

**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND  
RECONCILIATION COMMISSION HELD ON TUESDAY, 4<sup>TH</sup>  
OCTOBER, 2011 AT CICADA HOTEL, ELDORET**

**PRESENT**

<b>Ahmed Farah</b>	-	<b>The Presiding Chair, Kenya</b>
Berhanu Dinka	-	Commissioner, Ethiopia
Tom Ojienda	-	Commissioner, Kenya
Tom Chavangi	-	Leader of Evidence, Kenya

*(The Commission commenced at 3.30 p.m.)*

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

*(Opening Prayers)*

**Mr. Tom Chavangi:** Commissioner, we have a video camera. We can start with this one as we wait for the cameraman to come.

**The Presiding Chair (Commissioner Farah):** Good!

*(Mr. Obadiah Kiratu Karari took the oath)*

**The Presiding Chair (Commissioner Farah):** Obadiah Kiratu Karari, this is an in-camera hearing session. The video camera that is trained on you belongs to the Truth, Justice and Reconciliation Commission (TJRC). All the information you will give here will be a secret to the TJRC. It will not be shared with anybody, unless you give permission. So, I welcome you.

Leader of Evidence, you may now take over.

**Mr. Tom Chavangi:** Obadiah, please, could you tell the commissioners your names?

**Mr. Obadiah Kiratu Karari:** My names are Obadiah Kiratu Karari.

**Mr. Tom Chavangi:** What do you do for a living?

**Mr. Obadiah Kiratu Karari:** I am a businessman.

**Mr. Tom Chavangi:** What kind of business are you engaged in?

**Mr. Obadiah Kiratu Karari:** I sell new clothes?

**Mr. Tom Chavangi:** Where do you sell them?

**Mr. Obadiah Kiratu Karari:** In Eldoret Town.

**Mr. Tom Chavangi:** Where exactly in Eldoret Town?

**Mr. Obadiah Kiratu Karari:** Along Kimalael Road near Naivas Supermarket.

**Mr. Tom Chavangi:** In your statement to this Commission, with regard to the post-election violence in 2007, you said that there were some names which you would like to mention.

**Mr. Obadiah Karatu Karari:** I would like to speak to you on electoral matters and the injustices that were experienced in 2007 after the elections.

**Mr. Tom Chavangi:** We have already heard that, and we fully appreciate. Now, briefly, without going into the details of Kibaki's re-election, can you, please, go straight to exactly what happened? We already understand the history of the election. So, briefly, explain to us what happened.

**Mr. Obadiah Karatu Karari:** When the results were announced by Mr. Kivuitu, I was at Langas Estate. When it was said that the winner had been announced, PNU supporters came from a place called "Corner Mbaya" and moved towards a place called "Kisumu Ndogo". Most of the people who live in Kisumu Ndogo area are from the Luo Community. These people were celebrating, shouting "PNU! PNU!" When they reached Kisumu Ndogo, stones started flying and violence broke out. Also, premises started getting burnt. Car tyres were placed on the road to block traffic. I remember someone called "Gody", who seemed to be the leader of the group. Some people were telling the others to calm down.

There is a place we call "Kamingira". That was where we started seeing violence. At that time, we had an OCS called Mwangi. One of us had his telephone number. So, we pleaded with him to come and rescue us, because violence had started. Policemen came but I do not think they were really bothered. I remember that some of them were saying work should continue, which was Kibaki's slogan. We pleaded with them to rescue us but they did not seem to be bothered. So, people decided to go to Langas Police Post and camp there. We stayed there but very many people said: "We are men. We had better leave our wives here and go back to the estate." That was on the first day.

On the second day, the police station compound was getting filled up with people. Unfortunately, we heard that some of them had started coming to the police station in town. The compound was eventually filled up. There was no space left. Fortunately, personnel from the General Service Unit (GSU) arrived. They came to Langas and started patrolling the area, but they were not helping us. Fortunately, the DC then, a Mr. Kinyua, was at the police station. He came there and directed that other people should go to the Catholic Church, and that all the victims should go to the show ground. So, we moved to

the show ground but I decided that I would not go back. I and someone else decided to go back to Langas, to some outreach church. That was what I experienced the first time.

**Mr. Tom Chavangi:** Mr. Kiratu, you said that you would like to address an in-camera session because you wanted to mention some people, one of them being Gody. Does Gody have any other name?

**Mr. Obadiah Kiratu Karari:** No, that was the name he used to be called.

**Mr. Tom Chavangi:** Have you seen him lately?

**Mr. Obadiah Kiratu Karari:** No, I have not. I think he moved out of this town.

**Mr. Tom Chavangi:** Where did he move to?

**Mr. Obadiah Kiratu Karari:** I do not know where he moved to.

**Mr. Tom Chavangi:** Would you be able to recognise the youths who were going round with Gody?

**Mr. Obadiah Kiratu Karari:** Yes, they are still in Langas.

**Mr. Tom Chavangi:** Are they people you would recognise?

**Mr. Obadiah Kiratu Karari:** Yes.

**Mr. Tom Chavangi:** I have one more question. I can see that you have talked of an estate called “Kambi Nguruwe” and another one called “Kambi Nyoka.” Why such names?

**Mr. Obadiah Kiratu Karari:** We found those names being used. When we started living in Langas, we found those places being referred to as “Kambi Nyoka” and “Kambi Nguruwe”. Kambi Nguruwe is a pig camp and Kambi Nyoka is snake camp.

**Mr. Tom Chavangi:** You said that the OCS was called Mwangi?

**Mr. Obadiah Kiratu Karari:** Yes, but it was the junior police officers who were letting him down.

**Mr. Tom Chavangi:** From the way you are talking, it looks like you were evicted from where you were living?

**Mr. Obadiah Kiratu Karari:** Yes, I was evicted and I went to Langas Police Station.

**Mr. Tom Chavangi:** Have you now returned to your house?

**Mr. Obadiah Kiratu Karari:** Yes, I have returned to my house.

**Mr. Tom Chavangi:** How is it at the moment?

**Mr. Obadiah Kiratu Karari:** Apart from the tension arising from the ongoing cases at The Hague, there is peace.

**Mr. Tom Chavangi:** How are you spreading your peace? What are you doing? Are churches and mosques the ones spearheading the peace efforts?

**Mr. Obadiah Kiratu Karari:** In most cases, it is the church which is bringing about peace. Apart from the church, there are organisations which come to visit the people.

**Mr. Tom Chavangi:** Thank you very much. I will hand you over to the commissioners, so that they can ask you questions.

**The Presiding Chair (Commissioner Farah):** Thank you very much for your evidence. I will ask the other commissioners if they have any questions for you.

**Commissioner Ojienda:** Thank you, Mr. Kiratu. I have no questions for you. However, I just want to share your concerns that communities need to live in peace. In the last sentence of your statement, you have referred to initiatives by NGOs like Kituo cha Sheria and others but you also said that the Kikuyu people cannot do business with the Kalenjin people. You say: "Life has not been the same after the elections because Kikuyus cannot do business with Kalenjins". What do you mean by that sentence? Are you not a businessman in Eldoret?

**Mr. Obadiah Kiratu Karari:** Yes.

**The Presiding Chair (Commissioner Farah):** Do you not have Kalenjin customers or has the violence affected the relationship between members of the two communities to date or has it improved?

**Mr. Obadiah Kiratu Karari:** At the moment, things are back to normal. If I may give the history of Eldoret, those who run a lot of business are mostly Kikuyus. When it comes to customers, the situation has normalised. Generally, the situation in Eldoret has gone back to the way it was before the general election. There is no problem at all.

**The Presiding Chair (Commissioner Farah):** So, between the time you recorded this statement and now, things have changed. Is that what you are trying to say? Are the Kalenjins and Kikuyus now doing business together?

**Mr. Obadiah Kiratu Karari:** In terms of peace, yes. I would say that our MP, Mr. Ruto, brought the idea of G7, and it has brought us together. In the ICC process that is going on, Hon. Ruto was taken to The Hague together with hon. Uhuru Kenyatta. This has also brought the two communities together. We would not want tension to break out during

the trial. If, maybe, they say: “Uhuru, go back home”, it will be very bad. What we are praying is that if there has to be trial, both should go for trial, and if there is releasing, then both of them should be released. If one team is released and the other is not---

In our opinion, we would not want them to go to The Hague. I know that if the cases are confirmed for full trial, members of the Luo Community will be in trouble. That is what people are saying, and we would not want to get back to that situation.

**The Presiding Chair** (Commissioner Farah): I think your business and your family were not affected. So, there is no claim or any expectation for any claim that you are making. You are just helping us by telling us what happened at that time and things like that but, personally, you have not been hurt or injured, and your family has not been hurt or injured. Your new clothes business is still intact. So, you have no problem personally. Is that true?

**Mr. Obadiah Kiratu Karari:** We had a farm towards Kipkaren at Kuria Mumbi, which was burnt. There was a food store which was also burnt down. In terms of business, I used to sell my items in town. My business was not affected in any way but we had our house burnt down. I think the most important thing for the TJRC is to look into the way the communities here will be reconciled. The ICC cases are already causing apprehension amongst the people. It is our wish that God intervenes.

**Commissioner Dinka:** Mr. Kiratu, I thank you for your testimony. When you described the way the OCS came to check on you people when you were having problems at 6.00 p.m., he did not even come in his official police car. He came in a car owned by a private businessman. Does that mean, in your assessment, that he was not very much interested in taking care of the problem or he did not have a car?

**Mr. Obadiah Kiratu Karari:** The first thing was that he came in a private car. I remember that it was one of those small cars. He came alone and said that he was going to get some reinforcements. Later on, policemen came in a Land-Rover and they were wearing helmets. We kept telling them to help us, but their response was “You said you wanted work to continue.”

**Commissioner Dinka:** What did you mean by that?

**Mr. Obadiah Kiratu Karari:** Commissioner, I would like to clarify that, that was the presidential elections campaign slogan for Kibaki. It was just a re-election slogan, so that he could continue with what he had done in the first five years of his term.

**Commissioner Dinka:** So, the police officers said “let the work continue” and stood there, doing nothing?

**Mr. Obadiah Kiratu Karari:** Exactly!

**Commissioner Dinka:** The Police Commissioner arrived by an helicopter, after which order was restored? He came with a contingent of GSU. So, it is your view that the coming of the Commissioner of Police helped?

**Mr. Obadiah Kiratu Karari:** It helped very much. Even when I see him on television at the ICC, I feel very hurt.

**Commissioner Dinka:** It is also your opinion that after the Police Commissioner came, the police officers who were in Eldoret became more active in terms of stopping the violence?

**Mr. Obadiah Kiratu Karari:** Yes.

**Commissioner Dinka:** You said both the Kikuyu and the Luo had their vigilantes. Do those vigilante groups have names?

**Mr. Obadiah Kiratu Karari:** They did not have names. They were just using “ODM” and “PNU” codes.

**Commissioner Dinka:** And the leader of that group was Gody?

**Mr. Obadiah Kiratu Karari:** Yes, he was called “Gody”.

**Commissioner Dinka:** Presiding Chair, that is all I have for the witness. Thank you very much.

**The Presiding Chair (Commissioner Farah):** Obadiah, thank you very much for giving us that good account of the post-election violence. We have finished with you. So, we thank you for the information you have given us.

Leader of Evidence, you can stand him down and bring in the next witness.

**Mr. Tom Chavangi:** Presiding Chair, the next witness is Witness Eldoret No. 9.

**Commissioner Ojienda:** Leader of Evidence, I am just wondering why we have a counterfeit cameraman. Where is the true cameraman? The true cameraman is not here. We have a counterfeit cameraman.

**Mr. Tom Chavangi:** Commissioners, this is not a counterfeit cameraman. He is an alternate cameraman.

**Commissioner Ojienda:** But even the person operating the camera is not the original one.

**The Presiding Chair (Commissioner Farah):** Yes, but he is an expert in ICT.

**Commissioner Ojienda:** He is also a counterfeit. He is an imposter, in fact.

*(Laughter)*

**Mr. Tom Chavangi:** Commissioners, we have George Njoroge, who is accompanied by two other people. We have just discussed with Njoroge, and he says he is the only one who is going to speak.

*(Mr. George Monday Njoroge took the oath)*

**Mr. Tom Chavangi:** For the sake of our records, can you mention your names again?

**Mr. George Monday Njoroge:** I am George Monday Njoroge.

**Mr. Tom Chavangi:** George, where do you live?

**Mr. George Monday Njoroge:** I live in Lugari.

**Mr. Tom Chavangi:** In what part of Lugari?

**Mr. George Monday Njoroge:** In Mautuma Location.

**Mr. Tom Chavangi:** What do you do for a living in Mautuma?

**Mr. George Monday Njoroge:** At the moment, I am a farmer.

**Mr. Tom Chavangi:** You have handed in a statement in the form of a memorandum, indicating that you would like to speak on behalf of the IDPs from Likuyani in Lugari. Is that true?

**Mr. George Monday Njoroge:** Yes.

**Mr. Tom Chavangi:** I would like to let you know that the issues regarding IDPs have been emphasised. I would like you to tell us specifically what problems the IDPs in Lugari have experienced. Please, do not go into the history because we have already heard it. Tell us, briefly, the challenges facing you as IDPs in Lugari, or what you would like the Government to do.

**Mr. George Monday Njoroge:** We, IDPs in Lugari, which incorporates Turbo Division of Eldoret West District and the larger Lugari District, which encompasses Matete, Lugari, and Lemoyne areas, have had very many challenges. As the chairman of the affected group, I had to help remove people from the Turbo IDP Camp and take them back to where they had come from, with the promise that they would be given Kshs10,000 each and an additional Kshs25,000 each and have homes built for them. So, I decided to co-operate with the Provincial Administration.

I conducted several meetings. I spoke to the IDPs and we agreed that we were going to divide up the camp into the Turbo IDP Camp, the Likuyani District Officer's Camp, the Likiani Chief's Camp and the Pan Paper Mills Camp. For those who did not have land, those who had been evicted from rental houses and those who were told not to go back, we took them to the Kenya Railways reserve land and the National Cereals and Produce Board (NCPB) land and requested them to erect tents for them. Those who had farms, we relocated them back to their farms. We worked hard and ensured that we had several houses built for us under sponsorship from the people of Japan. Several houses were built but they were not enough.

So, the problem of most of those who were affected was shelter. There was not enough shelter.

The second problem is that the Government has not fulfilled its promise of giving everybody Kshs35,000. Very few people benefitted. We are also not guaranteed of security. We would like to know whether our security is guaranteed. People still live in fear, especially with regard to what is happening at the moment – the cases that are going on at The Hague and the forthcoming elections. So many people are worried. They do not know what will happen tomorrow. The affected people are about 12,000, and the problems they are facing are very many. Many of them lost their properties. They were left with nothing. Some of them are as old as 70 years, and they have worked throughout their youthful time. Now they have no property. Their biggest hope at the moment is to have peace as they await their meeting with their creator.

We have lost a lot of people between the ages of 45 and 65 years. Many of them are dying from stress-related illnesses because life is very hard. They cannot do anything. They are actually living in temporary accommodation, which is on county council land. So, you would find them just collapsing. We recently lost two of them because those of us in that area are not considered by the Government as IDPs for whom alternative land is being bought, so that we can be re-settled. So, when these people see themselves being thrown out of the villages yet land is being bought for other post-election violence victims, it worries them so much that they end up dying of stress-related diseases.

The victims in this area are still prejudiced. We still have people laughing at them and showing them a lot of hatred. This is because of the supporters of ODM in Lugari, most of whom are Luhyas. The Kalenjins are on the other side of the tarmac. They have now even targeted the one per cent Kalenjins, who are PNU sympathisers. There are very few Luhyas who are PNU sympathisers as well. These are targeted by the majority, who are ODM supporters. Even as at now, this problem is in people's hearts. When we heard of this Commission, we knew that it would bring about changes, because the evil seed is still in some people's hearts. Even if you see your cow on another person's land, you cannot recover it because even the police tell you that "You will ignite more violence".

So, we are living, but without the rights that we should be enjoying. We still keep hearing that there are people who will go back to their homes in Othaya. Even the Turbo IDP Camp is nick-named "Othaya". The local people there keep on saying "those are the



Othaya people. Let them stay there.” I am very sure that if this situation is not addressed quickly, it will get out of hand. That is according to the information I am getting from each village, because we have a network. We now have about four districts. The information we are getting is: “2012 is close. Just wait for 2012.” This is worrying. We have seen people being killed in a beastly manner in the morning. Those people were killed by neighbours they were brought up with. They chopped them into pieces openly.

I have sent this kind of statement to this Commission before. I have even furnished the Commission with the death certificate of one of the victims, and I have another one with me here, of somebody else, which I did not submit earlier on. I can tell you that the problems the IDPs are encountering there are very many. Our biggest appeal is: We are willing to forgive. We are not out to revenge but the Government should take care of us. According to the Constitution, the Government has the responsibility of protecting its citizens and their property. The IDPs out there would like the Government to compensate them for loss of property.

I have sent a statement to this Commission, with a copy of a police abstract. These people reported their problems to various police stations. The police officers went to examine the situation and furnished the victims with police abstracts. So, I would like to ask this Commission to help and ensure that these people are compensated for loss of property. We have families which lost their loved ones, like the one of Waweru. The Government could not guarantee the security of those people. So, we would like the Government to compensate that family and other families.

The other plea I have to this Commission is that the Commission should try and find out what happened to the Kshs10,000 and Kshs25,000 promised to the IDPs, which was part of the incentives provided to the IDPs during “Operation Go Back Home”. Some of us who are affected in that area have large families. It is very difficult to stay in the same house with your in-laws. Those people would like to be supported to put up shelter, just as shelter was constructed for IDPs by the Government in some places. These people do not have any houses constructed for them apart from the houses that were constructed with the assistance of the Government of Japan.

Another thing the IDPs in that area would like to be assisted in is that everybody is asking what 2012 is going to be like. We have the cases that are going on at The Hague. Should there be anything, who is going to be their protector? Is it the same policemen who, treacherously, treated them like animals? During the post-election violence, people would run to the police station and they would be told to go to Othaya. Where are they expected to turn to? So, the IDPs in those areas are requesting to be guaranteed security.

If this Commission can help us to have systems of passing information whenever we have such problems, we will appreciate. If there are threats, or there are issues in which the Provincial Administration may not be willing to intervene quickly, where would we go for assistance? As I have said, there is a problem when you go to tell a police officer: “That black and white cow belongs to me” and then he tells you: “Any attempt to repossess it will ignite more violence. So, just let it go.”

You have asked me not to go through the history, but I would like to mention that in Lugari District, things were bad, and that the people who were affected were more than 12,000. These people have had challenges. A number of them were business people. Wherever they were renting houses before, they have not been allowed to rent them back. The farmers were also left with a lot of challenges, after they lost their properties and their houses were demolished. These people were mainly from the Kikuyu community. Amongst the victims of post-election violence in that area, members of the Kikuyu community form 98 per cent. The remaining 2 per cent were supporters of PNU from other communities. They received thorough thrashing.

I would like to mention one area – Lugari hotspot – which is in Mautuma Location, Mbagara Sub-Location. The other hotspot was Turbo Township. On 29<sup>th</sup> December, 2007, one councillor called Karoli started mobilising people and, within one hour, houses were being burnt and people were being evicted. The other hotspot is a place called Kilimani Nasorogea in Likuyani. These were the worst hit areas.

On the lower side, there are places called Matete and Chimoi. Although no one lost his life in those areas, a lot of properties were destroyed, with houses demolished, burnt and shops looted. In all these areas, the hatred was very deep. There were many inter-marriages but this did not help. Our youths have especially married Luhya and Kalenjin ladies, but they went with their wives to the IDP camps. On the other hand, the Luhya and Kalenjin men who married Kikuyu women sent away their wives to be with “their people” in the IDP camps.

Graves of Kikuyus in that area were dug and their contents burnt. The people who did this said that the spirits of the Kikuyu should follow their people wherever they had gone. Cattle were slaughtered and the meat shared out.

Commissioners, please, bear with me. There was a lot of bestiality which affected women and children who still live in a lot of fear because they sometimes see their cattle---

This is because their cattle were cut into pieces without being slaughtered and dogs were killed and thrown into water wells. This was the beastly acts that I do not know what exactly the problem was. The situation was really bad in people’s heart. But in my heart, I listened to every victim and as their chairman; I heard things that you would never want to hear in this world. Maybe they are found in the devil’s world and not on this earth. So, it is a big problem, but we do believe that this Commission will be a unique Commission and that the issues that we are presenting to you will receive your attention.

I was born in that area; I went to school there, I got married in there though from a different community. I am one of those who have gone through a lot of torture until my children started asking me whether those were their mothers’ relatives who were doing that to us. I do not know what we will do to the children because they are carrying horrible memories. We believe that this Commission will do something which will change the people’s mindsets. What will be in children? What if they decided to revenge

in future, it might be worse bloodbath. I want to tell this Commission that because of the levels of poverty, if there is any chance in 2012, I would want to be a prophet of doom, but I know if nothing is done, the situation will deteriorate further.

The other day on 30<sup>th</sup> last month, there was a Harambee that was attended by the Speaker, hon. Marende, at St. Cecilia Girls. I was there and the hon. Member of Parliament for the area still incited the people making us so embarrassed, that we wished the earth would open and we get swallowed. I thank hon. Marende because he said, he agreed with everything else except anything that incites people. On what was discussed there, we realized that our political leaders are going to light another fire. Hon. Cyrus Jirongo said that: "I am giving you, Luhyas, the example of Thika Highway, double-lane roads are being built in Kikuyu land and they are the ones who finished the property on this land. If you go to Raila's Luo land, roads are being built. But you Luhyas; are you able to see any of this? The reaction of the ordinary people might affect us. The seed that the political leaders are planting among the people is that; they will be gone but it will be these Njoroge and Odhiambo who will remain. I believe the President is for the nation not for a given community. I might want to think that the Prime Minister is for the whole nation and not for one particular tribe. But the politician says that Luo land is being developed. You can see that such utterances were already planting seeds of discord among the people who were gathered there. We know that those who were affected in 2007 already believe that this is likely to affect us come 2012.

**The Presiding Chair** (Commissioner Farah): That has been previously repeated and repeated. We want to assure you that every effort is being made to ensure that the next elections are not like that of 2007. We have also got the National Cohesion and Integration Commission which is a permanent Commission which will deal with inflammatory statements like the one you are describing. There are other commissions like the Kenya National Human Rights Commission. We have heard what happened in Lugari and at the Internally Displaced Persons (IDP) Camp. You may summarize and conclude; giving us your expectations and state whether you have lost anything as a person with your family. You can continue.

**Mr. Tom Chavangi:** I think the witness has given a summary. He has come out with clear cut recommendations and expectations. Maybe, he can just say how much he lost in terms of money.

**Mr. George Mande Njoroge:** My property that got lost was worth Kshs1.4 million. That is what I lost.

**Mr. Tom Chavangi:** Thank you, Mr. Njoroge. I will ask you questions and the commissioners will also ask you questions. Who are these people who accompanied you?

**Mr. George Mande Njoroge:** The people who accompanied me were the peace keeping and welfare organization officials. One of them is Mr. John Kamau who is our secretary and Mr. John Kamau Kariuki is an executive committee member of the Amani Peace Keeping and Welfare Organization which has been highlighting the problems of those

affected by violence and which has been fighting for their rights from time to time. The other one is Mr. John Kamau. Both of them are members of Amani Welfare Organization.

**Mr. Tom Chavangi:** There is something I would want to find out from you. You have said that you have gone back to your farm.

**Mr. George Mande Njoroge:** Yes, I am on farm.

**Mr. Tom Chavangi:** Therefore, you are no longer an IDP?

**Mr. George Mande Njoroge:** No, I am not an IDP. Everybody returned. We do not have an IDP camp at Turbo or Lugari.

**Mr. Tom Chavangi:** Which communities were in those IDP camps?

**Mr. George Mande Njoroge:** At the Turbo IDP camp which I have mentioned, 98 per cent of the people at the camp were Kikuyus. The rest which comprised two per cent, were a few Kalenjins who were supporters or sympathizers of PNU and a few Turkanas and one Luo. There was only one Luo and a few people from the Luhya community.

**Mr. Tom Chavangi:** Thank you very much. You also said that there were IDPs who were given farms by the Government. Which community did they come from; because the Kikuyus were not beneficiaries of resettlement?

**Mr. George Mande Njoroge:** I would like to clarify that. I said that the IDPs we have had and the ones we have heard about are those which the Government has been buying land for. Sometimes we know that the Government has been trying to resettle them, but they are rejected wherever they go.

**Mr. Tom Chavangi:** We have heard that they are getting money. We know the issues with regard to IDPs; all we need is for you to clarify. Who are these people who are getting land from the Government and who are not?

**Mr. George Mande Njoroge:** What I mean is that, Turbo or Lugari areas have not been included in that programme and that is my complaint.

**Mr. Tom Chavangi:** But you have gone back to your farm?

**Mr. George Mande Njoroge:** There are a number of people who do not have farms; they were petty traders who were not allowed to go back to their houses after breaking the camp. They live like beggars. I would like the Government to remember them the same way it remembers those from other places. Why was Turbo not captured? We have tried to complain but we are told that the register that was made when people were still in the camps--- People were asking me and saying: "Look, Bwana Chairman, if other people

from other places are benefitting, why are we not benefitting and we have no shelter at all?"

**Mr. Tom Chavangi:** We have heard that, but my last question is; you wanted to speak in camera. Is there anything that you would like to tell the commissioner that you would not have wanted to talk about in public; maybe, some names?

**Mr. George Mande Njoroge:** There are names that I had sent to the Commission of people who were the main perpetrators and I took a sample of Mautoma Location which was a hotspot and I sent out the names. I have had problems because I have been a target for a long time. I have to live by evading some places. I cannot go to Turbo Town or Kipkaren without disguising myself. I have received phone calls from the DC, Eldoret West, with regard to the forms we were filling for victim's participation. I have received phones calls from the Deputy PC.

**Mr. Tom Chavangi:** We know all that, Mr. Njoroge. All I need you to clarify is: Is there anything secret that you would like to tell this Commission, maybe names of people and that is why you are asking for secret presentation?

**Mr. George Mande Njoroge:** There are names like the one which were e-mailed to one of the assistants of this Commission whom I met here at Eldoret at some point when we were preparing for the meeting with the Commission.

**Mr. Tom Chavangi:** Thank you, Presiding Chair. I have no more questions for this witness.

**The Presiding Chair** (Commissioner Farah): Thank you very much. It is your chance, Ambassador Dinka.

**Commissioner Dinka:** Thank you, Mr. Njoroge. I have got some two questions to ask you. You said that 2012 could be dangerous and that is your predication. Do you just feel so, or you have some concrete things that you can tell us about preparations or something like that?

**Mr. George Mande Njoroge:** I would like to say that; as the Chairman, I get phone calls from all over the places. I cover about four districts; Lugari, Matete, Likuyani, Turbo Division and Eldoret West. There are threats that keep coming that say: "Wait for 2012". I feel that it is not right to ignore them because, even in 2007, we ignored such threats. We all know what happened. So, it is the worries of those who get the early warning information. It shows that there might be violence. When we return people to their homes, we conduct dialogues with the communities to let them go back. We plead with them to allow them resettle. Those who are opposed kept saying: "You went with your lives, but next time, you will not live a life. You will be finished." This is still in the memories of those who were affected. When somebody is told that: "You just rare cattle, but know that you are raring them for me in 2012"; then they live worried people. What I would like to emphasize---

**Commissioner Dinka:** In your statement, you mentioned that some retired police officers are fueling violence. You have mentioned them in your presentation. What are you talking about and how many are these retired police officers?

**Mr. George Mande Njoroge:** There are two officers in Millimani and they are retired. They were there in the middle of 2007 violence and we have Pan Paper Market. They are trying to say that no Kikuyu should be allocated a plot there; and if they are going to be allocated, they will not live to develop it. That is what is going on now.

**Commissioner Dinka:** Okay. Thank you very much. There is no other question.

**The Presiding Chair (Commissioner Farah):** Thank you very much for your good evidence. I think the commissioners have exhausted the questions. We have also taken note of the paper which you presented. I have no further questions for you.

Thank you.

Leader of evidence, please, stand down the witness and bring in the next witness.

*(Mr. George Mande Njoroge was stood down)*

What is the number of the next witness?

**Mr. Tom Chavangi:** The next witness is Eldoret No.11 and he is called Okambo.

**The Presiding Chair (Commissioner Farah):** Welcome to this in-camera hearings.

*(Mr. Daniel Kiprono Biwott took the Oath)*

**The Presiding Chair (Commissioner Farah):** Mr. Daniel Kiprono Biwott, welcome to this in-camera hearings. I have to introduce the panel to you.

*[The Presiding Chair (Commissioner Farah)  
introduced himself  
and the other Commissioner)*

All the people you see in this room are your confidants. Whatever evidence you will give will not be released to anybody except with your express permission. The camera you are seeing is a TJRC camera and all the photographs it will take are photographs for the TJRC.

Leader of evidence, please, proceed.

**Mr. Tom Chavangi:** Please, for the record, tell us your full names.

**Mr. Daniel Kiprono Biwott:** My name is Daniel Kiprono Biwott from Kimasas Co-operative Society in Nandi Hill.

I would like to talk about the farm belonging to Kimasas Co-operative Society. When the white men came to Kimasas, they evicted the original inhabitants, demolished their houses and took away their goats and cattle. They planted tea and then they formed a company called East African Produce Company Limited, a tea producing company. As we speak now, the people who live there are the Kimasas who were employed there and worked at the factory. They were pushed to live in a small section of that piece of land until today.

In 1978, they started issuing notices saying that Kimasas Co-operative Society will receive 81.6 acres. They issued notices so we started paying rent for that farm to the county council until 1985. Another notice was issued on 4<sup>th</sup> November, 1986 saying that we will get more land. However, the number that they gave us was different from the one that appeared in the previous notices. It was the same company that wrote that letter which was run by the white men and they are the ones who issued the notice. When we went to one of our leaders, Henry Kiprono Kosgey, Member of Parliament for Tinderet, he never gave us such notices. He took that piece of land and we were left with nothing.

In 1986, we got a letter saying that the farm had been allocated. When we went to ask how the squatters on the farm will live, we were told: "Do not worry; you will get a piece of land." We were promised a piece of land but we could see more tea being planted, and we never got any piece of land. As I speak now, there is no place without tea.

We started complaining and going to Nairobi and back, but nobody is willing to assist us. Hon. Henry Kosgey has brought his own people; and distributed the farm to them. Three people have shared that land and what is left is now his. If we complain; we cannot manage because he is a powerful man.

When we heard about TJRC coming to this place, we decided to write a memorandum to present to this Commission having complaints with regard to that farm. We have followed processes until today that we would like to get our farm back, which is 550 acres. This farm was occupied by our parents who were thirty in number. But now we are 600 of us with no title deeds and there is no way of proving ownership. When a child is born in this area, he/her is condemned to picking tea in those farms. Whoever manages to get some education, he leaves the area for better employment, but most of us are just tea pickers. So, we have been embroiled in this dispute with hon. Henry Kosgey, Sawe and a Mr. Kata, who is a superintendent of the local tea company. We have no way of succeeding because we are like squatters to the company land. When I went to Nairobi to investigate further about that land, I discovered that there is a big title for East African Produce Company. It is impossible to approach the company to share the land with us. This is a right that was lost several years back when our parents were youths. Those who are still alive are very old. I am one of their sons and I have many children.

**Mr. Tom Chavangi:** Excuse me. Let us start from there.

**Commissioner Ojienda:** What is your claim on this farm?

**Mr. Daniel Kiprono Biwott:** Our claim is to be given back our land.

**Commissioner Ojienda:** Is that your land?

**Mr. Daniel Kiprono Biwott:** It is because the company; East African Produce Company, found our parents there. When the white men first came to Nandi area, our parents were living on that land. Later, they promised us---

**Commissioner Ojienda:** That is the interest of your parents on that land. Let us start from the beginning; do you have shares in the East African Produce Company? Or where is the basis that makes you claim a right over that land; share or the initial land acquisition that was done by the white men? Show us something that will prove that you have an interest in that farm.

**Mr. Daniel Kiprono Biwott:** Here are letters from the white settlers as early as 1986; there is a letter from one of the white men which was written before he left. But we do not have the farm.

**Commissioner Ojienda:** What I want to know is what took place and, maybe I can answer you. Where is their interest? Was their land part of this? If it was, what shows? I can see on the East African Produce Company; there is a letter here talking about Kimasas Co-operative Society. The above Co-operative has been given an area of 81 hectares of land. It could be appreciated if further assistance possible could be given to have the land transferred from the East African Produce to Kimasas Co-operative Society. That is just a letter.

Can you explain how this land, in the first place, came from them, as you say it is theirs, to the company and when that was? Let us start from there first.

**Mr. Daniel Kiprono Biwott:** It was in 1905, when the white settler came in, when Koitalel Samoei was killed and the Nandi became landless in the Nandi area. They lost their land and they started living as nomads until the white settlers started planting tea; and they were employed by various tea growing companies to work on the tea farms. That is why I am saying that we have a right there.

**Commissioner Ojienda:** It is a protest. You have said that you have been claiming. What have you done; or you have been protesting to Henry Kosgey, yet you have been voting him to Parliament since Parliament begun?

**Mr. Daniel Kiprono Biwott:** First of all, we did not have any of those letters. Therefore, we could not have gone to court. We started by collecting different kinds of letters from a number of offices so that we could have all the supporting documents before going to the District Commissioner (DC). When we went to the DC, he referred us back to the chief and the chief could not handle it until the matter was suspended. Previously, you could



not go to court and succeed and especially, if you were pitied against Henry Kosgey because every office and wherever it was, we knew very well that we were to guard the letters and whenever we went to the DC, he would refer us back.

**Commissioner Ojienda:** The transaction on this land was 6<sup>th</sup> April, 1995, when a portion of 81.63 hectares was transferred to Kimasas Farmers Co-operative Society. Are you a member of that society?

**Mr. Daniel Kiprono Biwott:** My parents are the ones who were members and they are here with me. These are the owners of that land and I am their son.

**Commissioner Ojienda:** So, if 81.63 hectares was transferred to Kimasas Co-operative Society, then it is the members of that co-operative society who have a right to claim a share from the East African Produce Company, which is the one owned by Henry Kosgey. Is that right?

**Mr. Daniel Kiprono Biwott:** Yes.

**Commissioner Ojienda:** Who had settled on these 81.63 hectares that was given to Kimasas Co-operative Society? Who tills it, grows tea on it or who owns it? Does the co-operative have officials?

**Mr. Daniel Kiprono Biwott:** There were some officials, but they have since died. It is only one who is alive and that is why we have come out to make sure that we make progress before this one also dies and we lose out on the farm.

**Commissioner Ojienda:** What I can advise you, without even wasting time, under the Co-operatives Act, a co-operative is run in the same way as a company. You need to establish from the Commission of Co-operatives, Nairobi, if this co-operative called Kimasas Farmers Co-operative is still registered. That is the first thing. Number two, I will urge you as an activist to call a meeting of the members of this society to elect officials; these officials are the ones who will claim these 81.63 hectares; this is a lot of land! Then commence a process of dealing with this share and then the process of subdividing it to members of the society. Maybe, mzee can answer, how many members of Kimasas Co-operative society exists, apart from you?

**Mr. Mzee Biwott:** Those who are there at the moment are 52 members; the elders like me. But the young family members of the old members are many. We have share certificates.

**Commissioner Ojienda:** You can start your process in Nairobi, with the Commission of Co-operatives and then start the process of getting the shareholders, balloting and subdividing this land to yourselves. Once you have the shares, you just get together in a meeting and it is going to be very easy.

**Mr. Daniel Kiprono Biwott:** That will be very difficult because the name co-operative is an illusion. The certificate is not recognized and that is the excuse Henry Kosgey used to bring in some other people to alienate this land to himself. So, we are not going back to the Commission of Co-operatives because this is the eleventh year. As I go round; getting to Nairobi, I am told to go to the co-operative officer. When I go to the officer, it is so hard because Hon. Kosgey is using this to say that is a co-operative affair. Is there a co-operative society that can bring a piece of land and give it to somebody without issuing a title deed? So, there is a lot of trickery in this and we are opposed to it. That is why we came to this Commission so that we can get the 550 acres not 81.63 hectares; which, if we accept to go the Commission of Co-operatives, we would lose everything.

**The Presiding Chair** (Commissioner Farah): Do you have the title deed for those 550 acres, which you claim to be ancestral land?

**Mr. Daniel Kiprono Biwott:** The title deed is with the East African Produce Company; even the map is in the memorandum which we presented for the 550 acres.

**Commissioner Ojienda:** You have a claim because this is a serious case! Obviously, under the new Constitution, the community will still have a right to claim its community land which was taken by the East African Produce Company and by Kimasas Co-operative Society. But all these years you have been struggling and members have certificates, why have you not done something legal that would have pushed Henry Kosgey to sub-divide the land? At least, even start with these 81.63 hectares. Why do you want to claim the whole world when you cannot just get one country? Start with what you have here, then, you can claim the bigger land. Why have you not tried to go to court; at least members, for all these years?

**Mr. Daniel Biwott:** What I was trying to tell you is that we are not as powerful as Kosgey; so, we cannot fight him in court; we cannot manage. We know we cannot, completely.

**The Presiding Chair** (Commissioner Farah): We have had a case like yours in Busia, but the good thing with the Busia people was that they went to court and the case is still pending. So, we could take it up from there. But for you people, even if you were defeated, you should have, at least, made an effort to go to court and then the Commission would have come in and raised the matter up with Mr. Nyagah, who is the Minister for Co-operative Development and Marketing right now. I think *nyinyi mlizubaa; mlikaa tu*; but it is okay. It is a serious case you have got on this land.

Do you have any question?

**Mr. Daniel Biwott:** No.

**The Presiding Chair** (Commissioner Farah): I think it just like the case of Busia, the only difference is just that they went to court, but you did not go to court.

So, thank you very much. We have taken note of your concerns and claims. Let these documents be put in the records of the Commission.

**Mr. Tom Chavangi:** Would you like to present your memorandum as evidence with the Commission?

**Commissioner Ojienda:** You cannot say that you are scared of the Minister and you are the same people who vote him in every year; you have done that for a lifetime, actually! Because all of you work for him; all of you, including your children work in his farm, he does not even need to campaign; he wins without doing anything. He is sure he will win forever because you all work for him and you live on his land.

**The Presiding Chair (Commissioner Farah):** You do not take him to court!

**Commissioner Ojienda:** You cannot do anything.

**The Presiding Chair (Commissioner Farah):** Of course, they are playing by his rules!

**Commissioner Ojienda:** And the Reverend knows it; it is a permanent constituency. So, we need to do something on the matter.

**The Presiding Chair (Commissioner Farah):** Even if we raise it with Mr. Nyagah, the two Ministers will relate to each other and Mr. Nyagah will protect his friend.

I think you better give the Commission your documents – your memorandum with all the maps and all the explanations – for our record purposes and when we are making recommendations to the Government, we will take into account your piece of land which is in dispute along with the other cases we have heard. There are quite a number of such cases across the country, where co-operative societies have got a piece of land, and because you people are so dormant, as my friend, Commissioner Ojienda, has said, you vote for him every year, you are afraid to take him to court and now that you have seen the Commission has come you think it is the final saviour.

So, thank you very much. We will take it up from there.

**Mr. Daniel Biwott:** Let me finish. During the last elections that led to the clashes--- We know that he wins elections because of his wealth and we are among those who were attacked because at that time we were PNU supporters. He gave youth some money to deal with PNU supporters because of the hatred that comes from our rivalry over the piece of land. We have not taken him to court, but he knows that there are people who are after him. We voted for PNU and because of that, we were attacked.

**Commissioner Ojienda:** You and who?

**Mr. Daniel Biwott:** About six of us. The others did not come here. In the village, we were known to be PNU supporters and a number of people were in the ODM. So, it was announced that the PNU people should be vanquished.

**Commissioner Ojienda:** Were you in PNU because of the farm?

**Mr. Daniel Biwott:** We actually voted for Kibaki thinking that he would come to help us get our land back; we were known in the whole area as Kibaki supporters.

**Commissioner Ojienda:** In the village, were there only six of you?

**Mr. Daniel Biwott:** Yes, there were just the six of us because we are the ones who have always followed up on this issue. So, we were attacked and my brother's hand was chopped off. We had to hide.

**Commissioner Ojienda:** Who attacked you?

**Mr. Daniel Biwott:** We were attacked by a group of people who were around there; they are our brothers.

**Commissioner Ojienda:** Were you seeing the results of politics?

**Mr. Daniel Biwott:** Yes, we were. We were surrounded and there was no peace between us and Kosgey. As much as we are lonely, he recognizes us and he knows that we are there. We have come to the TJRC to record statements in Kapsabet and we know that we are being followed because of that. When we came to Kapsabet, we were actually trailed by intelligence officers and we had to indicate that in our forms. As we talk now, we are not very safe.

**The Presiding Chair (Commissioner Farah):** Take heart, now that we have got a new Constitution and a new Chief Justice. The Judiciary is being reformed and the TJRC is here. So, we will take up your case. Just avoid those people so that they do not kill you, and work until you get your land back.

**Mr. Daniel Biwott:** That is why we have now become courageous enough; even if they kill us at the moment, we are not really scared of that.

**The Presiding Chair (Commissioner Farah):** Prof. Ojienda is a member of the Law Society of Kenya (LSK); he is well versed with the Judiciary. I will allow him to give the last word.

**Commissioner Ojienda:** Thank you very much for your testimony. I just want to encourage you. I still think that something can be done in court, given the new dispensation. Given the new laws on land, you can claim that land as part of your community land that was taken away. I note that you claim or say that you have no

economic ability to file a suit, but I am sure there are lawyers who will be willing to take cases like yours in the public interest and to help you get back your land.

But, still, you need to identify leadership within yourselves. Of course, Kituo Cha Sheria (KCS) would happily take up your case---

**The Presiding Chair** (Commissioner Farah): Free of charge!

**Commissioner Ojienda:** Even if you go to the LSK, they will do your case free of charge; they will look for a lawyer for you. I think once you start the process, then definitely the Minister will be willing to talk and will give this land to you. I am very, very sure about that. But you cannot sit and say: "We have no means", no one will help you if you are not helping yourselves. But as the Commission, we will make appropriate recommendations as you have come before us and, definitely, whatever recommendations we make will be implemented.

Thank you, *wazee wawili* and *Kijana mzee*.

**Mr. Daniel Biwott:** Thank you.

**The Presiding Chair** (Commissioner Farah): Leader of Evidence, you can bring in the next witness.

*(Rev. Peter Chege Kamau took the oath)*

**The Presiding Chair** (Commissioner Farah): Rev. Peter Chege, this is an in-camera hearing. The camera that is pointing at you belongs to the Commission. So, do not be afraid of it. It is a confidential document which we shall keep. Everybody here works for the Commission.

*(The Presiding Chair introduced himself and his team)*

Leader of Evidence, please, proceed.

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

Rev. Chege, for a second time, kindly state your names.

**Rev. Peter Chege Kamau:** I am Rev. Peter Chege Kamau.

**Mr. Tom Chavangi:** Where do you live?

**Rev. Peter Chege Kamau:** I live in Rurigi Farm in Burnt Forest.

**Mr. Tom Chavangi:** That is in Kapkeno?

**Rev. Peter Chege Kamau:** Kapkeno Location.

**Mr. Tom Chavangi:** Rev. Kamau, you presented a statement before the Commission and I can see, probably, that also you have a memorandum---

**Rev. Peter Chege Kamau:** No, I do not have any memo.

**Mr. Tom Chavangi:** Good. Now, your statement is about the forceful eviction of your community during the post-election violence and what transpired thereafter.

**Rev. Peter Chege Kamau:** Yes.

**Mr. Tom Chavangi:** Kindly, in brief, just state to the Commissioners what took place.

**Rev. Peter Chege Kamau:** During the 2007 elections, I was an observer in Moi's Bridge under the National Council of Churches of Kenya (NCCCK). On the night of vote counting, when spoiled votes were counted, I heard some disturbing utterances outside the hall. When people heard the number of spoiled votes, some people outside shouted "the spoiled votes have been spoiled deliberately by the Kikuyus and they will go;" We continued with the process and every time we counted the spoiled votes, the utterances were repeated. Since I thought I was the only Kikuyu there, I was afraid that maybe something would happen to me. So, after the exercise, results were announced. I had used a motorbike but I decided not to use it back home because I felt threatened. So, I waited for the vehicle that was supposed to carry ballot papers to Eldoret. I accompanied the security people and the presiding officer, who were brought to Eldoret. I got here safely. The next day was a Saturday. I travelled back to Rurigi Farm and while I was in town, I saw people celebrating. People were going round Eldoret Town celebrating that Raila Odinga had more votes. When I got home in Burnt Forest, there was a lot of tension.

The next morning, we were in church and we had a thanksgiving church service. After the ceremony, people went home as usual. People went on listening to the radio until 6.30 p.m. when His Excellency the President was sworn in. I was somewhere in a neighbour's house and when the President was sworn in, we heard children shouting joyfully that, now, the President had been sworn in. But after five minutes, it turned into screams. We now heard people screaming, shouting and when we went out, we found children running towards us. When we asked them what was happening, they told us that people had started burning houses in Lorian Farm, which is along the Eldoret-Nakuru Road. Everybody now was feeling threatened. There was fire everywhere. People gathered on hills and were watching what was happening around them. I saw houses being put on fire. The fires continued down towards Rurigi Farm and by 7.00 p.m., they had already reached Rurigi Farm. Every house that the attackers left behind them was on fire. So, when the young men in Rurigi Farm saw what was happening, they tried to respond.

**Mr. Tom Chavangi:** Which young men?

**Rev. Peter Chege Kamau:** The young men of Rurigi Farm; those were the Kikuyu young men.

**Mr. Tom Chavangi:** So, they retaliated?

**Rev. Peter Chege Kamau:** Yes, they tried to stop those people from coming towards them. That was when the struggle started and it continued for many hours. By 8.00 p.m., another group started fires in a different direction; Emgwen Farm which was neighbouring Rurigi Farm. We saw them lighting the heaped maize stalks. This struggle continued up to about 2.00 a.m., when the attacking group told the Rurigi people that they were going to sleep and the battle would continue the following day. By that time, many people of Rurigi had gathered in Rurigi Primary School with some of their items. We stayed awake until 5.00 a.m. in the morning, when we heard the Kalenjin young men singing a song which is usually sung during circumcision ceremonies.

**Mr. Tom Chavangi:** Can you sing that song? You are a reverend.

**Rev. Peter Chege Kamau:** Yes; I heard them sing it.

**Mr. Tom Chavangi:** Maybe the first stanza of the song.

**Rev. Peter Chege Kamau:** I do not know what it said, but they were saying “Oe ooo.”

*(Rev. Peter Chege Kamau sung the Kalenjin circumcision song)*

**Mr. Tom Chavangi:** Can you pronounce the words?

**Rev. Peter Chege Kamau:** I do not know anything in Kalenjin.

**Mr. Tom Chavangi:** The reason I am asking that is because you say it is a circumcision song.

**Rev. Peter Chege Kamau:** Yes; I used to hear them sing it when they were doing their circumcision or when they were preparing their young men for circumcision. So, when they sung that song in the morning, they were trying to alert the people that they had already come. The people in Rurigi prepared themselves to meet them. I heard the screaming of women at that hour and we continued to struggle. This struggle continued until the next day at 2.00 o'clock. That was on Monday. That was when we saw a lorry – I did not know whether it was from the National Youth Service (NYS). The people in it were dressed in green caps and sported green uniforms. When it arrived, the people were very happy, but the lorry came and passed by. I did not know where it went, but after about 30 minutes, it came back. They came and gathered the people in the school field; they talked to the people and while the security personnel were there, there was a huge group of people coming down towards Rurigi from the other side of Olare. There is a farm that is known as Kamuren Farm, just on the other side. There were so many people coming towards Rurigi and the security personnel told the people that they had been told to come and protect the lives of people, but not the property. They said, “Anyone who wants to save his life must go to Burnt Forest.” That was the place where they had been directed to give security to the people. So, when I heard that, I went to inquire from the

security men if that was what they meant. I went there and asked them “Is that what you have said, that people should go to Burnt Forest?” They told me “Yes, we have been instructed that we should only give security to people...”

**Mr. Tom Chavangi:** So, you eventually moved to Burnt Forest?

**Rev. Peter Chege Kamau:** Yes.

**Mr. Tom Chavangi:** So what happened at Burnt Forest?

**Rev. Peter Chege Kamau:** While at Burnt Forest, the camp was also attacked about three times. The attackers tried to attack the camp about three times between the first and the second day. After those attacks, the security people who were in Burnt Forest were removed and another group was brought in. After that, there was peace.

**Mr. Tom Chavangi:** Have you gone back to Rurigi Farm?

**Rev. Peter Chege Kamau:** As a pastor, I do not have a farm there.

**Mr. Tom Chavangi:** So, have those people gone back to their farms, from your knowledge?

**Rev. Peter Chege Kamau:** Many people have gone back to their farms; there are only a few people who have not done that. But the majority have gone back and settled, and the Government has built houses for them.

**Mr. Tom Chavangi:** How big is this Rurigi Farm?

**Rev. Peter Chege Kamau:** It is about 1,300 acres.

**Mr. Tom Chavangi:** If I may ask, what does the word “Rurigi” mean?

**Rev. Peter Chege Kamau:** “Rurigi” in Kikuyu is a string.

**Mr. Tom Chavangi:** Okay. A stream?

**Rev. Peter Chege Kamau:** No, a string for tying things.

**Mr. Tom Chavangi:** For the purposes of the Commission and also the Commissioners from the NCIC and the KNHCR, why is it that most of the farms in the Rift Valley have Kikuyu names? Why do you not give them the local names? Is it the trend? Is it the fashion? Is it what you found there?

**Rev. Peter Chege Kamau:** I think my experience is that many people name either their business or their new homes---



**Commissioner Ojienda:** From where they come from?

**Rev. Peter Chege Kamau:** Yes, from where they come from.

**Commissioner Ojienda:** Like Kiambaa?

**Rev. Peter Chege Kamau:** Like Kiambaa; maybe some people had come from Kiambaa and that was why they just named the place "Kiambaa". Maybe there was *Rurigi* somewhere and when they came as a group from that place, they named the new place Rurigi.

**Mr. Tom Chavangi:** Okay. You said that there was a thanksgiving ceremony the night before---

**Rev. Peter Chege Kamau:** We had the end of the year thanksgiving ceremony in my church, not in the farm.

**Mr. Tom Chavangi:** The thanksgiving was for what? Was it celebration of victory or the end of the year?

**Rev. Peter Chege Kamau:** It was for the end of the year; it is normal. It was a normal end of the year service.

**Mr. Tom Chavangi:** You also said that when votes were being counted, you were threatened. Who actually threatened you?

**Rev. Peter Chege Kamau:** It was an utterance. I was not in my home at that time. I was in Moi's Bridge, and that was just a new place to me. I had just gone there to observe the elections and when I heard those people outside saying "It is the Kikuyus who have deliberately spoiled the votes and they will go," I just felt that, may be, there could be---

**Mr. Tom Chavangi:** This area, is it occupied by other tribes besides the Kalenjin?

**Rev. Peter Chege Kamau:** Where?

**Mr. Tom Chavangi:** Your surroundings; Burnt Forest, are there other tribes like the Luhya, Kikuyus, *et cetera*?

**Rev. Peter Chege Kamau:** Rurigi Farm is occupied by Kikuyu---

**Mr. Tom Chavangi:** I am saying the bigger area of Rurigi; let us say Burnt Forest, because this area is in Burnt Forest. Are there other tribes?

**Rev. Peter Chege Kamau:** Yes; it is a mixed area.

**Mr. Tom Chavangi:** How did you know that it was the Kalenjin youths who were attacking? It could have been the Luos, the Luhyas or Arabs. Why are you specific on Kalenjins?

**Rev. Peter Chege Kamau:** It was daylight and the people in Rurigi Farm who know some of the neighbours saw that some of the neighbours were there.

**Commissioner Ojienda:** But are there other communities that own land there apart from the Kikuyu and the Kalenjin?

**Rev. Peter Chege Kamau:** No.

**Mr. Tom Chavangi:** Thank you very much. I will hand you over to the Commissioners. They will ask you a few questions.

**Commissioner Ojienda:** Just one point and this is because of national cohesion. It is a point he has made. Do you think this business of taking your names into every place that you go to, like now in the Rift Valley--- You bring your names and then you use those names on your farms; does that single out the Kikuyu community? Does that lead to attacks? Because I am just imagining that if, for instance, in those farms other communities were also settled, including the Kalenjin, do you think that would have, in any way, prevented violence? Or, it did not matter where people settled; they would attack people individually?

**Rev. Peter Chege Kamau:** I think the naming does not matter because I have been to several parts of Kenya and many people tend to give their businesses their tribal names. Everywhere you go, people will not just name; they will use a name that has its origin from where they come from. It is not only here; if you go to the Luhyas, that is what they do; when they name their business, they will just get a Luhya name for it. So, I do not think the naming matters.

**The Presiding Chair (Commissioner Farah):** No, but what the Commissioner was trying to tell you was that even if you go to South Africa and you name your shop "Rurigi", it is okay. But land has a settler connotation. The British came and settled on our land; before they went, everybody fought for Uhuru and everybody liberated his piece of land. Now, when you come and buy land through a willing buyer willing seller agreement, what is wrong if you go to your neighbour, ask for a local name and then you give your farm that local name? It would perhaps, remove the feeling that you are taking over the whole place.

**Rev. Peter Chege Kamau:** I do not think it is so, because it has been a trend with most of the people in Kenya. Whenever they have gone and bought land somewhere, if it is the Kisii people, they will give that new place their own name. So, it has been a trend and it has not been a problem until 2007.

**Commissioner Dinka:** I just want to clarify certain things about naming of farms in local names. Do the Europeans – the tea plantation owners – give the tea plantations their European names, like Unilever, James Finlay or something like that? So, if the population around there can allow the whitemen to give their farms names of their home countries, why can they not tolerate others? I am asking for your view now. Why do you think they cannot tolerate the Kikuyus or the Luhyas or the Kisiis giving their farms their local names?

**Rev. Peter Chege Kamau:** After the problems of 2007, we have been trying to talk with the Kikuyu and Kalenjin. It does not seem that the problems are in the names and whatever, it was only hatred that was planted. It was not there. It was just brought.

**Commissioner Dinka:** Do you think that these things have the tendency of exploding during election time? Do you think that we look at our political differences in such a way that if you are different from me politically then you are my enemy? You are a pastor and you talk to so many people. Have you ever discussed how to stop this degeneration of politics into a killing spree?

**Rev. Peter Chege Kamau:** From my experience, there might have been some issues that sparked off the violence. When you look at how the results were released and the poll researches that were being done before the elections, Raila was leading. The Synovate Group continued to say that he is always ahead. That gave the people in Kenya the hope that this time round the President would be Raila. The system that the Electoral Commission of Kenya used was an issue. They announced all the results of hon. Raila first. The Commission also tried to assure the people that Raila was going to win. However, at the last hour, the results were overturned. They began announcing hon. Kibaki's results up to a point where his votes overtook Raila's. That one could have sparked the problem too.

**The Presiding Chair (Commissioner Farah):** So, in your opinion, we are not ready for Synovate like forecasting in future?

**Rev. Peter Chege Kamau:** It is not favourable.

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

**The Presiding Chair (Commissioner Farah):** We have heard you clearly. Maybe it is because you are a Reverend – you are used to preaching and, therefore, your evidence is very clear. It has helped us because it has shown us how the violence started and what became of it. However, what are your expectations?

**Rev. Peter Chege Kamau:** One thing that I expect our Government to do is to be prepared to protect the lives and the property of people during elections. In the 2007 elections, when the problem started it took the Government more than 18 hours for security personnel to respond. It was a matter of life and death. If they had not come at that time, then the numbers of casualties would be more than what we had at that time.

**The Presiding Chair** (Commissioner Farah): Thank you very much. Leader of Evidence, can you stand the witness down?

**Mr. Tom Chavangi:** Presiding Chair before the Reverend leaves, he has a deep Luhya and Kalenjin accent. You cannot even notice that he is Kikuyu. Were you born in Burnt Forest?

**Rev. Peter Chege Kamau:** I was born in Trans Nzoia and I went to school there. I married a Kalenjin.

**The Presiding Chair** (Commissioner Farah): So, you are the face of Kenya. Thank you.  
*(Mr. Moses Maina Mwangi took the oath)*

**The Presiding Chair** (Commissioner Farah): Mr. Moses Maina Mwangi, you are in a camera hearing here. The camera you are seeing belongs to us so do not be afraid.

**Commissioner Ojienda:** Leader of Evidence, we have heard the testimony of about five witnesses on the post election violence. It is the same thing and I wish you could confine yourself to anything different that the witness wants to tell us.

**The Presiding Chair** (Commissioner Farah): I noticed that unlike the others he was in Uasin Gishu.

**Mr. Tom Chavangi:** If you look at the statement it is not on post election violence, rather it is on relationships between the Kikuyu and Kalenjin. What is your name and what do you do for a living?

**Mr. Moses Maina Mwangi:** My name is Moses Maina Mwangi. I was born in Moiben, Uasin Gishu County on 7<sup>th</sup> May, 1961. For now, I live in Nyandarua Central. Before that we had moved from Moiben to Eldoret South in Kesses Division, Lelmolk Farm which is a Settlement Trustee Farm (STF). My father went there in 1974. So, I was there when I was in Standard Five. That is where I did my CPE. When my father went there, there was a problem. The Kalenjin Community was resisting the entry of Kikuyus into that land. There was chaos. The DO then intervened. He shot in the air and the locals ran away. The Government ensured that people lived there. We lived there until 1992 when the first war started. It started in other parts and then came to Miteitei, our place and then Burnt Forest.

In 1995, the Kalenjin said that there were Kikuyus who possessed homemade guns. They raided our home and I was injured. I was taken to Moi Teaching and Referral Hospital and later referred to Kenyatta National Hospital. In 2002, things were okay and the relationship between the Kikuyu and Kalenjin was okay. I was doing business and church work. I have been an evangelist for the last 25 years. I have preached in Kalenjin. I understand the language well like our national language.

**Commissioner Ojienda:** Do you speak Kalenjin?

**Mr. Moses Maina Mwangi:** I can speak a bit, but I hear and understand everything. The relation was good. However, before election, I never wanted to see Raila in power. So, I felt that I should do anything to make sure that he does not come to power. So, I campaigned for ODM for the parliamentary seat and the Councillor's seat. I went round the constituency. I felt that people like Desmond Tutu changed their country despite being Christians. So, we did that intending to vote for Kibaki.

The former MP would hold meetings around our place. I remember one time hon. Ruto came to Kesses. I do not remember the dates. Koros wanted him to confirm to the people that he was the candidate. He saw hon. Ruto as a kingmaker. So he felt that having his blessings then he would automatically retain the seat, but he never knew that there was a ceremony to do with Samoei. He said that hon. Ruto was a Kipsigis. That never went well with him. By that time, hon. Ruto was supporting Peris Simam. Our farm is on the upper side while Kesses is on the lower side. So, he asked, "Why are you still keeping those people there? They are enemies even if you put them there."

So, the MP could come and we would organize Kikuyu night meetings in the late William Macharia's house. He used to tell us: "*Ninyi mtachapwa. Hawa watu wanapanga vita.*" We never saw that. I wondered how I, being a Kikuyu, would be fought and yet Kibaki would be the President. We knew that the problem was coming, but we said things would be okay because Kibaki would be the President and we would be in Government. We would also have the army officers. We said that this could not happen. Furthermore, we said that elections were like any football club; you win this time and next time another team wins.

People held several meetings, but things were not working well. Preachers were preaching in church. In my view, that is why it was so hard for people to be counseled in this country. Most of the preachers were preaching the sermon about Israelites going to Egypt and staying there for 475 years and later went back to their country. By 2007, the Kikuyu had lived in the Burnt Forest area for about 102 years. So, comparing the 475 years of Israelites in Egypt and 100 years of the Kikuyus, it was something so small. So, they were saying that these guys should go back home. The church messed a lot. The preachers were preaching that and the gospel was going round. When in a church, we thought that is what the Lord was telling us. We never knew it was the reverse of what the Bible was saying.

On 24<sup>th</sup> December, 2007, I went to shop for my Christmas Day. Later some youths approached us and said that we Kikuyus are thieves and that we steal people's votes so that they should not vote. I thought it was a joke. We were discussing politics with a friend. I did not know that what we were discussing was a serious thing to them. We were rounded off and they took us to a KANU Office. They started singing war songs. They said that we had their money. I was stripped naked. Reverend Maritim Rirei heard that there were people who had been rounded up in that office. He came, but he paid for my

life. He paid Kshs5,000 and I was set free. On 24<sup>th</sup> December, 2007 our houses were already burning.

*(Power hitch)*

Some elders decided to go talk to the DO. He was a Luo. The GSU personnel came around, but they were told that there was no problem. So, we stayed.

**Mr. Tom Chavangi:** What is the name of the DO?

**Mr. Moses Maina Mwangi:** I cannot remember his name, but I knew him physically because by the time he was killed we were there. So, the GSU personnel went away and we stayed back. On 30<sup>th</sup> December, 2007, a Sunday, I remember my neighbor came to my house. I had not woken up. He talked of war having been planned, but I never felt that because I still had confidence in the Government.

**Mr. Tom Chavangi:** Mr. Maina, let us confine ourselves to the issue. We have heard about the post election violence. What is the relationship between the Kalenjins and the Kikuyu now? What made you leave Kesses for Nyandarua?

**Mr. Moses Maina Mwangi:** Thank you. For now, I cannot say that there is a good relationship between the Kikuyu and the Kalenjin. This is because Kikuyus are still bitter. Most people do not understand why these things happened to them. What we have now is a blanket peace. We move around, but people are not sure about what will happen tomorrow. The relationship between the Kikuyu themselves is also not good because we have 14 groups of the council of elders for Kikuyus only. So, with 14 groups from one tribe, everybody is fighting for supremacy. Another group walks along with Major Seii. Others are saying that that one is not the right team. People are doing their own things, but in their hearts they are not happy.

I decided to move to Nyandarua because I felt I was not safe. I am not in a place I can exercise my democratic rights. I am a man with a big family – an African family.

**Mr. Tom Chavangi:** How many children do you have?

**Mr. Moses Maina Mwangi:** I have eight girls and four boys. So, I felt that I may lose my family because of the trauma. I am traumatized and I am still undergoing medication. I have some Kalenjin friends and for sure I do not think it is a matter that will end today or tomorrow. It will take many more years. This is because people do not agree with the fact about land.

I had land in Moiben. My father had bought the land with other shareholders. By that time, the Kalenjin population was small. I remember when the white people were going away, there was no problem. In 1963 there was a problem here. This place has never had rest despite the many years Moi ruled us. People thought there was peace, but it was not

there. The locals, deep in their hearts, know that other people have come to take away their land.

**Mr. Tom Chavangi:** So, the locals hate the other tribes because of land?

**Mr. Moses Maina Mwangi:** Yes.

**Mr. Tom Chavangi:** Who are the majority inhabitants of Kesses?

**Mr. Moses Maina Mwangi:** In our farm the Kikuyus were the majority before 1992. After that people started selling their land. Even now there are few people who remain on their land. The majority for now are Kalenjin.

**Mr. Tom Chavangi:** Why did you not want Raila in power? Is it because you just hate the man? I am asking that question for the purpose of reconciliation.

**Mr. Moses Maina Mwangi:** Some many years back we felt that Moi was not a good leader. We tried to look for a way to remove him from power peacefully. I was an activist in *Pambana/Mwakenya*. We used to write those leaflets here and send them to Nairobi. We thank God that we are still there. He never caught us because the technology then was not as it is now. I knew that Raila is a unique person. He can undergo any kind of suffering and despite all, at the end of the road, he will become the beneficiary. He can persevere anything. He can pass through fire that anybody cannot. He has to benefit from his own suffering. I did not like the 1982 coup de tat because many people lost their lives. I knew him as a guerrilla. I felt that I was not in his safe hands. I needed somebody who could rule this country in a---

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

**Commissioner Ojienda:** How many wives do you have?

**Mr. Moses Maina Mwangi:** Just a single wife.

**Commissioner Ojienda:** You have 12 children and one wife?

**Mr. Moses Maina Mwangi:** Yes. She is still young and healthy.

**Commissioner Ojienda:** You could get more children?

**Mr. Moses Maina Mwangi:** Yes.

*(Laughter)*

**Commissioner Ojienda:** Mr. Moses Maina Mwangi I am a lecturer at Moi University and so I know the Kesses area that you are talking about. Some of the names that you

mentioned in your statement are fairly familiar. So, I understand. Why did Uhuru Kenyatta send a helicopter to evacuate you specifically?

**Mr. Moses Maina Mwangi:** After the night, we went to Major Tuwei's compound. He ordered and said, "Those people should be taken to my compound." So, we were taken there. The Chief came with askaris and he escorted us to the DO's office. There was a chief inspector and a Luo DO there. When we arrived there, that is the time the Kiambaa Church was being burnt. I learnt from one of the askaris. He was passing round the information, "Kakobarata! Kakobarata!"

**Commissioner Ojienda:** What does that mean?

**Mr. Moses Maina Mwangi:** It means, "They have killed some people." When we were rounded up, people said that we would be burnt. They were not sure with the DO. We learnt that before these people came to our farm they had passed by the DO's office. He gave them permission, "Go and burn and steal, but do not kill." Unfortunately, a man called Mwangi was killed and his head was cut off and put on a stick by the roadside. So, people started wondering where they would get assistance. There was a mzee called Mwaniki. His son is an AP. His son was in Kisumu and he had Uhuru's contacts. The mzee called his son who talked with the other guys. That is how the helicopter came. The DO and the Chief Inspector were coming to town to collect fuel. On the way they met the Kalenjin youth. I do not know what happened, but the Chief Inspector shot at the youth. They could not make it. They decided to take the Burnt Forest route. They felt the road was blocked. Before reaching Kireita, so he was rounded up, *askari akagongwa mkono* and they were cleared off that way. They were hit by the youth. It was not a good thing. An AP was around, but when the case was heard they said that there was no evidence. So, that is how the helicopter came about.

**The Presiding Chair (Commissioner Farah):** Can you clarify when you say that all the officials in one place were from one community?

**Mr. Moses Maina Mwangi:** Most of them were Kalenjin except the Chief Inspector. There were Luhyas and a Luo.

**The Presiding Chair (Commissioner Farah):** Thank you, Mr. Mwangi. You are very eloquent and you have explained your case.

Please bring in the last witness?

**Mr. Tom Chavangi:** Presiding Chair, there was one who had not arrived. I skipped No.12. The last witness is the Chairman of the IDPs in Eldoret. This one is coming to speak about acquisition of land. He is witness No.14.

*(Mr. Fredrick Kipkoech Chebet took the oath)*



**The Presiding Chair** (Commissioner Farah): Mr. Fredrick Kipkoech Chebet, welcome to the in-camera hearing. The camera which you are seeing belongs to the Commission. Therefore, whatever you say will be kept by this Commission in confidence. The people who are present here all work for the Truth, Justice and Reconciliation Commission (TJRC). We also have Commissioner Bomet from the National Cohesion and Integration Commission.

*(Commissioner Farah introduced himself and other Members of the Commission)*

Leader of Evidence, proceed, please.

**Mr. Tom Chavangi:** Mr. Fredrick, tell the Commission your full names.

**Mr. Fredrick Kipkoech Chebet:** My full names are Fredrick Kipkoech Chebet.

**Mr. Tom Chavangi:** Where do you live?

**Mr. Fredrick Kipkoech Chebet:** I live in Sergoit Holding Ground which is in Uasin Gishu County.

**Mr. Tom Chavangi:** What exactly do you do at the moment?

**Mr. Fredrick Kipkoech Chebet:** I am a farmer. I grow maize, a little wheat and passion fruits.

**Mr. Tom Chavangi:** You gave your statement to this Commission with regard to how your farm was taken away from you by people who were powerful in this country. Briefly explain how your farm was taken away from you, because we have heard a lot about land issues. There is one of the Commissioners here who is a land expert and he will probably tell you how to pursue the matter further.

**Mr. Fredrick Kipkoech Chebet:** I can see that it is late and I would like to be listened to very keenly because this issue has been a problem to us for a very long time. The Sergoit Holding Ground--- We came from Keiyo near St. Patrick's High School. In 1979 the former President, hon. Daniel Moi, came to St. Patrick's High School. The school asked for an extension of their farm and they agreed that four families - the families of Lemiso Kiptiring Cherangan, Chemitei Kibabi and Kwambai Kiptirin Cherangan and Lemiso Muge – had to move to Sergoit Holding Ground to make way. Our farm was approximately 72 acres in total. I should have told you the people I have come with. I come from the family of Lemiso Muge. Here we have Johana Kemboi from the family of Lemiso Kiptiring Cherangan. There is also Julius Chemitei who comes from the family of Chemitei Kibabi. The last one is Pius Kwambai from the family of Kwambai Kiptirin Cherangan. We represent the four families that were evicted. We are *bona fide* representatives.

In 1979 the owners of the land--- One had died earlier in 1972 and that was my grandfather, Lemiso Muge. He was not there when the agreement was made. My uncles were still alive and they represented the family. The fathers of these three were still alive. Two of them have since passed away, that is, Chemitei Kibabi who died in 1982 and Kiptirin Cherangan who died in 2005. One of them is still alive but he is very old to the point of being disabled; that is, the father to Johana. When Moi asked them to reach an agreement with our families, the representatives were called together at St. Patricks and there was an agreement that they would be resettled at Sergoit Holding Ground and that they would get three acres for each acre that they gave up. St. Patrick's High School is in Iten Town, Iten County. In 1980, we went there and the elders were told to select whatever part they wanted because the farm was more than 1,000 acres. They selected the middle part of the farm and were told that the settlement had to start from one end. They accepted and the farm was split in the ratio of one to one instead of one to three as they had been promised. That is our first complaint. We followed up the issue at the District Commissioner's (DC) Office in Iten and nothing was done. They did not make a written agreement but they were promised that the issue would be sorted, until 1992 when---

**Mr. Tom Chavangi:** Has this farm been grabbed?

**Mr. Fredrick Kipkoech Chebet:** Yes, it has been grabbed.

**Mr. Tom Chavangi:** Who has grabbed it?

**Mr. Fredrick Kipkoech Chebet:** That is what I was just about to say.

**Mr. Tom Chavangi:** Kindly, explain to us because we have all this information. We would like you to go straight by telling us who grabbed the land.

**Mr. Fredrick Kipkoech Chebet:** In 1992 the farm was grabbed. For example, we should have taken plot number one, for the family of Lemiso Kiptirin Cherangan and then followed by that of---

**Commissioner Ojienda:** Let me help you. The Leader of Evidence is telling you that we understand the history. So, we would like you to go straight to what would help you move forward. We would like to know who grabbed the land so that we can find a solution. What we need is a way forward and not dwelling on the history, because we already have it.

**Mr. Fredrick Kipkoech Chebet:** Thank you. I have understood. I had made a short list of the people who grabbed this land.

**Commissioner Ojienda:** Do the four families have any documents to show ownership of those farms before St. Patrick's Iten took the bits of land?

**Mr. Fredrick Kipkoech Chebet:** Yes, our old men had title deeds for the Iten land and they were asked to surrender them to get farms in the Sergoit Holding Ground.

**Commissioner Ojienda:** Is there any written agreement that you made with the school in 1979 to explain why you had to surrender the titles?

**Mr. Fredrick Kipkoech Chebet:** We have tried to follow up that agreement from St. Patrick's High School, but we could not get any written agreement. They did not give it to the old men.

**Commissioner Ojienda:** Do you have any copies of the titles, if you really had titles before; the ones that you surrendered to the school?

**Mr. Fredrick Kipkoech Chebet:** The titles were with the Ministry of Lands. The old men were told to surrender the farm. There are those who had not been issued with the titles. My old man, for instance, had not been awarded his title deed.

**Commissioner Ojienda:** Have you tried to trace the records within the Lands Office. As a Commission, we need to have a basis for making--- You should have come with something, at least, as proof of ownership, even if it is just plot numbers and some documents.

**Mr. Fredrick Kipkoech Chebet:** We have the plot numbers for the first farm.

**Commissioner Ojienda:** Do you have a survey map?

**Mr. Fredrick Kipkoech Chebet:** We will try to get it, but we have the plot numbers of the old men when they were bordering St. Patrick's High School.

**Commissioner Ojienda:** I am trying to listen, but you should give us the impetus to follow up. If there is somebody who took the farm, let us know who took it and how he took it, because every farm has a history. We will know who the first owner was and whoever it moved to after that. That cannot be hidden.

**Mr. Fredrick Kipkoech Chebet:** We will just give you the numbers. The first one was 280, the next one was 282, the third one was 281 and the fourth one, 283.

**Commissioner Ojienda:** Since you have not provided any document as proof, the best we can do is to recommend for further investigation. That is the difference because if we have no proof that you actually owned the pieces of land, the only thing we could do is--- If we do not have the agreement that was made in 1979 the best we could do is just to recommend for further investigation. If the agreement is there then it is easier for us to recommend for more specific action.

**Mr. Fredrick Kipkoech Chebet:** I had come here earlier when I was meeting your officers and they asked the same questions and said that they would do further investigation. They said that before I appeared before the Commission, they will have gone to St. Patrick's and the DC's office and made sure full investigations are done. We

had not been able to find copies of the titles or agreement. The titles were there but they were surrendered to St. Patrick's. But the one for my family and Lemiso's family had not come out by the time we moved out. We do not know how they will get the titles if the people are not there. We know that the titles are still with the Ministry of Lands. St. Patrick's High School has not collected them. I know that the titles must still be at the Ministry of Lands because there was nobody to sign them. My grandfather had already died.

**Commissioner Ojienda:** Before your grandparents died, did you get any letter of administration? That would give you the authority to go and get any documentation from the Ministry of Lands. This is a clear case because being dispossessed of your property is not allowed by law, but as you have explained, it is a case that requires further investigation in order to get a copy of the 1975 agreement that dispossessed you of your land. If we could get the land records from the lands office to indicate and prove that your parents were actually the initial owners of those parcels of land--- The agreement would also indicate that you had been promised 210 acres in place of the initial 72. Without that, there is nothing else that we can do. That should be the way forward. We must carry out further investigation as a Commission to get to the bottom of the truth. Your requests are straight forward.

**Mr. Fredrick Kipkoech Chebet:** I would also like to tell this Commission that there is a lot of conflict over that piece of land. We have had problems and some of us never went to school because of that. Our farm was a town plot, but we never really got to go to school. The piece of land was compensation. Compensation means that when you give up your property to a school or institution, you are given alternative settlement land in some other place. Since the Government has the documents, they have come in and grabbed that land. That is why we could not get what was justly and rightfully ours. If you follow up, you will realize that the Sergoit Farm was meant for compensation. We went to the Ministry of Lands to find out what other people gave up in order to be resettled at Sergoit Holding Ground. Those are some of the issues that we would like you to follow up. Even the Member of Parliament, Mr. Chepkitony, irregularly acquired the land. Yusuf Keitany, the late Chepkok and even the Principal of the school--- Chepkok had grabbed all that land near the school up to the water point together with the escarpment. The escarpment is about 400 acres and Chepkok had taken it all. We followed up with the office of Leakey who was a Permanent Secretary and wrote letters, but later we were given 50 acres which was hived off Chepkok's land for a school. After we were given that, we followed up and were given a cattle dip.

**Mr. Tom Chavangi:** Mr. Fredrick, would you like to present the documents that you have here to the Commission as exhibits, so that they join the other exhibits that we already have? Would you like to hand them in today?

**Mr. Fredrick Kipkoech Chebet:** Yes.

**Mr. Tom Chavangi:** Okay. If you could hand in what you can hand in today.

*(Mr. Fredrick Kipkoech Chebet presented the documents to the Commission)*

Commissioners, this can be presented for purposes of further investigations on this matter.

**The Presiding Chair** (Commissioner Farah): The documents will form part of the Commission records for further investigations.

**Mr. Tom Chavangi:** Mr. Fredrick, what would be your last comment to the Commission? What would you like the Commission to do?

**Mr. Fredrick Kipkoech Chebet:** My last comment for the Commission is to investigate further. Once they get to the bottom of the truth, we would like all the people who illegally acquired land to be removed and those of us that deserve allocated our rights. Also, I would like the Commission to follow up the issue of title deeds because our farms had title deeds. As I told you before, some of us did not get a chance to go to school because of being dispossessed of our property.

The last issue is to thank this Commission for starting such a thing because some of us have been oppressed. I am very happy with this Commission because I can see that it is doing a great job. It is my hope that justice will be done and that our people will live together in peace once they get justice.

**Commissioner Ojienda:** What do these other men do?

**Mr. Fredrick Kipkoech Chebet:** Mr. Pius Kwambai is a retired officer from the Ministry of Environment. He looks youthful but he is retired. Mr. Julius Chemitei is in his 50s and Johanna in his 40s. They are all farmers.

**The Presiding Chair** (Commissioner Farah): I am glad you have admitted that you are not learned. But the other thing that you must agree is that there was a bit of trust because 1979 was the year of change of presidency between the Kenyatta era and Moi era. But you see, you do not surrender your title deed before you are given a letter of commitment. Today, if you could flash that letter and say: "We surrendered our title deeds for this land to be given to the school and were to go to the holding ground to be resettled; here is the letter," it would be easy. But you see now you have been fixed, because the titles were taken and you were removed and only a small portion of that land was given to the school. The rest was used to settle other people on political patronage, I hope. Anyway, it requires further investigation because the evidence you have given still lacks documentary proof. So, as Professor said, the Commission will investigate so long as we know your land parcel numbers. You have presented your case without many facts, but so long as we know the numbers, leave it to us now.

**Mr. Fredrick Kipkoech Chebet:** Thank you very much.

*(The witness was stood down)*

**Commissioner Ojienda:** Leader of Evidence, is there one more witness?

**Mr. Tom Chavangi:** Yes. The last witness is coming. On your file it is Eldoret 17. He says that his life is in danger and he cannot testify in public anymore.

*(Mr. John Nderitu Munyori took the oath)*

**The Presiding Chair** (Commissioner Farah): Mr. John Nderitu Munyori, you are in an in-camera hearing. The camera which is pointing at you belongs to the Commission. So, you do not need to be afraid. Everything you say will be kept confidential. All the people here work for the Truth Justice and Reconciliation Commission (TJRC) except Commission Bomet of the National Cohesion and Integration Commission.

*(Commissioner Farah introduced himself and other Members of the Commission)*

Leader of Evidence, please, take over.

**Mr. Tom Chavangi:** Mr. Munyori, you are the chairman of the IDPs.

**Mr. John Nderitu Munyori:** I was the former chairman.

**Mr. Tom Chavangi:** I have seen your statement to the Commission. This statement has several issues that it raises. It raises issues to do with post election violence in 1992, 1997, 2002 and 2007. Truly, we have heard about the post election violence severally and, therefore, we would not want to repeat because we already know.

You will answer my questions so that we are able to know what direction that you and I can take, so that the Commission can understand exactly what happened to you.

Within your statement to the Commission, it would seem that you started your life in Uasin Gishu, Burnt Forest area in a village known as Chagaiya Village.

**Mr. John Nderitu Munyori:** No, that is not what I wrote.

**Mr. Tom Chavangi:** Please, explain to us what you wrote.

**Mr. John Nderitu Munyori:** My life started in the area of Kipkabus, near Nakuru. We moved to Kipkabus where we had bought land in 1947, if I am not wrong. I went to school in Flax-Kaptagat. From there I went to Arnessens School when I was in Class Five. I finished Class Eight in 1957. I lived there and joined the Livestock Department which trained me at Ahiti in Kabete. From there, I went back and was employed by a whiteman called Esline. This is not in my statement. I worked there as a technical

livestock artificial inseminator. My children grew up in a place called Mabing'wa Farm in Kipkabus.

**Mr. Tom Chavangi:** Thank you, Mr. Munyori. In Kipkabus that is where things started going wrong from the 1992 election violence and then in 2002 and 2007. Your statement indicates how you were affected as a resident of Kipkabus and later on you were forcefully evicted and had to look for alternative settlement, from where you were again evicted. I would like you to tell this Commission how all the violence has affected you. We would like to know how much property you may have lost and generally how it has affected you. We already know the history of the fighting.

**Mr. John Nderitu Munyori:** I have been affected three times. I have been an IDP and came to Eldoret. When we went to the National Council of Churches of Kenya (NCCCK) we were not able to see the assistant chief, chief, district officer, district commissioner or any minister. We stayed at the NCCCK here in Town for several months. The people who were helping us were actually just good samaritans and not the Government. They provided us with blankets and polythene for building accommodation. We had a lot of problems because there were too many mosquitoes and we lost so many people.

**Mr. Tom Chavangi:** Are those who were affected still there?

**Mr. John Nderitu Munyori:** I am talking about 1992.

**Mr. Tom Chavangi:** As Munyori, were you affected? You said that you lost property including cows, a permanent house and crops. We would like to know for these very many years, how much property you have lost.

**Mr. John Nderitu Munyori:** I had 400 stems of vegetables and during the clashes, all the crops were sold at Kshs50,000. I lost between Kshs1 million and Kshs2 million from those crops. I had planted potatoes which were taken away. I had four bulls, sheep and chicken which all went. My children were very intelligent, but because of running away and at the moment I have retired--- If you go to the police records, you will find that my children have become criminals because they have learnt a lot from this place. They have been arrested with weapons and the reason is because I could not feed or take them to school.

**Mr. Tom Chavangi:** With all the fighting, about how much property have you lost? Is it Kshs2, Kshs6 million or Kshs10 million?

**Mr. John Nderitu Munyori:** I believe that it is more than Kshs20 million if we are to calculate everything.

**Mr. Tom Chavangi:** Thank you very much. There is something else that you have mentioned in your statement about the courts. You have said that certain judges or magistrates like Lucy Gitari, Jane Ogundi and A.B. Mongare denied you justice. Could you tell us how they denied you justice?

**Mr. John Nderitu Munyori:** First, there is an advocate here in Eldoret called Aaron Ngigi Mbugua. Some of the documents that I have presented to you--- I sold my farm in Burnt Forest after we were evicted and I came to buy a plot near the Rai Plywood Factory. When I got the money, I was prosecuted. What took me to court was not the transfer of land that I had. I was not given time to defend myself. The case went on for about 14 years and up to now, I have not managed to get anybody to give me direction. The advocates do not want to help.

These are some of the problems that I would like this Commission to help us. I thank God for this Commission because it has come to help those who are vulnerable. I would like also to thank this Commission for the good job it is doing.

**Mr. Tom Chavangi:** You have said that in trying to look for justice, there are certain people who denied you justice. Could you mention their names?

**Mr. John Nderitu Munyori:** The first one was called Eddie Mong'are. The other ones are: Atieno, Jane Okudi, Lucy Gitari who was the first one to try this case.

**Mr. Tom Chavangi:** You are saying that they denied you justice. Why do you blame them?

**Mr. John Nderitu Munyori:** I blame them because when we get to court, whenever the trial begins, my statements are adduced. Secondly, the judgment that comes from the court is never in the proceedings. That is why I blame them. Thirdly, they meet the advocates for the opposing teams and negotiate with them. Ngige did not represent me. He is the one who had forged the lease. He was a guarantor to the person who had been selling that land. He has also been mentioned as the counsel for that person. He has also been mentioned in the proceedings as a witness. We do not know how somebody could be three in one. When I was prosecuted I went to the advocate who was supposed to be my---

**Commissioner Ojienda:** You have said that you have evidence of corruption. Did these magistrates receive any form of bribery?

**Mr. John Nderitu Munyori:** I cannot say that they received any form of bribery, but I know that the court did not want to listen to me. I know that the statements that were being adduced in court. At some point, I said I was supposed to build a four storey house. Gitari changed it to a single storey house. My transfer of lease was made on 24<sup>th</sup> November, 2007, but on the proceedings, it is written that it was in 1997.

The father to the young man who sold me the farm died in 1966. I bought the plot on 4<sup>th</sup> April, 1993. But the proceedings indicate that the father is mentioned as being present when we were entering the agreement. I have not photocopied the proceedings.



**Commissioner Ojienda:** Now, how do we verify what you have said because all that we have on the records?

**Mr. John Nderitu Munyori:** As you know, I am a village elder and I have done this from 1987. I was selected when Lekoolol was the DC here. I am the organizing secretary of community policing. So, I would not tell lies because we are told to apprehend corrupt people. I report corruption because I expect them to be apprehended.

**Mr. Tom Chavangi:** To finish up, you have also mentioned retired President Moi because there was a time that he passed through Burnt Forest in 1992 and made some statements. Could you briefly explain to us what challenges you think his statements may have caused the community.

**Mr. John Nderitu Munyori:** I was in Burnt Forest. We had left Kipkabus after we had been evicted and we went to Ruringi Farm. We had stayed in Ruringi for about three or four days and then we got a vehicle that took us up to Burnt Forest. When we got to Burnt Forest, President Moi passed by on the second day at about midday. He stopped for a while and he said: "You Kikuyus, you are bringing seats on the road so that people can know that you have beautiful sofa sets and nice cupboards."

We thought that as a leader of the nation, it was very annoying. Secondly, here in Eldoret after the elections during which Matiba also ran, Moi was declared the winner. After that he passed through Eldoret on his way to Iten for a passing out parade. When he stopped at Paradise, he said: "You people of Eldoret, I thank you for voting wisely. But you should know that there are others who voted for one of your people. Thirdly, he said: "Some of you, I would like you to go and ask your grandfathers where you came from."

That was the third inflammatory statement.

**Mr. Tom Chavangi:** Were you present when the former President made all these utterances?

**Mr. John Nderitu Munyori:** Yes, I was present.

**Mr. Tom Chavangi:** Do you think that they were inciting?

**Mr. John Nderitu Munyori:** Yes, they were inflammatory.

**Mr. Tom Chavangi:** What would you like the Commission to do?

**Mr. John Nderitu Munyori:** I would like the Commission to take some steps against him. We believe that it his inflammatory statements that led to this violence. When he was President, every time he passed, if he saw a good house, he would ask who the owner was.

**Mr. Tom Chavangi:** Generally, what would you recommend for the Commission with regard to your loss of property?

**Mr. John Nderitu Munyori:** I would like to, first of all, request for compensation. I would also like to urge the TJRC to help me conclude my case that has been pending in court for 14 years without any justice for me despite having bought the land. I would also like for former President Moi to be prosecuted because as a leader of the nation, he greatly contributed to our problems.

There is a bit that I have left out. I would also like to also explain something else. I live in Eldoret but my home is near Burnt Forest. Recently, the Government built a house for me in Burnt Forest and I am moving there slowly. What I would like to suggest is that in the 2007 elections we were having meetings at the 64 Stadium in Eldoret. That is where all political rallies take place. On one of the days, hon. Ruto came with his people and he started announcing that if Kikuyus win this year, we will beat them. If they go to their home, they will not fill up a pick up. I understand the language. I am married to a Kalenjin woman. I know the Kalenjin language. I have gone to school with them. I have worked with them and I know their language very well. That is the other information I had forgotten.

**Mr. Tom Chavangi:** Commissioners, I have no further questions.

**Commissioner Ojienda:** Thank you very much for your clear evidence. I think you are very specific because you are clear about reparations, measures we should take on Moi and Ruto. I just want to thank you. The biggest challenge for you, because you have said you have now settled in Kipkabus is to find peace and to integrate among the community to which you are now married. You have said that your wife is a Kalenjin. I think you should preach more peace than anything else.

We, as a Commission, stand for the integration and the peaceful co-existence of communities in this country. What you have told us is important. It will help us in our work and in our recommendations. We all hope that this country does not get back to where it was in the year 2007. We do not want to witness the kind of bloodbath and bloodletting that we saw during the violence of brother fighting against brother.

On the question of corruption and the cases, the Leader of Evidence has spent most of his life listening to cases in court. He is a former colleague of Lucy Gitari and all these other magistrates. So, I am sure he will be very helpful when we make our recommendations as we look at the proceedings that you have presented to us. I am sure you are in safe hands and definitely, we will ensure that if there is further information to be sought from Ngige Mbugua we shall seek it because Mbugua is someone I have known for many years. I know there have been cases and I think I am familiar with your case. I think we will investigate and make appropriate recommendations. Thank you very much.

**The Presiding Chair (Commissioner Farah):** Mr. Nderitu, you are a rare species. You were born here in Kalenjin land. You married one of their daughters. The maternal uncles

of your children are Kalenjins. Kalenjins says they have no problems with the Kikuyus. The issue for them is not land. It is about leadership. They even said that anybody, even if it is a Somali like me when he comes to Rift Valley, they will refer to him a Bunot. You know what *Bunot* means because you know Kalenjin better than me. But if I marry a Kalenjin girl and I get children with her, slowly the word "*Bunot*" disappears and I will be allowed to go for leadership. So, you had better go and preach among Kikuyus in the Burnt Forest where your new houses are being built. Tell them Kalenjins have their own internal differences themselves. They are not as united as you think. But during leadership contest they become Manchester United and, therefore, they become one team. They will go and recruit even if it is a Russian football player; somebody who they can rehabilitate from *Bunot* to one of them. Do you understand what I am trying to say?

**Mr. John Nderitu Munyori:** Yes.

**The Presiding Chair** (Commissioner Farah): Thank you very much. I have no questions for you. This is my advice to you because of 2012 elections, I am sure you will understand if I go to Nyeri, Murang'a or Kiambu and settle there, open a butchery because Somalis are good at opening butcheries; and then I meet a young Kikuyu girl and I get serious with her, I will slowly be integrated. However, if I want to become the Mayor of Thika before I am fully integrated, they will start looking at me with a lot of suspicions.

The other day, the Kikuyus, Kalenjins and Luos in Nakuru had differences. One Somali man went and became the Mayor of Nakuru. Now the business people in Nakuru who are Somalis are having a backlash. They are being told they will be rich because their son is the mayor. They are being told that they will now buy votes because he has become a mayor now. The hate towards Somalis is now being felt in Nakuru. Are you getting my point? It is not about land. You can buy land. You can settle in it and remain a *Bunot*. Let them vote the way they vote and pray the way they pray. Sing the way they sing. After a while, they will integrate you. Thank you.

**Mr. Tom Chavangi:** We have no further witnesses for today.

**The Presiding Chair** (Commissioner Farah): Thank you very much, Leader of Evidence. It is already 7.00 p.m. and we will call it a good day.

*(The Commission adjourned at 7.05 p.m.)*