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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND  
RECONCILIATION COMMISSION ON FRIDAY, 3<sup>RD</sup> FEBRUARY,  
2012, AT THE NHIF AUDITORIUM, NAIROBI**

**(Thematic Hearing)**

**PRESENT**

<b>Tom Ojienda</b>	-	<b>The Presiding Chair, Kenya</b>
Tecla Wanjala Namachanja	-	Acting Chairlady, Kenya
Berhanu Dinka	-	Commissioner, Ethiopia
Ahmed Sheikh Farah	-	Commissioner, Kenya
Margret Wambui Shava	-	Commissioner, Kenya
Ronald Slye	-	Commissioner, USA
Gertrude Chawatama	-	Commissioner, Zambia

*(The Commission commenced at 9.45 a.m.)*

*(The Presiding Chair introduced himself and the other TJRC Commissioners)*

*(Opening Prayer)*

**The Presiding Chair** (Commissioner Ojienda): Welcome to today's session. I note that the presentations will be done on Internally Displaced Persons (IDPs). It is a thematic hearing. Therefore, we will not conform to the way that we often lead witnesses. We will allow witnesses to speak to us and stick to the issues that will help this Commission make recommendations. I would urge all those who are on the programme to be concise and to speak to the issues that will help this process. We know that the mandate that we have as set out under the TJRC Act does not expressly cover IDPs. However, we know that IDPs were displaced and that they have suffered gross human rights violations. We want to, therefore, hear how, especially our policy persons in the Government have dealt with the question of resettlement whether they have been guided by principles of justice, fairness and equity that are enshrined in Article 10 of the Constitution of Kenya. I am glad to see the Special Programmes people here. I see the Assistant Minister and other officials are here. So, when we start with the witnesses, let us bear in mind that we have officers at the back who will answer to some of the issues that we have raised. Let us give each presenter 10 minutes because we need the Assistant Minister to answer to certain specific issues. Waziri, we have many questions for you. So, just be patient and you will come and speak to us.

**Mr. Patrick Njue:** Presiding Chair, our first speaker today is Mr. Amos ole Mpaka. He will talk to us on integrated and pastoral communities, IDPs.

**Mr. Amos ole Mpaka:** My name is Amos ole Mpaka. I will speak on behalf of the IDPs from pastoral communities' perspective. This is a unique segment of IDPs. I am saying this because it has never been recognized since. We have been having IDPs of pastoral

communities even since Independence. This is unique in the sense that the conflict that pastoral communities have is the one which is driving them to be IDPs. Their cultural beliefs and norms also is another factor that is hindering them not to be recognized. We have been having conflicts over pasture and resources. Our conflict is based on cattle rustling. This is actually pushing the pastoral communities some of them to move from where they have been living to other areas. These factors have never been featured and we are saying this because we have Turkanas, for instance, who are spread all over as IDPs. But if you ask the Government, do you have the database of this Turkanas who are spread all over Kenya? That is another question. After 2007, that is the time pastoral communities came across a new term called IDPs. We have been IDPs in Kenya for a long time, but nobody has ever given us an ear. Nobody has ever come across the pastoral IDPs and addressed the issues facing them.

So, basically, here, today we are raising this issue because we have been seeing people saying IDPs are there in Kenya and the problem started in 2007. So, actually we are saying that we have been suffering as the pastoral community. People have been killed and our animals have been taken by our colleagues because these are just pastoral based issues. We are raising this issue because we need the Government to address it. We need them to come with policies. We need them to come with data of these IDPs that are spread all over Kenya. We need these issues to be factored because these people are suffering in silence. They have been suffering in the sense that they do not know whom to run to. It is just like a culture. When pastoralists are conflicting, when they are IDPs in their manyattas, nobody recognizes them. They are not even getting the basics of what is needed. If you go to a Turkana camp or, for instance, a pastoralist camp, you cannot even get a toilet there. When they were addressing the IDPs of 2007, they forgot that there are IDPs who existed even before the 2007 post-election violence.

The Government will know that some IDPs are existing who have never been assisted. I will give an example of the Ilchamus Community. In 2007, those people were displaced from their homes. We have about three schools which were closed from 2005. Up to this particular moment, nobody knows where their children or teachers are. The schools have been closed. Until this particular moment, the Government has never addressed those schools which were closed. Those are some factors that we are bringing out that IDPs of pastoral communities have been forgotten. So, our cry now is that let the Government and relevant bodies know very well that these people are there. We need to have that the data of Turkanas across Kenya. We need to know the data of Samburu who are IDPs in different areas. We need to know the IDPs in some specific areas in pastoral communities. The Government should tell us that they are in the programme of resettlement. Are we in the programme of compensation? Are we in the programme of even recognition? Recognition first comes before even other factors. So, those are the factors that we are raising today.

When I am talking and presenting the cry of those people, I know very well that they do not even know that the Government has programmes on addressing resettlement. We have been hearing that IDPs are being given land by the Government and that the Government is purchasing land for the IDPs of 2007. What about pastoral communities?

**The Presiding Chair** (Commissioner Ojienda): Thank you, Mr. Mpaka. So, your entry point is that, first, you want pastoral IDPs to be recognized. So, you are asking us to make specific recommendations, first, on recognition. That would then mean an audit to be done by the Government to find out how many pastoral people were displaced. You are also saying that you should then be integrated in the resettlement programme. Is there anything else?

**Mr. Amos ole Mpaka:** The other recommendation is that we need a mobile education unit whereby when pastoralists are moving from one area to another, they have to have a system whereby their education is continuous because we have been lagging behind in education.

Another issue is that we need compensation in terms of animals lost. We need compensation on the people that we have been losing and even the injured. We are also talking of joint disarmament programme because what is leading for this issue is basically the issue of small arms that these pastoral community has. So, we need a joint disarmament exercise between the Government of Kenya and the neighbouring countries. We also need to know the sources of these guns. So, we need a lasting solution for this. We need also peace. We need the Government to come up with a programme of cohesion and integration of these communities. Those are the recommendations that we are making such that we can be given a chance also when the programmes are coming on the policies of the IDPs in Kenya.

**The Presiding Chair** (Commissioner Ojienda): Thank you very much. Commissioners, please, if you have questions you may now ask.

**Commissioner Farah:** Thank you for your eloquent presentation on a very important topic or theme of forgotten IDPs of the pastoralists. That is very important and timely. However, I have always been asking on the other IDPs. You know there are currently some IDPs who during the day do their business in Nakuru Town, but in the evening, go to the IDP camps. Those could have been the ones that were selling watches and what-have-you before the violence. They have gone back to their old business having been compensated with Kshs25, 000. They still go in the evenings to the tents. We come to the pastoral community IDPs if the Government starts a programme of registering them, knowing them and trying to compensate them, would that help to eradicate cattle rustling which is what brings the IDPs or will it exacerbate and, therefore, give the Government a headache of a vicious cycle of cattle rustling victims registering as IDP, settling them and then restarting a never ending the exercise? Please, your opinion.

**The Presiding Chair** (Commissioner Ojienda): We will accept two more so that you answer them together.

**The Acting Chair** (Commissioner Namachanja): First, on behalf of the Commission, I would like to appreciate the presence of the Assistant Minister and the whole team from the Ministry of Special Programmes. I would also like to recognize the presence of Ms.

Rukia Sugow, the Chairlady of *Maendeleo ya Wanawake*. You are most welcome. As you may have heard from Mr. Ole Mpaka, the issues that he has shared are very pertinent. Although he is talking on behalf of the pastoralists, but all over our hearings all the way from North Eastern, Nyanza, Western, Coast and Rift Valley, we have heard cries of what we can call the forgotten IDPs. The cry is that focus has been on just a certain group of IDPs, but those who were accepted by their family members, neighbours or those who ended up at market centres and rented up some small places feel that they have not been acknowledged by the Government and they are not given attention.

We have heard a lot about discrimination when it comes to the funds for the IDPs. These are some of the issues that we thought the Ministry of Special Programmes could help us to come up with some answers, so that we can include them in our recommendations. So, thank you, Mr. Ole Mpaka. You have not just spoken on your behalf, but you have spoken on behalf of so many thousands of IDPs there. I have no question for you.

**Commissioner Chawatama:** I only caught the tail-end of your presentation. So, I might ask something that you have already addressed. If you have, please, feel free to say that you addressed it and I will not be offended. I join the Acting Chair in also welcoming the Assistant Minister for Special Programmes. It is, indeed, an honour and a privilege to have you in our midst. Your presence here is so important because you will hear first hand from the people who are really affected and maybe through our questions, you will also understand where we, as the TJRC, are coming from and the concerns that we are raising. So, you are most welcome. I would also like to welcome my sister and I would like to publicly acknowledge that the turnout of women in our hearings was beyond my wildest dreams. Their participation will make the report of this Commission rich and your hard work will never ever be forgotten. Even when the work is done and I go back home to my country, Zambia, yours will be one of the names that I will forever mention from time to time. I do not know how you have managed to bring women together in such a way and just got them to a place where they are so dedicated to the work that they are doing. We just appreciate you as a commissioner, especially the women.

Mr. Ole Mpaka, the issue of IDPs is one of the saddening things that personally I have had to encounter because of the stories that we have heard the loss of property and lives. People have always cried even just by seeing photographs of their loved ones that they have lost and documents and other valuable things. You can clearly see that it is not a situation that the majority of the people want to find themselves in, but they are very helpless and hopeless about the situation that they have found themselves in.

We are coming to the election. I am wondering whether amongst the people that you represent today, whether they think that it is a bit too late for something to be done to settle them or whether they still have hope and where this hope is coming from. What are you telling them to just keep them going? I think to motivate people who find themselves in such a situation like that is very difficult. So, how are you motivating them? How are you keeping their dreams and hopes alive?

**Mr. Amos ole Mpaka:** Thank you. I am very glad to hear that because hope is something that we cherish all. I will start with your question. What we are doing to represent pastoral communities and those are the people that have been forgotten since Independence, our hope is the new Constitution because the Bill of Rights addresses all those issues. The biggest hope that we have is the new Constitution. If the new Constitution will cater for the interests of all, then our problem will be solved. Another hope right now is that the Government will actually respect the implementation of the new Constitution and also focus on the most marginalized areas. What is making these people to have conflicts is the few resources that they have. Marginalized areas are forgotten areas. If you want to find that out, go to Turkana and other areas. Those are the people who have been subjected to harsh conditions for a long time. They have been fighting over the few available resources. So, what we are actually crying for is that we have hope that the next Government which will be in place will address the issues of marginalized and pastoral communities and our problems will be solved. That is the hope that we are giving them. Our other hope is that if the Government will come and address permanently the issue of insecurity and small arms; if they can actually block the source of those arms, then we will have hope that soon and very soon, our problems will be solved.

I am coming to the question that Commissioner Farah asked me about the issue of the vicious cycle of insecurity. Our issue is not compensation because that is not a lasting solution. We are addressing the issue of getting a permanent solution. We are seeking from the Government because it is a fundamental right of everybody to get security and protection of their lives and property. That is a fundamental right that we are asking. It is viewed as a tradition when a person from the pastoral community is killed. When a person is killed in urban areas like Nairobi, all security apparatus are taken there. When one person or about 1,000 people are killed in Turkana, the Government does not address that issue. I am saying this because you will see that in cross border conflicts when people are being killed, that day when people are running there, the Government mobilizes their resources to go there and address that issue that day but after a short time they forget that story. The Government is reluctant to address the issue of the pastoral community. That is what we are saying. These people are not after land. What they need is permanent security. This is because they have been enjoying their way of life. They have been moving from one area to another with their livestock and they are comfortable. The Government should address their issues and give them the security that they need which is fundamental. What we are actually saying is that if the Government is not giving us the security and addressing the issues permanently, we can use the new Constitution and even the Bill of Rights to go to court and sue the Government for compensation. Telling the Government to protect us all the time and they are not giving us that solution, I think that is another move that we will take because it is our right for the Government to disarm us, give us protection and also to make sure that we enjoy the rights and the freedoms of the new Constitution and the freedom that other Kenyans are enjoying. Let the Turkana come from Turkana. When you reach Kitale, you will say that I am in Kenya which means that our area has been forgotten. We are telling the Government that we will use the new Constitution to make sure that our issues are addressed in the right manner and legally. That is our cry to the Government for security and a permanent solution.

**Commissioner Chawatama:** I have a question. I know that looking at our programme someone will talk on the issues affecting women IDPs. But I would like to think that the issues that affect women in pastoral communities as IDPs will, probably, be different. I do not know whether or not you are in a position to address the issues that affect women and the girl child in the pastoral communities.

**Mr. Amos ole Mpaka:** The IDPs issues, especially in pastoral communities are unique. The natures of the problems women undergo in pastoral communities are very unique. Remember that we are still rich in culture whereby women and men cannot share one shelter. You will find that the IDPs who are in Nakuru, their culture can allow men and women to share even one house. Pastoral communities practice polygamy whereby you have about five wives. If a conflict arises, you are entitled to run with your children, wives and everything to safer places. Imagine a woman with 12 children running to an unknown zone. That actually tells you that people are suffering a lot and nobody is telling you. There is also separation of families. You have a husband with four wives and for them even to meet to enjoy their conjugal rights, it is difficult. That is why the population of pastoral communities is going down. This is because even meeting for reproduction is a problem. This is a problem that we are undergoing. Even women are suffering silently.

Rape is also an issue that the pastoral communities cannot mention. There are a lot of rape cases that women are undergoing and they cannot mention it because it is a taboo for the pastoral community women to come openly and say that I have been raped or somebody has sexually assaulted me and even for the girl-child. So, these are the problem we are undergoing and, that is why we are calling upon the Government to take seriously the issue of Internally Displaced Persons (IDPs) or pastoral communities.

Women are suffering and they are operating in harsh conditions because they walk several kilometres to get water. When they converge in a camp or in a manyatta where there is no security and even the policemen who are giving them security are taking advantage of their innocence and even molesting them. So, the problems of women; especially the IDPs in pastoral communities is unique even with those in urban areas because many things are hidden. It is a taboo even to say anything to do with sexual harassment in pastoral communities. So, there is lot of problems.

There is also the problem of health on the side of women, especially when they are giving birth. We do not have health facilities in pastoral areas. Go to any camp in Turkana or any other pastoral community, you cannot even get a toilet, leave alone getting a hospital! You can travel for 50 kilometres to get a place where a woman can get medication or even maternity service. There are a lot of problems and we have been marginalized and forgotten by the Government. All we are saying right now is that, let the Government wake up and address those issues because women and children are suffering. Even young girls are not going to school. So, there is a lot of suffering to women in the pastoral communities and even the Government is now aware.

**The Presiding Chair** (Commissioner Ojienda): Mr. Ole Mpaka, the Government is here. I am actually waiting for them to respond. You have spelt out your issues and they will gladly respond. The entire Ministry is there including the Minister, therefore, that will really be addressed.

**Mr. Amos ole Mpaka:** Thank you, Commissioner Ojienda.

**The Acting Chair** (Commissioner Namachanja): Commissioner Chawatama, are you okay?

**Commissioner Chawatama:** I know that the speaker is aware that the Government is here because we have acknowledged its presence. I am not sure whether or not the speaker finished answering my question.

If he has, then I am happy. If not, please, let him continue.

**Mr. Amos ole Mpaka:** Thank you, Presiding Chair. Because of time, let me say we have. A lot has been answered, but in summary. The pastoralist community issues are overwhelming and that is why we need a research done for people to know how these people are suffering. This is because we can talk here and if we do not have a proper data and even the issues that you are asking right now are overwhelming. It needs time and even a whole day for us to answer problems that IDPs and pastoralist communities are undergoing because of the uniqueness of the areas where they are living; the harshness they have been undergoing and marginalization they have been subjected to.

So, Commissioners, because of time, let me say that it is good for the Government to do a proper research on the problems that these people are undergoing.

Thank you.

**Commissioner Chawatama:** Thank very much for that recommendation. I am sure that your recommendation will find its way into our report. Thank you very much.

**The Presiding Chair** (Commissioner Ojienda): Thank you very much, Mr. ole Mpaka. I am sure other speakers who will come after you we will have all these issues. There will be a speaker who will speak to us on issues affecting women IDPs and the other displaced persons. I am sure we have other IDPs in the room.

Leader of evidence let us have the next witness.

**The Acting Chair** (Commissioner Namachanja): Sorry, Presiding Chair. I just have one last question to the speaker.

**The Presiding Chair** (Commissioner Ojienda): Proceed.

**The Acting Chair** (Commissioner Namachanja): Amos, the lasting solution to the IDP problem is peaceful co-existence so that we do not have many conflicts. What ideas do you have for this?

**Mr. Amos ole Mpaka:** Thank you, Presiding Chair. First, let us address the issue of politics. Politics is something that is making us to recycle the problems of conflicts and violence. So, first, let us address the issues of politics. If we can get a permanent solution to political issues, then Kenyans will not have problems. For four years we have been having peace, but when it comes near to the election time, that is when you see politicians sending people and that is why we have these problems.

Another issue which I want to address is that; let the Government give the National Cohesion and Integration Commission powers such that they can go round and preach peace because for four years now, since 2007. If that Commission could have been given power to go and bring these people together, I think the issue of ethnicity and even conflict could have been solved.

Another thing is to address the IDPs issue permanently. The Government should come up with machineries to do a proper research so that they know why these people are conflicting all the time whenever there are elections. You can address the issue of land and if other factors are not addressed, nothing much will be achieved. You cannot address the issue of land alone if other problems are not addressed such that the recycling of conflict and violence will be minimized.

So, that is my recommendation to the Commission and to the Government.  
Thank you.

**The Presiding Chair** (Commissioner Ojienda): Commissioners, you can ask more questions because you have all the time. Commissioner Dinka, if you want to ask another question, you can go ahead!

**Commissioner Dinka:** Mr. Ole Mpaka, my question is a bit different from what you have addressed and this is not on the issue of IDPs. If you look at the life of nomadic people; the pastoralists who are moving from one place to the other following better pasutere or watering points; it is also a style of permanent IDPs. So, is there any thinking within the pastoral community to either progress towards modern ranching among themselves or settled agriculturalists with both farming and raising cattle or just continuing with the same story forever? Is there some change of attitude and adoption of new ideas emerging from within the community?

**Mr. Amos ole Mpaka:** Thank you, Commissioner Dinka. First and foremost, change is something that is cultural. So, it is not something that we can say that, you can go to the pastoralist communities today and tell them to change their way of life. When we approach it positively, for example, if the Government can explore the pastoralist areas, make good infrastructure; good roads, businesses and industries, we will change. That is why we are also having a school and the pastoralist communities are changing gradually.

Here in Nairobi today, we have people who have gone to school from pastoralist communities and they have changed. So, I think the Government has neglected the pastoralist communities for a long time. If they can open up roads and other infrastructural facilities, such as schools and many others like water and everything, people will change. I know very well that everybody needs change and they need a better life. You see somebody coming from Wajir, Turkana or any part of North Eastern, when he arrives in Nairobi, he will change automatically, meaning that everybody needs change. So, I think the government must start putting up infrastructural facilities in those regions in order to change people from pastoralist styles of living. For example, the pastoralist communities transport animals all the way from North Eastern to KMC here in Nairobi. If the Government can open the Kenya Meat Commission (KMC) branches there, people can start to change and the youth will get employment, even conflicts will reduce. So, I think the Government needs to open up development and infrastructural facilities in pastoralist areas. You cannot say that transporting animals from Northern Kenya to Nairobi and when others die on the way is progress because we are going nowhere!

We need to change and devolve even this department. We need to devolve even milk! We need to go there and do. We have the Kenya Agricultural Research Institute (KARI) there. We need to tell them that, if you change this way, you will better your life. But KARI is basically doing research there and not advising farmers. Those people live there the way they are living because they are losing a lot of animals during drought seasons.

So, it is the seriousness of the Government which will change things there. The Ministries of Agriculture and Livestock Development can come together and address the issues affecting the people; expand dams there and people will change. I know very well that the pastoral communities are not happy with the lives that they are living in.

Thank you very much, Commissioner Dinka.

**The Presiding Chair** (Commissioner Ojienda): Finally, you can now step down. You have been stepped down twice. You can just leave.

Let us have another person. Leader of evidence, do you have another person?

**Mr. Patrick Njue:** Yes. They are there.

**The Presiding Chair** (Commissioner Ojienda): Maybe the Assistant Minister should speak, or if there are two witnesses who have points that would then be addressed by the Minister, then probably it would help for the Assistant Minister to hear from the horse's mouth. This is because if he answers without the issues being raised, it will not be very interactive.

Are there any IDPs in this auditorium so that they can speak on the issues? Are there witnesses from the IDPs who are lined up? Leader of evidence, it would help a lot to raise issues that the Assistant Minister will answer and to make recommendations. You are trying to help us with our report and I wish if it were possible, you are able to stick to issues that the Ministry has probably not dealt with, as ole Mpaka said; the Government needs to do a number of things.

This is a session where we want things to emerge and to be addressed. We are not just speaking for the sake of speaking and talking endlessly. I do not like talking a lot. I like issues that are set out and can then be addressed and answered; measurable issues. You can help us in that line; even when the Assistant Minister finally comes to give answers to those issues. I hope the Assistant Minister will answer them. I also have a lot of questions to ask you on policies and how you have been resettling people.

Leader of evidence, call the next witness.

**Mr. Patrick Njue:** Thank you, Presiding Chair. I wish now to call Roselyn Lukhendo who will speak on particular issues which are affecting women IDPs.

**The Presiding Chair** (Commissioner Ojienda): Thank you. Leader of evidence, they can also be making their recommendations. As they speak about the issues that affect them, let us know what they want so that we have answers.

**Mr. Patrick Njue:** Good morning once again, Mama Roselyn Lukhendo?

**Ms. Roselyn Lukhendo:** I am fine.

**Mr. Patrick Njue:** I would like to ask you to speak loudly so that we can hear what you are saying. Please, tell us your names once again.

**Ms. Roselyn Lukhendo:** I am Roselyn Lukhendo from Trans-Nzoia West. I represent the IDPs network. I am a victim from Saboti Division. What affects us up there is lack of proper infrastructure and we have a very big problem with the roads.

The second issue is security. The two things happened because we do not have proper security; and as you know, we stay next to the forest. The third issue is lack of a dispensary. There is no dispensary that has been constructed in our area. Many women suffer a lot because they do not get health care services and most of them deliver at home because the dispensary that is available is quite far. Some of them are raped and defiled because we do not have Government agencies next to us. There was one lady who was pregnant and she was killed. They took out the foetus and cut it into smaller pieces. It was really a painful experience.

We were requesting that the Government to help us because some marriages have been broken up because of lack of finances or because whatever was catering for their livelihood had been destroyed.

Another issue is that the youth who did that are there and still move around scot free. We want the Government to assist us so that at least the youth can be given employment so that they do not revert back to whatever they did. Some of them were innocent. They did not know what to do. Some were just taken by force to the forest so that they could do whatever they did. Some of them were remorseful because they did not know what was happening by then.

**The Presiding Chair** (Commissioner Ojienda): When you started, you said that you come from Trans-Nzoia. Have you been resettled or are you still living in camps?

**Ms. Roselyn Lukhendo:** There some people still living in camps, especially at Telitet. They are still living in camps and the camps are at a school. That has made the performance of the school to come down because of congestion and there so many children and parents who are camping in that school. So, now the headmaster is being pinned down because the school is dropping in performance because of the IDPs. It will be proper if an alternative place is found so that they could be resettled there.

**The Presiding Chair** (Commissioner Ojienda): People have been resettled. What is the name of the area? First of all, have people been resettled by the Government?

**Ms. Roselyn Lukhendo:** They have not been resettled.

**Mr. Patrick Njue:** Mama Lukhendo, are you saying that the IDPs in that area came from the PEV?

**Ms. Roselyn Lukhendo:** Yes, it was because of PEV.

**Mr. Patrick Njue:** Are there other issues may be which you think affect the women? You spoke about health issues and you have also spoken about rape. Are there any other issues which are affecting the women that you would like to talk about?

**Ms. Roselyn Lukhendo:** Yes, even boreholes should be sunk to provide them with water. It would be better for the Government also to give women something, at least, to support themselves so that they can develop.

**Mr. Patrick Njue:** Commissioners will now ask you questions for purposes of clarification.

**The Presiding Chair** (Commissioner Ojienda): I think she has highlighted various issues of security, health, access and basic facilities in the IDP camps. Those are the issues that probably the Ministry will answer on because those are specific issues. I did not know there is a camp known as Telitet.

Thank you very much.

Commissioner, it is now your time to ask questions for clarification. Commissioner Shava? Commission Dinka!

**Commissioner Dinka:** Thank you, Presiding Chair. I think you jumped me but you have come back to me. Roselyn, in the camp or School called Telitet in Trans-Nzoia you said that it came as a result of PEV. Is that correct?

**Ms. Roselyn Lukhendo:** Yes, that is true.

**Commissioner Dinka:** In Trans-Nzoia, also there were some IDPs who were taken from somewhere else and settled there. I was seeing it on television and they were being rejected. Why were those IDPs being rejected in Trans-Nzoia?

**Ms. Roselyn Lukhendo:** I have never seen such. Those who were there used to work for someone.

**Commissioner Dinka:** How many IDPs are you in that camp in Telitet?

**Ms. Roselyn Lukhendo:** I have not known the statistics. They are almost 400 IDPs.

**Commissioner Dinka:** Have you been given any cash or any assistance by the authorities?

**Ms. Roselyn Lukhendo:** The Government did come there.

**Commissioner Dinka:** The DC, the DO, the chief and all people from Nairobi?

**Ms. Roselyn Lukhendo:** The DC came from around that place.

**Commissioner Dinka:** They forgot the IDPs. Thank you very much.

**The Presiding Chair (Commissioner Ojienda):** Commissioner Shava!

**Commissioner Shava:** Thank you very much for your testimony, Mama Roselyn. I think the utility of having you here is because many people in Nairobi read about IDPs. Internally displaced people have reduced in statistics. They have been paid Kshs10, 000 or Kshs25, 000. How many of you have been paid and from which camp?

You are here before this Commission and you are a Kenyan. We are so happy that you are here to let us know what it feels like to be an IDP living in Kenya today. We did not know that in this country, many people who did...I went to the refugee camps and I am familiar with that terminology. But most Kenyans had never heard of this term IDP, probably including you and now people like you and they call you an IDP.

Before the elections of 2007, can you tell us about your life? Where were you living? What were you doing for a living? What is the composition of your family and how did the elections change your life?

**Ms. Roselyn Lukhendo:** I am a peasant farmer. Before the PEV, I used to cultivate subsistence food crops and I had a lot of food stuffs like sweet potatoes and cassava. My children did not lack anything.

I have five children and the first one is in Form One right now. We did not have any problem as we were living peacefully. When the clashes broke out, we ran away and our property was looted. They took away our chicken, timber, iron sheets from the rooftops and windows. So we were grounded to zero. When we ran away and got refugee in camps at the showground. That is where, at least, we got foodstuffs to sustain ourselves. So, when we came back, we started afresh. Life is very difficult although we are trying but then we have come back to where we were. Even right now, we are afraid because if they begin again, we will disappear because we will not do anything.

**Commissioner Shava:** Thank you very much, Mama Roselyn. I think you have painted for us a picture we needed to see. I have just one more question for you. Where were you living and farming? Whose land was that?

**Ms. Roselyn Lukhendo:** It is my father-in-law's piece of land.

**Commissioner Shava:** Did you have a title deed for that land?

**Ms. Roselyn Lukhendo:** Yes, we had a title deed.

**Commissioner Shava:** Who is living on that land now?

**Ms. Roselyn Lukhendo:** We are still living there, we came back.

**Commissioner Shava:** Back to the farm?

**Ms. Roselyn Lukhendo:** Yes, we went back to the farm but, now we are staying at Telitet and Shianda, but when the tents at camps were torn, the people went and rented some houses.

**Commissioner Shava:** I think I am a bit unclear now. Are you living in the camp or on your land?

**Ms. Roselyn Lukhendo:** I am living on my piece of land. But we have IDPs who are in Shianda.

**Commissioner Shava:** Four hundred of them there?

**Ms. Roselyn Lukhendo:** At Shianda, they were 51 people, but at Telitet, they were around 400 people.

**Commissioner Shava:** I have no further questions.

**Ms. Roselyn Lukhendo:** Thank you.

**Commissioner Chawatama:** Thank you very much for your testimony. We have visited a number of IDP camps and we have had an opportunity to talk to a number of people. But all the same, your presence here serves to confirm some of the things, if not all the things that we have heard.

When Commissioner Shava asked you a question, the calendar in your response--- You said that you are afraid: “If they begin again, we will disappear.” If what begins again? What is your fear?

**Ms. Roselyn Lukhendo:** We wish that the youth be helped to have some projects so that they do not revert to what they did last time.

**Commissioner Chawatama:** When I heard your response, I immediately took my mind to the elections because soon Kenya is going to hold elections. What are your thoughts about elections that are just around the corner?

**Ms. Roselyn Lukhendo:** What I can say is that if at all there will be enough security around, we shall not be bothered.

**Commissioner Chawatama:** One of the things we have learnt and what you have also briefly touched on is the breakdown of family life. From what I know, there are several governments which not only include the civil government, but also family government which in most cases comprise of the father as the head of the family, mother and children. There is a reason why I got it that way. What have you seen happen to families of those who are living in camps?

**Ms. Roselyn Lukhendo:** I have seen the girl-children being impregnated...

**Commissioner Chawatama:** One of the things that we have heard from the men is the feeling of helplessness as heads of families to provide for their families. We have also seen that in some instances, men have walked out and left their families. Women and children are left to fend for themselves. Is it something that you have seen at the camp as well?

**Ms. Roselyn Lukhendo:** Yes. Some men decided to leave their wives. They just take some time and come back, but they leave their families to suffer.

**Commissioner Chawatama:** Thank you very much for your testimony. I have no further questions for you.

**The Presiding Chair** (Commissioner Ojienda): Thank you very much, Mama Roselyn, for your testimony. Leader of evidence, call the next witness.

**Mr. Patrick Njue:** Thank you very much, Mama Roselyn, for coming. Presiding Chair, Commissioners, I wish now to call the next presenter who will in detail tell us the challenges that are facing IDPs in Kenya. I hope he will not repeat himself. Patrick Githinji, please!

**The Presiding Chair** (Commissioner Ojienda): Bwana Minister, I am sure, you would tell us at what point you want to speak to us because I know you have other pressing duties as well.

**Mr. Minister:** I will abide by your ruling.

**The Presiding Chair** (Commissioner Ojienda): Let us see how the issues come out then we will also call you. I can see Mr. Akaranga is also seated next to you.

Welcome, Mr. Akaranga. We recognize you.

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

**Mr. Patrick Githinji:** Good morning.

**Mr. Patrick Njue:** Kindly, once again, tell us your names.

**Mr. Patrick Githinji:** My names are Patrick Githinji.

**Mr. Patrick Njue:** Mr. Githinji, you represent which group?

**Mr. Patrick Githinji:** I am the National Chairman of the IDP Network. The IDP network deals with issues of the IDPs across the country. It has membership in all the regions that has had displacement and we are a multi-ethnic group that represents all the tribes and all types of displacements ranging from 1992 to 2008. Therefore, we have representatives from all the tribes in our structure who co-ordinate issues from the national regional to the village level.

**Mr. Patrick Njue:** We welcome you, indeed, Mr. Githinji. We want to know more from you in terms of challenges facing IDPs in Kenya, now that you talked and said that you represent a whole network way back from 1992.

**Mr. Patrick Githinji:** There are so many challenges affecting the IDPs because since the first displacement in 1992, you can realize it is now 20 years since people were displaced.

It started around October, 1991 in the Rift Valley in a place called Miteitei in Nandi. All this time, there are so many people who were displaced and have not gone back to their

homes. We have IDPs in camps that really existed for the last 20 years and this camp has not been sorted.

Maybe we have an example of an IDP in Central Province and it has been there for 20 years, it is called Huruma IDP Camp in Kieni. These people live in a forest and they have so many challenges ranging from shelter, food and so on. There is purely no assistance. If there has been any assistance from the Government, it is very little.

One of the challenges is lack of recognition of the IDPs. This is because in many circumstances, we hear the Government saying that the IDPs are few and we are dealing with them; yet they are dealing with a very small cross-section of the IDPs.

Right now the Government is addressing issues of re-settlement of the IDPs who are ranging around 6,950 people yet in Kenya we understand we have more than two million IDPs since 1992. Therefore, we are challenged because there no clear data on who an IDP is, where they are and the categories of IDPs because we have different categories. We have IDPs who are more vulnerable than others; women, widows, the sick and other categories of IDPs.

We can see more attention being paid to the IDPs of PEV yet there are those people have more issues than the PEV. Therefore, lack of recognition is one of the challenges that we are facing.

Also, there is lack of clear data and the policy that guides on how issues of IDPs are supposed to be handled. We realize that anybody can live with the IDP in an amorphous way because there is no provision even in our Constitution which we celebrated last year. It does not recognize the issues of IDPs unless in the national land policy. If we look at other issues, the Constitution recognizes the marginalized group; the minority and so many others but it never touches on the issues of displacement.

**The Presiding Chair** (Commissioner Ojienda): Just a moment, Mr. Githinji. These are discussions, so I can interrupt and guide you.

I think you have talked about the Constitution as well. The IDP issue is a temporary state, is it not? Unless you want us to make it a permanent problem in this country; you have talked about having it in the Constitution and I know there are a number of issues we will be asking you, including the fact that a lot of you in that network are not IDPs as well.

We will ask you very hard questions. So, deal with the issues that the Ministry can answer, but also tell us about the issue of IDPs who get land, move to the next camp, during the day they are not even IDPs and they come back at night. When people are being resettled as IDPs, they are not there!

You talked about data. Why is there no data and you are the chairman of the network? Those are the issues. Just tell us, we want to hear about those issues.

**Mr. Patrick Githinji:** Thank you, Commissioner Ojienda. What I am saying is that there is no data for these IDPs. The data that exists there is a fraud data because you will hear even the Ministry saying that, the records show that we have fake IDPs. The issue of fake IDPs is coming in because of reluctance from one side. It is the IDPs who have failed on their side or the Government because the data that exists is the one that was collected by the Government agents, for example the chief. We assume that the chiefs who are taking the data are basically at the grassroots level.

The chief knows almost everyone physically. Therefore, if we got fake IDPs, it was generated by the Government agents. Therefore, when they are talking about fake IDPs and lack of data that is clear, it lacks from their side.

Another challenge that emanated from there is lack of involvement of the IDPs because in the IDP network we have the structure. We have been raising issues of internal displacement but we have never consulted. We did request to be involved in all these issues but in most cases the IDPs are not involved and, therefore, having these loopholes. That is one challenge.

In the IDP network we have data; I believe we are the most credible people with the IDP data, especially with regard to the 1992 and 2006 figures. We have clear data in our custody which we can share.

We have shared with so many departments even before the creation of the Ministry because the IDP network was formed in 1998. We have been agitating for the resettlement and rehabilitation of IDPs since that time. But in many cases, when we started agitating for this, the Government denied the existence of IDPs, until 2003. So, all this time, they kept denying. We have given our data to the relevant authority because there before it was not clear which Ministry we belonged to. We could go to the Office of the President, Office of the Vice-President, and Ministry of Lands until when we were told in 2003/2004 that we belong to the Ministry of State for Special Programmes. If you go to all these offices, the Government departments and stakeholders that deal with the IDPs, we have furnished them with the data. What we lack is the clear data for the 2007/2008, because what we have does not tally with what the Government has. Therefore, we request the Government to come up clearly, collate the data and clearly tell us why so many IDPs have been left out, yet they deserve. We do not deny the fact that there are fake IDPs. A few of them exist. But many of them who are genuine have not been considered. Therefore, in most cases, the notion is that some regions have been favoured. You can see even the resettlement is now targeting Rift Valley, even though we know that the Rift Valley has been the epicentre of this violence. We recognize that there are other IDPs who exist, who need to be sorted out. Look at Kieni Forest, 20 years down the line, we have people who were born in 1991/1992, they are now 20 years old, and nobody has dealt with them. Now they have multiplied. You can imagine how many they are. They were about 520 by that time. So, you can imagine those people have gotten married. They have given birth to children. So, they are so many. Look at Nairobi, we have camps that exist here, yet there is no assistance.

You go to Ruai, we have IDP camps. People have been dumped there. That is why everybody can deal with IDPs the way they want. If you look at what has been happening recently, people have been taken from Naivasha to Subukia by a certain politician. So, IDP has become an issue of political gaming. If you want to score politically, pick the issues of IDP. Therefore, we need to address this issue.

The TJRC needs to come up with recommendations to end this trauma of internal displacement because we have all the machineries and everything.

One of the recommendations that we are making is that the rule of law should be followed. The perpetrators are known. They should be arrested and arraigned in court. Let justice be seen to be done. We have been documenting the root causes, yet there is nobody who is addressing them. Involve the victims and also the host communities, because if they cannot talk amongst themselves, even if you bring thousands of police, even if you give all IDPs single policemen each, there would be no peace. Therefore, we recommend that reconciliation should come from the grassroots level. It should be bottom up approach and not up down approach. Therefore, that one should be dealt with.

Equally, the issues of reparation should be enhanced because many people have lost opportunities. Many people have lost their beloved ones. Many people have lived out of their regions. By the Government giving Kshs10, 000, it is not clear whether this was compensation, token, or what it was. We need to authenticate the number of those people displaced and killed to make sure we address their issues properly. Reparation is one of them. Monetary allocation is another one. Secondly, resettlement is a matter of urgency. They should be resettled. Thirdly, we have rehabilitation. They should be helped to go back to their normal lives. The first displacement got us when we were in primary school. We are now looking for jobs from those people who were not displaced. They got better opportunity to go to school. During the violence, instead of us studying we were out of school most of the time. We were not even sleeping in houses. So, you can imagine somebody in tent. There is no possibility of that child studying at night. So, we do not have level play ground. We need to be compensated for this lost opportunity. We want also the Government to recognize and apologize because they had all the machinery to stop this violence. So, the IDPs demand for an official apology and acknowledgement.

We can see that the Government is erecting statues to honour all those people who fought for our country. For example, they have erected a statue of the late Tom Mboya along Moi Avenue to honour him. Similarly, the IDPs have also fought for the second liberation of this country. Therefore, we want to be recognized and honoured. We want to have a special day set aside for IDPs for them to reflect on their involvement in the second liberation. This is the only way we can have a true reconciliation in this country.

**Mr. Patrick Njue:** Mr. Githinji, are you an IDP yourself?

**Mr. Patrick Githinji:** Personally, I am an IDP. I have faced displacement six times. I come from Kuresoi Division. That is where violence started. I was displaced in 1992. I

was also displaced when violence started in Mau Narok in 1993. I went back to Kuresoi. Again, in 1997, I was displaced from Kuresoi where I had gone. I brought land in Molo.

So, in 2003, after the NARC Government won, there was fully fledged violence in Kuresoi. I was equally affected. We moved from there. We stayed in town centre until 2006 when violence started in Kuresoi. That is why I was displaced in Kuresoi in 2006. I was again displaced in 2007. I am now staying in Dundori, Nyandarua District. So, I am a senior IDP.

**Mr. Patrick Njue:** So, you are staying in Dundori Camp or you have since found a place you can call home?

**Mr. Patrick Githinji:** Okay, before then, I used to be in that camp. Later on, I was able to rent a house outside the camp. I left camp the first two months of displacement. So, I am not in the camp. I am an integrated IDP at the moment.

**Mr. Patrick Njue:** Lastly, have you identified challenges in terms of recognition and policies which you would want the Government to address?

**Mr. Patrick Githinji:** The issue of resettlement is giving us a lot of headache, especially when addressing issues of displacement. Many questions are being asked about resettlement guidelines. Are there any guidelines the Government is following to resettle IDPs? There is a percentage that should go to the IDPs and a certain percentage goes to other places. There is also need to consult the victims. They should be seen to be addressing their own issues, including peace and reconciliation. We also wonder who is supposed to be spearheading peace and reconciliation. Is it the civil society or the Government?

**Mr. Patrick Njue:** Over to you, Presiding Chair.

**The Presiding Chair** (Commissioner Ojienda): Thank you, Leader of Evidence, Getrude!

**Mr. Patrick Githinji:** Since 1992 over 20,000 people have been killed. These people have never been recognized. Nothing has ever been done to their relatives. Their relatives are still suffering. The Government is concentrating fighting the *Al-Shabaab*. We need security more than our neighbours. Many of our relatives were killed. We went back to bury the few that we could. Others were dumped in pit latrines. Others were eaten by dogs. Nobody talks about these people. There are no records about these people. There is need for us to come up with a data that really highlights those people who were killed, those who were reported at police stations and hospitals. We can start rehabilitating their relatives, because they are so many. It is sad that so many young people died. These clashes were instigated by politicians. They incite youth to attack the weak and elderly people in our midst. Those who counter attacked them were also young people. Eventually, many of them died. We do not have young people because they were killed. We need to address this issue urgently.

**Commissioner Chawatama:** Thank you very much, for your presentation. You said your network was formed in 1998, but the Government recognised it in 2003. Therefore, it will also be a challenge to the Government to compile a data of all IDPs or people who were killed. So, you mentioned host communities that host IDPs. What are some of the challenges that IDPs have faced with the host communities and how have you managed to overcome them?

**Mr. Patrick Githinji:** One of the challenges that we have with the host community is that there is lack of acceptance. There is no peace. We do not trust each other. There is lack of trust between the host community and the victim themselves.

With regard to the issue of displacement, we appreciate the Government has done a lot. It has given us Kshs10, 000 and constructed shelters for us. The only challenge is that the Government has constructed shelter for one community. So, there is a lot of hatred among the communities. In fact, they believe this Government is favouring one community. The other community given a chance can revenge.

The issue of IDPs resettlement has been politicised. Politicians have really done worse. They keep on poisoning their people's mind by telling them that they are not treated well like other people. So, they have a perception that their issues are not well addressed. This perception has contributed to mistrust. People are no longer living in harmony. There is a lot of suspicion. You can imagine a child who was displaced at the tender age of one year. He has grown in that camp and he has a different perception about the host community. There is bad blood between the host communities and IDPs.

**Commissioner Chawatama:** You also said that your network represents a number of people from different regions. Yesterday, we were having a discussion on ethnicity. Hearing from you it seems one of the things that has bound the people together is the suffering that they have undergone. I do not know whether or not, as communities, they have discussions on the predicament that they found themselves in and how they would like it solved. They are in the camp together and are living in peace. What are some of the things they discuss concerning life in Kenya? How can Kenyans co-exist peacefully?

**Mr. Patrick Githinji:** Surely, there are many ethnic groups in Kenya. As I said, people suspect each other, especially those who have gone back to their farms and those who are staying there. There are so many challenges. The Government can attest that when they attempt to resettle IDPs back to their farms or any other place, they are rejected in most cases. We need to address this issue. That is why they are still saying that we cannot accept them because that is their land. They see IDPs as if they are trying to invade their land. There is a lot of ethnicity and tension on the ground. People are really not talking.

Even those people who had stolen properties from the other community, in most cases, you find they still have them. They have not returned them. Nobody has really gone away in brokering this kind of reconciliation. We want to hear people saying: "I stole this, and, therefore, I am now returning it." So, there is no such kind of revelation that

has come. However, there are few cases where some blankets have been returned. But that is not enough. It is a pity to see your neighbour milking your cow. Do you expect us to continue buying milk produced by our own cow? That is not acceptable!

**Commissioner Chawatama:** I have no more questions, Presiding Chair.

**Commissioner Shava:** Thank you very much, Mr. Githinji. You said in your remarks that there are different categories of IDPs, including the very vulnerable population of the IDPs. Widows are vulnerable everywhere. There are particular things that happen to widows who are also IDPs. Perhaps, you could describe some of those things.

**Mr. Patrick Githinji:** Maybe to be precise, widows suffer more than the male counterparts because they are the head of the family. They have to provide for the family. It is very challenging because when you become a father and a mother at the same time, then that one is too much for you. Most of those widows, who are there, became widows because maybe their men were killed. In most cases, when they went back to the family of the husband, they were rejected and pushed back. That is how they went to the camp. Most of them are rejected by the community. You find that there are so many cases of people who went back to their ancestral land and they were rejected. A lady from Nyeri was married in Kisumu and when she tried to go back to Kisumu, to the rural area of her husband, she was rejected. When she tried to join the Nyeri family, she was also rejected. She was told: "We told you not to get married to this person, and so you can go back to where you came from." Therefore, they end up being desperate in trading centers and resort to hawking.

They do not have access to land. In so many cultures, men are the head of the family. Therefore, properties are under their names. So, when you separate, you leave the land with the men and leave without anything. They do not have documents to show that they were legally married to their men. So, these are some of the challenges that widows are facing. Most of them have been exposed to rape or sexual harassment. They rely on handouts, especially from those who are able to provide for them. Therefore, they are sexually exploited.

**Commissioner Shava:** Thank you very much for that answer which reflects a lot of the things that we have heard as we have gone all over the country. I am sure that Mama Rukia Subow is taking notes of the things that you have said. I am also encouraged that although you are not a woman, you have understood what the problems are that affect widows who are also IDPs.

I also noted that you said that there is no clear Government policy on IDPs and sometimes it takes a crisis such as we experienced in 2007/2008, for this to happen. I did some work in Uganda where it was actually Parliamentarians who pushed for a policy on IDPs because of their protracted war in the north. People were now coming back and they were facing the same sort of issues with regard to resettlement. What would your network want to feed into the Government policy on IDPs?

**Mr. Patrick Githinji:** Okay, thank you very much for your question. Although my colleagues will also highlight some of these issues, there is a policy that has been drafted by the Government. The IDP network was consulted widely. We had our input based on our experiences and our predicament. Therefore, we are waiting for this policy to be taken to Parliament because it really reflects the perspective of the victims themselves. So, we recognize the effort by the Government, but we recommend that it should be adopted soon.

**Commissioner Shava:** It is very encouraging to hear that you are able to work with the Government in that manner and that your input was put into account. Have you had the opportunity to look at the draft policy?

**Mr. Patrick Githinji:** Yes. We were involved in its draft. I think now it is before the Cabinet. We have participated in all the processes.

**Commissioner Shava:** I shared your pain when you were talking about the lack of recognition of IDPs, their contributions and even their numbers. You said Government statistics hold just over 6,000 IDPs, whereas yours is talking about two million. Probably, somewhere within there lies the figure that we would be talking about. As you said, people are born and people die. Every day, people multiply.

As I said, I have been to Limuru Camp. I do not know whether it still exists. But it is in the forest. We went there with Government officials. People were not allowed to build permanent houses, but they were allowed to bury their beloved ones when they passed on. I wonder whether that camp does exist. People there were talking about the same kind of experiences as you. They talked about being displaced several times and ending up living by roadside and in the forests. They described to us how they had been living in the forest before they were allowed to put up shelters. Is that camp still in existence?

**Mr. Patrick Githinji:** I presume you are talking about the camp in Kieni Forest that is in Thika or Gatundu. It is called Huruma IDP camp. It is inside a forest. It has been there for the last 20 years. Initially, those the Government could recognize were 520. There were those rejected by the Government. Now they have increased tremendously. They live in a squalid condition. They are not allowed to even construct shelters. As my colleague said, our culture does not allow elders, especially men, to share the same roof with their grown up sons and daughters. So, those people are so many in the camp. They live with their daughters and sons who are big enough to have their own families.

**Commissioner Shava:** I was there in that camp in 2009. What you are saying is true. Those are the conditions that I saw. When you said Kieni, I thought you were talking about somewhere near Mt. Kenya. But you are talking about the same place, I am talking about.

Now, what would be your recommendation in regard to the policy? I am thinking about the interventions by the Government of Kenya whereby you go and build houses for one group and not for the other, which exacerbates the tension. It was possibly inadvertent,

possibly lack of understanding of the issues or possibly there is political mischief, we do not know. But have you been able to advise? I have seen the same sort of thing in Burundi where fighters who had put down arms were coming back. They had the same houses built for them with *mabati* on top which really then turned out to be a signal for the other people to know that these were the fighters and then cause disaffection against them. They were clearly identified just by the kind of house they had. What are the kinds of problems that have arisen with regard to this programme which I think, probably, was well intentioned to help the IDPs by building for them houses? What areas are there where the Government has made interventions which have proven to be particularly conflict sensitive?

**Mr. Patrick Githinji:** As we know, the Government is doing a lot. In most cases, it is not felt because there are still complaints from other quarters simply because they are not giving proper attention to the side where they are doing reconstruction. For instance, we said when they give shelters, they do so to those whose houses were burnt. It is not fair to give somebody a house when his is intact. It is very challenging. So, it is very difficult to analyze that situation. We advise the Government when they do ten houses for the communities that were affected or whose houses were burnt, they also do some three houses to the other community to appease them. They look for that vulnerable community and make sure they build some houses for them.

If you visit camps in Nyandarua, you will see that 90 per cent of IDPs are Kikuyu. If you go to Alko Camp in Rongai, most of its inhabitants are Luos, Luhyas and Kisiis. So, when they are resettling these groups, I think they should integrate other people. If they do not do so, these groups will become an easy target in future and easy to attack. If we include other communities, then it means they cannot be a target. So, we need to integrate the resettlement. As you said, also about the policy, it is clear that when the policy comes into use, a committee comprising everyone will be formed. They will do a data profile and identification of all these people. That will solve many problems. So, if the policy is fast tracked, it will help a lot.

**Commissioner Shava:** Thank you very much for that note of hope. You said you have representation all over the country. I would like to know, do you have representation from the coast region because we had complaints from the people there who said that they were the first IDPs in Kenya? They claimed to have been displaced during the secession war in the north and also by the *Shifita* War and had to move further towards Mombasa. Now, they complained that their land had been taken away by “foreigners” and that they had buried their ancestors and grandparents there. Are those issues alive in your network?

**Mr. Patrick Githinji:** Yes, these things are alive in our network. We have ventured into coast very much and we understand the issues. We have representation there. Even one of the representatives there is here with us today. He is going to share about what is happening in coast region. Even in our National Executive Committee, we have representatives from the coast region. We will get the perspective from the coast region because we are well represented. That is one of the regions we highlight so many issues.

We have gone ahead to have a commemoration day for them. We normally commemorate their predicament every 14<sup>th</sup> of August every year.

**Commissioner Shava:** Thank you very much, Mr. Githinji, for your very knowledgeable presentation which has really helped the work of the Commission.

**Commissioner Farah:** Thank you very much, for your presentation. You are a senior IDP because you have been displaced six times.

What I want to know is, what assistance has the Government given to you in those six times, because you seem to be a perpetual IDP.

**Mr. Patrick Githinji:** I has received Kshs10, 000 from the Government. That was after post-election violence. However, we have never been recognised.

**Commissioner Farah:** Maybe this time you were given that amount of money because the Ministry has as programme for you. Before 1992, there were no such programmes.

**The Presiding Chair** (Commissioner Ojienda): Thank you for that testimony. We want to hear the Minister now, so you may step down. I think that was a very good presentation. The network has raised issues that the Assistant Minister will answer when he speaks next.

Waziri, you can come.

**Mr. Patrick Njue:** Commissioners, I may observe at this time that the Minister has told me that, indeed, for any issues arising after he makes his presentation, his other officers will be able to respond to them accordingly.  
Maybe, to begin with, you could just introduce yourself?

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. Gabbow): My name is Mohamed Hussein Gabbow. I am Member of Parliament for Wajir North and the Assistant Minister for Special Programmes.

**Mr. Patrick Njue:** Welcome, indeed, Waziri. I notice you are flanked by a team. Maybe quickly you can introduce them.

*(Mr. Gabbow introduced members of his delegation)*

We, indeed, welcome the entire team. Waziri this is your Ministry, Ministry of State for Special Programmes. Quite a number of issues have been raised. I am sure you are prepared for that before we can get to the question session.

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. Gabbow): My recognition to the Commissioners and the entire individuals who are in this House. We had posted to you our information. It is a bit bulky. With your permission, if you still

want me to go through, I will. But if you want me to address the pertinent issues which have been raised, I will wait for your direction, Presiding Chair.

**The Presiding Chair** (Commissioner Ojienda): Let me give that direction right away. Address the pertinent issues because we have the report and we have read it. We will ask you a number of questions. You can answer to some of the issues that you want to tell us.

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. Gabbow): Thank you, Chair and that is what I thought I would do.

I will go straight to the issues of pastoral communities, IDPs. First of all, the mandate of the Ministry began in 2007. We are only dealing with what is within our mandate as from 2007 that is the post-election violence. I know the issue of IDPs is as old as this country and even older than Kenya. So, it cannot be an issue at the moment under our Ministry. But the Government is already developing policies, so that those people can be integrated in future. That is the statement I want to come very clearly.

So, we are not saying there are no pastoral IDPs, what we are simply saying is that it is not within our mandate at the moment. The Government had no policies of IDPs before. So, what we are dealing with is the post-election violence, and that is what we are currently dealing with. After the Government recognized that there are issues in forests, those people who were displaced have also been integrated into this programme. So, currently, we are dealing with those two.

I think on the issue of recognition, I am through with that. With regard to data, it still goes back to the same thing. What is the data for the post- election violence victims? That is what we are dealing with. On the issue of resettlement, we are resettling the people who were affected by the PEV and those people from the forests. We have also had a group that we call the host community. Those who are vulnerable from the host community are also being resettled. So, those are three categories of people which the Ministry is resettling. I was in Daadab where I saw about 560,000 refugees and the United Nations (UN) was making their lives better than the people who were around them. That raised the tempers of the host community. We have now asked the United Nations High Commissioner for Refugees (UNHCR) to make sure that the host communities can also get those benefits and that is what is happening. The Ministry has also adopted the same level of thinking and that is exactly what it is doing.

On the issues of policy that has been raised, I am glad that they have already said that we were involved. The policy is ready and it is at the Cabinet level. It will soon find its way to Parliament and I would like to give you some few highlights, two or three of what is contained. Within 48 hours, the report and filing of the IDPs must be done. If you do not report within 48 hours, it will not be considered. We have to get something and it cannot be a continuous process, even after two years, you will still find somebody coming up and saying that he is an IDP. When events take place, within 48 hours, one must be able to report either to the DC or the chief so that data can be taken immediately. That gives you a timeframe so that we do not have people who call themselves IDPs, as you have

explained to us. That would be a departing point, from the past, where we are still recording the PEV 2007/2008.

There is now a legal framework for IDPs where they can be represented and where they can argue. That formula has already been developed. We are also asking that at that point, the UN protocols and conventions be adhered to. These are some of the highlights that I do not wish to continue discussing because they will soon find their way to Parliament and we will have what we have.

On the issue raised by Roselyn, Chair, I do not know whether I am following the right direction. I want to be brief and to the point, in Sabaot, Tildet, this is not a PEV camp. These are evictees from the forest. Probably, I would not want to question her because she has her rights. However, as far as I know, the 392 people who were evicted from the forest, we are dealing with them and they will be resettled. I do not want to handle the issues of insecurity and dispensary. These are the other arms of the Government that should be complementing us. If we give this report to the other Ministry, I am sure that something will be done. Already, something is being done about that. Issues of insecurity, dispensary and roads are things that we will take up with the relevant Ministry.

With regard to the issue of Patrick Githinji, an IDP, yes, again, from 1991 to 2007, the Government has no data on IDPs. We are saying that there are no IDPs. We recognize that they were there and since there was no policy or Ministry in charge or Government data, I think we will deal with it from where we are and see what comes up. However, on the Kieni Forest evictees, they were 500 and something. However, the data we have shows that they are 800 or 500. We promise that they will be resettled. They are within our programme and in that report.

On the IDPs from the pastoral communities and one person has said that only certain groups are being settled, that is not true. We are resettling about 2,593 Turkana families in Turkana and the land has been donated by the County Council of Turkana. We have just advertized in the newspapers that we are building them houses; about 2,500 houses for them. They are already going on and the project will be completed by July. We promise that all those IDPs from Turkana will be resettled by July. Unless there are any other specific questions, I would like to end there. However, if they have other questions, I am ready to answer. Thank you, Sir.

**The Presiding Chair** (Mr. Ojienda): There is an issue that Patrick raised that you have not addressed yourself to. This is the question of resettling other communities. The IDPs are from different communities, even the PEV IDPs. You seem to have ignored other communities. There have been accusations that you are targeting some communities and ignoring others. Secondly, Patrick has also spoken on why you are resettling communities along ethnic lines and not probably creating a problem for the future. Why is the Ministry not resettling different communities under one programme as opposed to targeting people and taking different communities in different places and creating a problem?

**The Assistant Minister, Ministry of State for Special Programmes (Mr. Gabbow):** Thank you, Mr. Commissioner. It is not true that this Ministry is settling targeted communities. In that report, we have given you data to show that almost everywhere we are resettling those people. Secondly, we are buying land. So, IDPs can only be resettled where we have a willing seller to sell land. We understand that these communities come from different backgrounds. We have sat down and negotiated with the host communities so that they know that even their own vulnerable groups are settled with the rest. If you want me to give you the full data, I can go through it just to show you how all those groups have been resettled in Kisumu, Turkana, Nakuru and in Kieni. This is across the board and it is not true to say that we are only settling a given group. I understand those sentiments are in the field. According to our data, we are resettling every Kenyan, who was affected by the PEV. This data was collected through the District Commissioners.

**The Presiding Chair (Mr. Ojienda):** Have you resettled any integrated IDPs?

**The Assistant Minister, Ministry of State for Special Programmes (Mr. Gabbow):** Not yet and I think that is a programme that will come. At the moment, there are financial implications. There are several issues and so, we can only do utmost, considering that this is process that is fairly new. The Government is taking a new process and it is on challenges. We are not ruling out the new challenges. We are thinking of perfection and also learning from our mistakes and from what we are doing. So, I think the Government is moving towards the right direction. With the advent of the policies that are coming, I am sure that there will be enough room for the Government to improve.

**The Presiding Chair (Commissioner Ojenda):** Mr. Waziri, is it in your policy to compel host communities to accept IDPs? You are a Minister and the media are saying that the resistance from the Mau Narok residents would not stop the Government from resettling IDPs. What happened to the Mau Narok issue and is that your policy?

**The Assistant Minister, Ministry of State for Special Programmes (Mr. Gabbow):** I do not want to give an opinion or go into the debate of the Minister and what she said. We do not want to compel anybody. We must try reconciliation, talk to communities and get integration. In my view, it will not be where we must say that we will do it as a Government. We must depart from that and agree to sit down with the host communities and see what the host community wants. For example, in Uasin Gishu, we are resettling about 30 per cent of the host communities who are vulnerable. Maybe they are not even IDPs but they are vulnerable. They are poor and all that. So, they feel to be part and parcel of all that. That is the kind of reconciliation that the Government is looking at. We do not want, as a Government, to compel the host community to have among themselves IDPs.

**Commissioner Dinka:** Thank you, Mr. Assistant Minister for your testimony. The IDP story has been told to us throughout the country in Nyanza, Rift Valley and so on. People have been talking and as you have said, we now know that your mandate limits you to dealing with the 2007/2008 PEV, you said that which is now clear to me. You said that there is a law that is being formulated to include the other IDPs who suffered from other

elections or other difficulties that caused them to become IDPs. When do you think you will have the policy at hand to begin resettling those IDPs who are not included in the 2007/2008 PEV?

**The Assistant Minister, Ministry of State for Special Programmes (Mr. Gabbow):** Thank you. The policy right now is at the Cabinet level. We are waiting for it to come to Parliament. Whatever the policy, I am sure that once it is law, the Government will have to abide by it. As soon as the policy is there, if the policy says that we should go back to 1991 or start afresh, or whatever it says, I will not make a commitment here. However, I will resettle all IDPs that were there before. This will depend on what the policy says. If it says that we start from today as the policy has been developed, that will be it and that is where the Government is supposed to start. If the policy says that we will go 20 years back or 30 years back, we will have to look at it. However, I cannot make a commitment on behalf of the Government until I am familiar with what the law says on IDPs resettlements that have been there.

**Commissioner Dinka:** I understand that and I would like to complete. When do you expect to have the policy done and the Bill out?

**The Assistant Minister, Ministry of State for Special Programmes (Mr. Gabbow):** This is at the Cabinet level and usually, it follows a process. From the Cabinet, it will come to Parliament for debate. Once Parliament enacts it... I can assure you this will be within this year. Once it leaves the Cabinet, it goes to Parliament for Debate. We will pass it and the President will also have to give his assent. That is a process which it follows and I cannot give a time frame at the moment.

**Commissioner Dinka:** Supposing the policy says that you go back to 1991 and you resettle all IDPs who are Kenyans, do you have an inventory of all the IDPs throughout the country and where can you find them?

**The Assistant Minister, Ministry of State for Special Programmes (Mr. Gabbow):** To be honest, no. That means that the policy will also give direction to give that data.

**Commissioner Dinka:** My last question is that within the 48 hours, they have to inform the Chief or the DC, if they do not do so in 48 hours because of communication breakdown, are they completely disqualified?

**The Assistant Minister, Ministry of State for Special Programmes (Mr. Gabbow):** Parliament has an authority to amend what has been done and they can give another timeframe. I am only saying that this is a draft and a proposal that has to come from the Cabinet. If we feel that there are certain areas where communication is a problem and people cannot report within 48 hours, we have Parliamentarians who represent those areas and they should speak up and make correction to that.

**Commissioner Dinka:** I just want to make a follow up on the issue of resettlement. When you resettle people, I do not get from your answer very clearly, do you mix different ethnic groups? That is what I want to hear. Yes or no?

**The Assistant Minister, Ministry of State for Special Programmes (Mr. Gabbow):** I will give one technical officer. I know that we resettle IDPs. Allow one of my technical people to respond to that.

**Commissioner Dinka:** There is no problem.

**Mr. Moses Akaranga:** I think I can respond to that. Indeed, the national humanitarian board where I am the Vice-Chairman has been insisting that when we do the resettlement of these people, it is important for us to mix them. For example, we have Mawingu IDP Camp where 90 per cent are from one community, you will also find other communities living with them. In two or three weeks time, we will resettle others elsewhere and, therefore, they will be mixed. Another camp was Alko from Nakuru. We settled these ones in Kitale at a place called Endebess. That is one camp which has a lot of mixture because we have Luos, Kalenjins, Luhyas and even Kikuyus. So, it is important for us to note that.

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

**The Assistant Minister, Ministry of State for Special Programmes (Mr. Gabbow):** I will just add that we do not want to settle Kenyans along ethnic lines if I were to give my own personal opinion. We need integration where people can forgive one another and live naturally in the country. I think that is the kind of policy that we will uphold and support.

**The Presiding Chair (Mr. Ojienda):** I do not agree with you on the Alko. I have been going to Nakuru and visiting Alko. There is another camp for the other community you are talking about next to Alko. Alko was for communities specifically from western. I know that they have been resettled. I also heard you say that Mawingu has 10 per cent of other communities. I do not think that is on the ground. It may be in your data but not on the ground. So, maybe you need more information from the ground. I can see an IDP nodding there because they know. We have also been on the ground. Mr. Assistant Minister, I think it is important that we enforce what you are saying. Let us have resettlement of mixed communities. It does not help in theory if you have mixed communities but in practice there is no mixture. However, you have taken a good position.

**Mr. Moses Akaranga:** When you talk about Alko, I would like to challenge you that we go to the camp. That is the challenge that I am throwing to you so that you may see the mixture.

**The Presiding Chair (Mr. Ojienda):** I would be happy if the camp in Endebess had other people. But I am talking about the camp as it were in Njoro then in Nakuru, before they

were moved to the camp itself. I think I visited them three or four times and I was talking to a Mr. Ayieko who was the Chair of the group. I think I have the list of those who were there then. It is good if we are moving towards a policy of mixing communities.

**Commissioner Farah:** Waziri, thank you for your presentation plus the high quality of staff that has accompanied you. We are happy about that. We, as a Commission, in our recommendations, it will be mandatory that we say the Government shall implement our recommendations. Policies are being made now but during our visit to Lamu, we got firsthand evidence from the residents there that in 1964, 1965 and 1966 during the *Shifita* War, it is not the *Shifita* who displaced them but the General Service Unit (GSU). This fact added to the many complaints from Coast Province on the alienation they face from the Government, MRC and all those things you have heard. The GSU burnt their houses. The Bajuni are farmers and not pastoralists. So, their houses were burnt and their crops destroyed. They were then put into a truck and transported to Hindi which is on the mainland of Lamu where they became the first IDPs in independent Kenya in 1964.

They presented to us in a very passionate way and they want to be included in the list of IDPs for resettlement. Right now, they are squatters. In fact, they want to be resettled back to their land. But again, “Operation *Linda Nchi*” began and the area is insecure. Some other people have taken their land and ran away. So, when this policy is being made, our mandate will start from 1963. Even if you do not include this in the policy that will come from the Cabinet to Parliament, when we make our recommendations this will come to you again and you will have to look at it afresh. I just want to alert you that we started having IDPs in 1964.

Therefore, you must take cognizance of that. You have to do your own research. Go to Lamu and talk to the people there and you will find out about IDPs in independent Kenya. They were complaining about the Indemnity Act which was going to be repealed. Of course, it has been overtaken by events because we have a new dispensation. We have the new Bill of Rights that has rendered that Act null and void. However, the fact that it was not repealed made the case stronger. As a Ministry, go back in history and start with the Lamu case. Move on to the pastoralists and make an inventory and decide a policy. Even if it is a token that will be given to the people who have suffered, I was just alerting you on it instead of starting with those who were affected in 1991.

**The Assistant Minister, Ministry of State for Special Programmes (Mr. Gabbow):** Commissioners, this Commission is legal. We are waiting for your recommendation to be tabled in Parliament. Give us your ideas. It will be up to the Government of Kenya to take your recommendations. I am sure the Government will not waste its time with a Commission if it will not take what it has said. Personally, as a Member of Parliament, if this comes, I will support the recommendations that this Commission gives.

**Commissioner Farah:** Thank you very much. However, for the technocrats, I am just saying that they should start working on the policy and conduct research on that. You know that technocrats remain but politicians change.

**Commissioner Shava:** Thank you *Waziri*. I only have one question for you without appearing to preempt the debate that will come up on the policy. My fellow Commissioner has already alluded to this but I wanted more clarifications. How did you come up with 48 hours as the period in which a person should report to the Government that they have been displaced? That seems a bit strange to me. That is what stood out for me because people are displaced in a conflict situation. They are busy trying to survive and they have wounds to attend to and bury the dead. There may be cases where there are women who are expectant. How would one, within 48 hours, report? What is the reporting? Have you specified in your Report how one should report? If one is in a Government hospital because of this situation, does that amount to reporting? Perhaps you could explain how you arrived at that period because it appears brief and quite startling. What comprises reporting?

**The Assistant Minister, Ministry of State for Special Programmes (Mr. Gabbow):** Commissioner, I have to give a highlight of this. This has not yet come from the Cabinet. I will beg that we wait until it is official because I cannot give more details on it. Within the discussions in the Cabinet, there might be changes to that. But I can assure you that there was a stakeholder's workshop in Mombasa and these are some of the issues that came up from all stakeholders. This is not just a policy that is being drafted by the Ministry. I, kindly, request you to hold until everything is official. I should not have said that in front of you but I thought it was important. Once it is official, we can discuss. When it comes to Parliament, it has to go to the Departmental Committee that is concerned. So, this is an issue that it not yet closed and I am sure that the Committee will call for public views so that it can add and remove some things. That is my position at the moment.

**Commissioner Shava:** *Asante sana Waziri*.

**Commissioner Chawatama:** Thank you for your testimony. To add on what Commissioner Shava has said, you are talking about the lives of people who are desperate, people who have gone through certain experiences, not through their own fault. Some of what they have gone through, they have attributed it to the Government. There is a delay in coming up with a policy and it has to go through many hands in order to perfect it. A question that would be asked is, is it reasonable to come up with the 48 hour rule? I do not think that a reasonable person, I am now talking like a lawyer, would say that it is right and fair for the reasons that Commissioner Shava has pointed out. Most of the people that we have talked to are running away from home, they have been to hospitals. They tell us that they wake up two weeks later and find themselves in hospitals because they passed out. They cannot remember anything. Not to have thought through the 48 hour rule and to wait until it passes through the many hands that you have said is not right. Maybe this is an opportunity for this Commission to do something about it. I also wanted to find out what you took into consideration—you heard IDPs saying that they received Kshs10, 000 while others said that they received Kshs25, 000. What did you take into consideration when you arrived at that sum and what did you hope it would do for the people?

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. Mohammed Hussein Gabow): I will say something about that but before I do, I will give the technical officers who were on the ground, considering that I have been in this Ministry for six months to explain. Most of those activities happened more than three years ago. You said that you wanted the truth. So, it can as well come from the office that is implementing. If they could answer those two questions, I could add something, with your permission, Commissioners.

**Hon. Moses Akaranga:** Let me contribute on that. I am not a technical person but the Vice-Chairman. When the IDP policy came up, we were there. We came up with workshops. Mr. Githinji was there and many more. We involved the IDPs, I was there and many others. We had the experts and the word IDPs came to our attention after the 2007/2008 PEV. We had not heard about the IDP issues. So, we had some people from the UN who guided us when we were coming up with the policy. We also had something from the Permanent Secretary from Uganda. We learnt that Uganda already had a policy in place. So, there are some things that we borrowed.

**Commissioner Farah:** We need to record these proceedings on our HANSARD. May I request, politely, those who are using the microphones to hold them close to their mouths so that we do not have background sound being recorded? Thank you.

**Hon. Moses Akaranga:** As I was explaining, we had the benefit from countries or personnel from other countries that have IDP Policy in place, for example, Uganda and the UN. This is something that was discussed with the IDPs themselves. The 48 hours, indeed, if we find it is not adequate time and there is nothing wrong with extending it. We could make it 14 days or whatever. However, when something happens, it is important that it is captured immediately. When you give it time, it starts creating other outside issues that were not intended. For example, when the IDPs were being captured by the provincial administrators, indeed, I agree that places like Nyanza, western and Eastern provinces the way they have put it--- It is unfortunate that some of the names were not captured. This is something, as a board, we are discussing to see how we can deal with it. The way things are at the moment, the closure of registering IDPs was on 31<sup>st</sup> December, 2008. The total number of IDPs who are in our register are about 663,000 most of whom are integrated IDPs. So, we are still looking for the integrated IDPs. We were in Kisii last December to resolve the problems which are there. I think that is all.

**Commissioner Chawatama:** As we have travelled throughout Kenya, Mr. Assistant Minister, one of the things that we keep hearing from men, women and even children is the fear of the next General Election and the fear that what took place will occur again. So, already in their minds, there will be people who will be displaced. I would like to know, first and foremost, how far you have gone in settling IDPs from the post election violence. There is other work to be done and you have created a backlog by ignoring the other displaced persons. I do not know how you will tackle that. How many will you have settled by the time this country goes to the next General Election? Will you have completed the 2007/2008 persons who needed to be settled?

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. Mohammed Hussein Gabow): Commissioner, I will ask that you give me two minutes to refer to my data so that I give you the right answer. This report is given in the data. Our target population to be settled is 9,571 households. The total acreage of land required by the Government is 21,000 acres. The total number settled on Government purchased land as at now is 2,576 households. The total number settled on land donated by Turkana Local Authorities is 2,593. Currently, the total settled families are 5,169 and those to be settled are 4,402. We have given you this data.

**Commissioner Chawatama:** The question is, between now and the next election whether it is going to be in December or in March 2013, would you have settled the 4000 plus families that you have left?

**Hon. Mohammed Gabow:** The answer is; “yes”. We want to settle everybody before the next elections.

**Commissioner Chawatama:** Thank you very much for your testimony. I see your heart and wish you all the best.

**The Presiding Chair** (Commissioner Ojienda): Thank you very much. Leader of Evidence, we have Lawrence Musyimi and Samuel Kipkorir from the network and maybe they want to come and add. Waziri, I want to thank you so much and I know you need to leave for prayers. We have finished with you. There are two members of the network who will add a few things that were probably left out by the earlier speaker and I am sure we can get clarifications from your officials if there are new issues that will come up. Leader of evidence let us stick to the issues.

**Mr. Patrick Njue:** Thank you Presiding Chair. I want to first speak to the two gentlemen who are seated next to me.

**Mr. Lawson Musyimi:** My name is Lawson Peter Musyimi from Kwale and Coast.

**Mr. Patrick Njue:** Welcome Mr. Lawson. Yours is specifically to address us on the issues that have to do with human injustices and suffering that IDPs go through; so I will ask that you narrow yourself to these injustices. Point by point, you can tell us what they are.

**Mr. Lawson Musyimi:** The first issue I wanted to address is the land problems in the Coast and the next one will be the coastal clashes that have been taking place from 1992 to 2008. Another one would be the problems that I want to tell the Government about elephants killing people in Shimba Hills in Kwale and coming around the DC's office every night and for over ten years now, nothing has been done.

**The Presiding Chair** (Commissioner Ojienda): Mr. Musyimi, I would rather you deal with a specific issue of IDPs because we have been to the Coast and we have heard

evidence on the land question. We are experts on that because we have heard it all so just give us issues that can elicit solutions from the ministry's officials who are here.

**Mr. Lawson Musyimi:** First of all, we do not have IDPs in the Coast like in upcountry. We do not have IDP camps in the Coast but we have IDPs who were displaced and have looked for shelter somewhere. Most of the displaced were business people from Likoni to Ukunda and from Mombasa towards Kilifi. Business people who were displaced and their houses and businesses burnt down to nothing. They are now moving up and down in Kilifi, Mombasa and Kwale trying to survive on small businesses. It started in 1992 and I am very sorry to say that the Government did not address this and because it was not addressed nothing was shown and it happened again in Kaya Bombo in 1997 where many people were killed. This took place in a dramatic way.

The first group was the raiders killing the upcountry people and burning their businesses. The GSU, who were after the raiders killed indigenous Digos and raped them, all the way from Likoni to Vanga. That was also not addressed and no compensation was given and no records were kept. In 1997, about four or five people were killed and they broke into shops and stole everything from the upcountry people and this was also not addressed. This keeps recurring because it is never addressed and we are not sure that this is not going to happen again in the coming elections. It was only in 2002 that there were no tribal clashes because Moi was leaving and everyone was happy but there were some in Molo. If the Government has a situation like this and it does not address it, then the 24 hours thing you are saying is not possible. You could not even report to the police station because you could be shot dead or you are put in because those who had stolen guns from Likoni had gone to report about a theft somewhere. As they were reporting, others were pouring petrol along the police lines so the police could not trust anybody and therefore you could not report anything even if your legs were cut off. The guns from the Mwembeni chief's camp and Likoni were stolen as people acted as a cover up so the police could not believe or trust anybody.

Some big business people who owned hardware shops and wholesale shops are now the poorest people and they have no cent on them. When will these be compensated? Concerning land, squatters will move into a Government piece of land with the full knowledge of the chief and the assistant chief. They will start living there and marrying there and when they are told that the land is not theirs, chaos will start. There are also the absentee landlords who have huge tracts of land and people have been living there for 40 years and they are squatters and nobody has told them that this is somebody's land. They have even buried their relatives and when they are told to move, it becomes a problem.

In Msambweni in Kwale, we have Bakuku farm, Boro farm and Mkombani farm. I am happy that the owner of Gobani farm gave the land to the squatters and they got five acres each. When these people settle on the farms belonging to absentee landlords, no one tells them that it is not their farms. They are left to live there until chaos begin and that is how the Mombasa Republican Council started. When they see people being evicted from their land, they say that the land belongs to them and that the Government has forgotten them. They are not educated and they do not know anything and they are saying that they

are not employed in the beach hotels and this is true. Does somebody need a degree to be employed as a sweeper or to wash utensils and do laundry? They should be given these jobs and that is why they are saying that they want Mombasa Republican Council to rule so that they can have their hotels.

**The Presiding Chair** (Commissioner Ojienda): Next witness, please.

**Mr. Patrick Njue:** Please introduce yourself to us and tell us what organization you represent.

**Mr. Samuel Samoei:** My name is Samuel Kipkoet Samoei and I represent a group who had gone to Tanzania. We came back to Kenya in 1974 and went to Trans Mara District but we did not have a place to live. We went down the Rift Valley and reached the place where we used to live but we found that other people had settled there. We went to live in Government land in the forest. When the Government evicted the people from the land, they told the Ogiek to register because they found them on that land. After the Ogiek registered, we were not recognized that we were there together with the Ogiek community so we were all evicted in 2005. We started living in camps and as Nandi people, we do not know how to live in camps so we were integrated into communities where you live with a family or you go and live where your son or where your daughter is married. We were forced to come out of Seregoni forest in Uasin Gishu and some were evicted in Molo and Mau. There are people who are in Kilgoris and Molo district and others are in Nandi East and Nandi Central as IDPs. When we came from Tanzania we did not farm so we thought that the only way to help ourselves was to go to the forest and get food so we have suffered a lot since we were evicted from the forest.

**The Presiding Chair** (Commissioner Ojienda): What are the specific issues that you would want addressed?

**Mr. Samuel Samoei:** I am asking the Government to also name us as forest evictees so that we can also get homesteads like others.

**Mr. Patrick Njue:** When you talk about coming back from Tanzania in 1974, why did you come back?

**Mr. Samuel Samoei:** Kenya was home but our parents were evicted so they ran to Tanzania.

**Mr. Patrick Njue:** Who evicted them and why?

**Mr. Samuel Samoei:** They were evicted by the colonial Government so I do not know the reason.

**Mr. Patrick Njue:** How many are you at this time?

**Mr. Samuel Samoei:** We are 948 but we are spread in different areas. In Wareng, we are 252 people.

**The Presiding Chair** (Commissioner Ojienda): Who are you?

**Mr. Samuel Samoei:** We are Nandis together with the Kipsigis.

**The Presiding Chair** (Commissioner Ojienda): So you are just like any other Nandis and Kipsigis?

**Mr. Samuel Samoei:** We are together because our parents ran away from Tindiret during the colonial times.

**The Presiding Chair** (Commissioner Ojienda): We are dealing displaced persons amongst the Nandi and the Kipsigis and you are asking for resettlement because you were removed from the forest.

**Mr. Samuel Samoei:** We now have identity cards.

**The Presiding Chair** (Commissioner Ojienda): When did you come back?

**Mr. Samuel Samoei:** In 1974.

**The Presiding Chair** (Commissioner Ojienda): Were you a child or an adult when you came back?

**Mr. Samuel Samoei:** I was an adult because I was 24 years old at the time.

**Commissioner Shava:** Thank you very much Mr. Samoei. Perhaps you can clarify to the Commission; why was it that your forefathers went to Tanzania?

**Mr. Samuel Samoei:** Our ancestors went to Tanzania because they used to live in white settler's farms. The colonialist used to take our cows and this forced them to move to Tanzania so that the white settlers could cultivate tea in Nandi since it was very fertile.

**Commissioner Shava:** Did they go to Tanzania with the agreement of the colonial Government in order to escape some sort of attacks? Is that what you are telling us?

**Mr. Samuel Samoei:** It seems as if they had an agreement because the Tanzanian and Kenyan Governments were British colonies.

**Commissioner Shava:** Did you find families that had remained here? Did you find any cousins or uncles or grandparents who were here on the land that you had left?

**Mr. Samuel Samoei:** We found that all of them had been evicted and moved uphill so that their farms could be used to cultivate tea.

**Commissioner Shava:** Thank you very much. That is clear and I have no further questions.

**The Presiding Chair** (Commissioner Ojienda): Thank you very much. Do you remember when your ancestors or your grandfathers went to Tanzania or have you been told?

**Mr. Samuel Samoei:** I was young in 1956 and my parents had gone earlier in 1952. I was taken from Kenya in 1956. They went through the border with the Maasai.

**The Presiding Chair** (Commissioner Ojienda): Thank you very much Mr. Samoei. We will make appropriate recommendations concerning recognition of IDPs and resettlement. Those are the two issues you have talked about and we will be guided by what you said.

**Commissioner Chawatama:** I cannot recall whether or not the speaker came with any recommendations. What is it that the business people whose business were affected want to see come out of this process?

**Mr. Lawson Musyimi:** They want compensation.

**Commissioner Chawatama:** Over the years, have you kept records of business people who have lost their business and the property that they lost?

**Mr. Lawson Musyimi:** I think I have it somewhere though I did not bring it with me here.

**Commissioner Chawatama:** Thank you very much Presiding Chair. I have no further questions.

**The Presiding Chair** (Commissioner Ojienda): Thank you Musyimi. Have a good day and I think you have given us a lot of things to think about. The land question though we heard it in the Coast, the MRC, we have had discussions with a number of people about displacements and about the structure that reparation will take at the end because we have IDPs who were not farmers. Mr. Akaranga is giving them farms to go and farm and yet they were not farmers. Those are the issues we need to think about.

Mr. Magenyi I just want to request you that let us look forward to see how we can help IDPs and also help the Commission to make recommendations that will make its report in as far as IDPs are concerned. I wish you could deal with the issues that the other people have not dealt with.

**Mr. Patrick Njue:** Good afternoon! Please introduce yourself and tell us what organization you represent.

**Mr. Keffa Magenyi:** My name is Keffa Karuoya Magenyi. I am a Program Coordinator with the Internal Displacement Policy and Advocacy Center. This is an NGO that was

formed by the victims themselves through the National IDP Network and I am the immediate coordinating chairperson for the last 14 years.

**Mr. Patrick Njue:** We welcome you. You have heard what our presiding chair has had to say and luckily you have been sitting with us since morning so you have heard from the IDPs themselves and the issues there have. We will ask that you speak about the issues that they have not raised and more importantly, give us your recommendations. As you speak, sort of address the Government.

**Mr. Keffa Magenyi:** Thank you very much Presiding Chair. I beg to be allowed to address the Commission more because there are some far reaching recommendations I would like to make that are very credible in terms of the issues of the victims. I have been closely working with the Ministry of State for Special Programs. I have been in the team that has been formulating the national IDPs policy from the word go and I was one of the people who were with the experts from Geneva. Some of the issues I would be able to throw to them as recommendations but I would like to dwell on the issues that affect the internal displacement victims.

To start off, I would like to say that for the time I was the chairperson of the National IDP Network, I have been able to traverse the whole country and we do deal with the victims of internal displacement from across the region. I would like to say that the issue of internal displacement started even before the colonial period. Some of the research that we have undertaken highlights some of these issues that protracted to the post election violence. These are historical injustices that began even before the post independence republic of Kenya. I would like to highlight the regions that have had so much violence. One of the hatred that has emanated is because some of the historical injustices have never been addressed and some of them pertain to the issues of displacement. I would like to touch some of the areas like Trans Mara, Nandi area in Wareng County, Kuresoi within the belt of Mau complex where some of the victims of displacement since time immemorial were from the crown land where today we have the Brooke Bond and Finlays tea farms. Some of these areas received an influx of communities that were inhabitants of the Central Province in the late 1950s and 1960s who were occasionally allocated land by the former regime and some of the politicians especially JM Kariuki. Eventually, one community felt that they had already been subjected to injustice by being evicted from their land and other people being allocated.

I am citing the case in Kuresoi where back in 1974 some Kalenjins from nine villages were displaced and taken to Chepalungu where they stayed until late 1979. They have been citing the provincial administration as one of the perpetrators of displacement and that has transferred itself to what has been going on in the belt of Kuresoi. The same case applies to the Coast Province where a certain group of people were evicted and they went all the way to Tanzania in the lower side of Lunga Lungu. In 1962, they came back and they were handed over by the then President of Tanganyika Mwalimu Julius Nyerere to the then President of Kenya Jomo Kenyatta who eventually allocated them land in areas of Buguni in Kwale County. They became the victims of displacement during the community agitation that the indigenous people have violated their rights.

We also see this happening within the areas of Kamba where some of the victims who had been displaced in areas of Makindu and Kibwezi went to Chyulu and when the Tsavo East was being expanded, they were displaced again and pushed down to Makindu road. They are still living in a camp up to today and you will find some of these victims in the new resettlement program that was going on between 2003 and 2004. When we look at cases in areas of Baringo, the first speaker spoke about displacement of the pastoralist communities. We have been there and seen that the Ilchamus community were displaced from Baringo and taken to Transmara. I am just trying to give a complimentary on the issues of displacement not even touching on Tana River and Lamu. The latest I would like to mention because it has some issues I may want to point out is Marsabit. The Turbi displaced people who are still in a camp today which an individual allocated to them. I can vividly remember that in 2006, we lost some Members of Parliament on a mission of peace in that area. They were going to that mission to meet some of those IDPs.

I now want to zero-in on the 1991 to November 2007 IDPs which has been happening within the so called hot spot areas within the Rift Valley, mostly Mount Elgon and Kuresoi area. I would like to point out here that many deaths were reported to some of us who have been on the ground and I can attest to this. As we are addressing the issue of 1,333 who were killed during the post election violence, we have the records of the people who had been killed before that. Patrick had stipulated about the figures which we had been trying to profile of the people who had been killed since the 1990s. In that regard, the issue that led to the displacement has never been addressed. That is the first problem and if you look at it carefully, you will find that the historical injustices that have caused the displacement in some of those areas have never been addressed to date. The resettlement program that is going on is a replica of some of the historical injustices that happened back in 1974 to 1978. There is a big similarity to that and this is a caution because if you look at some of the farms like Mirau, Relu, Shauri, Mutaragon, Kuresoi, Chepsil, Chepsiol and Ndeffo among others are some of the settlement schemes that were created between 1974 and 1976.

I do remember that there was some displacement that took place in some areas of Chepsil back in 1969 and some people were deported back to Nyandarua region somewhere along the belt of Subukia valley. Later on, they were settled in a place called Muimui where there is a bit of controversy today with IDPs who have involuntarily gone there. One of the bones of contention with the displacement was the contest of land in question because the owners and the host community who were there before in those particular lands were not given an opportunity during the so called resettlement programs.

One of my recommendations and appeal to both the Ministry of State for Special Programs and the TJRC is to be more sensitive in terms of the resettlement program. I think there is need for redistribution of land other than resettlement because much of what I am saying is from the fact finding missions that we have been able to conduct in some of these areas and some of the profiles that we have been able to do in terms of research. We have been able to have a one on one encounter with the host communities and sometimes with some of the indigenous communities and also the IDPs themselves

and I am one of them. I also say I am a PhD holder in IDP because I have been displaced three times and I lost my father in the violence. I have also been trying to internalize it in my own way; why is it always happening to us and that is why we have been able to unearth some of the problems.

The question of redistribution of land is a big problem to date. I was suggesting that the resettlement program that is currently going on leaves a lot to be desired and I do not want to contradict Hon. Akaranga but I want to attest that there are a lot of discrepancies in terms of the resettlement that is going on. The Kikuyu community which I belong to has been favoured in a way, whereas the majority of them suffered. We were the majority who were displaced but how did our vetting process go because there is a big question that is left to be desired. Those people who went to the camps versus most of us who got integrated and we were never compensated. We were never given anything and we were never resettled in our former land and that. The so called IDPs in camps, what kind of vetting process has been taken into consideration before resettling them? I can attest here as a victim that I have been meeting so many masquerading IDPs in the camp who I know and I have been able in one way or another to interrogate them. I know some of them very well that they were never displaced anywhere but they are taking advantage.

Today the Government is talking of the 19 camps or the 9000 plus households but they are forgetting even in the enumerations the number of integrated IDPs. We are trying on our part and maybe those are some of the recommendations because when we are approached by a number of people like the latest documentary that was shown on *KTN*. We tried to highlight an issue of reconciliation for the IDPs who got integrated. We do not harbour any jealousy and we are trying to look at things soberly and we are also trying to extend an olive branch to the host community to accept those who have been able to go back. For us who have started life afresh, how do we go and how do we proceed?

Therefore, I come with the following recommendations. One, I think we should be very thorough on the healing process in this country especially targeting the true and real victims of violations. When I say this, I know some of us have lost our parents and loved ones, and if at all we are not 'checked,' we still harbour a lot of grudge and something can happen in future for this country even if it is not in a big magnitude like it happened in 2007. It can happen in a different style. We have always been looking at the issue of displacement in different dynamics. If you compare what happened in Mitetei in Mama Gatene's house which was the first house to be torched in this country in November 28<sup>th</sup> 1991 to what happened by 18<sup>th</sup> of January in Nakuru, it gives you a sense of the kind of dynamics which are going on in terms of displacement.

I do not want to preempt but I want to suggest in this forum that maybe there is need to profile and enumerate the families that have lost their loved ones and at least extend a gesture to them in a way of either compensation or trying to give something that can touch their souls. I was talking to one of our members from Kiambaa church and he told me that other than the Kshs2, 000 and Kshs20, 000 that they were given during the burial, there is nothing else that has been given to the families. Today as we are talking, there are some people especially in Rurigi, Nyakenyua and Salama in Burnt Forest who are still

nursing wounds of the post election violence. Some of us have carried the burdens of the injuries from the 1993, 1996, 2004, 2006 and 2007. There are some people who have pending bills in hospitals that were incurred during the post election violence and before which have never been paid. Some of them have been able to lease their title deeds in exchange of freedom from health institutions. There is a need to analyze some of this so that when we are coming out, we can give out to the families that were affected.

One thing that concerns me as a victim and as an institution that we represent is that since the beginning of TJRC, we have been very keen to see either one or two of the perpetrators coming to testify. Some of us have been in the sitting commissions that had been formed before and we gave out very lengthy recommendations of what should be done. Among them is the Akiwuni Commission Report which carried the names of many perpetrators and none of them have been summoned by this commission to come and exonerate themselves from blame or from the list. It is the same thing that happened with the Kenya National Commission on Human Rights Report. None of them has been called to come and testify so I would recommend that the so called perpetrators be summoned and at least get their side of the story.

The other issue at hand is the underlying problem of land documentation. We have experienced this in all areas we have been able to visit and where displacement has taken place. Most of the settlement schemes were still under the process of acquiring the legal documents like the title deeds. I can name a number of farms which, to date, almost 40 years down the line, have never got documents which can be recognized in terms of legal action. I would appeal that we profile some of the areas which have been affected by displacement and come out with an audit of the farms that have not been issued with title deeds for subsequent recommendation to give them title deeds. I am saying this because in the entire area of Kipkelion, most of those farms do not have title deeds.

The other issue is that those who became victims and had acquired some loans from the banks. The other day when we went to Moiben in a farm called Lay Farm, there is a family that is almost being kicked out because they got Kshs200, 000 for a ten-acre piece of land but they have not been able to pay. Eventually the bank has moved in and wants to auction the land. We are not able to help these people.

I would like to put something on the ceiling about the national IDP policy. I think there are a lot of intrigues on this. I have been in the committee and attended all the forums that have been organized for the IDPS. I am one of the people who made a lot of input for the IDPS. The policy does not talk about 48 hours. It says that when you report to the camp in case of such an emergency, the Government is mandated to record you within the 48 hours of your report to the farm. It is not the vice versa. We were raising this because of the question of enumeration of the IDPs who found their way into show grounds. Some of them even after being given Kshs10, 000 and Kshs25, 000 never left the camp. We were trying to look at how we could avoid some of these issues.

**Mr. Patrick Njue:** Keffa, for me I would just say that your presentation was quite good. I felt like you had a PhD in IDP studies.

I think Commissioners would like to ask you questions.

**The Presiding Chair** (Commissioner Ojienda): Keffa that was very good. We need that entire write up. You have been to the point and I thank you very much. You seem to understand the psychology and the history of the IDPs; you know where they have settled and what happens. You have even spoken to those who are not genuine IDPs and I think those are important issues. I am glad that you have also answered Rev. Akaranga on some of the issues.

Commissioners, do you have any questions?

**Commissioner Shava:** Thank you very much Mr. Keffa although we are chuckling and laughing, it is actually very sad that there are such qualifications in Kenya today of being a very experienced IDP. It is a very sad situation and I would like to commend you for all the work that you have done to help yourself and to help IDPs. Sometimes when things like this happen, people despair and resolve to other actions. I think what you are doing is very constructive and I would like to commend you on that.

As the Presiding Chair has said, you have a lot of knowledge and information which we look forward to going more deeply into as we research the document that you have presented to us. I would also like to thank you for speaking very frankly. These are some of the things we do not talk about and which can come back to haunt us. You have drawn a direct co-relation on what happened the first time we saw political clashes in this country which were then called tribal clashes or land clashes in an attempt to disguise what was really going on which was a forced re-distribution of the population just prior to an election so as to influence voting patterns.

You have drawn a direct co-relation between what happened in Miteitei and what later happened in Nakuru. You are basically telling us there is a segment of the population that is very angry. There is a segment of the population that feels that their Government has not protected them and that their Government has ignored them when the same Government has failed to provide security which is the primary business of a Government. I noted that very carefully and what you have said with regard to the healing process.

This Commission is mandated to go into issues of reconciliation but as you are aware, our time will expire towards the third quarter of this year and so we are working very closely with the institutions such as the National Cohesion and Integration Commission and the Kenya National Human Rights Commission to ensure that the recommendations that we will make with regard to reconciliation will be carried forward. We have noted what you have said.

I also join you in hoping that issues such as people having burial expenses for which they do not have to produce title deeds which will then reduce them to poverty apart from all their problems; people having taken loans which they are then unable to service because

their businesses or farms then became unviable because of violence. I sincerely hope that these issues will be taken care of in the policy.

Finally, we have noted with concern that there have been various reports and you would have hoped to see some perpetrators or persons who have been accused of being perpetrators being brought forward. We have heard such hearings with regard to northern Kenya which we held in this auditorium. It did have persons who were accused of having participated or otherwise contributed to certain violations that occurred in northern Kenya. They appeared here including Benson Kaharia who was the Provincial Commissioner during the Wagalla Massacre and others. I would like to assure you that in the next few weeks, we will be having hearings where we will be giving a chance to persons who have been accused of participating in violations in other parts of Kenya to appear before the Commission. We would encourage you, at that time, to also participate.

Thank you very much for your presentation.

**Commissioner Chawatama:** Just to add on to what my sister has said, we will look at the recommendations that are contained in other reports and find out why they have not been implemented. So, have no fear. We are digging deep.

I just want to ask you two issues; one of the things we have found when we have visited IDP camps is challenges. These challenges have already been spoken about; water, health and education, have you ever known a time when Government officials from the Ministries that deal with water, health and education have come together to address the challenges that IDPs are facing holistically so that in a sense you are able to just survive with the basics?

**Mr. Keffa Magenyi:** Yes, at some point the ASK show ground Nakuru was dismantled and eventually the IDPs moved to Mawingu. There was concerted effort at least to rehabilitate and also make sure that those IDPs get durable solutions. In this case, I saw all the Ministries coming to the fold. I think that is one of the other problems that we made; we created a dependency syndrome with the IDPs.

The Ministries sometimes have been trying to come into coordination but to some extent they also have their internal wrangles. We are seeing things that are happening within Banita, Rwakong'o which is in Ndaragwa area past Nyahururu. We also saw that in Chepchoina. As I speak today, Chepchoina still has a lot of issues because they have not been able to get durable solutions as much as we say that they were resettled.

There is also the issue of returnees. For those who have been able to go back to their farms there has been lack of clear coordination in terms of what their needs are to settle once and permanently. I would like to commend the Ministry of State for Defence because there was a time they were able to construct some schools. I think that was a very noble idea. I think the other Ministries have been lagging behind in terms of addressing some of the pertinent issues. The Ministry of Education has been able to support and even add some kits to schools which were destroyed.

This is the third time these people are being moved from where they were to the show ground, from show ground to self help groups and then from self help groups to resettlement areas. If you look at one of the places that the Government wants to resettle them, it is a very arid area next to Kieni. The issue of social amenities is a big issue. The Government will have to input a lot. There are no schools and other social amenities. Starting from square one is another big issue. In areas we were displaced from, most of these social amenities were available. To me what the President did was on the wrong footing; they should not have advertised to resettle these people, they could have advertised to return these people back to where they came from. That should have been the first agenda.

Today even those who decided to go back to where they were displaced see those in camps as being favoured. To speak the truth, even when the resettlement is being done, I believe the Government is missing a point because they are resettling the mother or the father forgetting the children. So what happens? The mother or father goes to where they are being resettled but the children remain in camps. In short, they say in Kikuyu “*Matigari*”. These are the remnants. Therefore, it is not everybody who is moving to the resettlement plant. This whole circus of resettlement might not end soon because currently the children who were in class four by the time they went to those camps are today in class eight. They are waiting to sit for their exams and then the Government is saying in three weeks time they will relocate them to Ndaragwa. To which schools and they are already registered where they are? I think those are some of the issues that the Government is not being sensitive to. That is why I was saying that the Government needs to be sensitive to the way they handle the whole issue of IDPs.

I think we also need to blame ourselves in a way because of the leadership crisis that has continued in the IDP case. Some people are using them as human shields in a way.

**Commissioner Chawatama:** One of the other things that has puzzled me whether or not we are talking to IDPs in the camps or they have to testify before the Commission is the issue of replacement of IDs and other documents. What is the real challenge that faces the Ministries or departments tasked with issuing them? I think people have lost their certificates from schools and various documents that they need desperately.

**Mr. Keffa Magenyi:** It is very true. One of the major challenges is the personnel because there is understaffing in the Ministry concerned.

Secondly is the issue of technology. In this country we are still using the hard manual way of documenting things. You will still find files and files lying in those departments. You find about 300 people queuing and they are being served by one officer. It is not possible even to the extent people have been sleeping on the corridors to wait to be served the following day. I think that is one of the major challenges that the Government has not been able to address.

I would recommend that issue of technology be adopted by the Government. There is also the issue of distance. Today if you are in Mawingo and you want to take an ID, you

are forced to go back to where you came from, for example, Eldoret. If you come from Bondo and you are an IDP in Nyeri you are forced to go back to Bondo to register. That distance is a challenge and a hurdle.

On issues of school certificates, those lying in schools are because of lack of school fees. Most of these victims were not able to clear their school fees in time. There are a number of young people who were very sharp and bright in school but were forced to drop out due to the violence in one way or the other. I was for the opinion that we can have a parallel way of having to re-examine them for them to sit for KCSE.

There is another recommendation I would want to make. This arose yesterday in one of the meetings we had in Nakuru; there is a serious problem in terms of the shelter project. That is another time bomb for the IDPs who are returning back. One of the recommendations I would make is to renovate some of our houses which were destroyed rather than reconstructing the small shelters. When these shelters still stand there gapping, they remind us of the past bad times that we had. This is an appeal to the Ministry concerned to give people some money to renovate these structures so that we can facelift and shed off the memories of what we underwent.

**Commissioner Chawatama:** I agree with you in a lot of the recommendations that you have made because if I had been in your shoes what I would have expected from my Government is to set up some special things to deal with my specific problems. I know there are a lot of other Kenyans and they should not be discriminated against but to normalize the lives of those who have been affected as soon as possible. The Ministry that deals with IDs can set up a special desk that will just deal with their problems. At least maybe let them register.

I hope that through being here, the officials from the Ministry have heard again and again some of the challenges but I hope that they have heard something that is new and they look forward to our report. I hope that it will be of some assistance even to them so that once their policy goes to Parliament; Parliament will quickly see the urgency of ensuring that this policy is out within a reasonable time and that the lives of the people are quickly impacted and that normalcy is brought to their lives.

Thank you very much, I have enjoyed your presentation and I look forward to your ten page presentation which I would like to read at my leisure.

**Commissioner Shava:** There is just one thing that came up after I had finished my remarks; this issue of lost opportunities. Perhaps just to signal to Mr. Keffa and the officials of the Ministry of State for Special Programmes that those are the same things that we heard in Uganda. We went to visit the Kenyan refugees in Uganda. We had one meeting with the young people and that was very much on top of their list of concerns. They are learning in a different education system and in a different language. Some of their parents are not keen to return but most of the young people are keen to return and are asking how they will fit in when they come back. They have lost the language because they are learning Lang'i whereas they were used to speaking in Kiswahili. They

are also hearing a lot of rumours about ID cards. They are saying how is it that they will reinsert themselves into Kenyan society? They are saying “when we come back”; they did not say “if”. So it is their intension to return. There will be need to focus on those young people as with the refugees in terms of this issue of lost opportunities. I just thought it was important to point that out.

**The Presiding Chair** (Commissioner Ojienda): Thank you very much Margret; you have made a very pertinent point.

Keffa, I want to thank you because you have made us better by your recommendations; that will definitely help us in our work. I want to thank Samuel Korir, Peter Loson, Hon. Moses Akaranga for speaking to us and answering a number of questions, the hon. Mohammed Gabbow, Patrick Githinji, Roseline Okinda and Amos Mpaka who was the first to speak.

**Hon. Moses Akaranga:** Before you close the session there are some two or three things which I want to bring to your attention.

First, there was somebody who said they were evicted from Kipkulele Forest. I want to tell this Commission as a Ministry we have identified 50 households from Kipkulele Forest evictees which we are going to resettle very soon, in fact, before the end of this month.

Secondly, we have the Mau Forest where we have 3,036 families which are again to be resettled by the end of this month. However, I would also like my friend Keffa here to provide names of those fake IDPs because he says he knows them. If he provides the names, as a board, we can delete them from the list of those who are going to benefit from this land.

Then there is an issue which he says about AFC loan, any time we go to visit the IDPs we talk to them about the AFC loans. Those who have approached the Ministry we have been able to talk to the AFC. Keffa, perhaps you could refer that case to the Ministry so that that fellow can be assisted rather than his land being auctioned like that.

Lastly, as a Ministry we have procured the services of the University of Nairobi to carry out a research on the issues pertaining to the IDPs; where we came from, where we are and where the Government wants to go to. Perhaps with that particular report, we will help the situation.

Thank you.

**The Presiding Chair** (Commissioner Ojienda): Keffa, you do not have to reply, you are protected and we do not want you to mention any people’s names here. I think what Keffa was saying is that there has not been an audit of who are the genuine ones and who are not. That is what he said. He did not pin-point or say I know one or two.

I want to thank Mr. Akaranga and your team. I can see Mr. Okwaro is quite ahead. I want to thank everyone else. I want to thank Mr. O'Campo for being here.

**Ms. Medline Murumba:** I want to thank you again Commissioners and speakers for the day. I would like to invite Rev. Akaranga to say the closing prayers.

*(Closing prayer)*

*(The Commission adjourned at 1.15 p.m.)*