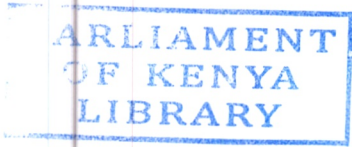


REPUBLIC OF KENYA



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PARLIAMENT

THE SENATE

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by Sen. C. Obure.
LP
03/12/15

JOINT COMMITTEE ON
LAND AND NATURAL RESOURCES
&
NATIONAL SECURITY AND FOREIGN RELATIONS

ELEVENTH PARLIAMENT- THIRD SESSION

REPORT ON THE FACT FINDING MISSION ON
THE HUMAN - WILDLIFE CONFLICTS AFFECTING MEMBERS OF
THE KINNA COMMUNITY, ISIOLO COUNTY

Approved
[Signature]
3/12/2015

Hon. Speaker
You may approve
for tabling.
[Signature]
03/12/15

CLERK'S CHAMBERS
THE SENATE
PARLIAMENT OF KENYA
NAIROBI

NOVEMBER 2015

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LIST OF ABBREVIATIONS

BGR - Bisanadi Game Reserve

CEC - County executive Committee

CSIC - County Security and Intelligence Committee

CSR - Corporate Social Responsibility

DG -Director General

IGP - Inspector General of Police

KWS - Kenya Wildlife Services

MCA -Member of County Assembly

KNP - Kora National Park

MNP - Meru National Park

MGR - Mwingi Game Reserve

MOU - Memorandum of Understanding

ACKNOWLEDGEMENT

Mr. Speaker Sir,

The Committee thanks the Hon. Speaker of the Senate for approving the Motion that eventually led to fact finding mission at Kinna. The Committee also appreciates the effort made by the office of the clerk in facilitating the fact finding exercise by way of logistical support.

The fieldwork benefited from statements, memoranda, materials, words and thoughts obtained from various stakeholders at Kinna. Since it is not possible to precisely recognize all contributions, we honestly trust that those not mentioned will accept this general acknowledgement in the good faith it is made. A huge debt of gratitude is owed to the Governor of Isiolo County and the entire membership of Isiolo Security and Intelligence Committee. Members of the Public spent long hours making presentations and produced various pieces of evidence to facilitate the committee complete the investigations. We appreciate their support.

Mr. Speaker Sir,

It is my pleasant duty, pursuant to Standing Order 203, to present a report of the fact finding mission undertaken by the Joint Committee of Land & Natural Resources and National Security & Foreign Relations, for consideration by the House.

SIGNED.......... DATE..... 2/12/2015.....

**SEN. LENNY KIVUTI, M.P.
CHAIRPERSON,
SENATE STANDING COMMITTEE
ON LAND & NATURAL RESOURCES.**

SIGNED.......... DATE..... 2/12/2015.....

**SEN. YUSUF HAJI, M.P.
CHAIRPERSON,
SENATE STANDING COMMITTEE
ON NATIONAL SECURITY & FOREIGN RELATIONS.**

EXECUTIVE SUMMARY

Kenya is endowed with a wealth of natural resources comprising minerals, forests and wildlife among others. The Fourth Schedule to the Constitution assigns the responsibility of protection of the environment and natural resources to the National Government and **Article 69** of the Constitution requires the Government to ensure natural resources benefit the present and future generations. The Wildlife Conservation and Management Act (**Sec 75**), advocates for recognition of the rights and privileges of communities living adjacent to conservation and protected areas in decision-making and determination on the matter of wild life management.

Following the adoption of a Motion on human – wildlife conflicts affecting members of the Kinna community of Isiolo County, the Joint Committee of Lands and Natural Resources and; National Security and Foreign Relations was on the 21st of May 2015, mandated to conduct a fact finding mission in Isiolo County to investigate the nature and causes of the human – wildlife conflicts, and report back to the Senate within 30 days.

The joint Committee proceeded to hold sittings as guided by Standing Order No. 206. The Joint Committee held meetings at Kinna on 9th and 10th of June 2015, and received presentations from the management of the Kenya Wildlife Service (KWS), the Governor for Isiolo County and the County Security and Intelligence teams.

During the fact finding mission, it was established that the relationship between members of the Kinna Community and the KWS is so strained that it is not possible for the two to continue coexisting under the current arrangements. The Committee therefore recommends further investigations by the Director of Public Prosecutions and the on the events of 18th May 2015 and the beginning of the healing process.

PREFACE

Motion

On the 21st of May 2015, Sen. Fatuma Dullo Adan moved a Motion regarding serious human-wildlife conflicts affecting the Kinna Community of Isiolo County. The Motion stated;

ACKNOWLEDGING THAT Section 5 of the Wildlife (Conservation and Management) Act, 2013 mandates the Cabinet Secretary to formulate innovative measures for mitigating human wildlife conflict;

FURTHER ACKNOWLEDGING THAT Section 19 of the said Act empowers the County Wildlife Conservation and Compensation Committee to develop and implement, in collaboration with community wildlife associations, mechanisms for mitigation of human wildlife conflict;

AWARE THAT in the spirit of mutual co-existence, Section 75 of the Wildlife Conservation and Management Act, 2013 advocates for recognition of the rights and privileges of communities living adjacent to conservation and protected areas in decision-making and determination on the matter of conservation and management of the wildlife resource;

NOTING WITH CONCERN THAT human-wildlife conflict between the Kinna Community of Isiolo County and wildlife at Meru National Park has escalated over the years;

FURTHER NOTING WITH CONCERN THAT the above conflict has led to tension between the community and the Kenya Wildlife Service (KWS) which the community accuses of kidnapping, shooting, torturing, wounding and even killing members of the community;

ALARMED about the latest alleged report that on 18th May, 2015 KWS rangers clashed with the Kinna Community demonstrators, shot and killed one demonstrator and wounded several others;

THE SENATE DIRECTS the Standing Committee on Land and Natural Resources to conduct a fact-finding mission regarding the conflict in the area with immediate effect and report back to the Senate within thirty days.

1.0 INTRODUCTION

Mr. Speaker,

1. Sen. Adan informed the Senate of allegations of abduction, torture, shooting, wounding and even killing of Kinna community members by KWS rangers in the guise of protecting wildlife. The Senate learnt that the human - wildlife conflicts had escalated to the extent of causing tension between members of the Kinna community and the Kenya Wildlife Services (KWS).

2. The Senate was troubled by allegations that KWS rangers shot and killed a member of the Kinna community and injured 14 other community members during a peaceful demonstration. The Joint Committee was therefore directed to immediately commence investigations into the human-wildlife conflict at Kinna and report back to the Senate after 30 days.

1.1 Committee Members

3. The following Members participated in the fact finding mission:

Sen. Fatuma Dullo Adan

Sen. Hargura Godana

Sen. Isaac Melly

1.2 Background Information

4. The Kinna Community is located in Garbatulla Sub-County of Isiolo County. It borders the Bisanadi Game reserve, within the Eastern Conservation Area that comprises of the Meru National Park, the Bisanadi Game Reserve, the Kora National Park and the Mwingi National Reserve. The community depends on the Bisanadi Game Reserve for livelihoods including water, pasture and mineral resources.

5. Bisanadi Game Reserve (BGR) covers an area of 606 KM² North of the Meru National Park. The Game Reserve was gazetted in 1979 vide Legal Notice No. 261 of 28 September 1979. It is home to many endangered wildlife species and internationally gazetted bird areas.

6. Due to population increase, the intensity of use of the livelihood opportunities provided by BGR has continued to increase, leading to conflicts, especially in the area North of Bisanadi, around Kinna town. The conflicts are directly related to unsustainable utilization of water resources, overgrazing, encroachment on wildlife dispersal areas and migration corridors and, poaching.

7. In the month of May 2015, members of the Kinna Community were embroiled in a violent confrontation with the KWS rangers over the abduction and disappearance of 3 members of the Kinna Community that was blamed on KWS and a festering relationship between the two. The joint Committee established that the relationship grew from bad to worse between the 9th and 18th of May 2015 when a member of the Community was allegedly killed by KWS rangers and 14 other community members were seriously injured during a demonstration by Kinna community members protesting against KWS. The alleged abduction took place on the 9th of May 2015 but was not reported to the police until the 11th of May 2015.

2.0 THE FACT FINDING MISSION

8. The joint committee conducted the fact finding inquiry in Kinna on the 9th and 10th of June 2015 and received presentations and memoranda from members of the public, local leaders and security agencies.

2.1 Presentation by Kenya Wildlife Services (KWS)

9. A meeting was held with the KWS rangers and management led by the Acting Director General (DG)- Mr. William Kiprono, at the KWS camp. The KWS team informed the committee that the Mount Kenya Conservation area is home to many endangered species and gazzeted bird areas. The Conservation Area is home to 410 bird species and therefore required prudent management to safeguard the national heritage for future generations. The committee was also informed that KWS got involved in the management of the Bisanadi Game Reserve after signing a Memorandum of Understanding (MOU) with the defunct Isiolo County Council.

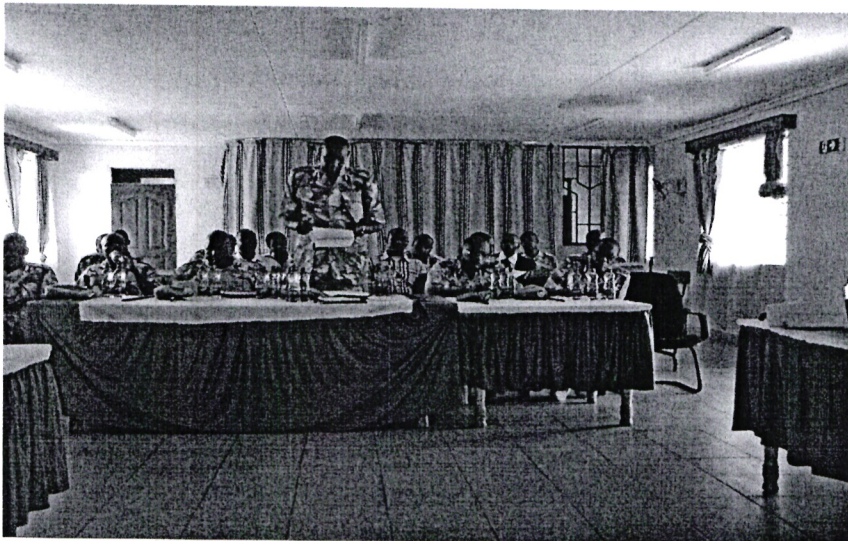


Figure 1: The KWS Director General addressing the Joint Committee

2.1.1 Development projects

10. The committee learnt that KWS periodically carries out development projects within the larger Conservation Area under the Corporate Social Responsibility (CSR)

programme. The Development projects are usually identified with the help of community members and target the following areas of social infrastructure:

- i. Dispensaries.
- ii. Tourism festival facilities.
- iii. Primary schools.
- iv. Water pumps, borehole rehabilitation and construction of earth dams.
- v. Wildlife corridor fences.
- vi. Market stalls.
- vii. Alcalcides for cattle deeps.
- viii. Community communication system and equipment.

11. KWS reported that as part of its corporate social responsibility to the Kinna community, it constructed and equipped Kinna Dispensary. The committee however noted the absence of development projects activities in Isiolo County, especially between the year 2009 to 2013 and 2013 to 2015.

2.1.2 Challenges and management strategy

12. The KWS management identified the poaching threat particularly affecting the Rhino and Elephant as the most serious problem besides human – wildlife conflicts that also led to loss of life and injuries to the residents of Kinna. Other challenges included illegal grazing and fire outbreaks that destroy the habitats of endangered species, illegal charcoal burning and uncontrolled upstream water abstraction that led to the drying of some rivers.

13. To stem the challenges, KWS had put in place mechanisms for securing community cooperation and trust. These included timely processing of compensation claims for the dead and injured, stocking of anti-venom drugs in local dispensaries and installation of community radios for ease of communication during times of emergency and wildlife outmigration into community reserves.

2.1.3 Relationship between KWS and Kinna Community

14. The KWS team told the Committee that the relationship between the Kinna Community and the KWS rangers was strained because of allegations of abduction and killing of members of Kinna community suspected of poaching. It was reported that on 11th of May 2015, elders from Kinna community protested to the KWS management concerning the disappearance of three community members, believed to have been arrested by KWS rangers on the 9th of May 2015.

15. KWS alleged that the Kinna community elders held a meeting during which they ordered members of the public to invade the Bisanadi Game Reserve and destroy government security installations. A violent demonstration was held on the 18th of May 2015, during which a KWS fence and security camp were burnt down. The rangers stationed at the camp tried to stop the destruction of the fence patrol camp by shooting in the air but charged crowd kept advancing. Fearing for their lives, the rangers shot at the demonstrators and killed one community member and injured 11 others. KWS also informed the committee of a looming attack on KWS installations by members of the Kinna community.

16. The Acting Director General (DG) further reported that on the 21st of May 2015, a reconciliatory meeting between KWS and local leaders was held at the KWS headquarters. During the meeting, the leaders complained of the following:

- i. KWS rangers abducting and killing local residents under the guise of fighting poaching.
- ii. KWS officers harassing school children.
- iii. KWS not giving job opportunities to the residents of Kinna.

17. In response, KWS is reported to have assured the leaders of its respect for human life and efficient execution of its mandate in protecting wildlife without condoning impunity.

KWS informed the leaders that one of the people claimed to have disappeared was in fact shot in the Meru National Park during a poaching incident. KWS denied responsibility for the shooting to death of a demonstrator, because members of the public were also armed and it was therefore not possible to know who fired the killer shot(s).

18. The reconciliation meeting resolved to task the Member of Parliament for Isiolo South and the Isiolo Women Representative with the responsibility of writing to the Inspector General of Police concerning the security situation in Kinna asking for thorough investigations of the events of 18th May 2015. Leaders also agreed to start the reconciliation process by holding regular public meetings at Kinna.

2.2 Presentation by the Governor of Isiolo County

19. The Governor, H. E. Godana Doyo briefed the committee on the security situation at Kinna. He informed the sitting that the bad relationship between the Kinna community members and the KWS rangers worsened on the 11th of May 2015 when the community reported the disappearance of three of its members. He reported that the community believed that the three were abducted and killed by KWS rangers.

20. Governor Doyo told the committee that since the year 2003, 14 people had disappeared from within the community as a result of KWS abductions. He argued that KWS relied on an elaborate intelligence network with informers among the Kinna community residents and was therefore able to identify and abduct suspected poachers.

21. The Governor indicated that when the report for the missing persons was made, his Government facilitated a search party to locate the victims. The search focused on the scene of the alleged abduction where on the advice of sniffer dog handlers it was concluded that the victims did not leave the scene on foot. Attempts were made to visit the Tharaka forest where the victims are believed to have been killed and their bodies burnt in acid, but this was later abandoned on account of being too dangerous.

22. He indicated that as a result of the disappearance of the three, the Kinna community had decided to disown the agreement binding the Isiolo County Government and the KWS in the management of BGR, and communication to that effect had been sent to the local leaders and the community at large.

23. The Governor further informed the sitting that on the 18th of May 2015, he convened a meeting with all county security agencies to review the security situation in Bisanadi. During the meeting that was held at his office, reports of violent confrontations between KWS rangers and Kinna community members who were demonstrating against the disappearance were received. There were also allegations that a KWS owned aircraft was hovering around Kinna and shooting at demonstrators from the air. The Governor and some members of county security team immediately left for Kinna where upon arrival, it was confirmed that one member of the public had been confirmed dead and 11 others seriously wounded. Members of the Kinna community had also burned some three Uni-huts belonging to KWS.

24. The Governor argued that the KWS officers who fired the killer bullets are known to the community and could be easily identified by the members of the public. The committee learnt that the injured were taken to Maua Methodist Hospital for treatment.

2.2.1 Relationship between Kinna Community and KWS

25. The Governor told the session that the relationship between members of the Kinna Community and KWS was sour and that the Kinna community was not comfortable working hand in hand with KWS which it considers hostile. The Kinna community felt that KWS was merely there to protect wild animals at the expense of the local community. He lamented that since 1979, Bisanadi Game Reserve only existed as a buffer zone between the Meru National Park (MNP) and the surrounding community land and was therefore not beneficial to the Kinna community.

26. It was also alleged that the MNP had stretched its boundaries up too close to Kinna town which allowed KWS an excuse to encroach onto Kinna. The local community felt that part of the MNP should actually be set aside as community grazing land.

27. The Governor informed the meeting that the County Government had sufficiently trained community rangers who would soon be deployed to protect the Bisanadi Game Reserve. The county government had also sourced for a strategic partner (**African Parks**) who would help in the management of the Game reserve in place of KWS.

2.3 Meeting with the County Security and Intelligence Committee

28. The joint committee held a meeting with members of the Isiolo County Security and Intelligence Committee, led by the County Commissioner, Mr. Wanyama Musiambo. Mr. Wanyama told the joint committee there was generally a bad relationship between KWS and the Kinna community.

29. The joint committee learnt that on the 11th of May 2015, a report was made to the effect that 3 people had disappeared from Kinna, and evidence of abduction pointed to KWS rangers as the suspects. The Garbatulla Sub-County security team led by the District Commissioner was asked to open a file and aid in the investigations concerning the missing persons. Members of the public recorded statements regarding the missing persons, but the security situation kept worsening by the day

30. On 18th May 2015, members of the public went out to demonstrate against the KWS. The demonstrations affected the whole of Garbatulla, though Kinna town witnessed the most violent demonstrations. Since most of the demonstrators were women and school children, the security committee felt it was not advisable to break the demonstrations by force. On the same day, members of the County security team were meeting with the Governor in his office to review the security situation at Kinna.

31. While in the meeting at the Governor's office, the County Commissioner and his team were informed on the deteriorating security situation at Kinna and decided to travel to Kinna town. On arrival, the team learnt that one person had been killed and 11 others seriously injured. The team drove to KWS camp and noted that the camp had been burnt down, the perimeter electric fence vandalized and Government vehicles burnt.

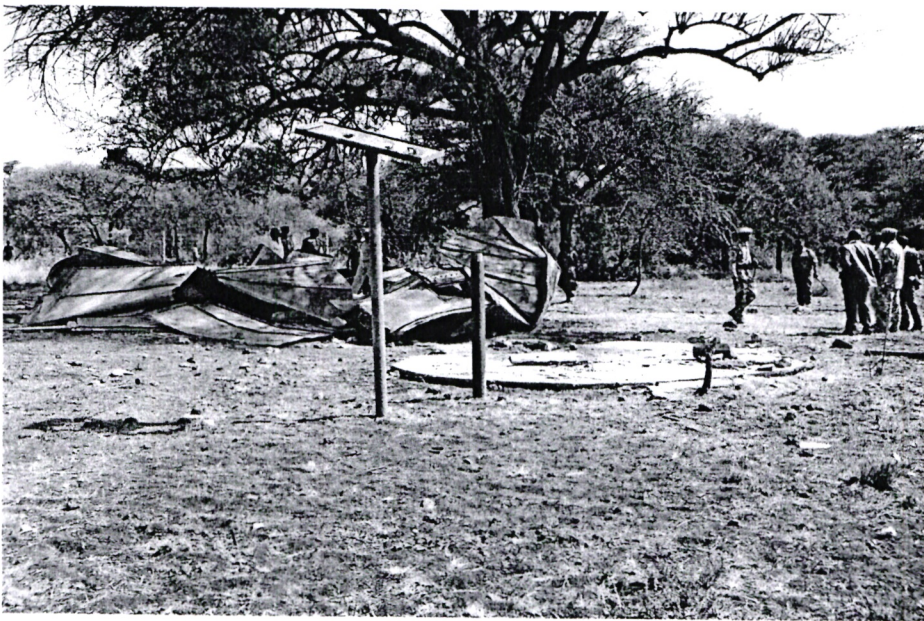


Figure 2: The Vandalized KWS fence security Camp

2.3.1 Ongoing Investigations

32. The County security team commenced investigations concerning the missing persons and the shooting incident that took place during the demonstration at Kinna. A file was opened for each case and statements recorded. It was reported that the file for the missing persons is near completion and would soon be handed over to the office of the Director of Public Prosecutions for perusal. Concerning the shooting incident, a desk was stationed at Kinna to facilitate the recording of statements on what the members of public witnessed on the material day.

2.4 Meeting with the Garbatulla Sub County Security Committee

33. The Garbatulla security team led by the Deputy County Commissioner, Mr. Jacob Obuo, enlightened the joint committee on the security situation in Garbatulla in general and the deteriorating state of affairs in Kinna. The Deputy County Commissioner told the sitting that the security situation in Kinna had been festering over time due to misunderstandings of the mandate of the County Government in relation to the National Government.

34. The security situation was worsened by activism from County government players. Mr. Obuo implied that the disappearance of the three people and subsequent demonstrations were stage-managed for a specific predetermined action, the taking over of the BGR. However, he tendered no evidence of this allegation.

35. The Sub-County security team noted that while the abduction victims went missing on 9th May 2015, a report was made on the 11th of May 2015. It was not clear what caused the delay in reporting. It was also not clear why the Garbatulla Security team was not incorporated in the search and rescue team constituted by the County Government.

36. The Sub-County Security team expressed frustration with the way KWS conducted investigations and arrested suspects without involving the local police (Garbatulla police station). It was revealed that KWS would normally arrest suspects in Kinna and proceed to arraign them in Court in Maua (Located in Meru County) without informing the Garbatulla police. The suspects' records were not recorded in Garbatulla nor are Crime Codes from the Garbatulla Police Station used. These gave an impression of illegal arrests.

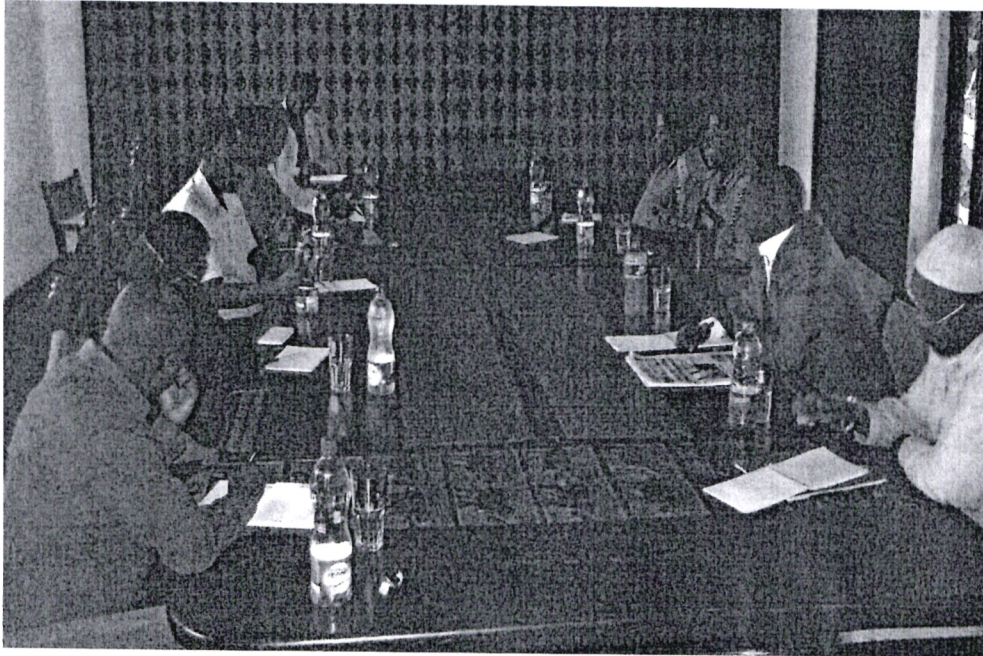


Figure 3: The Garbatulla Sub County security team briefing the Joint Committee

2.5 Meeting with the Kinna community members


37. Members of the public and local leaders were invited to make presentations to the committee during a public forum at Kinna town on the 10th of June 2015. The committee received written memorandum and  evidence during the meeting.



Figure 4: The Chair, Sen. Dullo addressing members of the Public during the hearing

38. Among the community leaders who addressed the committee were **Mohammed Guyo Golicha, Hallake Hassan, Haji Wako Wario, Adan Ali Wako, Mohamud Sheik** and **Hassan Guyo**. Other leaders who addressed the committee included the Speaker of Isiolo County Assembly and his Deputy, Members of the County Assembly (MCAs) and the County Executive Committee Member for tourism. In their presentations, the leaders were all in agreement concerning the series of events that led to the current security situation.

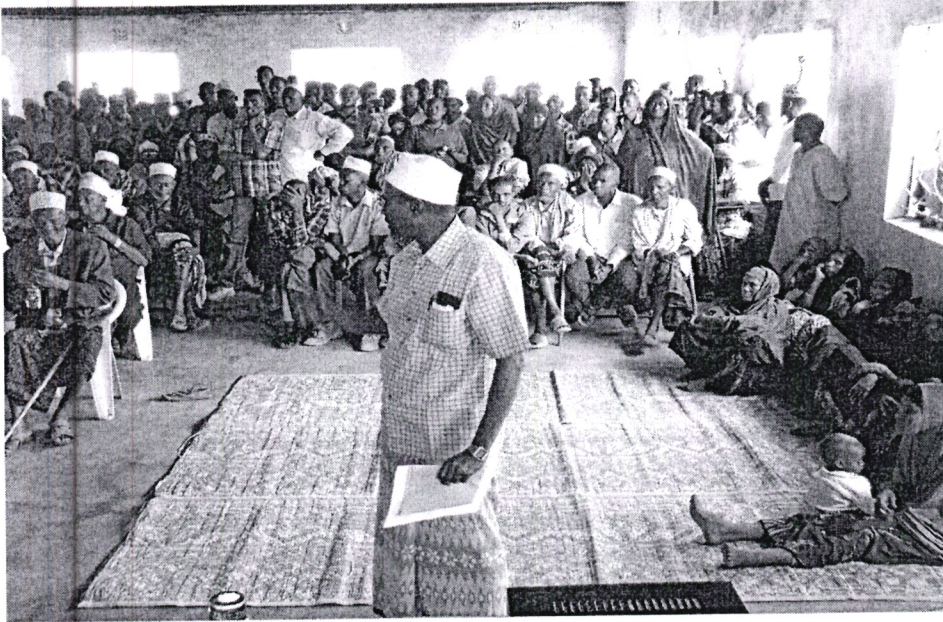


Figure 5: Mr. Mohammed Guyo Golicha making a presentation at Kinna town

2.5.1 Abduction of 3 community members

39. The Joint Committee learnt that on the 9th of May 2015, at about 1700 Hours, three local residents namely **Ismail Adan Geedi, Kalicha Halake Dima** and **Godana Guyo Doobe** left Kinna on motor bike registration number **KMDJ 101D** for Duse town, located about 20 KM from Kinna town. On the way, they were stopped and interrogated by KWS officers.

40. The three, together with the motor bike were bundled into a government vehicle, a green KWS van registration number **KBN 418 F**. Local residents witnessed the arrest and

later reported the incident to other members of the Kinna community who mounted a search for the three. The whereabouts of the three is to date unknown. The community members who witnessed the arrest included:

- i. Rashid Wako Guyo
- ii. Hassan Dalacha Abkani
- iii. Ibrahim Jillo
- iv. Ramadhan Buke
- v. Wako Abdullahi

41. On the 18th of May 2015, members of the public gathered around Kinna to demonstrate against the arrest and disappearance of the three local residents. The demonstration turned violent when a KWS aircraft was noticed circling in the air and later started shooting at demonstrators who had actually stopped the demonstration to attend the burial of a villager. One person named **Mohammed Abduba Duba** was killed while 14 others suffered bullet wounds. The following suffered serious injuries:

- i. Mohammed Hassan Duba
- ii. Salad Molujaldeba
- iii. Hassan Intalo Mamo
- iv. Golich Adhi
- v. Warsame Mohammed Ado
- vi. Abduba Muktar Ungiti
- vii. Mustafa Huka Dibayu
- viii. Hussein Fugicha
- ix. Hussein Abdi
- x. Salad Diba Abduba
- xi. Idris Hussein Ganga
- xii. Mohammed Golicha Sharif
- xiii. Mohammed Guyo Wanga



Figure 6: A victim of the alleged brutality



Figure 7: Members of the public who suffered gunshot injuries on 18th May 2015, at Kinna

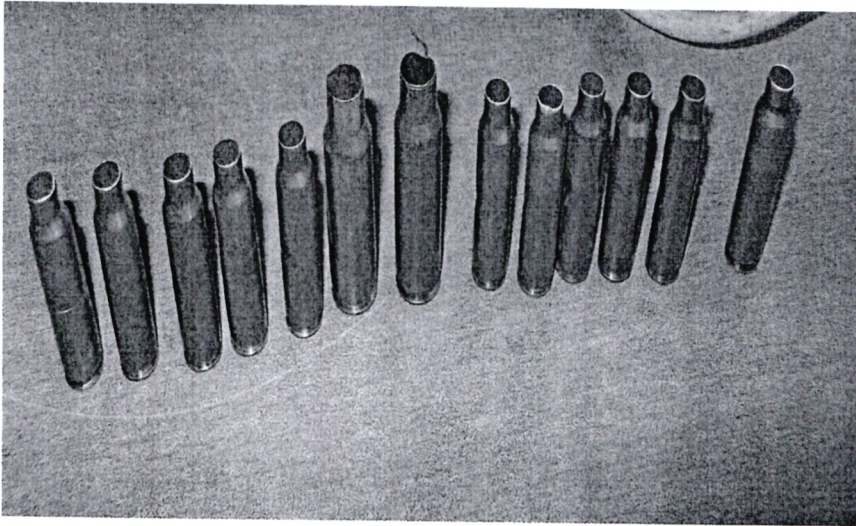


Figure 8: Some of the spent cartridges recovered from the scene of shooting

2.5.2 Torture of community members by KWS rangers

42. The leaders complained of torture of suspected poachers to the extent of castration by KWS rangers. Those who were tortured in the recent past were paraded in the meeting.

They included:

- i. Sarrie Diddo
- ii. Wako Liban
- iii. Abdullahi Wario Golicha
- iv. Wako Guyo
- v. Okotu Jillo
- vi. Abdujillo Guyo



Figure 9: Some of the victims of torture and castration

2.5.3 Previous Cases of Abduction of Community Members

43. The Meeting was also informed that previously, some residents of Kina were arrested by KWS rangers and disappeared, never to be traced. The widows of the victims and their children (orphans) were paraded at the meeting. The list of those who disappeared between the year 2010 and early 2015 was presented and included the following:

- i. Adan Bille
- ii. Mohamed Mursale Alio
- iii. Boru Sola Boru
- iv. Abdi Guyo
- v. Ibrahim Kasilo
- vi. Abdullahi Gulo Abdi
- vii. Mohamed Bduba Abdile
- viii. Gilimbe Jaba Gufu
- ix. Adan Kachune
- x. Abdi Hassan Dagale
- xi. Hassan Diba Konsicha



Figure 10: Widows of victims of alleged abductions

2.5.4 Other Grievances

44. The Kina community Members also accused KWS of the following actions:

- i. Despite Bisanadi being located in Isiolo County, the County residents particularly those bordering the park had gained little from the Game Reserve. Residents were denied grazing rights while those from far flung counties such as Garissa were allowed to access the Game Reserve after corruptly inducing the KWS rangers.
- ii. Unnecessary harassment of Kina Community Members including school children by KWS rangers.
- iii. Non-cooperation and lack of support by the Garbatulla Sub-County Security and Intelligence Committee in addressing community grievances pertaining to KWS.
- iv. KWS rangers killing animals in protected sanctuaries and later blaming the animal deaths on residents of Kinna.
- v. KWS illegally extending the Game reserve boundary to Kinna town

2.5.5 Wishes of the Kinna Community in Relation to KWS

45. During presentations the community members made the following demands:

- i. Admission of liability by KWS for harassment, abductions, killings and torture of Kinna community residents.
- ii. Immediate unconditional apology from the management of KWS for the above atrocities.
- iii. Arrest and prosecution of the KWS officers who participated in the harassment and shooting of community members.
- iv. Compensation of Kinna community members who have fallen victim of the above atrocities by KWS; such compensation being drawn from the Wildlife Compensation Scheme created under the Wildlife Conservation and Management Act, 2013 and from the National government.
- v. Revocation of the MoU which gave KWS management mandate over Bisanadi Game Reserve.
- vi. Immediate hand-over of management responsibilities of Bisanadi Game Reserve to the County Government of Isiolo.
- vii. Immediate withdrawal of KWS personnel from the Bisanadi Game Reserve and their subsequent replacement with community rangers trained by the County Government of Isiolo.

2.6 Additional Evidence adduced before the joint sittings

In addition to the site visit, the joint committee held meetings with the following institutions and communities:

- i. Kenya National Commission on Human Rights.
- ii. Independent Medico-Legal Unit.
- iii. Office of the Director of Public Prosecutions.
- iv. KWS and members of Kinna community.

Further, the Committee made the following observations:

- i. There was undue use of excessive force by KWS officers.

- ii. There could have been better ways of quelling the protest that led to the death of one member of the community.
- iii. KWS officers are not trained to deal with civilians in quelling of riots.

3.0 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

46. From the foregoing, the following issues emerged:

- i. The relationship between KWS and members of the Kinna community is strained to the extent that the Kinna Community refers to KWS as the *Kenya Wildlife Shiftas*. The KWS management on the other hand is so apprehensive of Kinna community members that, during the public forum the KWS was not represented.
- ii. There appears to be double-speak by KWS over who exactly shot at demonstrators on 18th May 2015 killing one demonstrator and wounding several others. In one instance, KWS admits shooting and killing the demonstrator and wounding others, and then denies being responsible for the killing alleging that the demonstrators were also armed and it was therefore impossible to determine who fired the killer shot. The community insists KWS shot at the demonstrators killing one and wounding others, and this claim to an extent gets backing from the County Security and Intelligence Committee which informed the committee that the demonstrators comprised mainly of women and school children. It is also not clear whether or not a KWS helicopter participated in the shooting of demonstrators. Community members insist they saw the aircraft while KWS vehemently denies the allegation.
- iii. From 2013 to date, KWS has not implemented any community development project in Kinna. The Kina Community has also not requested nor prioritized any projects to be funded by KWS. This points to mutual mistrust and disrespect among the two parties.
- iv. The Bisanadi Game Reserve and the Meru Conservation Area in general is home to several endangered species and gazzeted bird areas. The Conservation area is

critical to the sustainability of tourism in the region and the development of the Isiolo Resort City as envisioned in the Kenya Vision 2030.

- v. There is an apparent mix of Park Management issues and local politics as witnessed by the agitation by local leaders to take over the management of the Bisanadi Game Reserve. This, however, does not trivialise the fact that there are serious park management and KWS-community relations issues.
- vi. There is a clear indication of competition for the utilization of Bisanadi natural resources amongst the pastoralists, the conservationists and other stakeholders.
- vii. The complaints against KWS are widespread and point to a lack of transparency and accountability by KWS.
- viii. The handling and processing of wildlife offenses suspects arrested within Garbatulla is not clearly understood and is subject to abuse by KWS, since suspects arrested in Garbatulla (in Isiolo) are normally prosecuted in Maua (Meru) without the participation of Garbatulla police. The Garbatulla Sub-County and Intelligence team expressed frustration with how the KWS handled investigations without involving the local police station (Garbatulla Police Station); KWS does not book the arrested suspects at Garbatulla Police Station neither does it use Crime Codes from the station in the investigations. This, the team contended, gives the impression of illegal arrests thus fuelling public suspicion, discontent and mistrust.
- ix. The committee noted that in a related incidence, on 23rd June, 2015, Mr. Sheikh Mohamed was arrested by KWS officers in the company of his wife and his whereabouts are unknown to date. Mr. Sheikh Mohammed had been previously accused of supplying weapons by the District Criminal Investigation Officer. Mr. Sheikh Mohammed's disappearance was reported to the police.

3.1 Recommendations

47. The Committee makes the following recommendations:

- i. KWS and the County Government of Isiolo should immediately commence the process of revoking the MoU signed between KWS and the defunct Isiolo County Council for management of Bisanadi Game Reserve in order that management of the Reserve be handed back to Isiolo County Government as successor of the defunct Council. This is in line with Section 75 of the Wildlife Conservation and Management Act, 2013 which recognises the rights and privileges of communities living adjacent to conservation and protected areas in decision-making and determination on the matter of conservation and management of wildlife resource.
- ii. The County Government of Isiolo should collaborate with the National Government to enhance the capacity of community rangers it has already trained to enable them effectively discharge management and conservation duties at Bisanadi Game Reserve upon the exit of KWS.
- iii. The boundaries of Meru National Park and Bisanadi Game Reserves bordering Kinna Town should be moved to its originally gazetted boundaries.
- iv. The Wildlife Conservation and Management Act, 2013 and the IPOA Act be amended to expressly place the oversight of the policing arm of KWS under the Independent Police Oversight Authority (IPOA).
- v. That Parliament prioritizes the enactment of the two bills: the Prevention of Torture Bill and the Coroners Bill to effectively deal with punishment and investigations on mysterious deaths.
- vi. That Parliament prioritizes the discussion and enactment of the Human Rights Policy and Action Plan that is currently pending before the National Assembly. This will ensure all the state organs and agencies have an integrated human rights based approach, annual reporting and accountability framework;

- vii. IPOA exercises oversight on the Isiolo County Directorate of Criminal Investigations (DCI) Office and officers to expedite the criminal investigations on the four (4) persons disappeared, recommend and monitor any related prosecutions;
- viii. To unravel the sequence of events that led to the abduction of the three members of Kina community on 9th May 2015 and the shooting of demonstrators on 18th May 2015, it necessary to carry out thorough investigations. The committee therefore recommends that the Independent Policing Oversight Authority (IPOA), to immediately commence the investigations and submit a report to the House within 60 days.
- ix. That compensation is given from the Wildlife Compensation Scheme and the National government to the Kinna community victims.
- x. That the directorate of Criminal Investigations concludes with speed, the investigation of the missing individual, Mr. Sheikh Mohammed and commence prosecution of the suspects
- xi. The Office of the Director of Public Prosecutions should recommend to the local magistrate's court to immediately commence a judicial inquest, at Kinna, into the fatal shooting of the protester on 18th May 2015 and make appropriate recommendations.
- xii. To ensure the sustainability of tourism in the Mount Kenya region and the feasibility of the Isiolo Resort City, the KWS must reach out and win over communities that live in close proximity to the parks. The communities are invaluable partners in the war against poaching but also have the potential of turning to formidable foes and harshest critics if not well incorporated. Efforts should be made through civic education and regular meetings to sensitize community members on boundaries of civility and motivate them to work more closely with KWS.
- xiii. The KWS is obligated under Section 7 (f) of the Wildlife Conservation and Management Act, 2013 to develop mechanisms for benefit-sharing with

communities living in wildlife areas in line with the effective public participation principle under Section 4 (b) of the Act. As such, the KWS should move to immediately put in place a proper community engagement structure for its projects in the area, including Corporate Social Responsibility projects. Such structure should ensure that project identification and implementation is driven by the community and not at the whim of political leaders or KWS itself.

- xiv. To ensure prudent management of scarce land resources and protect the endangered wildlife species, the County Government of Isiolo should as a matter of urgency prepare and implement a comprehensive land use plan covering the affected areas.
- xv. The Committee urges KWS to involve members of the Public in its conservation activities through the Community Wildlife Initiative and by operationalising a County Wildlife Conservation Committee in line with Section 7 (2) (c) of the Wildlife Conservation and Management Act, 2013. Further, any community engagement initiatives by KWS or any other public entity aimed at the community should endeavour to engage the community at the grassroots level being in the villages around Kinna and Garbatulla as opposed to centering such initiatives at Isiolo Town which is far removed from the victims. These will go a long way in the healing process necessary to achieve peaceful co-existence between KWS and the community.
- xvi. That the KNCHR, NCIC, KWS, IPOA and the County Government should prepare for a special dialogue, feedback and working session with the affected community and the KWS on its final findings and agree on proposed redress actions with specific timeframes.
- xvii. That all persons arrested within the Isiolo County jurisdiction be investigated and tried within Isiolo County.
- xviii. That the I.G of Police investigate the allegations of abduction by a KWS officer identified as “Mr. Koech” in Isiolo by Community members and presented before the Committee.

MINUTES OF THE FIRST JOINT SITTING OF THE STANDING COMMITTEE ON LAND & NATURAL RESOURCES AND THE STANDING COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS ON THE RESOLUTION OF THE SENATE TO UNDERTAKE A FACT FINDING MISSION ON THE HUMAN-WILDLIFE CONFLICT IN KINNA COMMUNITY, ISIOLO COUNTY HELD ON TUESDAY 2ND JUNE 2015 AT MAIN PARLIAMENT BUILDINGS, COMMITTEE ROOM 5 FROM 10:00 A.M.

Members Present

- | | |
|---------------------------------|---|
| 1. Sen. Yussuf Haji, M.P. | - Chairperson, National Security & Foreign Relations |
| 2. Sen. Lenny Kivuti, M.P. | - Chairperson, Land & Natural Resources |
| 3. Sen. Fatuma Dullo, M.P. | - Vice Chairperson, National Security & Foreign Relations |
| 4. Sen. Kembi Gitura, M.P. | - Member |
| 5. Sen. Moses Wetangula, M.P. | - Member |
| 6. Sen. Christopher Obure, M.P. | - Member |
| 7. Sen. James Orenge, M.P. | - Member |

Secretariat

- | | |
|-----------------------|------------------|
| 1. Mr. Peter Muchira | -Clerk Assistant |
| 2. Mr. Charles Ngatia | -Clerk Assistant |

Min. No. SEN/JNTC /1/2015: Preliminaries

The Chairman called the meeting to order at 10:20 a.m. and there followed a word of prayer by Mr. Peter Muchira, Clerk Assistant.

Min. No. SEN/JNTC /2/2015: Adoption of the Agenda

The agenda of the meeting was adopted after it was proposed by Sen. Christopher Obure, M.P. and seconded by Sen. Fatuma Dullo as follows;

Prayer

1. Adoption of the Agenda,
2. Consideration of the Resolution on the Motion on Human Wildlife Conflict in Isiolo County
3. Any Other Business
4. Adjournment and Date of Next Meeting

Min. No. SEN/JNTC /3/2015: Consideration of the Resolution on the Motion on Human Wildlife Conflict in Isiolo County

The sitting resolved that the visit to Kinna in Isiolo County be undertaken from 9th -10th June 2015.

Members resolved that during the visit, the delegation would meet with the following:

1. Isiolo County Security Committee
2. Kenya Wildlife Service
3. Kinna Community

The sitting also resolved to invite the Governors of Isiolo and Meru counties to join the delegation during the meeting with Kinna community on 10th June 2015.

Min. No. SEN/JNTC /4/2015: Adjournment

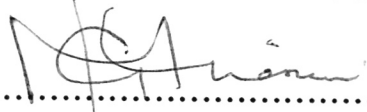
Having concluded the business of the day, the meeting was adjourned at ten minutes to eleven o'clock (10: 50 a.m.).

**(CHAIRPERSON-NATIONAL SECURITY & FOREIGN RELATIONS;
SEN. YUSSUF HAJI, M.P.)**

SIGNATURE.....

DATE.....

**(CHAIRPERSON-LAND & NATURAL RESOURCES;
SEN. LENNY KIVUTI, M.P.)**

SIGNATURE.....


DATE.....
2/12/2015

MINUTES OF THE JOINT SITTING OF THE STANDING COMMITTEE ON LAND & NATURAL RESOURCES AND THE STANDING COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS ON THE RESOLUTION OF THE SENATE TO UNDERTAKE A FACT FINDING MISSION ON THE HUMAN-WILDLIFE CONFLICT IN KINNA COMMUNITY, ISIOLO COUNTY HELD ON THURSDAY 25TH JUNE 2015 AT MAIN PARLIAMENT BUILDINGS, COMMITTEE ROOM 5 FROM 10:00 A.M.

Members Present

1. Sen. George Khaniri, M.P. - Chairing
2. Sen. Fatuma Dullo, M.P. - Member
3. Sen. James Orengo, M.P. - Member
4. Sen. Moses Wetangula, M.P. - Member
5. Sen. Christopher Obure, M.P. - Member
6. Sen. Hargura Godana, M.P. - Member
7. Sen. Liza Chelule, M.P. - Member
8. Sen. Martha Wangari, M.P. - Member
9. Sen. Henry Ndiema - Member

Secretariat

1. Mr. Boniface Lenairoshi - Principal Clerk Assistant
2. Mr. Charles Ngatia - Clerk Assistant
3. Mr. Peter Muchira - Clerk Assistant
4. Mr. Said Osman - Researcher

Min. No. SEN/JNTC /5/2015: Preliminaries

The Chairman called the meeting to order at 10:29 a.m. and there followed a word of prayer by Mr. Boniface Lenairoshi, Principal Clerk Assistant.

Min. No. SEN/JNTC /6/2015: Adoption of the Agenda

The agenda of the meeting was adopted after it was proposed by Sen. Liza Chelule, M.P. and seconded by Sen. James Orengo, M.P. as follows;

Prayer

1. Adoption of the Agenda,
2. Reading and Confirmation of Previous Minutes
3. Consideration of the draft report on the Fact Finding Mission to Kinna Community, Isiolo County

4. Any Other Business
5. Adjournment and Date of Next Meeting

Min. No. SEN/JNTC /7/2015: Reading and Confirmation of Previous Minutes

The sitting read and confirmed the minutes of the previous meeting held on Tuesday 2nd June, 2015 as a true record of the deliberations.

The Minutes were proposed by Sen. Christopher Obure, M.P. and seconded by Sen. Fatuma Dullo, M.P.

Min. No. SEN/JNTC /8/2015: Consideration of Draft Report on the Fact Finding Mission to Kina Community, Isiolo County

The meeting noted with appreciation the Sen. Fatuma Dullo, the Sen. Hargura Godana and the Sen. Issac Melly for availing themselves and representing the Committee during the fact finding mission.

Members were briefed on the mission as enumerated in the draft report and as observed by the delegation. They noted that various submissions were made and documents tabled that will be used in the development of the final report.

The members noted the following main observations:

1. That the relationship between the Community and the KWS was very strained and required urgent intervention;
2. That there was need to engage other the KES again as well as other stakeholders;
3. The investigating agencies need to expedite the investigation as a necessary first step in the process of reconciliation; and,
4. That the Community expressed confidence in the Joint Committee solving their current situation.

The Committee deliberated and proposed some preliminary recommendations for inclusion into the report as follows:

1. That the management of Bisanadi Game Reserve revert to the County Government;
2. That a reshuffle of the officers at KWS, Meru National Park be undertaken in order to regain trust with the Community;

3. That the Corporate Social responsibility Programme of the KWS be reviewed to ensure enhanced benefits to the Community; and that,
4. Conclusive investigation and prosecutions be undertaken on the reports of citizen disappearances.

The Committee, after deliberations resolved the following way forward:

1. That the Chairperson requests for an extension of the timeframe of the Joint Committee by 45 days to enable it complete its assignment;
2. That the committee invite the Kenya National Commission on Human Rights (KNCHR), the Independent Medico legal Unit (IMLU), the office of the Public Prosecutor (ODPP) and the Kenya wildlife Service to appear before the Committee – the Committee resolved to meet with the KNCHR and IMLU on Thursday 2nd July, 2015 ;

Min. No. SEN/JNTC /9/2015: Adjournment

Having concluded the business of the day, the meeting was adjourned at twenty three minutes past eleven o'clock (11: 23 a.m.).

(CHAIRPERSON-NATIONAL SECURITY & FOREIGN RELATIONS;
SEN. YUSSUF HAJI, M.P.)

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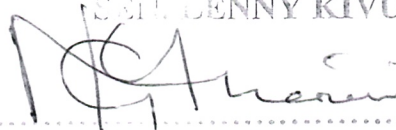


DATE.....

2/12/2015

(CHAIRPERSON-LAND & NATURAL RESOURCES;
SEN. BENNY KIVUTI, M.P.)

SIGNATURE.....



DATE.....

2/12/2015

MINUTES OF THE THIRD JOINT SITTING OF THE STANDING COMMITTEE ON LAND & NATURAL RESOURCES AND THE STANDING COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS ON THE RESOLUTION OF THE SENATE TO UNDERTAKE A FACT FINDING MISSION ON THE HUMAN-WILDLIFE CONFLICT IN KINNA COMMUNITY, ISIOLO COUNTY HELD ON TUESDAY 2ND JULY 2015 AT MAIN PARLIAMENT BUILDINGS, COMMITTEE ROOM 5 FROM 10:30 A.M.

Members Present

- | | |
|---------------------------------|---|
| 1. Sen. Lenny Kivuti, M.P. | - Chairperson, Land & Natural Resources Committee (<i>Chairing</i>) |
| 2. Sen. Yussuf Haji, M.P. | - Chairperson, National Security & Foreign Relations Committee |
| 3. Sen. Fatuma Dullo, M.P. | - Vice Chairperson, National Security & Foreign Relations Committee |
| 4. Sen. George Khaniri | - Vice Chairperson, Land & Natural Resources Committee |
| 5. Sen. Kembi Gitura, M.P. | - Member |
| 6. Sen. Christopher Obure, M.P. | - Member |
| 7. Sen. Henry Ndiema, M.P. | - Member |
| 8. Sen. Liza Chelule, M.P. | - Member |
| 9. Sen. Boy Juma Boy, M.P. | - Member |
| 10. Sen. Isaac Melly, M.P. | - Member |

Secretariat

- | | |
|----------------------------|----------------------------|
| 1. Mr. Boniface Lenairoshi | -Principal Clerk Assistant |
| 2. Mr. Peter Muchira | -Clerk Assistant |
| 3. Mr. Charles Ngatia | -Clerk Assistant |
| 4. Josephine Kusyini | -Senior Legal Counsel |

IN ATTENDANCE

KINNA COMMUNITY

1. Ms. Mulki Abdi
2. Ms. Mariam M. Salim
3. Adan S. Adullahi
4. Ibrahim M. Mohamed
5. Yussuf Huka Jillo
6. Noor Sheikh Adullahi
7. Mohamed Adan Kalla

KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

- | | | |
|----|-----------------------------|---------------|
| 1. | Ms. Kagwiria Mbogori | -Chairperson |
| 2. | Ms. Jedidah Waruhiu Wakonyo | -Commissioner |

- | | | |
|----|-----------------------|---------------------------------------|
| 3. | Ms. Patricia Nyaundi | -Commission Secretary/CEO |
| 4. | Mr. Charles Kigotho | -Senior Human Rights Officer |
| 5. | Mr. Kinyanjui Thuo | -Human Rights Officer |
| 6. | Ms. Immaculate Akello | -Communications & Public Affairs |
| 7. | Ms. Faizah Sidi | -P.A. to Commissioner Jedidah Waruhiu |

INDEPENDENT MEDICO-LEGAL UNIT

- | | | |
|----|---------------|--------------------------------------|
| 1. | Ms. Ann Kamau | -Representing the Executive Director |
|----|---------------|--------------------------------------|

Min. No. SEN/JNTC /10/2015: Preliminaries

The meeting was called to order at 10:50 a.m. and there followed a word of prayer by the Principal Clerk Assistant.

Min. No. SEN/JNTC /11/2015: Adoption of the Agenda

The agenda of the meeting was adopted with amendments after it was proposed by Sen. Henry Ndiema, M.P. and seconded by Sen. Fatuma Dullo, M.P. as follows;

Prayer

1. Adoption of the Agenda,
2. Meeting with key witnesses from Kina Community,
3. Meeting with Kenya National Commission on Human Rights,
4. Meeting with Independent Medico-Legal Unit on their finding on allegations of torture and violations of Human Rights in Kina Community, Isiolo County,
5. Any Other Business,
6. Adjournment and Date of Next Meeting

Min. No. SEN/JNTC /12/2015: Meeting with Key witnesses from Kinna Community

Introductions were done and then Mr. Yussuf Jillo gave a witness statement on the incidents of the conflict between members of Kinna community and Kenya Wildlife Service officers (KWS).

Mr. Jillo recounted the incidents that happened since 9th May, 2015 and explained that;

- a) Three members of the community who were travelling on a motorcycle were stopped and arrested by KWS officers on 9th May, 2015 and to date their whereabouts are not known;
- b) The disappearances of the three people was reported to the police vide Occurrence book numbers-OB. No. 10/05/2015, OB. No. 11/05/2015 and OB. No. 12/05/2015;

- c) The disappearance of the three people led to a protest by Kinna residents on 18th May, 2015;
- d) During the demo, KWS officers shot the protesters thereby Killing one person and seriously injuring eleven others;
- e) On 23rd June, 2015, Mr. Sheikh Mohamed was arrested by KWS officers in the company of his wife and his whereabouts are unknown to date;
- f) Mr. Sheikh Mohammed's disappearance was reported to the police;
- g) Mr. Sheikh Mohammed had been previously accused of supplying weapons by the District Criminal Investigation Officer;
- h) A Mr. Leonard who informed members of the community about the arrest was arrested on 1st July, 2015, and was being held at the Isiolo Police Station.

Min. No. SEN/JNTC /13/2015: Meeting with Kenya National Commission on Human Rights (KNCHR)

Introductions were done.

Ms. Kagwiria Mbogori presented a preliminary report on the investigation that the Commission had carried out on the Kinna conflict. She presented a summary of the preliminary findings and observed that;

- a) There was undue use of excessive force by KWS officers;
- b) There could have been better ways of quelling the protest that led to the death of one member of the community;
- c) KWS officers are not trained to deal with civilians in quelling of riots and therefore the Commission would investigate the Standard Operating Procedures for KWS;
- d) There has been tendency of eliminating any evidence on cases of torture by KWS officers;
- e) There was a link of the arrest and disappearance of the three people on 9th May, 2015, to KWS since one of the arrested persons had a pending case of poaching in court;
- f) The Commission had invited the Director of KWS respond to allegations of torturing members of Kinna community and the invitation would lapse on 3rd July, 2015;
- g) The Commission had powers to issue summon under Article 26 and 27 of the Kenya National Commission on Human Rights Act Cap 5B;
- h) Investigations would be extended to for another two weeks in light of the new case.

Committee concern

The Committee was concerned as to why KWS would abduct and kill members of the community and why the shoot to kill approach of suspects of poaching as opposed to prosecuting them.

Ms. Kagwiria Mbogori responded to the Committee's concern by stating that KWS suspect the community of being poachers and when pressure is apply on them to curb increasing incidents of poaching, then, in desperation they may result in taking such measures.

Min. No. SEN/JNTC /14/2015: Meeting with Independent Medico-Legal Unit (IMLU)

Introductions were done.


Ms. Ann Kamau, who was representing the executive director of IMLU, presented a report on the findings of IMLU on the conflict and allegation of torture in Kinna community.

She presented a recommendation by IMLU that the Kenya Wildlife Service Act be amended to place the oversight of the policing arm of KWS under the Independent Police Oversight Authority (IPOA).

Min. No. SEN/JNTC /15/2015: Adjournment and Date of next meeting

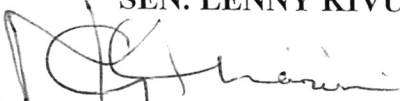
Having concluded the business of the day, the meeting was adjourned at seventeen minutes past one o'clock (1: 17 p.m.) until Thursday, 9th July, 2015.

**(CHAIRPERSON-NATIONAL SECURITY & FOREIGN RELATIONS;
SEN. YUSSUF HAJI, M.P.)**

SIGNATURE.....

DATE..... 2/12/2015

**(CHAIRPERSON-LAND & NATURAL RESOURCES;
SEN. LENNY KIVUTI, M.P.)**

SIGNATURE.....

DATE..... 2/12/2015

MINUTES OF THE FOURTH JOINT SITTING OF THE STANDING COMMITTEE ON LAND & NATURAL RESOURCES AND THE STANDING COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS ON THE RESOLUTION OF THE SENATE TO UNDERTAKE A FACT FINDING MISSION ON THE HUMAN-WILDLIFE CONFLICT IN KINNA COMMUNITY, ISIOLO COUNTY HELD ON THURSDAY 9TH JULY 2015 AT MAIN PARLIAMENT BUILDINGS, COMMITTEE ROOM 5 FROM 10:30 A.M.

Members Present

- | | |
|---------------------------------|---|
| 1. Sen. Yussuf Haji, M.P. | - Chairperson, National Security & Foreign Relations |
| 2. Sen. George Khaniri, M.P. | - Vice Chairperson, Land & Natural Resources |
| 3. Sen. Fatuma Dullo, M.P. | - Vice Chairperson, National Security & Foreign Relations |
| 4. Sen. Kembi Gitura, M.P. | - Member |
| 5. Sen. Moses Wetangula, M.P. | - Member |
| 6. Sen. Christopher Obure, M.P. | - Member |
| 7. Sen. James Orengo, M.P. | - Member |
| 8. Sen. Elizabeth Ongoro, M.P. | - Member |
| 9. Sen. Liza Chelule, M.P. | - Member |
| 10. Sen. Henry Ndiema, M.P. | - Member |
| 11. Sen. Boy Juma Boy, M.P. | - Member |
| 12. Sen. Martha Wangari, M.P. | - Member |

Secretariat

- | | |
|-----------------------|------------------|
| 1. Mr. Peter Muchira | -Clerk Assistant |
| 2. Mr. Charles Ngatia | -Clerk Assistant |

Min. No. SEN/JNTC /16/2015: Preliminaries

The Chairman called the meeting to order at 10:20 a.m. and there followed a word of prayer by Sen. Liza Chelule.

Min. No. SEN/JNTC /17/2015: Adoption of the Agenda

The agenda of the meeting was adopted after it was proposed by Sen. Christopher Obure, M.P. and seconded by Sen. Elizabeth Ongoro as follows;

Prayer

1. Adoption of the Agenda,
2. Meeting with the Director of Public Prosecutions
3. Any Other Business
4. Adjournment

Min. No. SEN/JNTC /18/2015: MEETING WITH THE DIRECTOR OF PUBLIC PROSECUTIONS

The Chairman welcomed the Director of Public Prosecutions and gave a brief on the background on the motion that formed the joint Committee and the progress made so far. He led the Committee in self introduction which was followed by an introduction by the Director of Public Prosecutions team.

In his submission, the DPP informed the Committee that the matter of Kina was being handled by his officers at the Meru office and indeed progress had been made. He also explained that an application of “Habeas Corpus” had been filed in the Millimani law courts for one missing person from Kina namely, Mohamed Sheikh Abdullahi.

The DPP tabled a copy of the Habeas Corpus application and the brief from his officer in Meru before the Committee.

The Director further presented as follows;

1. That the case of the three missing persons in Kina was been investigated under CID Garbatulla Inquiry No. 1/2015;
2. That the cellphone of one of the missing person, Ismail Adan Gedi, was tracked to a Mr. Stanley Thurani Mutabari at Isiolo Town, who was arrested on 26th June, 2015;
3. The Suspect was arraigned in court on 29th June, 2015 and pleaded not guilty to the charges of Kidnapping/ abduction and of handling stolen goods. He was given a bond of Ksh.500,000/= and the case is due for hearing on 16th September, 2015 at Maua law Courts, Court No.1;
4. One of the missing persons, Kalicha Halake, had a case pending before court, case No. 471/963/2013 CF 3302/2013 offence being in possession of ammunition without a firearm. The case is partly heard and due for mention on 22nd October, 2015; and,
5. After the disappearance of the three persons, local politicians incited local residents and on 18th May, 2015 the residents attacked and destroyed the KWS camp.

Deliberations ensued and Members raised the following concerns:

1. Whether the ODPP had an office in Isiolo County and if so, why suspects were arrested in Isiolo County and charged in Meru County;
2. Whether there were standard operating procedures in the criminal justice system especially in regards to prosecution;
3. If the frequent allegations against KWS staff warranted a targeted response; and,
4. Whether the KWS were under the oversight of the Independent Policing Oversight Authority.

In Response the Director responded as follows:

1. The ODPP had now opened a fully-fledged office in Isiolo County, and that he would direct that suspects should be tried in the county in which the crime had been committed;
2. A muti-agency taskforce had completed draft standard operating procedures which would be ratified and implemented soon;
3. That He had written to the Chief Justice, requesting him to form special magistrates courts around the Country to deal specifically with issues of Human Wildlife Conflict and allegations against such officers as the KWS; and,
4. It had been resolved that the IPOA had oversight mandate over the KWS and had indeed investigated some cases in Kajiado and Narok counties and recommended prosecution of KWS officers which had been done.

The Chairman thanked the Director for responding to the Committee's invitation and further directed the Secretariat to share any relevant material on this case with the ODPP.

Min. No. SEN/JNTC /19/2015:

Any Other Business

The Chairman informed the meeting that the Ag. Director General, KWS, was unable to attend the Committee sitting due to an official functions and had requested to appear during the week starting 13th July, 2015.


The request was granted and Members resolved that the Ag. Director General appear before them on Tuesday 14th July, 2015 at 10.30 a.m

Min. No. SEN/JNTC /20/2015:

Adjournment

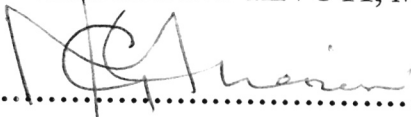
Having concluded the business of the day, the meeting was adjourned at 11.50 a.m

**(CHAIRPERSON-NATIONAL SECURITY & FOREIGN RELATIONS;
SEN. YUSSUF HAJI, M.P.)**

SIGNATURE.....

DATE..... 2/12/2015

**(CHAIRPERSON-LAND & NATURAL RESOURCES;
SEN. LENNY KIVUTI, M.P.)**

SIGNATURE.....

DATE..... 2/12/2015

MINUTES OF THE FIFTH JOINT SITTING OF THE STANDING COMMITTEE ON LAND & NATURAL RESOURCES AND THE STANDING COMMITTEE ON NATIONAL SECURITY AND FOREIGN RELATIONS ON THE RESOLUTION OF THE SENATE TO UNDERTAKE A FACT FINDING MISSION ON THE HUMAN-WILDLIFE CONFLICT IN KINNA COMMUNITY, ISIOLO COUNTY HELD ON THURSDAY 14TH JULY 2015 AT MAIN PARLIAMENT BUILDINGS, COMMITTEE ROOM 5 FROM 10:30 A.M.

Members Present

- | | |
|---------------------------------|---|
| 1. Sen. Yussuf Haji, M.P. | - Chairperson, National Security & Foreign Relations |
| 2. Sen. George Khaniri, M.P. | - Vice Chairperson, Land & Natural Resources |
| 3. Sen. Fatuma Dullo, M.P. | - Vice Chairperson, National Security & Foreign Relations |
| 4. Sen. Kembi Gitura, M.P. | - Member |
| 5. Sen. Christopher Obure, M.P. | - Member |
| 6. Sen. Liza Chelule, M.P. | - Member |
| 7. Sen. Boy Juma Boy, M.P. | - Member |
| 8. Sen. Martha Wangari, M.P. | - Member |
| 9. Sen. Isaac Melly, M.P. | - Member |

IN ATTENDANCE

A. SENATE SECRETARIAT

- | | |
|--------------------------|----------------------------|
| 1. Boniface Lenairoshi | -Principal Clerk Assistant |
| 2. Mr. Peter Muchira | -Clerk Assistant |
| 3. Mr. Charles Ngatia | -Clerk Assistant |
| 4. Ms. Josephine Kusyini | -Senior Legal Counsel |
| 5. Ms. Ann Kigoro | -Research Officer |

B. KENYA WILDLIFE SERVICE

- | | |
|------------------------|------------------------------------|
| 1. Dr. William Kiprono | -Ag. Director |
| 2. Mr. Simon Gitau | -Assistant Director Eastern Region |
| 3. Mr. Robert Muasya | -Ag. Deputy Director, Security |
| 4. Mr. Benjamin Kavuu | -Deputy Director, Community |
| 5. Ms. Ettah A. Muango | -Legal officer |
| 6. Mr. Kenneth Ochieng | -Senior Warden |
| 7. Mr. Daniel Onsembe | -P.A to the Director General |

Min. No. SEN/JNTC /21/2015: PRELIMINARIES

The Chairman called the meeting to order at 10:55 a.m. and there followed a word of prayer by the Principal Clerk Assistant.

Min. No. SEN/JNTC /22/2015: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. and seconded by Sen. as follows;

Prayer

1. Adoption of the Agenda,
2. Meeting with the Ag. Director Kenya Wildlife Service,
3. Any Other Business,
4. Adjournment.

**Min. No. SEN/JNTC /23/2015: MEETING WITH THE ACTING
DIRECTOR KENYA WILDLIFE
SERVICE**

The Chairman welcomed the team from Kenya Wildlife Service (KWS) this was followed by an introduction from the Committee and the members of KWS team.

The Chairman briefed the team from KWS on the issues and allegations against them in regard to the Human Wildlife conflict at Kinna, Isiolo County.

The Ag. Director, KWS responded to the accusations and allegations as follows;

1. KWS operates within the rule of law and does not condone extra judicial killings by its officers;
2. KWS leadership has not given any directive to its officers for killing or torturing any one;
3. Where there have been killings, it has been as a result of contact with poachers and KWS rangers;
4. KWS is faced with an emerging challenge of dealing with well-funded poachers who have an international network;
5. KWS has lost 60% of revenues to date due to the slump in tourism and this has had an impact on the ability of the organization to undertake its functions adequately;
6. KWS had received intelligence reports that there were planned attacks on KWS officers by the community as a result of the conflict in Kinna;
7. That the Kinna conflict began when three people disappeared at Kinna and KWS was accused to have been responsible for their disappearance. KWS denied the accusations and the community went ahead and demonstrated on the issue and thereby destroying a KWS camp. In defense, KWS rangers that were stationed at the camp shot at the demonstrators resulting in one fatality;

8. KWS monitored the unfolding events from the air but did not shoot at demonstrators from the air as is alleged;

The Committee raised the following concerns and sought to know:

1. Whether there was a KWS officer by the name of Koech stationed at Meru;
2. What steps KWS had taken in response to allegations that the said officer Koech had been linked to the disappearance of a Mr. Mohammed Sheikh Abdullahi;
3. Why arrests by KWS officers on the Isiolo side of Meru National Park are prosecuted in Meru;
4. What KWS was doing to resolve the frosty relationship with the community at Kinna;

In Response the Director responded as follows:

1. That KWS had an officer by the name of Koech stationed in Meru and who had been accused of involvement in the disappearance of a Mr. Mohammed Sheikh Abdullahi and the matter had been taken over by the police.
2. Mr. Koech had signed an affidavit with regard to the matter and the KWS legal department was handling the matter;
3. KWS will hold community meetings at Kinna in order to restore cordial relationship with the community;
4. KWS has held a meeting the Isiolo County Executive Committee Member in charge of tourism, with aim of handing over the management of Bisanadi Game Reserve to the County Government. The County Government of Isiolo have even recruited ten rangers to work with KWS personnel in a capacity building exercise for them to take the management of the Game Reserve;

Way Forward

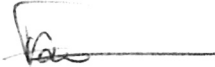
1. The Committee recommended that KWS handover the management of Bisanadi Game Reserve to the County Government of Isiolo but do it formally and in a harmonious manner that would not compromise conservation efforts;
2. KWS to submit to the Committee a vehicle log (work ticket) of all the vehicles stationed at Meru National park for the month of May 2015.



Min. No. SEN/JNTC /25/2015: **Adjournment**

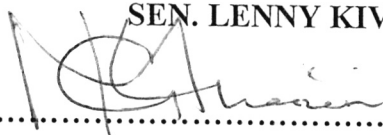
Having concluded the business as set out in the agenda, the meeting was adjourned at 12:26 p.m.

(CHAIRPERSON-NATIONAL SECURITY & FOREIGN RELATIONS; SEN. YUSSUF HAJI, M.P.)

SIGNATURE.....

DATE..... 2/12/2015 -

(CHAIRPERSON-LAND & NATURAL RESOURCES; SEN. LENNY KIVUTI, M.P.)

SIGNATURE.....

DATE..... 2/12/2015