chances of criminals penetrating those groups. So, involvement of the youth is there but we can improve on it.

Commissioner Shava: Thank you, Mr. Kubai. You have answered my question very well. Clearly, you have a grasp of what is going on within the Ministry.

The next question I wanted to ask you was with regard to the vision that your Ministry has for the youth of this country. During the time you were speaking, I got the impression that you were still looking at the youth as an ingredient of the labour market. Talking of the KKV Programme, for example, there has been a lot of criticism but, surely, the programme has helped a sizeable number of people. As you pointed out though, that was a temporary step. It was supposed to be an interim measure. However, the language you were using was labour force and that kind of terminologies.

So, I am just wondering. In terms of the vision that your Ministry has for the young people of this country, are you thinking about things like entrepreneurial training? In as much as a lot of the issues that we have in this country are around land, because that is how people see their livelihood, everyone imagining that if they do not have land, then they will die of hunger and that they will not have money for the education of their children; we are now living in the ICT age and there are lots of different ways of provision of services by which people can make very good livings.

We were in the company of a senior diplomat in this country from a foreign country, who was talking about how, in fact, she does not own her home but because she has the job that she has, that enables her to live where she lives. Are you looking at the youth as a source of labour or, in terms of the youth empowerment programmes that you put in place, are you looking wider in terms of the realities of the world today?

Mr. Julius Kubai: Thank you very much again, Commissioner. As a Ministry, we basically view the youth as the greatest asset that this country has, and not merely as a source of labour. We believe that if this resource is properly harnessed and the energies and the vitality of these young people are channelled towards productive activities, then this country will develop faster.

So, in that regard, the Ministry has a very ambitious programme of entrepreneurial training for the youth who are out of school countrywide, where we train over 800,000 young people every year countrywide. These are young people who are out of school. Before they access our loans through the Youth Enterprise Development Fund, they are given what we call “social inter-mediation”. Before they are given financial inter-mediation, we give them social inter-mediation. That is training on entrepreneurship.

Therefore, through that training, they are able to access this money and start viable business enterprises because they have what it takes to manage those enterprises. In addition to targeting youth who are out of school under this programme, the National Youth Service has made this training compulsory for all the trainees in the various training areas across the curriculum. The same case applies to our national youth polytechnics. In addition to giving various technical or vocational courses, we have also emphasised that all trainees should take a module on entrepreneurship training development.

Information Communication Technology (ICT) is very critical. One of the courses offered in our youth polytechnics is ICT. This is also a programme that is taught in our various youth empowerment centres countrywide. We have supplied computers to over 164 youth empowerment centres countrywide, where the Ministry pays part-time lecturers to teach our young people ICT. In addition, the Ministry is working very closely with various Government Ministries like the Ministry of Information and Communications to establish what is called “ICT Villages” in every constituency in this country, so that young people can access ICT wherever they are.

We are saying that ICT is the route to go because once young people have ICT, regardless of where they are, they will be able to access even business outsourcing, as is done in other countries. The only challenge here is power in some parts of the country but the Ministry, every year, buys and distributes computers to almost every constituency in this country to teach our young people ICT.

In addition to ICT, we also give them leadership training or life skills, so that they can be able to manage their youth groups effectively as well as the various enterprises that they establish.

So, our vision is to see empowered Kenyan youths in all aspects or get the young people building their country. We would like to see the youth participating fully in a very big way in the development of their country. Therefore, we have a very broad view of the youth and we are working consistently towards that direction.

Thank you.

Commissioner Shava: Thank you very much, Mr. Kubai. The next question is my second to the last question that I will ask you, which is a fairly specific question. During our tour of IDP camps, we travelled to Uganda and engaged with the young people there.

They have concerns about how when they leave those settlements, they will come and be reintegrated into society. In Uganda, for example, the young people said to us that although their parents do not want to come back, they definitely want to come back, talking in terms of when they come back to Kenya, and not if they come back.

They said that one of their concerns is the fact that they feel that they have lost their language. They do not any longer speak in Kiswahili in the way that people in Kenya do because they are learning in a different language. They feel that the syllabus is different and they feel that they will not be able to compete on the job market when they come back. A lot of the young people we have spoken to and engaged them in the IDP camps expressed similar fears on the conditions under which they learn; the facilities they have led them to be at a disadvantage compared to their peers.

Does the Ministry of Youth and Sports, in conjunction with other Ministries – maybe, the Ministry of Education, the Ministry of Education and the Ministry of Health – have a plan for these children in terms of accelerated integration and assisting them to get their national ID cards, which is another very big issue? Have you thought through that situation?

Mr. Julius Kubai: Commissioners, as a matter of fact, the issue of IDPs and their resettlement falls squarely under the Ministry of State for Special Programmes. However, during the initial stages, after the post-election violence, we, as a Ministry, through the National Youth Service, were engaged in coming up with a short-term solution to this problem.

With your permission, Presiding Chair, I would like to request my colleague from the NYS to respond to this. He is with us here.

The Presiding Chair (Commissioner Namachanja): That is in order. It is okay.

Commissioner Shava: As you respond, although we are aware that the Ministry of State for Special Programmes is charged with the docket of the IDPs, they have made it clear to us that they deal with IDPs resulting from the post-election violence. However, as we went throughout the country, we met very many IDPs from post-Independence and onwards. So, perhaps, in your answer, you could address all the IDPs, and not just the ones arising from the 2007/2008 post-election violence.

Mr. Thenya Muchiri: Thank you very much, Commissioner. Let me say that the NYS has a programme for those who are in IDP camps. What we have been doing is recruiting those young men women unconditionally, particularly those who meet the age bracket because we realised that if we were to go down to the academic credentials, most of those people do not have them. So, as long as one meets the age bracket of 18-22 years, we take him or her. The Service Commander has allowed us to recruit even those who have reached the age of 26 years, and we have been recruiting them. Once we recruit them, they undergo six month training at the NYS College in Gilgil. After that, they go to what

we call “Phase Two”, which is nation building. We deploy them to our camps in the entire Republic.

Thereafter, we take them to vocational training centres, where we have been equipping them with skills effectively.

Thank you very much, Commissioner

Commissioner Shava: Thank you very much. My final question goes to Mr. Kubai. As you were speaking, I got the sense that you face a lot of challenges in trying to meet the targets that you have set and the targets that have been set for you. I wonder whether in the way that the Ministry is structured, and the way in which it interacts with other arms of the Government and other Ministries, do you feel that that structure impedes your work or gives you some challenges? Secondly, if you do, what would be your recommendations in terms of restructuring and in terms of the way the different arms of the Government interact with each other to enable you deliver on your mandate?

Mr. Julius Kubai: Thank you very much, Commissioner. That is a very important question. The current structure of the Ministry as it is, really, poses very serious challenges in terms of meeting our mandate as the Ministry in charge of your affairs and sports. You realise that this is one of the youngest Ministries of the Kenyan Government, formed barely five years ago to address youth issues and challenges. At inception, we were mandated to address all youth issues and challenges in this country. However, the structure did not facilitate the achievement of this mandate basically because, first, it did not capture all the youth issues and challenges.

Secondly, in terms of staffing levels, the Ministry is grossly understaffed. You find that one youth officer is in charge of 100,000 young people, covering several constituencies and divisions. So, we are not able to reach all the corners of those areas due to shortage of staff.

The other problem is lack of adequate funding. Out of the Kshs1 trillion Budget read by the Government in the last financial year, the Ministry of Sports and Youth Affairs got only Kshs10 billion. If you divide Kshs10 billion out of that Kshs1 trillion you will get a zero decimal. So, funding is a real serious challenge and yet we are saying that the Ministry has 13 million young people. That translates to 34 per cent of the population. This is a group of age bracket of 18 years to 35 years and yet they are only given 0.1 per cent of the national Budget. When you look at other countries, the Ministry concerned with youth affairs is given a lot of priority and importance because it is the Ministry that is charged with development. You can only develop if you adequately fund youth programmes and youth projects.

Lack of staff is another challenge. There is also lack of organizational support because we need structures but they are not created. However, having realized that, the Ministry invited the Ministry of State for Public Service to come and study, and address the Ministry so that we can address some of those challenges. For the last two years, that

study has been going on and we have now received recommendations on the new structure of the Ministry, new staffing levels and new roles and responsibilities. I believe that once these things are implemented, some of those challenges will also go.

There are also duplications and overlaps. For example, there are other programmes that we are not in control of because they are originated from somewhere else but if anything goes wrong, then the people who are blamed are the Ministry of Sports and Youth Affairs. If there is misappropriation of funds meant for Kazi Kwa Vijana in the Ministry of Agriculture, Ministry of Forestry and Wildlife, Ministry of Water and Irrigation or the Ministry of Local Government, our Ministry is blamed yet we are not in control.

The other challenge related to what you have asked that makes us to not achieve as much we would have wanted to achieve is that lack of networking with other relevant Government Ministries and departments. There has been a feeling that the youth issues are the sole responsibility of the Ministry of Sports and Youth Affairs. Even before the post-election violence, we saw trouble coming. Our late Permanent Secretary used to say that he could see danger. We organized very many peace campaigns. We did one at Uhuru Park where the former Vice-President released some doves as a sign of peace. That was on September, 2007. But all these efforts were being dismissed that it is our own affair. We are saying that no single agency or individual can single-handedly address the issues and challenges of young people in this country. So, all of us, as a country, it is our duty to address the issues of the youths. We can also do so much but we need support of other Government arms and agencies. That must be made clear at the highest level because if we do not do that, then none of us is safe because these people who are 13 million and constitute 34 per cent of the population can cause a lot of problems if we do not address their issues. Why can we not have youth programmes in all the Ministries? If it is the Ministry of Health, let us have some programmes that address youth issues. The same should be replicated in the Ministry of Agriculture and Ministry of Roads. We should have programmes that are youth focused in all Government Ministries. Everybody should be involved until our young people are brought to the centre so that they can feel that we really care for them. Once they are sure that as a country, we care for them, they will not go out and destroy buildings because they know that they are part and parcel of that society. If they think that they are not and they do not care, then they have nothing to lose. Therefore, they can do anything. Those are the issues that we need to address as a country.

Commissioner Shava: Thank you very much, Mr. Kubai. You have spoken eloquently and with passion. I can see your commitment. Thank you for taking your time to come here to talk to us and clarify these issues.

Commissioner Farah: Mr. Kubai, thank you very much for your presentation. I would like to join my fellow commissioners in thanking you because your presentation was very bureaucratic. My only comment is that you should help the Commission to help the youth of this country. Give us recommendations. In your talk, you have been suggesting what we should do but we would like concrete recommendations of future programmes especially regarding inter-Ministerial co-operation. You have been in the middle of the

problem and you have now realized that this Ministry alone cannot solve the problems of the youth in this country. The Prime Minister's office being at the centre, I would like to ask you to re-submit your memorandum to the Commission with concrete recommendations. We can use those recommendations to make our final recommendations to the Government.

Mr. Julius Kubai: I will do that.

Commissioner Dinka: Mr. Kubai, I just have one question to clarify an issue. You have said that 34 per cent of the population of Kenya comprises of the youth. What percentage of that is unemployed?

Mr. Julius Kubai: According to 2009 population and house census in Kenya, our population was 38 million, and out of that 13.3 million are youths. A young person is that one who is over 18 years of age and below 35 years. We said that out of that, only 25 per cent are employed. So, 75 per cent of 13.3 million are unemployed. If you wanted to find out how many are unemployed out of 13.3 million, we can always calculate. It is about 9 million young Kenyans are unemployed. That is where the greatest problem lies. That is what the Government should address.

Commissioner Dinka: What percentage of the youth are you reaching?

Mr. Julius Kubai: As a Ministry, we are only reaching slightly less than 500,000 leaving about 8.5 million out there. We are creating jobs as a Ministry for only 500,000 people. This is a drop in the ocean and a lot more needs to be done to address this problem. There are those who are in youth polytechnics but they are only 65,000. We have 15,000 in the National Youth Service (NYS). Therefore, we are not really addressing the issues of about 8.4 million youths. I can also say that we have the Youth Enterprise Development Fund to assist the young people. That is why the Government established it and that is why we are carrying out entrepreneurship training so that some of those 8.5 million youths can borrow money and establish some enterprises either as individuals or groups.

Commissioner Dinka: Thank you, now the figure is in my head.

Commissioner Farah: I would like you to figure out this issue; every year after Kenya Certificate of Primary Education (KCPE) and Kenya Certificate of Secondary Education (KCSE) are released, how many go to secondary and universities? There are those who miss those places. There is a repetition of the same every year. This adds to the number of those unemployed.

Mr. Julius Kubai: If you look at the 2011 KCSE Examinations, 760,000 candidates sat for the examinations in 2011. Out of that, those who got places in secondary schools were about 420,000 which translates to about 60 per cent. That means that there are 360,000 young people out there. As a Ministry, we are saying that out of 360,000 we take about 50,000 to youth polytechnics. A large proportion of them are left out there. We would like to take all of them but due to limited funding, we cannot enroll all of them. If we had

enough funding and build very many youth polytechnics in every sub-location and location, then we can take the entire 360,000 and train them. If a young person has some skills in motor vehicle, he can be able to make up to Kshs500 or Kshs1, 000 per day. That means, he will not be hungry. In some areas, we have to import people to build structures funded by the Constituencies Development Fund (CDF) because the local people are not trained in things like simple wiring, carpentry and so on. We are saying that the problem is due to limited funding and lack of support. We are now employing instructors on contract basis because we have no funding to employ them on a permanent basis. So, they are running away because we do not have money to employ them. The turnover is very high.

When it comes to K.C.S.E, 416,000 students sit for the examination. A majority of them do not get a place. Again, we are supposed to be targeting them ourselves, as a Ministry, through our youth polytechnics and other training programmes. Again we are going to take very few of them; less than 60,000, leaving thousands out there. So, that problem is compounded over and over again. If we have to get peace in this country, then the youth have to feel to be part of this country so that our security issues are guaranteed.

The Acting Chair (Commissioner Namachanja): Thank you, Mr. Kubai. As one of the commissioners has requested, kindly go back and bring us five practical and implementable recommendations that can form part of our report. We shall really appreciate that although we shall admit the people that you have already presented.

Mr. Julius Kubai: I will bring it on Thursday.

Commissioner Farah: I also request you to bring us some information. I know that your Ministry is not in charge of statistics but could you tell us how many are recruited by the army, the police, the NYS and so on? We need to get the crude wastage who are out there and who are manipulated by politicians.

The Acting Chair (Commissioner Namachanja): Thank you. That is all from us. We have come to the end of our hearings and on behalf of the Commission; I would like to thank the following people who have presented before us: Mr. John Maina, Kamunya Njenga, Mr. Wambugu Ngunjiri and Mr. Julius Kubai.

Due to pressure of time, Mr. Charles Kanyi Njakwa left before his presentations but we are willing to receive his paper because we only hear people on the list. Although he had sent a representative, the replacement has come without the paper. Please go and advice him to share with us the paper.

I want to thank the public for being with us. I have realized that we have sat here without a break. I want to hand over the programme to the regional coordinator. Thank you, Leader of Evidence and everybody who was involved in facilitating this dialogue with the presenters and the Kenyan public. I also thank commissioners for sitting here without lunch.

(The Commission adjourned at 4.05 p.m.)