



**ORAL SUBMISSIONS MADE IN CAMERA TO THE TRUTH  
JUSTICE AND RECONCILIATION COMMISSION ON TUESDAY,  
11<sup>TH</sup> OCTOBER, 2011, AT TURKANA COUNTY COUNCIL  
HALL, LODWAR**

**(MEN SITTING-IN-CAMERA)**

**PRESENT**

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

*(The Commission convened at 10.05 a.m.)*

*(Opening Prayers)*

**The Presiding Chair** (Commissioner Farah): Leader of Evidence, call in the first witness.

**Mr. Patrick Njue:** Commissioners, this is witness coded 23. We are ready to proceed. The witness had expressed his willingness to appear *in camera*, so I want to start by confirming to him that the people he sees here are all Commission staff---

**The Presiding Chair** (Commissioner Farah): Have you sworn him in first?

*(Mr. Joseph Lobei Loitony took the oath)*

**The Presiding Chair** (Mr. Farah): Mr. Joseph Lobei Loitony, let us get our act in order. Which channel is English?

**Mr. Patrick Njue:** English is Channel 1.

**The Presiding Chair** (Commissioner Farah): Okay. Joseph, I think you better listen to me.

Joseph Lobei Loitony, you are the one who requested to have an *in-camera* hearing of your case. I just wanted to assure you that the camera that you are seeing belongs to the Commission and anything that it takes will be kept in confidence. All the people whom you are seeing here are working for the Commission. Therefore, everything is confidential. You should not be afraid; you should speak the truth, as you swore, and nothing but the truth.

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

We are going to listen to you. We want you to tell us everything without fear since this is not a public hearing. It is an *in camera* hearing.

Leader of Evidence, proceed, please?

**Mr. Patrick Njue:** Thank you, Presiding Chair.

Kindly, for the record, just state your names, where you live and what you do for a living?

**Mr. Joseph Lobei Loitony:** I am Joseph Lobei Loitony from Katilo Division, Laimoja Village. I am a farmer and a herdsman. I have livestock and I do business in that area.

**Mr. Patrick Njue:** Very well, Mr. Lobei. You are seated with us this morning to make a presentation on two issues you recorded in your statement; cattle rustling and the issues relating to the Kenya Police Reservists (KPR). Do you confirm this to be the case?

**Mr. Joseph Lobei Loitony:** It is true, that is the case. I will say everything.

**Mr. Patrick Njue:** You were here yesterday when various people talked about cattle rustling. Were you present?

**Mr. Joseph Lobei Loitony:** I was here.

**Mr. Patrick Njue:** I will then ask that without repeating yourself or without necessarily repeating what was said, you share with us your additional information on those issues. You may begin your presentation.

**Mr. Joseph Lobei Loitony:** I am not going to repeat what was said yesterday. I am just going to add to it. I am from Katilo. I am a livestock herder and also a farmer. Since my childhood up to 1993, there were cattle raids until some families were left with no cattle. The people have deserted the area. I am now wondering why the Government has forgotten the people of Turkana. If our animals are taken away, they are not returned. That is what made me write to the Commission. If the commissioners came to this place to hear the problems of the people, it is better for the people who lost their animals to be compensated. Many families lost their animals and their children are not in school, because all their livestock was taken away. When the children reach Standard 8, they want to transit to secondary school. However, we do not have any money to pay their school fees. Now, these are the people you see along the roads, just trying to steal from vehicles. These are the people from Katilo.

I see that as a very painful thing. I am feeling very bad about it. Since 1993 when my father's livestock and property were taken away--- Since 2008, my father has been lame

and I am the only bread winner of the family. Our lives have become difficult; he could not raise my school fees. I decided to do farming to make sure that the livelihood of the family was assured. On 14<sup>th</sup> April, 2008, the Pokots came and took all the animals I bought from farming. I was left with only eight calves and on the 11<sup>th</sup> of this month, they came again and took the eight calves. I am not the only one. There are other people whose names are listed here, who also lost their property.

Presiding Chair, the Pokots are also Kenyans and even us, the Turkana, are also Kenyans. I have not come to say that the Government has to go and, may be, finish the Pokots or attack them. I would like to say that the Government has been unable to find ways of making sure that the two communities sit down together. In Katilo area, every now and then even when you are in Nairobi, you hear that there is cattle rustling going on in the morning, in the evening and even at night. Everybody knows. It is like this, because the Government has refused to make sure that the Turkana and the Pokot reconcile. The people I have written on this paper, and the people whose names we wrote at Katilo, are the ones who are suffering most, because they lost their animals. Even now as I speak, there is that old village elder from that village who witnessed that kind of happening in 2008. His animals were confiscated and taken away. Because he was a chief of his location, he followed it up to the PC's office. He still has his papers up to now. The old man is known by the names Ekitela Aboto. He is even here.

On the way, I got involved in peace activities. If the Government pays the Turkana--- It is better we follow up on this issue. If it will be accepted by the Government, peace between Turkana community and the Pokots is not far. If the Government seals that area and deploys soldiers or security at Lobuke, Nariwamoru and Lachakang'ela, which the Pokots have renamed "Omelion"--- If the GSU will be deployed there, it is better for schools to be erected there, so that the Pokot, and even the Turkana, children learn there. It will be difficult for Turkana people to go and do cattle rustling because the Government will be there. Likewise, the Pokot will fear to come and attack the Turkana. That way, we will have peace in Katilo, Lorogon, Nakwamoru and Kainuk areas.

There are people whom Pokots have killed and there has been no compensation. My question is, what can we give to those people? The policemen deployed at Katilo are only five. If five officers are in a station and 500 raiders attack the villages and take our livestock, these five officers will not be able to counter the raiders, or even secure our village. We cannot say that they are unable to do their job. It will be because they will be overwhelmed by the numbers of the attackers. The Government has to find ways of managing the boundary between Turkana and the Pokot or between the Turkana and the Marakwet. It should be guard until all of us who are seated here now see that there is peace and that none of these communities will be complaining to the Government that they are not considered.

The truth is this, the Government has to protect the Turkana, or even the Pokots, because of this issue of livestock stealing or rustling. I say this because I am a person who embraces peace. We are not saying it is only the Pokot who do cattle rustling. Even we do cattle rustling. The Government has to find ways of also compensating people for their

lost cattle, because they are all Kenyans. If the Government does that, even the Pokots will see that the methods of reconciliation, or peace building initiated by the Government are a good thing. Even the Turkana will appreciate this.

But now, as you see, since the Turkana were raided, the Government has not taken any action. Nobody ensures that these people, after losing their animals, are eating. Even the Government does not bother about what has been taken away from them. The Pokot have been raided and the same applies to the Turkana. These people now sit and say: "This is now a game. It is a normal thing to happen;" and therefore, the raiders continue doing it. This is another way of earning a living. If the Government compensates both the Turkana and Pokot who have lost livestock, it will be forced to see to it that if their livestock is raided, or taken away, a way is found to recover those animals. So far, the Government has not given a directive for recovery of animals. If the raid takes place in Katilo, the elders get information which is passed on to the DO and then DC. Inquiries are then made into the whereabouts of the stolen cattle. The DC gets his men and chiefs and village elders are summoned and told that the animals are wanted back. If, for example, the animals have been driven to Kesei, the elders would know even the boma they were driven to. The animals are brought back. If they do not match the number of the stolen animals, the Government gets hold of any animal seen in the vicinity and compensates the people from whom the livestock was stolen. This acts as a deterrent measure to the raiding groups. In fact, the people from those communities volunteer information about those who raid others. This measure should be applied to both the Turkana and Pokot. That is the system I would like the Government to adopt.

With regard to KPR, I do not know if the Government sanctioned them. The Pokots have never killed the KPR along Katilo. I hear that many KPRs have been killed in Kainuk and Gorogon. When they are killed, the Government does not intervene quickly. The Government will not divulge truthful information about these people. It does not even say sorry to the families of the deceased and even grant the dead KPRs a decent burial. The KPRs who are killed are like monkeys or guerillas in the bush. These people are not paid anything and yet the Government rules using these people. For instance, they do not go to the farms, they do not collect their debts or dowry and so on. They just carry guns. With confidence, they say that they are Government officers because they are provided with uniform and a gun. However, when a problem befalls them, say, when they are wounded or killed by the Pokots, they are not offered assistance.

That is all I would like to air before the TJRC. I want to thank the Commission for giving me an opportunity to say what has been painning me about my area.

**Mr. Patrick Njue:** Thank you, Mr. Lobei, for sharing with us your piece of information. You said that it is painful to you. Some of these things that are painful to us, we sort of get some healing when we talk about them. It is my hope that even as you spoke to us about those painful experiences, you have had some sort of healing. I will seek a few clarifications from you.

Why did you choose to appear in camera? What fears did you have?

**Mr. Joseph Lobei:** It is okay because there are no Turkanas here. When there is conflict between them and the Pokot, they normally do not want to admit that they are thieves just like the Pokots. We need to look at them as human beings with blood. I decided to speak in camera because the Turkanas might say that I am also supporting the Pokot.

**Mr. Patrick Njue:** Are you a member of any peace committee?

**Mr. Joseph Lobei:** Yes, I am the Chairman of a group called Katilo Adakar Peace Committee.

**Mr. Patrick Njue:** That is a very noble thing you are doing, that is, ensuring that there is peace within the community. Are you working towards peace even amongst the Pokot or there are issues within your community?

**Mr. Joseph Lobei:** When the people from IRC came, they were absorbed and taken to Pokot. There was no money to enable people to reach people in the interior and deal with the cattle rustling menace.

**Mr. Patrick Njue:** What are some of the activities that you engage in to foster peace?

**Mr. Joseph Lobei:** Within the community, we organize ball games. Sometimes, we initiate peace meetings. We go there and dance with them. We invite them here and we exchange food.

**Mr. Patrick Njue:** I noticed that there was a gentleman next to you. I should have started by asking who he is.

**Mr. Joseph Lobei:** He is Stephen Ekitela Aboto. He is the former chief of Katilo area. He is now retired. His animals were taken after the Pokots raided us. He has all the papers to prove that.

**Mr. Patrick Njue:** Are you a KPR or have you ever been one?

**Mr. Joseph Lobei:** I am not one and I have never been one.

**Mr. Patrick Njue:** Have they been of any assistance to your community?

**Mr. Joseph Lobei:** Yes. They assist in curbing conflict within the community. When the Pokots attack us, they fight back. However, as we talk, these people are negotiating mostly in the community.

**Mr. Patrick Njue:** From your testimony, you strongly believe that you would have more GSU personnel deployed in areas where there is a conflict. Is that the case?

**Mr. Joseph Lobei:** If the soldiers get deployed, they will seal the corridors through which raiders from both sides pass. Since there is gold there, people will concentrate on mining and the others will do farming.

**Mr. Patrick Njue:** Thank you. Our commissioners will now ask you questions.

**The Presiding Chair** (Commissioner Farah): Mr. Lobei, you said that you are appearing in camera because of fear from your fellow Turkana that they might think that you are a Pokot agent. Is that true?

**Mr. Joseph Lobei:** That is true.

**The Presiding Chair** (Commissioner Farah): What you have said so far is only against the Pokot and not the Turkana. So, why did you fear? What is the value of your fear?

**Mr. Joseph Lobei:** You have not even heard me say that Pokots should be compensated of their livestock? That means that I am also arbitrating for them! My people would ask why I am talking for the Pokots and not the Turkana.

**The Presiding Chair** (Commissioner Farah): According to you, what is the solution to bring cattle rustling between the Turkana and the Pokot to a stop?

**Mr. Joseph Lobei:** I have always said that it is possible to stop this menace. I have seen the Government undertake peace initiatives in vain. We need to close corridors because they are entry doors. They should be sealed through deployment of forces there. If that is done, confiscation will be done and there will be peace.

**The Presiding Chair** (Commissioner Farah): Thank you.

**Commissioner Ojienda:** Thank you Mr. Lobei. You have a sober voice because you speak to the issues of both the Pokot and the Turkana. You seem to be a champion for peace in the two communities. You have said that you have joint football matches and the two communities interact at that level. What other activities do you think will promote peace among the Pokot and the Turkana?

**Mr. Joseph Lobei:** If there was a common market, it would do. The people of Kainuk move to Sigor where they collect the goods they sell. If the market can be moved near a boundary, then it would serve as a common place. They will then forget this issue of cattle rustling because of sharing a common market.

We would also like the Pokot to come and live amongst the Turkana and vice versa. That way, we will do away with the animosity.

**Commissioner Ojienda:** You do not share the same language. How do you communicate? Do you use Kiswahili?

**Mr. Joseph Lobei:** At the border areas, both tribes know each other's language. The Pokot know Turkana language and vice versa. The Turkana who have peace with the Pokot there had something known as *Mbelion*. They communicate through phones now. A Pokot who is a friend to a Turkana would call his friend to warn him of a raid. The remaining cattle are surviving because of that. The villages with no friends from the other side are prone to attacks because of the language barrier. Kiswahili is an intermediary language which connects them to understand the other dialects. The Turkana are in need of peace because when a Turkana is married to the other side, she stays there entirely. Looking at the set up of Lodwar today, you will rarely find a Pokot married to a Turkana. That shows that the Pokot do not like to interact with others. If you go to Lorogon, these people call the people there sons of the Turkana.

**Commissioner Ojienda:** How far is the Turkwell Gorge project from Katilo?

**Mr. Joseph Lobei:** It is about 30 kilometres from here.

**Commissioner Ojienda:** Have you benefited from the project and if so in what form?

**Mr. Joseph Lobei:** Nothing. The only thing we get is the flowing water which we use for irrigation.

**Commissioner Ojienda:** When the cattle are stolen by the Pokot, it is driven to Pokot land. The same cattle can be stolen by the Turkana and brought back. What is the main motivation for cattle rustling? Is it dowry, culture, or a market for the cattle somewhere else? Are there middlemen who buy the cattle from a collection point? If so, where do they collect it? We need to find a way of making recommendations that will help us stop cattle rustling. Are your cows branded so that you can trace them?

**Mr. Joseph Lobei:** We have our cattle marked. There is branding from the Government. We have the Turkana marks and the Pokot marks. When the Government brought the issue of branding--- The Government does not use the branding system to follow up on stolen cattle.

You must understand that any person who does not go to school, his school is herding. The only thing they know is cattle rustling. Without knowing, it takes them to fire. Politicians sometimes tell their people that they are cowards. They could say: "You, people, are cowards. You fear the Turkanas. If you fear the Turkanas, that is your own problem." When morans hear those words, they go raiding others.

**Commissioner Dinka:** You said that nobody sends the cattle rustlers to raid. However, what do they do with the cattle they steal? They go sell the cattle and we have heard that some butcheries are involved. Therefore, unless people like yourself who are honest and try to make peace on both sides tell us exactly how this chain of stealing, selling, consuming is going on, there is no way the Commission can design what is happening and come up with the necessary recommendations. You need to trust us and tell us what is going on behind the rustlers. There must be a downstream chain which buys the cattle

in order to sell the skins and meat. If you tell us, we can recommend how to break that chain and at the same time, try to reconcile the communities.

**Mr. Joseph Lobei:** The reason cattle are stolen is that they are for sale. Nobody has said that the cattle are not sold. When the Pokots get the cattle, they will go and sell them. That is why you see them constructing their area. They are putting up buildings. The cattle is also used to pay dowry. What is going on now is business. Because of the exchange of money, we now have the continuous problem of cattle rustling.

**Commissioner Dinka:** You said that the KPR are given a rifle and uniform from the Government and nothing else. They are not even paid a salary. You said that when they die protecting the villages, nothing is done for them. Do you become a member of the KPR voluntarily or compulsorily?

**Mr. Joseph Lobei:** People who become KPRs do so willingly. People go to the chief and request to be KPRs. They are taken to the DO for registration.

**Commissioner Dinka:** If it is voluntarily, is there no formal payment, say, from the community they are protecting? Why do they put their lives on the line?

**Mr. Joseph Lobei:** When there is a wrongdoer, the KPR go to arrest him. The complainant is the one who gives them something. Nowadays they have been given alternative jobs like escorting vehicles. The owners of the vehicles give them something. That is how they get assistance.

**Commissioner Dinka:** Thank you very much for your testimony. I would like to encourage you to continue being an objective elder that dares cross the community border to bring in others in peace initiatives that will see the Turkana and Pokot co-exist.

**The Presiding Chair (Commissioner Farah):** On the issue of police reservists, I think that came to an end all over the country. It is only in Turkana where we have the services of the KPR. Maybe the information has not reached Turkana where they are still holding onto their archaic rifles and serving the community. That thing was abolished. It is an old thing. You can do your research.

Otherwise thank you very much for your evidence. Leader of Evidence, stand down the witness and call in the next one.

**Mr. Patrick Njue:** Presiding Chair and commissioners, that is the only witness we had for the camera session. Thank you for your time.

*(Mr. Joseph Lobei was stood down)*

*(The Commission adjourned at 11.00 a.m.)*