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THE NATIONAL ASSEMBLY



TWELFTH PARLIAMENT – FIFTH SESSION - 2021

DIRECTORATE OF DEPARTMENTAL COMMITTEES

REPORT ON-

PUBLIC PETITION No. 30 OF 2020

REGARDING INSECURITY IN SAKU CONSTITUENCY AND THE
LARGER MARSABIT COUNTY

Directorate of Departmental Committees
Clerk's Chambers
National Assembly
Parliament Buildings
Nairobi


 THE NATIONAL ASSEMBLY PAPERS LAID	
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TABLED BY:	Hon. Peter Mwangi Chairperson August 2021
CLERK-AT THE-TABLE:	Mainah W.

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LIST OF ABBREVIATIONS AND ACRONYMS

ACK	-	Anglican Church of Kenya
CS	-	Cabinet Secretary
DCI	-	Directorate of Criminal Investigation
EGH	-	Elder of the Order of the Golden Heart
KBC	-	Kenya Broadcasting Corporation
KDF	-	Kenya Defence Forces
MCA	-	Member of County Assembly
MP	-	Member of Parliament
NCIC	-	National Cohesion and Integration Commission
NG-CDF	-	National Government Constituencies Development Fund
NGO	-	Non Governmental Organization
OLF	-	Oromo Liberation Front

LIST OF ANNEXURES

- Annexure 1:** Minutes of Committee sittings on consideration and adoption of the report
- Annexure 2:** Signed list of Members who attended the sitting which considered and adopted the report
- Annexure 3:** List of members of the public who attended the public hearing on the Petition on 14th November, 2020 in Marsabit town.

CHAIRPERSON'S FOREWORD

Public Petition No. 30 of 2020 regarding insecurity in Saku Constituency and the larger Marsabit County was presented in the National Assembly on 12th August, 2020 by Hon. Col. (Rtd) Dido Ali Rasso, MP, Saku Constituency on behalf of 106 Petitioners from Saku Constituency and the larger Marsabit County. Upon presentation, the Petition was committed to the Departmental Committee on Administration and National Security for consideration and report to the Petitioners through the House in line with the provisions of Standing Order 227(1).

This report contains the Committee's proceedings on the consideration of the Petition. While considering the Petition, the Committee heard from several witnesses and stakeholders, including the Hon. Dido Rasso MP, Saku Constituency who presented the Petition on behalf of the Petitioners, Hon. Chachu Ganya, Member for North Horr Constituency, H.E. Mohamed Mohamud Ali, Governor, Marsabit County, Dr, Fred Matingi, Cabinet Secretary for Interior and Co-ordination of National Government and Hon. Amb. Ukur Yatani, Cabinet Secretary for National Treasury and Planning and former MP, North Horr and former Governor, Marsabit County.

The witnesses and stakeholders testified before the Committee at sittings held at Parliament Buildings and during public hearing held at the ACK Hall in Marsabit Town on 14th November, 2020. While hearing from the witnesses and stakeholders, the Committee was guided by existing procedures and modalities of operations of the National Assembly derived from the Constitution of Kenya, Acts of Parliament, Parliamentary Standing Orders, conventions, practices, rulings and directives of the Honourable Speakers.

This report contains an executive summary, preface, witness and stakeholder testimonies as well as observations, findings and recommendations. The insecurity in Marsabit County is historical and the quest for everlasting peace and stability has been elusive for years with lives being lost including those of peacemakers. Members of Parliament Hon. Dr. Bonaya Godana, Hon. Titus Ngoyoni, Hon. Mirugi Kariuki, Hon. Abdi Sassura and Hon. Guracha Galgalo lost lives in the year 2006 in a plane crash while travelling to Marsabit town to broker peace. May their souls continue resting in eternal peace.

The Committee is grateful to Offices of the Speaker and Clerk of the National Assembly for the logistical and technical support accorded to it during the consideration of the Petition. May I also express sincere appreciation to the Honourable Members of the Committee and the secretariat for their resilience and

devotion to duty which made consideration of the Petition and production of this report successful.

Further, the Committee wishes to express gratitude to the Ministry of Interior and Co-ordination of National Government for making arrangements to ensure the public hearing in Marsabit town was successful. The Committee further wishes to record its appreciation to members of the public who appeared before it irrespective of whether or not they testified.

On behalf of the Departmental Committee on Administration and National Security and pursuant to provisions of Standing Order 227(2), it is my pleasant privilege and honour to present to this House the report of the Committee on its consideration of the Public Petition No. 30 of 2020 regarding insecurity in Saku Constituency and the larger Marsabit County.



HON. PETER MWATHI, M.P.
CHAIRPERSON

EXECUTIVE SUMMARY

Public Petition No. 30 of 2020 regarding insecurity in Saku Constituency and the larger Marsabit County was presented in the National Assembly on 12th August, 2020 by Hon. Col. (Rtd) Dido Ali Rasso, MP, Saku Constituency on behalf of 106 Petitioners from Saku Constituency and the larger Marsabit County.

The Petitioners prayed that the House through the Departmental Committee on Administration and National Security inquires into the ongoing cases of gross insecurity in Saku Constituency with the objective of facilitating the restoration of peace and stability in Marsabit County.

While considering the Petition, the Committee heard from several witnesses and stakeholders including the Hon. Dido Rasso MP, Saku Constituency, Hon. Chachu Ganya, MP North Horr Constituency, H.E. Mohamed Mohamud Ali, Governor, Marsabit County, Dr. Fred Matiangi, Cabinet Secretary for Interior and Co-ordination of National Government and Hon. Amb. Ukur Yatani, Cabinet Secretary for National Treasury and Planning and former MP, North Horr Constituency and Governor, Marsabit County.

Having inquired into insecurity in Marsabit County as prayed by the Petitioners, the Committee found the following to be the significant causes of insecurity in the County-

- (i) Political supremacy and tribal animosity, especially amongst the Borana and the Gabra communities;
- (ii) Land and boundary disputes;
- (iii) Skewed distribution of national and county jobs and resources;
- (iv) Scramble for water and pasture for livestock;
- (v) Cattle rustling;
- (vi) Possession of unlicensed firearms by civilians;
- (vii) Presence of militia in Marsabit County;
- (viii) Inadequate policing of the County due to its vastness and poor infrastructure;
- (ix) Disarmament of National Police Reservists; and
- (x) Long porous and unprotected Kenya/Ethiopia border.

Consequently, the Committee recommends as follows-

- (i) The National Government and the Marsabit County Government should ensure fairness and equity in the distribution of resources including

- employment opportunities to all residents of Marsabit County; with deliberate affirmative action to minority ethnic groups in the County.
- (ii) The Cabinet Secretary for Interior and Co-ordination of National Government should expeditiously investigate the claimed mass issuance of national identification documents to illegal immigrants from Ethiopia in Marsabit County in general and Sololo Sub-County and Sagante Ward in Saku Sub-County in particular.
 - (iii) The Cabinet Secretary for Interior and Co-ordination of National Government should take immediate action to flush out illegal immigrants from Marsabit County.
 - (iv) The Cabinet Secretary for Interior and Co-ordination of National Government and the Inspector-General, National Police Service should as a matter of urgency crack down on all militia camps within Marsabit County including; Ambalo, Badan Rero, Elle Bor Elle Dimtu and Kubi Qallo.
 - (v) The Cabinet Secretary for Lands should institute measures to ensure land adjudication, demarcation, registration and issuance of title deeds in Marsabit County, starting with the disputed areas.
 - (vi) The Cabinet Secretary for Lands and the Cabinet Secretary for Interior and Co-ordination of National Government should immediately ensure the internally displaced persons in Kosso Banchale, Salesa and Isacko Umuro are resettled.
 - (vii) The Cabinet Secretary for Interior and Co-ordination of National Government and the Inspector-General National Police Service should disarm and recover all illegally owned firearms in Marsabit County in particular and generally across the country.
 - (viii) The Cabinet Secretary for Interior and Co-ordination of National Government should as a matter of urgency, ensure the disarmament of National Police Reservists in Marsabit County is concluded and their roles taken up by the National Police Service personnel.
 - (ix) The Cabinet Secretary for Interior and Co-ordination of National Government and the Cabinet Secretary in charge of Defence should ensure the borders of Kenya are adequately secured and more particularly the border of Kenya with Ethiopia to prevent entry of illegal firearms and aliens into the country.
 - (x) The Cabinet Secretary for Interior and Co-ordination of National Government and the National Cohesion and Integration Commission should roll out programmes and activities to promote peaceful coexistence and reconciliation of the various communities in Marsabit County.

- (xi) The Cabinet Secretary for Interior and Co-ordination of National Government should institute legislative and other measures to forestall cattle rustling in Marsabit and across the country.
- (xii) The Director of Criminal Investigations should expeditiously investigate claims of ethnic incitement and hate speech disturbing peace in Marsabit County with a view to having the perpetrators prosecuted.
- (xiii) The national government and the county government of Marsabit should take necessary action to ensure development of transport and communication infrastructure in Marsabit County in order to improve on policing.
- (xiv) The Cabinet Secretary for Interior and Co-ordination of National Government should strengthen national security agencies in Marsabit County, especially the National Police Service's Specialized Units to ensure their presence is felt all over the County.
- (xv) The Kenya National Commission on Human Rights should investigate claims of inter-ethnic killings in Marsabit County and report to the National Assembly within 90 days from the date the report is tabled before the House.
- (xvi) All Government Ministries, Departments, Commissions and Agencies required to act on this report should report to the National Assembly within 90 days from the date the report is tabled before the House.

The report was unanimously adopted by the Committee at its sitting held on 24th May, 2021.

PART 1

1.0 PREFACE

1.1 Mandate of the Committee

1. The Departmental Committee on Administration and National Security is established in accordance with the provisions of Standing Order 216 of the National Assembly. Its mandate as provided for in S.O. 216(5) is –
 - (a) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
 - (b) *study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;*
 - (c) *study and review all legislation referred to it;*
 - (d) *study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - (e) *investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - (f) *to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments) ;*
 - (g) *examine treaties, agreements and conventions;*
 - (h) *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - (i) *consider reports of Commissions and Independent Offices submitted to the House, pursuant to the provisions of Article 254 of the Constitution; and*

(j) *examine any questions raised by Members on matters within its mandate.*

2. The subjects under the Committee's jurisdiction are; national security, police services, home affairs, public administration, public service, prisons, immigration, the management of natural disasters and community service orders.

1.2 Composition of the Committee

3. The Committee was constituted on 14th December, 2017 and comprise the following Honourable Members

Chairperson

Hon. Peter Mwathi, M.P.

Limuru Constituency

Jubilee Party

Vice-Chairperson

Hon. Fatuma Gedi, MP

Wajir County

Jubilee Party

Hon. Kaluma Peter George Opondo, MP

Homa Bay Town Constituency

ODM Party

Hon. (Dr.) Tecla Tum, MP

Nandi County

Jubilee Party

Hon. Dr. Makali Mulu, MP

Kitui Central Constituency

Wiper Party

Hon. Oku Kaunya, MP

Teso North Constituency

ANC Party

Hon. Aduma Awuor, MP

Nyakach Constituency

ODM Party

Hon. Peter Masara, MP

Suna West Constituency

Independent Party

Hon. Ngunjiri Wambugu, MP

Nyeri Town Constituency

Jubilee Party

Hon. Abdi Shurie, MP

Balambala Constituency

Jubilee Party

Hon. Marselino Malimo Arbelle, MP
Laisamis
Jubilee Party

Hon. Halima Mucheke, MP
Nominated Member
Jubilee Party

Hon. Swarup Ranjan Mishra, MP
Kesses Constituency
Jubilee Party

Hon. Nimrod Mbai, MP
Kitui East Constituency
Jubilee Party

Hon. Col. (Rtd) Geoffrey King'ang'i, MP
Mbeere South Constituency
Jubilee Party

Hon. Rozaah Buyu, MP
Kisumu County
ODM Party

Hon. Jeremiah Lomurukai, MP
Loima Constituency
ODM Party

Hon. William Chepkut, M.P.
Ainabkoi Constituency
Independent Party

1.2 **Committee Secretariat**

4. The Committee Secretariat comprises the following officers-

Mr. Adan Gindicha,
Senior Clerk Assistant
Head of Secretariat

Mr. Joshua Ondari
Clerk Assistant

Ms. Jemimah Waigwa
Legal Counsel

Mr. Edison Odhiambo
Fiscal Analyst

Mr. Josphat Bundotich
Serjeant-at-Arms

Ms. Eva Kaare
Serjeant-at-Arms

Mr. Joseph Okongo
Media Officer

Rodgers Kilungya
Audio Recording Officer

5. Minutes of Committee sittings on consideration of the Petition form *annexure 1* of this report.

PART 2

2.0 INTRODUCTION

2.1 The Petition and prayers sought

6. Public Petition No. 30 of 2020 regarding insecurity in Saku Constituency and the larger Marsabit County is dated 12th August, 2020 and was presented to the National Assembly on 12th August, 2020 by Hon. Col. (Rtd) Dido Ali Rasso, M.P., Saku Constituency on behalf of 106 Petitioners from Saku Constituency and the larger Marsabit County.
7. The Petitioners decried insecurity in Marsabit County, citing several incidents in which people had been attacked, injured, killed and or displaced from their homes. The Petitioners prayed that the National Assembly through the Departmental Committee on Administration and National Security inquires into the ongoing cases of gross insecurity with the objective of facilitating the restoration of peace and security by resolving all existing boundary disputes and facilitating recovery of the Kenya Police Reservists guns and ammunition amongst other orders.

2.2 Constitutional and Statutory provisions regarding Petitions

8. The right to petition Parliament is provided for under Article 119 of the Constitution of Kenya which provides as follows-

“Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation”

9. In addition, National Assembly Standing Order 227 outlines the procedure for committal of public petitions to the House whereby every Petition presented or reported shall be committed to the relevant Departmental Committee for consideration and report to the House and petitioner within sixty (60) days. Further, the Petition to Parliament (Procedure) Act, 2012 provides for the procedure to be followed in the submission, processing and consideration of Petitions.
10. Articles 94 read together with Article 95 of the constitution further provides for the role and by extension the authority of Parliament in general and the National Assembly in particular. Generally, Houses of Parliament exercise

the legislative mandate of the people, deliberate on matters of national interest and oversight the exercise of power by other arms of government.

11. Article 118 (I) of the constitution provides as follows-

‘Parliament shall –

(a) conduct its business in an open manner, and its sitting and those of its committees shall be in public; and

(b) facilitate public participation and involvement in the legislative and other business of Parliament and its committees’’

12. Public participation is having an open, accountable and structured process where citizens or people or a segment of a community can interact, exchange views and influence decision making. While considering the Petition, the Committee conducted public participation in Marsabit County on 14th November, 2021.

PART 3

3.0 WITNESS AND STAKEHOLDER TESTIMONIES

13. Those who testified before the Committee were –

- (i) The Petitioners through Hon. Dido Ali Rasso, MP, Saku Constituency,
- (ii) Hon, Chachu Ganya, M.P., North Horr Constituency on his own behalf and that of the Gabra community;
- (iii) The Gabra Council of Elders on behalf of the Gabra community,
- (iv) The Borana Council of Elders on behalf of the Borana community;
- (v) Karare Ward Residents on behalf of Rendilles living in Saku Constituency;
- (vi) The Daasanach Community;
- (vii) The Burji Professionals Association;
- (viii) The Wayyu Council of Elders;
- (ix) Hon. Marselino Malimo Arbelle, MP, Laisamis Constituency;
- (x) Mr. Samuel Mutunga, Marsabit County Police Commander;
- (xi) H.E. Mohamed Mohamud Ali, Governor, Marsabit County;
- (xii) Hon. Amb, Ukur Yatani, Cabinet Secretary for National Treasury and Planning,
- (xiii) Dr. Samuel Kobia, NCIC Chairperson; and
- (xiv) Dr. Fred Matiangi, PhD, EGH, Cabinet Secretary for Interior and Co-ordination of National Government.

3.1 The Petitioners

14. Hon. Dido Ali Rasso appeared before the Committee on 31st August, 2020 at Parliament Buildings and on 14th November, 2020 during the public hearing on the Petition at ACK Hall in Marsabit town. He submitted on behalf of the Petitioners as follows-
15. In 2015, the leadership of Marsabit County approved highly-contested plans to relocate Marsabit Airstrip to Horonder area and subsequently resettled a section of Bubisa residents comprising over 50 households into the area, and following intervention by the Saku Member of Parliament and the National

Government, it was agreed that the new settlers would be relocated back to Bubisa within two months.

16. The Marsabit County Government reneged on this resolution and instead formalized the settlement by constructing new ECDE centres and advertising the position of area Assistant Chief under Bubisa Location despite the area being in Qilta Location, thereby simmering unwanted ethnic tensions and administrative boundary contestations considering that the area is in Saku Constituency and already had a Chief and Assistant Chief.
17. In April 2017, four Borana herders namely Wario Oba Ubane, Abdub Kana Guyo, Abdub Jarso Waqo and Ibrahim Fugicha were senselessly massacred in cold blood in Dololo Woyama area of Sagante Location by suspected Gabra attackers following which 27 expended 7.62mm cartridges were recovered at the scene by police.
18. Further attacks led to the murder of Police Reservist Jattani Afatu along Shurr-Jaldesa public road on 11th April 2017 with the arrested suspects being freed in unclear circumstances and the brutal murder of three Borana herders namely Mzee Wako Tato, Tari Diba Sankara and Jirmo Gobu on 5th September 2018 by suspected Gabra attackers heavily armed with sophisticated machine guns and automatic weapons and who also torched their houses in Horonder area.
19. On 13th October 2018, an unprecedented conflict in Kubi Qallo led to the death of Wario Guyo Ali, Abdub Girro, Guyo Boru Barako and Wario Boru Dida as well as destruction of the water generator at Kubi Qallo China Borehole valued at Ksh.5 million, burning of ten motor cycles valued at Ksh 1.2 million, theft of 60 heads of cattle and 653 goats and sheep from the Borana Community.
20. On 13th October 2018, Jaldesa village was attacked by suspected Gabra raiders leading to the murder of Tadicha Godana and Abdub Jattani as well as destruction of water genset at Jaldesa borehole valued at Ksh. 5 million, followed by the 15th December 2018 murder of Borana herders Doko Galgallo and Gababa Godana at Haro Girisa while feeding their animals as well as theft of Police Reservist guns and ammunition.
21. On 13th March 2019, an attack at Haro Girisa by Gabra militia led to the brutal killing of three Kenya Police Reservists namely Golich Boru Dida

Qalla Kossi Bilinga and Mohamed Abdi and injury to seven other residents as well as theft of their guns and ammunition. This was followed by the cold blood murder of two Borana herders Jillo Sora and Abdub Jillo in Garr Shaba on 23rd May 2019 by Gabra attackers from Segel area of Jirime Location less than a kilometer from police road block at KBC Marsabit.

22. On 15th September 2019, a quarry worker at Haro Halakhe Yaya by the name of Denge Happi Da'acha was killed by attackers who fled into Segel village inhabited by the Gabra community. No effort was made to apprehend the killers.
23. On 6th November 2019, 10 Borana herders including 5 school-going children aged 6-15 were killed at Kukuto by heavily armed Gabra militia believed to be from Horonder, Segel and Bubisa following which one of the attackers was airlifted to Nairobi for specialized treatment in mysterious circumstances. This was followed by the brutal murder of 3 police officers in Jaldesa village during which a mobile phone belonging to one of the attackers was found at the scene of crime.
24. Further attacks have led to the murder Galgallo Kara Roba at Haro Halake Yaya grazing field on 27th May 2020, murder of 4 Rendille youths along Badasa-Songa Road on 8th June 2020, murder of 4 Borana herders at Haro JICA on 13th June 2020, murder and mutilation of mentally-ill Wario Wako Elema on 14th June 2020, murder of two secondary school students along the Dirib-Town Road on 22nd June 2020, among many other cold-blood killings.
25. Residents of Hargeisa Village were displaced and left to suffer as IDPs following the destruction of 110 houses, with the Gabra Militia settling in those villages by erecting unihuts whose recommended demolition by the County Security team has never been implemented. All these attacks took place in Saku Constituency by attackers believed to come from North Horr Constituency, Gabra villages in Moyale Constituency and Ethiopia Region Four. The attackers disguise themselves as herders in well-orchestrated attacks aimed at removing the Borana Community from Saku Constituency, making Marsabit County ungovernable and discrediting the current County leadership.
26. The militia behind these attacks act with impunity as if running a system parallel to the existing Government structure, with land being at the epicentre of the conflict. This is exemplified by the fact that the Gabra have

managed to cleanse the Borana from their midst in all their settlements, with the last being Hurri Hills. This has made the former Borana occupants to be refugees in Ethiopia and IDPs at Ele Dimtu, Ele Borr and Kubi Qallo.

27. The militia in North Horr Constituency arm themselves in secrecy, plan in secrecy and gang up without the knowledge of Government apparatus to carry out an expansionist agenda against the neighbouring communities of Dasanach, Turkana, Rendille and Borana in a bid to expand their territory.
28. Efforts to address this matter with relevant authorities have not borne much fruit as exemplified by the fact that in September 2018 the Marsabit County Commissioner disarmed Borana Police Reservists who were the victims of Gabra attacks. The Petitioners therefore prayed that the National Assembly through the Departmental Committee on Administration and National Security-
 - a) Inquires into the ongoing cases of gross insecurity in Saku Constituency with the objective of facilitating the restoration of peace by addressing the resolving the Resource, Community and Administrative boundary between Saku and North Horr Constituencies, resolving all existing boundary disputes and facilitating recovery of Kenya Police Reservists guns, ammunition and livestock due to the Borana victims of the aforementioned attacks, and
 - b) Makes any other orders that it deems appropriate in light of the circumstances outlined in this Petition.

3.2 Hon Chachu Ganya, M.P., North Horr Constituency

29. Hon. Chachu Ganya, MP, North Horr Constituency in Marsabit County appeared before the Committee on 14th November, 2020 during the public hearing on the Petition at ACK Hall in Marsabit town and submitted on behalf of the North Horr electorate and the Gabra Community as follows-
30. The alleged relocation of Horonder community from Bubisa lacked foundation. Horonder was Gabra community land, which had been occupied for many years by Gabra community and greatly traversed for many years by Gabra herders. There was no plan to relocate Marsabit Airstrip to Horonder as alleged in the Petition. Such alleged plan cannot be legally undertaken without consultation,

consent and compensation of the Gabra community living in the area. Further, Saku Constituency is the ancestral home of the Gabra and Rendille communities and the two have never had any boundary or land dispute and are co-existing harmoniously.

31. Indeed, many lives have been lost in various ethnic clashes between the Gabra and the Borana communities. However, the active aggressors have always been the organized Borana militia. The Gabra herders and villagers are always on the defensive side. The Petitioners only lamented about the deaths of Borana militia while conveniently omitting to disclose the trigger of such deaths and the innocent lives lost on Gabra side who are also part of Saku constituency, where he represents. The Gabras had never initiated or planned any raid or violence against Boranas or any other community in Saku Constituency as alleged by the Petitioners.
32. In all the incidents of attacks mentioned in the Petition, all the persons killed were organized Borana militia men who came to raid Gabra villages and herders' camps but got killed in the ensuing exchange of fire. No Borana child, woman or elderly men were killed in their homes in the said attacks allegedly planned and executed by Gabra.
33. Regarding the fight at Kukuto, on 6th November, 2019, where the Petitioners claim that ten (10) herders were killed, the Petitioners should in the same breath, explain why all of them were buried in a hurry in a mass grave with no postmortem done. Those killed in that fight were aliens and that's why the Petitioners were concealing their identity. The attackers were armed with sophisticated weapons and lost their lives in the ensuing exchange of fire.
34. It is in public domain that there are 5 Borana militia camps at Elle Dimtu, Jaldesa/Badassa, Ambalo, Badan Rero and Kubi Qalo. These militia camps are established to cause insecurity in Marsabit. The militia is known to carry out well-planned attacks and raids against Gabra using sophisticated military weapons.
35. There has never been any Borana settlement in Hargeisa. On the contrary, Gabra villagers have been displaced from their homes in Saku constituency and forced to settle in Konso Banchale, Sales Waqo, Athi Huqa and Isacko Umuro schemes. It is important to note that members of the Gabra Community were made to settle in these schemes for security purposes following the 2005 clashes after they had been chased from the larger Saku constituency.

36. The movement of Borana from Hurri Hills, North Horr Constituency and their resettlement at Kubi Qallo in Saku Constituency was voluntary and was entirely coordinated and facilitated by Hon Dido Ali Rasso against the guidance of Gabra leadership. Saku NG-CDF vehicle was used to facilitate their transportation and movement. The resettlement was aimed at boosting his political base in Saku constituency. However, over sixty (60) Borana families who remained at Hurri Hills live harmoniously with Gabra community despite the ongoing clashes.
37. The Gabra community lives peacefully with its neighbours Rendille, Burji, Turkana, Ajuran, Degodia, Amar and Garreh, amongst others in both Ethiopia and Kenya. On the contrary, the Boranas are at war with all their neighbouring communities like the Rendille, Degodia, Garreh, Ajuran and Gabra.
38. The Government of Kenya disarmed all the National Police Reservists (NPR) KPRs across the county without discrimination as per the national government directive on disarmament. There was no targeted and discriminatory disarmament of Borana as alleged by the Petitioners.
39. The ultimate aim and effect of the Petition was to deride, demonize and label the larger peace-loving Gabra community in the country as war mongers and selfish expansionist and thereby arouse the feeling of hatred and violence from the other communities living in Marsabit County towards Gabra community. The Gabra community is a peace-loving community with enough land to occupy, graze and settle and therefore has no expansionist agenda or desire to displace other communities contrary to allegations in the Petition.
40. Article 10 of the Constitution of Kenya, 2010 espouses cardinal national values and principles upon which our entire governance framework is founded. These national values and principles bind every person. They include accountability and respect for rights and fundamental freedoms.
41. The duty to protect, respect and promote the bill of rights in particular the sacred right to life, freedom from discrimination and the right to property falls on every person. That duty is even higher for a state officer such as a Member of Parliament who is expected to preserve all the life and property of everyone by refraining from acts that may endanger the lives of people in his constituency. He is obligated to deliver services to everyone in his constituency

without any form of discrimination, including on ethnicity, political affiliation and race.

42. Not once did the Saku Constituency Member of Parliament send condolences or mourn with Gabra families and victims of senseless killings committed by Borana in Saku Constituency or the neighbouring regions, yet these Kenyans are his constituents. No life is more important than another and no loss of human lives should be celebrated or ignored. Indeed, any loss of life shows erosion of our basic decency and humanity which we must strive to uphold no matter how bleak the situation may sometimes seem.
43. It was his duty as a state officer and duly elected Member of Parliament for North Horr to set records straight on the factual situation regarding the insecurity in Marsabit County. This is in order to find lasting peace and prosperity in the County where all shall harmoniously live with each other not as Gabras or Boranas but as indivisible brothers and sisters bound by common values and pursuit of shared prosperity.
44. The causes of insecurity in Marsabit County are-
 - a) Porous Kenya-Ethiopia Border allowing easy influx of Borana aliens;
 - b) Ethnic superiority complex and pursuit of control of the leadership of Marsabit County;
 - c) Ethnic hatred and hate speech largely emanating from politicians and other leaders in Marsabit County;
 - d) Cattle rustling which has become the normal way of life amongst communities in the County; and
 - e) Possession of illegal firearms by members of the various communities in the County
45. Marsabit District used to be known as Gabra District during the colonial period because of the predominant community that lived there together with Rendille before the coming of Borana community in 1921 who were then fleeing from persecution by then Emperor of Ethiopia. During the pre-colonial days both Gabras and Borana mainly resided in Ethiopia with Gabras living in regions bordering Kenya such as Moyale, Yaballo, Magado, Arballe, Qancharo and

Gorai and the areas around Affar Mountain. The word Yaballo comes from the words, 'Yaa Balla' referring to the Gabra traditional assembly.

46. Despite some intermittent raids which were few and far between, Marsabit County (the then Marsabit District) has had peaceful internal atmosphere from 1963 when Kenya got independence until 1988 when the current Saku constituency was carved out from Marsabit North and Marsabit South Constituencies. Since the creation of Saku Constituency, the Borana population in Marsabit has grown considerably large due to the continuous influx of Borana immigrants from Ethiopia enabling them to contest and win the newly created Saku Parliamentary seat which was largely carved out of Marsabit North Constituency, later renamed North Horr Constituency.
47. The Gabra Community is the 2nd largest community in Saku Constituency. Since Saku Constituency was carved out of Marsabit North and Marsabit South, Gabras have not had a single chief as Borana leaders and politicians influence the appointing authority at the county and regional level. The statistics below on Chiefs in Saku Constituency shows skewed representation in favour of Borana-

- (a) *Borana* 14
- (b) *Burji* 3
- (c) *Rendille* 9
- (d) *Turkana* 2
- (e) *Kosso* 1
- (f) *Indian* 1
- (g) *Waata* 1

The Gabra, being the second largest community in Saku constituency has no single chief or assistant chief.

Displacement of Burji from Marsabit Mountain Slopes

48. In the 1990s, the Borana leadership incited their tribesmen against the Burji minority on the basis that Burji owned vast tracks of farming lands on the Marsabit mountain slopes and also controlled the economy of the constituency. This resulted in the Borana youths burning all the crops on Burji farms in Dirib Gombo, confiscating their livestock, killing and displacing them. Consequently, the Burji community was completely displaced from their farms to take refuge in Marsabit town, which hitherto stands. One of the farms has since been turned

into Borana cultural grounds where they hold all their traditional ceremonies and is referred to as '*Artha Jilla Gadamoji*'.

49. After the forceful displacement of Burji community from the fertile mountain slopes, the Borana leadership embarked on a plan of displacing other communities, in particular the Gabra community from Marsabit Central, Kenya-Ethiopia border towns and the rangelands along the Marsabit-Moyale highway.

Turbi Massacre, 2005

50. On 12th July, 2005 the Borana militia mobilized by Borana politicians with their expansionist agenda, invaded Gabra settlement in Turbi, killing more than seventy 70 people in their sleep. Those killed included pregnant women and children. After the attacks, the militia made away with tens of thousands of livestock. This is what came to be known as the Turbi Massacre.
51. The senseless ethnic extermination extended to Saku Constituency where the Gabras living in Sagante/Jaldesa ward were displaced from their homes and forced into five schemes for security reasons. These schemes are Athi Huqa, Isako Umuro, Sales Waqo, Kosso Banchalle and Gabbra schemes. Their properties were also destroyed, livestock stolen, crops burnt, farms either grazed on illegally or allocated to alien Boranas from Ethiopia. The atrocities committed against Gabra community were never addressed even by the national government. Since then, the situation still lingers on with the successive Borana politicians using the eviction of other ethnic communities from Saku Constituency as a campaign tool and pledge.
52. Around the same period of Turbi Massacre, similar recurrent attacks were carried out by the Borana along the Kenyan-Ethiopia border in areas of Forolle, El-Hadi and Dukana accompanied by massive loss of lives and property. Despite the constant provocation and recurring attacks from the Borana, the Gabra community has never been an aggressor but on the defensive.
53. The shared loss brought about by the death of the area Members of Parliament from three communities who died in 2006 while on a peace mission lead to a short period of normalcy and calm. In 2013 the pursuit of county leadership revived ethnic hatred and violence, especially between the Borana and Gabra, who Borana considered their arch enemies as they stood in their way of realizing their expansionist agenda and control of Marsabit County.

54. Just before the inception of the County Government in 2013, several killings took place perpetrated by Borana which the Petitioners failed to mention. These include a Garri old man looking after the camels of the Abba Chuluke (Mzungu), was murdered in cold blood around Jaldesa area. A herder named Mohamed Ibrahim Abdi was shot dead in broad daylight in Kubi Kalo in Sagante location as he was taking an afternoon nap at his camel's kraal.

Settlement of Aliens at Elle Bor and Elle Dimtu in North Horr Constituency

55. After winning the 2017 election, the current Governor of Marsabit Mohamud Ali began an aggressive plan to settle Borana aliens from Ethiopia in Gabra rangelands in Elle Dimtu and Elle Bor. This was in order for them to be issued with national identity cards and voter's cards, thereby boosting the number of Borana voters in Marsabit County.
56. Immediately after his inauguration in 2017, Marsabit County Governor H.E. Mohamed Mohamud Ali settled Borana aliens from Ethiopia at Elle Dimtu and Elle Bor in Forole Location, North Horr constituency. The Governor has claimed this settlement as his achievement as evidenced by a clip by Member for County Assembly (MCA) for Uran ward and majority leader Hon. Halkano K. Ali as part of their fulfilment of election pledges on the expansion of Borana territory as they called it.
57. The H.E. Mohamed Mohamud Ali used county resources and national security apparatus to legalise the illegal settlement by issuing the aliens with National Identity Cards, building social amenities such as Early Childhood Development Centres (ECDs), health centres and houses for them under the guise of a refugee settlement.
58. This illegal settlement triggered fresh unrest between Gabbra in Forolle Location of North Horr constituency and aliens which resulted in the complete displacement of Gabbra village at Iddido. Around the same time, forceful alienation of Gabra community land along the tarmac road between Marsabit and Bubisa which is in North Horr Constituency, was undertaken by Borana from Saku Constituency.

Attacks on the Gabra Community since 2017

59. On 7th April, 2017, a 13-year old boy, Hassan Mohamad Wario ferrying milk to Marsabit town was found murdered in Dokatu area of Sagante location. On 12th July, 2018, Boranas invaded Horonder village in Bubisa Location, North Horr Constituency with the intention of forcefully settling there.
60. The lorry that transported and settled Boranas at Horonder is said to have belonged to Hon. Dido Ali Rasso. The illegal settlers came well-armed with the intention to displace the already settled Gabra village. Consequently, fighting broke out between the two communities and some lives were lost. However, the Petitioners have failed to disclose the torching of Gabra houses by the belligerent illegal settlers under Hon. Dido Ali Rasso's command.
61. The purpose of the attempted violent and forceful settlement of the Borana in Gabra community land at Horonder was part of the larger expansionist scheme by the current Saku MP, Dido Ali Raso as a way of securing the grazing grounds for the Borana community and keeping off the Gabra community and slowly create an exclusive permanent settlement of the Borana community in the heartlands of the Gabra traditional territory. Horonder has been Gabra grazing land and therefore community land from time immemorial and the Petitioners are misleading Parliament and the public by claiming that there were plans to relocate Marsabit Airstrip to Horonder.
62. On 13th October, 2018, Shurr village (North Horr Constituency) was attacked in an early dawn raid. Three young men were murdered, including a police reservist, whose gun was taken by the Borana bandits. On 26th December, 2018 a high school boy and a herder were murdered in cold blood in an attack on a herders' camp ("Fora") around Turbi.
63. On 24th April, 2019, there was a massacre on Konso Banchalle's Scheme. Two women; Dahabo Hussein Guracha and Ashkunu Roba Diba together with her son Galgallo Roba Diba were killed while five other school children were seriously injured. They were taken to Kenyatta National Hospital and some are still recuperating from severe injuries. A day earlier, when two Borana herders were killed by unknown assailants, the area MP Hon. Dido Ali Rasso gave an ultimatum to the Government that 'if the culprits are not apprehended within 48 hours, Marsabit will be on fire.' True to his words, in less than 24 hours, the attack on Konso Banchale village was carried out. Despite the fact that Konso Bachale is in Saku Constituency, Hon. Dido Rasso did not even send a message of condolences to the bereaved families because they were not from his community.

64. On 5th May, 2019, 11 Gabbra elders from Forolle were lured to a fake peace meeting at Kenyan-Ethiopian Border and were murdered in cold blood. During this incident, both Dido Ali MP Saku and Marsabit County Governor Mohamud Ali in a local FM Station defended their Borana kinsmen who murdered the peace emissaries under the guise of a peace meeting.
65. The 5th May, 2019 attack was followed by another attack on a vehicle on Marsabit-Maikona road that led to the killing of two government officers and injuring of other travellers in the mistaken belief that they were Gabras travelling back from a funds drive.
66. On 14th April, 2020, Borana killed a Gabra-Adano Duba Sora, a civil servant working in County Commissioner's office at Jaldessa to prove that certain areas in Saku constituency were a no-go zone for Gabras. The innocent old man had gone to look for his lost donkey when he met his death at the hands of bloodthirsty perpetrators. No arrest has been made to date although the culprit is known.
67. On 10th May, 2020, Borana killed a Gabbra herdsman and five Camels belonging to the family of Adano Duba Sora whom they had butchered a month earlier. This was done so that the grazing land is exclusively reserved for the Borana. It was also meant to intimidate and scare the Gabra away. There was also the killing of a Gabra herdsman at Halakhe-Yaya dam.
68. On 16th September, 2019, Boranas killed a Gabra elder at Gabbra scheme and the following day on 17th September, 2019 they killed a second one at the same village. All the murderers have not been arrested. On 27th May, 2020, Boranas again attacked Gabras in a Scheme and seriously injured a head teacher, Mr. Boru Dabaso.
69. On 2nd June, 2020, Gabra herders at Horonder found two Borana boys lost in the bush and gave them protection and handed them over to their Borana parents in the presence of government and Borana leaders at Bubisa. Although this was meant to be a gesture of bringing peace to the warring communities, among the Boranas, it was viewed as a sign of cowardice; 'that Gabras feared reprisals.

70. On 11th July, 2020, Boranas attacked Gabras at Ididho in an incident where one of the aggressors died. On 12th July, 2020, the Boranas attacked Gabra herdsmen around Turbi where some herdsmen were killed.
71. Some of the farms where Borana aliens have been settled on include those belonging to late Sora Qere, prominent medical practitioner, Mr. Abkul Orto, Mr. Umuro Sora Adano and Dr. Hussein Adan Isack (Aba Simpire) in Badasa location as well as farms belonging to late Hon Abdikadir Yattani, former MP for Marsabit North, Dabaso Galgallo, Burji Gorai in Qilta location. This is in violation of their constitutional right to property.
72. The Marsabit County insecurity situation is a political problem requiring a political solution. As a political leader, he was committed to bringing peace and stability in Marsabit County and would participate in any process to the effect.

3.3 The Gabra Council of Elders

73. Mr. Kanchora Chepe Isacko, Chairman and Mr. Isacko Galgalao Mamo, Secretary, Gabra Council of Elders, appeared before the Committee on 14th November, 2021 during the public hearing at the ACK Church Hall in Marsabit town. They submitted on behalf of the Gabra Community as follows-
74. The said Petition disguisedly brought on behalf of Saku Constituents is indeed a contrived plot propagated by the Hon. Member for Saku and a few of his Borana community members and not the views of the cosmopolitan residents of Saku. The Petition represents the views of one community which is the Borana to the exclusion of over 14 other tribes living in Saku Constituency.
75. The Petition is misleading in substance. It presents a skewed account of the events of insecurity and the causative factors and fails to disclose all the pertinent violent acts of aggression attributed to Borana militia under his command that have resulted in numerous senseless murders of other communities, including Gabra, Rendille, Kalenjin, Kamba, Kikuyu, Meru, Burji, and Turkana committed within Saku town and its environment.
76. The alleged relocation of Horonder community to Bubisa has no foundation and is merely an expression of the Petitioners' prejudice against Gabra community and his long-standing campaign pledge and political strategy to displace them from the entire Saku Constituency through violent and institutional means. Saku Constituency is the ancestral home of Gabra and Rendille communities

and the two have never had any boundary or land dispute and are co-existing harmoniously. Horonder is Gabra community land and there was no plan to relocate Marsabit Airstrip to Horonder as alleged in the Petition. In any event, such an alleged plan cannot be legally undertaken without the consultation and consent of Horonder residents.

77. Many lives have been lost in various clashes between Gabra and Borana communities. However, the active aggressors have always been the organised Borana militia funded and coordinated by the MP for Saku, Hon. Dido Ali Rasso and some like-minded Borana leaders. Without downplaying the loss of lives, the MP is only lamenting about the deaths of Borana militia while conveniently omitting to disclose the trigger of such deaths and the innocent lives lost on Gabra side, some of whom are his constituents.
78. There has never been any Borana settlement in Hargeisa. On the contrary, Gabra villagers have been displaced from their homes in Saku constituency and forced to settle in Konso Banchale, Sales Waqo, Athi Huqa and Isacko Umuro schemes. It is important to note that members of the Gabra Community were made to settle in these schemes for security reasons following the 2005 clashes after they were chased from the larger Saku constituency.
79. The Gabras have never initiated or planned any raid or violence against Borana settlement or any other community in Saku Constituency as alleged by the Petitioners. As a matter of fact, all the attacks mentioned in the Petition were raids executed by organized Borana militia on Gabra villages and herders' camps. As a deception strategy, the Petitioners deliberately omitted the names of Borana aliens who were killed in Saku constituency. It is in the public domain that there are five (5) Borana militia camps at Elle Dimtu, Jaldesa/Badassa, Ambalo, Badan Rero and Kubi fed, supported and coordinated by NG-CDFs Saku/Moyale and County Government of Marsabit.
80. The movement of Borana from Hurri Hills, North Horr Constituency and their resettlement at Kubi Qallo in Saku Constituency was voluntary and was entirely coordinated and facilitated by Hon. Dido Ali Rasso against the guidance of Gabra leadership. Saku NG-CDF vehicle was used to facilitate their transportation and movement. The aim of the resettlement was to boost his political base in Saku Constituency. However, over sixty (60) Borana families who remained at Hurri Hills live harmoniously with the Gabra community despite insecurity in other parts of the county.

81. The Gabra community lives peacefully with its neighbours the Rendille, Burji, Turkana, Ajuran, Degodia, Amar, Garreh and others in Ethiopia and Kenya. On the contrary, the Boranas are at war with all their neighbouring communities like the Rendille, Degodia, Garreh, Ajuran and Gabra and also other ethnic sub-groups of Oromo in Southern Ethiopia. The Borana militiamen have been known to carry out deliberate and well-planned attacks and raids on Gabra settlements using sophisticated military weapons.
82. The Government of Kenya disarmed all the National Police Reservists (NPR) KPRs across the county without any discrimination as per the national government directive. There was no targeted and discriminatory disarmament of Borana as alleged by the Petitioners.
83. The Gabra community is a peace-loving community with enough land to occupy, graze and certainly with no expansionist agenda or desire to displace other communities. The ultimate aim and effect of the said Petition are to deride, demonise and label the larger peace-loving Gabra community in the country as war mongers and selfish expansionist and thereby arouse the feeling of hatred, contempt and violence from the other communities living in Marsabit County towards Gabra community.
84. By presenting a skewed account of insecurity problems in the county in the name of a Public Petition, the Hon. Dido Ali Rasso seeks to divert the public and the Government's attention from all the atrocities, illegal activities and anarchist agenda for which he and the current Governor of Marsabit County, H.E. Mohamud Ali are responsible for, harbour and promote using public funds and which I shall lay bare hereinafter.
85. Article 10 of the Constitution of Kenya, 2010 espouses cardinal national values and principles upon which our entire governance framework is founded. These national values and principles bind every person. They include accountability and respect for rights and fundamental freedoms.
86. The duty to protect, respect and promote the bill of rights in particular the sacred right to life, freedom from discrimination and the right to property, falls on every person. That duty is even higher for a state officer such as a Member of Parliament who is expected to preserve all the life and property of everyone by refraining from acts that may endanger the lives of people in his constituency. He is obligated to deliver services to everyone in his constituency

without any form of distinction based including on ethnicity, political affiliation and race.

87. The leadership of Marsabit county and Saku Constituency led by the current Marsabit County Governor H.E. Mohamud Ali and Hon. Dido Ali Rasso have abdicated their constitutional mandate. They have reduced themselves to ethnic Gods and created a divisive system whereby the loss of lives and property of Gabra community at the hands of Borana militia whether from within or outside Kenya are ignored and discreetly celebrated whereas those of fellow Boranas is often met with outrage and ultimatum of vengeance and bloodshed to be meted upon members of Gabra Community in Marsabit County, their innocence notwithstanding.
88. The political survival of Governor H.E. Mohamud Ali and Hon, Dido Rasso depends on evoking hatred, vitriol and violence towards other communities, particularly the Gabra and illegal promise to evict them from Marsabit County which is appealing to the Borana electorates. Not once did the Marsabit County Governor and Saku Constituency Member of Parliament send condolences or mourn with Gabra families and victims of senseless killings committed by Borana in Saku Constituency or the neighbouring regions.
89. The causes of insecurity in Marsabit County are as follows-
 - a) Borana's leadership's expansionist agenda like creation of borderless Borana state from Southern Ethiopian to Tana River County through Marsabit County;
 - b) Misuse and misappropriation of county resources and donor funds and projects;
 - c) Ethnic superiority complex and pursuit of control of Marsabit County;
 - d) Porous Kenya-Ethiopia border allowing the easy influx of Borana aliens; and
 - e) Ethnic hatred and hate speech fuelled by Marsabit County and Saku Constituency leadership.

a) Borana leadership's expansionist agenda to the effect of creation of borderless Borana State from Southern Ethiopia to Tana River

90. The current Marsabit County is home to over 14 different ethnic tribes with Gabra, Borana and Rendille being the three major tribes as per the last Kenya's National Census of 2019. These three communities are all nomadic

pastoralists and move around with their livestock searching for water and pasture. This nomadic lifestyle and the scarce resources occasionally lead to conflict over the scarce resources resulting in loss of lives. In addition, the proximity to each other and straddling of grazing lands has facilitated conducting of intermittent cultural raids.

91. Despite these intermittent raids, Marsabit County which was once Marsabit District, has had a peaceful internal atmosphere from 1963 when Kenya got independence until 1988 when the current Saku constituency was carved out of Marsabit North and Marsabit South Constituencies. Marsabit District used to be known as Gabra District because of the predominant community that lived there together with Rendille before the coming of Borana community in 1921 who were then fleeing from persecution by then Emperor of Ethiopia.
92. The curving out of Saku Constituency ushered in a period of endless killings and tribal animosity as Borana community leadership selfishly sought a firm grip on the control and 'ownership' of the entire constituency. Whereas, the causes of the conflict in the current Marsabit are multifaceted as listed above, the glaring and the underlying driver of the insecurity is the Borana nationalist and expansionist agenda fueled by the Borana political leaders, in particular, the Governor of Marsabit County Mohamed Mohamud Ali and Saku MP, Hon. Dido Ali Rasso.
93. During the pre-colonial days, both Gabras and Boranas mainly resided in Ethiopia with Gabras living in regions bordering Kenya such as Moyale, Yaballo, Magado, Arballe, Qancharo and Gorai and the regions around Affar Mountain. In fact, the word Yaballo comes from the words, '*Yaa Balla*' referring to the Gabra traditional assembly. The Gabra community was driven out of the above ancestral homes by the Borana while pursuing their cultural practice of raiding and killing other communities without provocation.
94. These regular and persistent barbaric raids and killings gradually pushed majority of Gabra into Kenya, leaving behind their belligerent Borana aggressors in Ethiopia. Despite the Gabra community moving out of their violent path, Boranas did not cease their violent aggressions but instead pursued the Gabra into Kenya on horses and mules to continue with their insatiable bloodthirst. Tired and bogged down by persistent loss of lives and

livestock at the hands of the Borana raiders, the Gabra community decided to stand their ground and fight back.

95. After the defeat and repulsion of the Borana aggressors by Gabra, a period of normalcy and peace was restored for some time between the two communities. Later on, the Borana in Ethiopia suffered persecution meted against the conglomerate Oromo by the then successive Ethiopian Emperors. The persecution faced by Borana in Ethiopia forced them to adopt a friendlier approach in order to gain support and refuge within Marsabit County that was then known as Gabra District and occupied by Gabra and Rendille communities.
96. Despite a sad history of persecution, killings and forceful displacement from their land in Ethiopia, the Gabra forgave the atrocities committed against them and granted refuge to the Borana who came in small numbers and later *en masse* and settled among the Gabra settlements in the current Marsabit County. Although this settlement led to an increase of the Borana community population in Marsabit County, there was generally peace and prosperity in the County (the then Marsabit District after the name was changed from Gabra District).
97. Marsabit District then was a single constituency comprising the current Saku Constituency, North Horr, Laisamis and Moyale Constituencies until 1979 when Moyale Constituency was established. In 1986, the current Saku constituency was carved out from Marsabit North (North Horr) and Marsabit South (current Laisamis) Constituencies. By this time, the Borana population in the Marsabit area had grown considerably large due to the continuous influx of Borana immigrants from Ethiopia, enabling them to contest and win the newly created Saku Parliamentary seat and the Moyale Constituency established in 1979.
98. From the advent of colonialism until 1986 when Saku Constituency was created, the leadership of the larger Marsabit North and South was exclusively under Gabra, Burji and Rendille and there was peace and harmonious co-existence of all communities. The Borana leadership, then in control of Moyale and Saku Constituencies began implanting a seed of aggressive ethnic superiority narrative whereby they asserted the Borana's exclusive right to control and own the two constituencies and the benefits that accrued from their establishments.

99. The above aggressive ethnic agenda was partly realized as the leadership of the two constituencies succeeded in marginalizing the other communities comprising the constituents particularly Gabra who are the 2nd largest community in Saku Constituency. Since Saku Constituency was carved out of Marsabit North and Marsabit South, the Gabras have not had a single chief as Borana leaders and politicians influence the appointing authority at the county and regional level. The statistics below on Chiefs in Saku Constituency shows skewed representation in favour of Borana.

- a) Borana 14
- b) Burji 3
- c) Rendille 9
- d) Turkana 2
- e) Kosso 1
- f) Indian 1
- g) Waata 1
- h) Gabra, 0

100. In Saku Sub-County, Gabras are deliberately discriminated against in the issuance of National Identity Cards and appointment to Land Adjudication Vetting committees. This discrimination is a Borana political strategy of facilitating registration and issuance of National Identity Cards (IDs) to aliens/OLF from Ethiopia. Further, chiefs are influenced to deny essential services like relief food provision, OVC programs, Kazi Mtaani, Hunger Safety Net Programme (HSNP) and Social Protection to the disadvantaged unrepresented communities as well as delinking Gabra community from the government and its services. The same situation prevails in Moyale sub-county, even in areas where Gabras are the majority.

101. There is also systemic marginalization of Gabra in school administration by Saku Constituency leadership. The Borana leaders in Saku constituency instigate systematic removal of competent Gabra headteachers and incite the Borana community to reject new postings of teachers from Gabra community to schools in Saku constituency solely on the basis of their ethnicity, thereby perpetuating dominance of Borana in local schools' administration.

102. The Gabras in Saku Constituency don't benefit from NG-CDF for Saku and Affirmative Action Fund as the Borana leaders in control of these funds deliberately channel the resources exclusively to Borana and Borana controlled areas even where the same are earmarked for development

projects in areas occupied by Gabra. Despite their rights to funding, needy and bright Gabra students in Saku are intentionally denied NG-CDF bursaries forcing them to seek funding from the meagre allocation for the larger North Constituency.

103. Saku Constituency leadership, NG-CDF Committee and resources have become a Borana affair while other communities only receive bones thrown at them for political convenience and public relations gimmick. The above are just the tip of the iceberg of the gnawing effects of clamour for ethnic dominance and suppression of socio-economic and political development of other communities in particular, Gabra by Borana.
104. Seeing that their plan for ethnic dominance was gradually bearing the intended fruits in Moyale and Saku Constituencies, the Borana leadership decided to take their expansionist and nationalist agenda a notch higher as they began a clamour for creation of Borana state, which connotes a modern day Borana empire that runs from the Oromo region in Southern Ethiopia through Moyale-Kenya, Marsabit, Isiolo and Tana River.
105. There is a famous Borana phrase (*'borani kutta inqabu. ka Dirretif ka Wassolen tokum'*-*Boranas have no distinction. Those from Dirre (Ethiopia) and those from Waso (Isiolo) are one and the same*) which aptly captures the creation of a borderless Borana state. To this effect, a lot of inciting ethnic poems, spoken words, songs and speeches have been composed, recorded and played over local radio stations in the local Borana dialect by various Borana elites, elders, musicians and politicians and are currently in circulation. The following are examples in circulation-
 - a) *A lake has formed from Liban (Ethiopia) to Waso (Isiolo), 'can a dam exist in the middle of a Lake?'* Translation. Lake: Borana, Dam: Gabra.
 - b) *A riddle; (Impoya – laffat lafruuk) "land has jumped land" answer is (Shurr in North Horr Constituency). This is a clarion hate call to incite Borana against the Gabra by Mr. Iya Guyo, a Borana elder/former councillor from Sololo during Badan Rero Peace meeting organized by two Regional Commissioners (North Eastern and Eastern), attended by two County Commissioners and two governors on 16th June, 2020;*
 - c) *Construction of a road from (Elle Dimtu in Kenya to Magado in Ethiopia) to facilitate smuggling of illegal arms/ammunitions / illicit*

drugs and movement of aliens; road popularized as the “Route for stealing” “Karra Hana luggu” by current MCA Uran Ward – Hon. Halkano Kosso Ali during Governor’s rally at Elle Dimtu in 2019.

d) Peace is not like rice to be cooked and served on a table (late former Saku MP Hon. Abdi Tari Sasura 2002 -2006).

106. To realize this Borana State idea, Boranas needed to have exclusive control and ownership of the routes and land from Ethiopia to Isiolo. This therefore meant that the communities along the planned Borana State route have to give way by whatever means necessary. However, the Gabra, Rendille and Burji communities proved to be a major impediment to the achievement of a so selfish and medieval expansionist plan. They occupied the routes and rangelands between Moyale and Saku Constituency, Kenya-Ethiopian border towns blocking their access or the fertile farmland in Moyale and Saku Constituencies.
107. Being new arrivals, the Borana owned less productive agricultural parcels and grazing lands as compared to Burji, Gabra and Rendille. To realize their dream, it therefore meant that the Gabras, Rendilles and Burjis had to be forced out of their land. To contextualize the expansionist agenda, the early 1990s saw the birth of Oromo Liberation Front (OLF) after the ouster of Emperor Mengistu Haille Mariam of Ethiopia which was fighting to topple the Ethiopian government. This rebel OLF, consisting of members from Borana community set operational bases in Kenya and with the support of the Borana leaders were issued with Kenyan National ID Cards.
108. For a long time, the Ethiopian government has unsuccessfully attempted to flush out the OLF rebel forces in both Kenya and Ethiopia as OLF keeps evolving both in terms of its organization and causes. Through constant pursuit, attacks on their bases and killings of the rebel leaders and sympathizers, the Ethiopian Government managed to disintegrate the rebel forces. Thereafter, and with the support of Borana leadership, the Borana section of OLF managed to disguise themselves and their operations by living among the Borana community particularly in Moyale, Sololo and Marsabit and carrying out illicit activities in Kenya.
109. With time, the Borana section of OLF delinked from the larger OLF leading to the emergence of Borana militia comprising both splinter groups from OLF and local Borana recruits in Kenya. The Borana leadership took advantage of the well trained and armed Borana militia living in Kenya

using them as guns for hire to carry out raids and assassinations of key leadership figures from other communities and political opponents including those from their own community.

Killings of prominent Gabra Leaders by Borana Militia

110. To illustrate the above, some of the prominent Gabra leaders killed by Borana militia include the late Hon Isako Umuro, former MP, Marsabit North, Mr. Sora Qere, a renowned medical practitioner and Senior Superintendent of Police, Ali Forra Guyo who was tasked to investigate the infiltration of OLF in Kenya in 1991.
111. Through these killings, the Borana leadership sought to intimidate and force other communities out of Moyale and Saku Constituencies. The Borana militia became ready agents to be used by Borana leadership in facilitating the implementation of the creation of a Borana State.
112. One of the proponents for the creation of a Borana State, then was the late OLF kingpin Mr. Jattani Ali Tandu who was killed in Nairobi and later buried in Marsabit Colonial War Cemetery. This idea of Borana state also found support among the Borana Leadership in Saku Constituency.

Displacement of Burji from Marsabit Mountain Slopes

113. In the 1990s, the then MP for Saku Constituency, J.J. Falana incited his Borana tribesmen against the Burji minority on the basis that the Burji owned large parcels of farmland on the Marsabit mountain slopes and also largely controlled the economy of the constituency. Consequently, Borana youth burnt all the crops on Burji farms in Dirib Gombo, confiscated their livestock, killed and displaced Burjis from their land and homes forcing Burjis to take refuge in Marsabit town, a situation that hitherto stands. One of the farms has since been turned into Borana cultural grounds where they hold all their traditional ceremonies and is referred to as '*Artha Jilla Gadamoji*'.
114. After the forceful displacement of the Burji community from the fertile mountain slopes, the Borana leadership embarked on a plan of displacing other communities, in particular the Gabra from Marsabit Central, Kenya-Ethiopia border towns and the rangelands along the Marsabit-Moyale highway.

Turbi Massacre, 2005

115. On 12th July, 2005 the Borana militia invaded Gabra settlement in Turbi, killing more than seventy 70 people in their sleep, including pregnant women and children and made away with tens of thousands of livestock in what came to be known as the Turbi Massacre.
116. The militia savages did not only kill people but mutilated their bodies, tore open wombs of pregnant mothers, amputated the limbs of fetuses and left them lying on or next to their dead mothers. This senseless ethnic extermination extended to Saku Constituency where the Gabras living in Sagante/Jaldesa ward were displaced from their homes and forced into five schemes for security reasons where they live to date. These schemes are Athi Huqa, Isako Umuro, Sales Waqa, Kosso Banchalle and Gabbra schemes. Their properties were also destroyed, livestock stolen, crops burnt, farms either grazed on illegally or allocated to alien Boranas from Ethiopia. The atrocities committed against the Gabra community were never addressed even by the national government.
117. The causative factor of that situation still lingers on with the successive Borana politicians using the eviction of other ethnic communities from Saku Constituency as a campaign tool and pledge. Around the same period of Turbi Massacre, similar unprovoked recurrent attacks were carried out by Borana militia along the Kenyan-Ethiopia border towns of Forolle, El-Hadi and Dukana accompanied by massive loss of lives and property.
118. Despite the constant provocation and recurring attacks from the Borana, the Gabra community has always been on the defensive and are not the aggressor. The shared loss brought about by the death of the area MPs from three communities in 2006 plane crash in Marsabit while on a peace mission. Their deaths led to a short period of normalcy and calm until 2013 when the pursuit of county leadership revived ethnic hatred and violence, especially between the Boranas and the Gabras. Just before the inception of the County Government in 2013, several killings took place perpetrated by the Borana which the Patitioners conveniently leave out as a trigger of the current spate of killings. These include-
 - a) A Garri old man, looking after the camels of the Abba Chuluke (Muzungu), was murdered in cold blood around Jaldesa area.

b) A herder Mohamed Ibrahim Abdi was shot dead in broad daylight in Kubi Kalo in Sagante location as he was taking an afternoon nap at his camel's kraal.

119. The 2013 gubernatorial race pitted the current Marsabit County Governor Mohamud Mohamed Ali and the current CS, National Treasury, Hon. Ambassador Ukur Yatani with the later emerging the winner. Since the race was deemed to be between the Borana and the Gabra, the Borana Community could not accept electoral defeat at the hands of Gabra who they considered inferior and not competent to lead them.
120. Between 2013 and 2014, the Borana community declared war on Gabras living in Moyale which led to the death of more than 40 people, destruction of property, massive looting, torching of houses and displacement of hundreds of Gabras from their homes. This was meant to make Marsabit County ungovernable so that the leadership is termed weak so that the national government could take over the affairs of the County. The Boranas believe that they could not be governed by a Gabra who happened to have won the coveted gubernatorial seat.
121. Despite these unfortunate incidents and attempts to wreak havoc, the current CS, as the then Governor brought peace and development that lasted until the end of his term when ethnic tension erupted again in 2017.

Settlement of Borana aliens at Elle Bor and Elle Dimtu in North Horr Constituency

122. After winning the 2017 election, the current Governor of Marsabit Mohamud Ali began an aggressive plan to settle Borana aliens from Ethiopia in Gabra rangelands in Elle Dimtu and Elle Bor in order to issue them with identity and voter's cards, thereby boosting the number of Borana voters in Marsabit County.
123. Immediately after his inauguration in 2017, Governor Ali settled Borana aliens from Ethiopia at Elle Dimtu and Elle Bor in Forole Location, North Horr constituency. The Governor has claimed this settlement as his achievement, as evidenced by a clip by Member for County Assembly (MCA) for Uran ward and majority leader Hon. Halkano K. Ali as part of their fulfilment of election pledges on the expansion of what they call Borana territory as they called it.

124. Governor Mohamed Ali used county resources and national security apparatus to legitimize the illegal settlement by issuing the aliens with National Identity Cards, building social amenities such as Early Childhood Development Centres (ECDs) and health centres and houses for them under the guise of a refugee settlement. This illegal settlement triggered fresh unrest between the Gabbra in Forolle Location of North Horr constituency and Borana aliens, which resulted in the complete displacement of Gabbra village at Iddido.
125. The insecurity was further exacerbated by the Gazette Notice No. 5853 Vol. CXIX—No. 80 and dated 21st June, 2017 establishing administrative units of Oronder sub-location under Marsabit Central Division, Elle Bor Location and Elle Dimtu Sub-location under Sololo Sub County. The establishment of the administrative units under areas predominantly occupied by Borana community brought about a sense of ownership over the units as the Borana leadership acted upon these illegal administrative units to cement their ownership claim to the rangelands by using county and donor funds to establish social amenities in the newly gazetted administrative units.
126. Elle Dimtu and Elle Bor have been Gabra community land since time immemorial and are electoral units under North Horr Constituency. Whereas the Cabinet Secretary has the power to establish new administrative units, under Section 14 of the National Government Co-ordination Act No. 1 of 2013, the Cabinet Secretary is required to accord and respect the county government decentralized units in establishing the same. The intention of the Constitution of Kenya 2010 is to bring the provincial administration in line with the devolved system of governance. Further, the Cabinet Secretary is bound by the national values and principles which include public participation and respect for community land rights.
127. In light of the foregoing, the established administrative units are illegal because they do not accord with the devolved system of governance, offend Gabra community land rights and there was no public participation of the affected Gabra community before their creation. Since Elle Dimtu and Elle Bor are geographically within North Horr Constituency and electoral boundary, any administrative units established in the areas ought to be rationally and legally under Maikona and Turbi Districts, respectively.

128. The new administrative units have not facilitated the delivery of services. They have instead brought about more conflict, clashes and deaths and therefore, the Gazette Notice establishing them ought to be revoked in order to bring them in line with the existing geographical and electoral boundary.
129. Around the same time of settlement of aliens at Elle Dimtu, forceful alienation of Gabra community land along Marsabit-Moyale Road between Marsabit and Bubisa which is in North Horr Constituency was attempted by MP for Saku, Hon. Dido Ali Rasso.

Killings by Borana after the 2017 general elections

130. On 7th April, 2017, a 13-year old boy, Hassan Mohamad Wario ferrying milk to Marsabit town was found murdered in Dokatu area of Sagante location. On 12th July, 2018 Boranas facilitated by Hon. Dido Ali Rasso invaded Horonder village in Bubisa Location, North Horr Constituency with intention of forcefully settling there.
131. The lorry which transported and settled Boranas at Horonder belonged to Hon. Dido Ali Rasso. The illegal settlers came well-armed with the intention to displace the already settled Gabra village. Consequently, fighting broke out between the two communities and some lives were lost on that day. However, the Petitioners have not disclosed the torching of Gabra houses by the belligerent illegal settlers under the command of Hon. Dido Ali Rasso.
132. The purpose of the attempted violent and forceful settlement of the Borana in Gabra community land at Horonder was part of the larger expansionist scheme by the current Saku MP, Dido Ali Raso. This was intended to secure the grazing grounds for Borana community and slowly create an exclusive permanent settlement of Borana community from Ethiopia to Marsabit. Horonder has been Gabra grazing land and therefore community land from time immemorial. The Petitioners are misleading Parliament and the public by claiming that there was a plan to relocate Marsabit Airstrip to Horonder.
133. On 13th October, 2018, Shurr village in North Horr Constituency was attacked in an early dawn raid. Three young men were murdered including a police reservist, whose gun was taken by the Borana bandits. An intelligence

report was given to the police commander; one Mr. Oloo that Borana militia is managed and financed by Saku MP, Hon. Dido Rasso and Marsabit Governor, H.E. Mohamed Mohamud Ali at Jaldesa. He claimed that they found out that there were signs of immediate human habitation but they did not find the militia.

134. It is a known fact that Hon. Dido Rasso works in cahoots with the police and so there is no way the militia can be identified and arrested. Shurr village was attacked by this militia. In a mobile phone recovered from one of the militiamen, there was direct phone conversation between the militiaman and Hon. Dido Rasso which shows that the Hon. MP was fully aware and behind the attack. It is important to note that Borana militia and bandits often record the events of the attacks which attest to a well-coordinated and financed operation akin to a military one.
135. On 26th December, 2018 a high school boy and a herder were murdered in cold blood in an attack on a herders' camp ("Fora") around Turbi. On 24th April, 2019, there was a massacre on Konso Banchalle's scheme which was initially displaced in 2005 Turbi Massacre. Two (2) women Dahabo Hussein Guracha and Ashkunu Roba Diba together with her son Galgallo Roba Diba were killed while five other school children were seriously injured. They were taken to Kenyatta National Hospital and some are still recuperating from severe injuries.
136. A day earlier, when two Borana herders were killed by unknown assailants, the area MP Hon. Dido Ali Rasso vowed and gave an ultimatum to the Government that 'if the culprits are not apprehended within 48 hours, Marsabit will be on fire.' True to his words, in less than 24 hours the attack on Konso Banchale village was carried out. Despite the fact that Konso Bachale is in Saku Constituency, the Hon. MP did not even send a message of condolences to the bereaved families because they were not from his community.
137. On 5th May, 2019, 11 Gabra elders from Forolle were lured to a fake peace meeting at Kenya-Ethiopia Border and murdered in cold blood. During this incident, both Dido Ali MP Saku and Marsabit County Governor Mohamud Ali in a local Radio FM Station defended their Borana kinsmen who murdered the peace emissaries under the guise of a peace meeting.

138. The 5th May, 2019 incident was later followed by an attack on a vehicle on Marsabit-Maikona road that led to the killing of two government officers and injuring of other travellers. The travellers were killed on the mistaken belief that they were Gabras travelling back from a funds drive.
139. On 14th April, 2020, Boranas killed a Gabra called Adano Duba Sora who was a civil servant working in County Commissioner's office at Jaldessa. The killing was to prove that certain areas in Saku constituency were a no-go zone for the Gabras. The innocent old man had gone to look for his lost donkey when he met his death in the hands of bloodthirsty perpetrators. No arrest has been made to date, although the culprit is known.
140. On 10th May, 2020, Boranas killed a Gabra herdsman and five camels belonging to the family of Adano Duba Sora whom they had butchered a month earlier. This was done so that the grazing land is exclusively reserved for Borana. It was also meant to intimidate and scare Gabra away. There was also the killing of a Gabra herdsman at *Halakhe-Yaya* dam.
141. On 16th September, 2019, Boranas killed a Gabra elder, Abdi Wario Hosara at Gabra scheme and the following day on 17th September, 2019 they killed another Gabra, Isako Duba Dadote in the same village. All the murderers are at large with the support of the area MP who encourages his Borana kinsmen to conduct atrocities against Gabra.
142. On 27th May, 2020 the Borana again attacked Gabra scheme and seriously injured a headteacher, Mr. Boru Dabaso. On 2nd June, 2020, Gabra herders at Horonder found two Borana boys lost in the bush and handed them over to their Borana parents in the presence of government and Borana leaders at Bubisa. Although, this was meant to be a gesture of bringing peace to the warring communities, among the Boranas, it was viewed as a sign of cowardice; 'that Gabras feared reprisals.' On 11th July, 2020, Boranas attacked Gabras at Ididho, and one aggressor died. On 12th July, 2020, they again attacked Gabra herdsman around Turbi.
143. Regarding the fight at Kukuto, on 6th November, 2019, where the Petitioners claim that ten (10) herders were killed, they have not explained why all of them were buried in a hurry in a mass grave with no postmortem done. It is a known fact that most of those killed in that fight were aliens whose quick burial was to conceal their identity. Armed with sophisticated weapons, the Boranas believed they could deny Gabras their grazing right to the area.

Consequently, a fight broke out and the Borana aliens lost their lives in the ensuing exchange of fire.

144. The root causes of the insecurity problems in Marsabit County is therefore the expansionist agenda of Borana leadership and their belligerent attitude towards other communities. It should be noted that Boranas want to be the only community residing in Marsabit County and their leadership has tried as much as possible to get exclusive control of land and leadership in Marsabit County by deceptive and aggressive means to the detriment of others.
145. The Borana leaders in particular, Abba Gada, Borana traditional leader and king from Ethiopia now see Marsabit County as an extension of his kingdom and he is facilitated by county public coffers which is imprudent and illegal use of taxpayers' money. The expansionist agenda has now been extended to Tana River even though Tana River is occupied by Orma.
146. The Borana leadership has continuously advanced a false and tired political narrative that their population extends from Southern Ethiopia to Tana River County to show an alleged strength of numbers and to cower other communities under their belligerent rule.

b) Misuse and misappropriation of County Funds and donor funds and projects

147. The Borana leadership led by Governor Mohamud Ali and Saku MP Dido Ali Raso are using Marsabit County and Saku Constituency's resources and donor funds to achieve their illicit expansionist agenda and to gain and maintain dominance in Marsabit County leadership.
148. Hon. Dido Ali Raso and Governor Mohamud Ali are using county resources to forcefully settle Borana aliens on Gabra farms in Saku Constituency. Some of the farms where Borana aliens have been settled on include farms belonging to the late Sora Qere, medical practitioner, Mr. Abkul Orto, Mr. Umuro Sora Adano and Dr. Hussein Adan Isack (Aba Simpire) in Badasa location as well as farms belonging to late Hon Abdikadir Yattani, former MP for Marsabit North, Dabaso Galgallo, Burji Gorai in Qilta. The settlement is done in violation of their constitutional right to property.
149. With county resources now at their disposal, the aforementioned leaders are spearheading the scramble for Gabra community land in and around Saku

Constituency thereby leading to animosity between the two communities which often ends in bloodshed.

150. Saku NG-CDF vehicles are used to facilitate Borana militia both domestic and foreign to carry out and sustain attacks against the Gabra including at Horonder, Shur, Forolle, El-hadi, Dukana, Elle Dimtu, Idhido and Turbi. The current Marsabit County Governor, H.E. Mohamed Ali has been fueling clashes between the Gabra and their neighbours by setting up projects in disputed rangelands like Balchaloki borehole, Qoran Gogo borehole, water pan, dispensary and ECD facilities at Elle Dimtu.
151. The Governor had illegally settled Borana aliens from Magado area in Ethiopia in the controversial administrative units of Elle Dimtu and Elle Bor which were irregularly and illegally established in 2017. The two areas are part of Forole location and Turbi Districts respectively in North- Horr Constituency with an established polling station since 1988. Immediately, after the 2017 general election, a wildlife community conservancy station at Elle Dimtu was abolished and all the Gabra villages forcefully displaced by Borana militia with funding from the County government of Marsabit and Moyale NG-CDF kitty.
152. A 30,000m³ dam had also been constructed in the area using World Bank Funds implemented by the Kenya Climate Smart Agricultural Project (KCSAP) and Marsabit County government resources. A protest letter on the construction of the dam was sent to the World Bank Kenya but was disregarded.
153. In a recent visit to Elle Dimtu, the Borana aliens proudly informed the National Cohesion and Integration Commission's (NCIC) that were settled and being fed by the county government of Marsabit and Moyale CDF. The county government of Marsabit, Saku and Moyale Constituencies' leadership finance and facilitate Borana militia to undertake unlawful activities like transportation of illegal arms and ammunitions into and out of Borana areas. One such route for easy smuggling of arms, drugs and aliens is the newly constructed road from Elle Dimtu in Kenya to Magado in Ethiopia. This road is of great strategic importance to the Borana leaders' expansionist agenda as confirmed by the MCA Uran Ward where he was recorded saying *Karra Hanna Luguu-Road for stealing* and the same clip shared widely on various social media fora in 2019.

154. In another meeting, Governor Mohamud Ali also confirmed his role in the illegal activities, misuse of county resources including the settlement of aliens at Elle Dimtu and Elle Bor, skewed employment of Boranas in county government and setting up of social amenities in the two illegal settlements. The control of the county resources and passivity of the security apparatus have enabled these two leaders to turn the county into an ethnic outfit, an extension of Borana traditional political organ (Gada system) that is headquartered in Ethiopia.

155. The Marsabit County, Saku and Moyale Constituencies' leadership are financing and facilitating five Borana militia camps at Elle Dimtu, Jaldesa/Badasa, Ambalo, Badan Arero and Kubi Qalo.

(c) Ethnic superiority complex and pursuit of control of Marsabit County

156. The Borana leadership has an archaic ethnic superiority complex whereby they believe that Marsabit County belongs to the Borana Community and therefore they should have exclusive control of the entire County and its leadership. This ideology is so perverse that it has seeped into the fabric and the mindset of the entire Borana community.

157. To advance this medieval ideology, the Borana leadership is engaging in various illegal schemes which are detrimental to the cosmopolitan county. These include, abuse of power and discrimination in service delivery particularly against Gabra community.

158. After failing to forcefully settle Borana aliens at Horonder in North Horr Constituency, Saku MP and Governor Mohamud Ali have resorted to abuse of power to influence the allocation of Horonder community land to KDF without public participation of Gabra community and its leadership. Horonder is a Gabra grazing area in North Horr Constituency and therefore Gabra community land. Constitutionally, the county government is a trustee of all the community land and for any acquisition, transfer or development to be undertaken on the said community land, there should be a rigorous and exhaustive community engagement process so that valid community consent is obtained.

159. Section 6(8) of the Community Land Act, 2016 provides that a county government shall not sell, dispose of, transfer, and convert for private purpose or in any other way dispose of any unregistered community land

that it is holding in trust on behalf of the communities for which it is held. All community land in Marsabit remains unregistered which has been one of the main causes of conflict in Marsabit.

160. Article 10 of the Constitution of Kenya, 2010 lists public participation as one of the national values and principles of governance that binds all state organs and citizenry to be involved in the decision making. This article envisages open, accountable and structured processes where citizens or a community can interact, exchange views and take part in decision making.
161. The constitutional requirement for community engagement and section 6(8) of the Community Land Act, 2016 were violated in awarding a vast piece of community land (10,000 Hectares) to KDF for training purposes. The environmental and social impact assessment of the intended use of the same land by KDF has not been done and the community is apprehensive that the alleged acquisition of community land by KDF will have an adverse impact on the community and the area. Although KDF settlement is a national program, the intentions of the Governor and the Saku MP are an ill-fated arrangement to hurt the Gabra negatively.
162. Since Governor Mohamed Mohamud Ali came to power in 2017, there has been targeted ethnic cleansing of the Gabra from employment in the county government. Many Gabra employees have either been illegally transferred, demoted or sacked. The Governor is engaging in outright abuse of power by discriminating against the Gabra in employment opportunities, service delivery and general welfare.
163. Since 2017, there is no county government development project that has been undertaken in the whole of North Horr Constituency. Further, the County Government has created various job positions without a clear portfolio and sometimes duplicating roles, thereby ballooning the county wage bill. Within one and half years since coming to power, the Marsabit County Governor has employed 800 to 1000 Boranas and has publicly acknowledged this fact in a public address to his community.
164. There is massive looting of county resources by the County Governor and his cronies at the expense of service delivery in the county. The key flagship projects located in Gabra land have been abandoned by the current county government, like the Shegel Abattoir. The Governor is also diverting development resources to reward his supporters.

165. Gabra settlements bordering Saku Sub-County are denied development for allegedly settling in disputed areas while taxpayers' money is used to construct an access road from Elle Dimtu, a disputed area in Kenya to Magado in Ethiopia to allow the influx of Borana aliens, illegal firearms and drugs into Kenya. The county government is funding development projects in Ethiopia and purchasing vehicles for Borana traditional leader in Ethiopia.
166. Services by the national government agencies in the county under the Borana leadership such as National Government Affirmative Action Fund and Climate Smart Agricultural Project focus entirely on Borana populated areas. International development agencies are manipulated by the Governor in conducting their activities. For instance, Red Cross Rescue operations are never done in areas occupied by Gabra. New NGOs are deliberately diverted to specific areas with exclusive Borana settlement while those with development projects in Gabra land like Mercy Cops are denied opportunity and often repulsed by the Governor. This is meant to marginalize Gabra community economically.
167. Section 7(1)(2) of the NCIC Act provides that all public establishments shall seek to represent the diversity of the people of Kenya in the employment of staff and that no public establishment shall have more than one-third of its staff from the same ethnic community. The Marsabit County Referral Hospital does not portray the cosmopolitan face of the county as it is overly staffed with Boranas. Casualties of tribal clashes from Gabra rarely get satisfactory medical help. Further, victims of tribal clashes are apprehensive that the Borana staff at the Hospital may intentionally inflict harm or kill them in the guise of offering medical attention.
168. There is outright discrimination in the distribution of public resources in Marsabit County with all development projects from the county, national and donors going to Borana regions without justification and in violation of the constitution and other laws, including the NCIC Act.
169. The County Government of Marsabit under the leadership of H.E Hon. Mohamud Mohammed Ali in collaboration with other Borana political leaders have facilitated illegal closure of the roads leading from Turbi to Forolle, from Forole to Idhidho villages and various other trading centres. This is done by deploying Borana militia to terrorise, kill and maim travellers and herders along the routes.

(d) Porous Kenya/Ethiopia border allowing easy influx of Borana aliens

170. Article 4 of the Constitution of Kenya, 2010 stipulates that Kenya is a sovereign Republic with control and mandate over its territory. The sovereignty of a nation is a well-recognized principle of international law that binds all states. Kenya, as a Republic, has the right and obligation both under national and international law to protect its sovereign integrity, promote peace and security and protect its citizens from both foreign and local aggressions.
171. Marsabit County shares a 500 km long border with Ethiopia. Borana and Gabra communities which are the dominant communities in Marsabit County by population and political influence are found both in Kenya and Ethiopia. While the Gabra live in both countries, many of its people pledge their allegiance to the country they live in. However, members of Borana community, always pledge their allegiance to their traditional leader (Aba Gada) who lives in Borana zone of Ethiopia.
172. The allegiance to a foreign country by all the Borana community members has resulted in them disregarding the international borders and the immigration laws and protocols. The Borana community further believes that Boranas have no border. Those in Ethiopia and those in Kenya are one and the same.
173. The Kenya/Ethiopia Border is porous and unmanned facilitating easy influx of Borana aliens and militia, smuggling of arms and ammunition and drugs into Kenya perpetuating inter-ethnic conflict. The Borana politicians and County leadership take advantage of this porous border, transverse Borana zone in Southern Ethiopia, mobilize, incite and attack Gabra in Kenya at will.

(e) Ethnic hatred and hate speech fueled by the Marsabit County and Saku Constituency political leaders

174. Whereas the Constitution of Kenya, 2010, enshrines and protects the freedom of expression, that freedom does not extend to propaganda for war, incitement to violence, hate speech; or advocacy of hatred that constitutes ethnic incitement, vilification of others or incitement to cause harm. However, in total violation of the constitution and national values and principles, the Hon. MP for Saku, Hon. Dido Ali Raso and Marsabit County

Governor, H.E. Mohamud Mohammed Ali are purveyors of ethnic hatred and agents of chaos through their speech and conduct.

175. Marsabit Governor, H.E. Mohamud Mohammed Ali is always on record openly demonizing, criminalizing and castigating the Gabra community. The Governor's open insult and advocacy of hatred towards Gabra community and hate speech have contributed to mistrust, suspicion and hatred among communities, thus further aggravating conflict and insecurity in the county.
176. The Governor is on record for referring to the Gabra community as 'Mashetani' (devils) and Gabra Council of Elders as Wakora (criminals) and petty brokers. This is evidenced in his addresses in bathanrero during a peace meeting between Borana and Degodia community after forty (40) Degodias were killed by Borana militia. The Gabra community was not present in the meeting and was not a party to the conflict. He has also been on air severally hurling insults at the entire Gabra community.
177. To obtain political mileage and credit from his Borana community, the Governor often openly sides with his ethnic Borana, vehemently castigating the Gabra community for all the ills in the county instead of providing leadership and direction to the county.
178. Realization of peace and stability in Marsabit County lies heavily in the hands of the incumbent Saku Constituency MP, Hon. Dido Ali Rasso and Governor, H.E. Mohamud Ali.

3.4 Borana Council of Elders

179. Mr. Joseph Dida Halake, Chairperson, Borana Council of Elders appeared before the Committee on 14th November, 2020 and submitted on behalf of the Borana Community of Kenya as follows-
180. The Borana Council of Elders is a registered umbrella body whose main objective is to resolve disputes among members of Borana community and between the community and other neighbouring communities or individuals. The Council is made up of three chapters with each representing the three regions in Kenya where the Borana community lives Isiolo, Marsabit and Nairobi counties.
181. There are numerous conflicts in Saku constituency which pit one ethnic community against the other for reasons most importantly, disputed over

land, political competition, economic dominance, ethnic identity, hatred, militia power and skewed national distribution of resources and opportunities. Land and land based resource conflict are the main drivers of this incessant violent conflict between the Borana and the Gabra.

182. Over the last few years while Amb. Ukur Yatani was Governor of Marsabit County from 2013 to 2017, a dangerous trend was observed where people, particularly from North Horr Constituency were organized and facilitated to move from North Horr Sub-County leaving behind huge swathes of grazing land and strategically settled on the peripheries of Saku Constituency. Saku Constituency is dominated by Borana and the new settlements were calculated to alter the demographics of the constituency for political and social-economic gains.
183. The foregoing explains how the satellite settlements have sprouted up at Segel, Koob, Adhi, Dololo, Dhaakiye and Horonder all only few kilometers from Marsabit town and in the heart of Saku constituency. This is despite the fact that North Horr now exclusively occupied by the Gabra is the largest constituency in Kenya and has enough pasture and water resources in their traditional grazing areas.
184. It is also telling to note that during the reign of Amb. Ukur Yatani as Governor, members of Borana community who lived in North Horr constituency were violently evicted from their traditional homes of maikoma, dukana, hurri hills and forole. These people are now scattered hopelessly as internally displaced persons within Marsabit County at elle diimtu and elle borr in moyale and kuppi qaalo in saku while some fled to become refugees in Ethiopia where they still live.
185. The Borana Community continues to suffer innumerable incidences of armed militia attacks in their own homestead leading to displacement while at the same time getting subjected to group condemnation and arbitrary arrest. It is difficult to understand why glaring evidence of criminal culpability and acts of deliberate aggression by the Gabra to cause and sustain insecurity in Saku has never been acted upon decisively by the national government.
186. The goodwill extended by Borana leaders, both political and traditional to pursue peace and reconciliation through dialogue was frustrated by the Gabra antipeace agents. Moreover, efforts of the current county government in constituting an all-inclusive interfaith peace committee has faced similar frustration.

187. Any keen observer of the conflict between the two communities would obviously know that the Gabras are responsible for instigating raids and killings while the Borana are compelled to be on the defensive. Clear evidence of this is found in the concentration of this conflict within Saku Sub County, with the raids being waged under cover of darkness though most recently even in broad daylight by militia from the larger North Horr Sub County. Actionable intelligence information on imminent attack availed by members of the Borana community to the County Security Committee does not receive serious attention it deserves but seems to invite counter accusations to portray the Borana as the aggressors.
188. Through acts of commission and omission, the County Security Committee has tilted in favour of the Gabra. For instance, the past disarmament of the National Police Reservists (NPR) in Marsabit County under the former County Commissioner, Mr. Gilbert Kitiyo (February 2018 to August 2019) was inconsistently and selectively carried out leaving members of Borana community extremely vulnerable to attacks while the response from the County Security apparatus remained passive to the detriment of Borana Community. For example when the Horonder killings happened in September 2018, security officers confessed to being unable to retrieve dead bodies of some Borana victims lamenting that arsenal capability of security forces in Marsabit could not match that of the heavily armed Gabra militia who held vigilance over the bodies to stop the bereaved Borana from collecting the bodies for burial.
189. The Gabra schemers instigating this conflict have in some cases tried to cause disharmony even among the Boranas and Gabras living in peace across the border in Ethiopia. In one of such attempts in 2019, a raid on the Ethiopian side of the large Forrole area was designed to create conflict as being between the Borana and the Gabra who enjoyed relative harmony and peaceful coexistence. This was done to deflect and disguise the conflict as being between Borana and Gabra.
190. One of the masterminds of that Forolle raid Mr. Pius Wario went live on national television and recklessly and falsely profiled the Borana as warmongers and outsiders to Marsabit County, further exacerbating the situation and sowing seeds of hatred and animosity between Gabra and the Borana. His reckless allegation was disputed and denied by the national police spokesperson Mr. Charles Owino. This incident was reported to NCIC.
191. In 2013 under the infamous REGABU (Rendille, Gabra and Burji) alliance which was mooted to sideline the majority Borana. It is on record that at one

point during the reign of Amb. Ukur Yattani as Governor Marsabit County, H.E the President publicly reprimanded him for his involvement in the ethnic animosity and ordered for the overhaul of the County Security Committee, after which there was a temporary cessation of hostilities. However, using his position and influence as Cabinet Secretary, Amb. Yatani continues to perpetuate hatred and animosity between the communities in Marsabit.

192. The creation of administrative units and indeed the ongoing impartial allocation of national resources to one region of the county which is North Horr is masterminded by Amb. Ukur Yatani using his position as Cabinet Secretary. The creation of the two administrative units in North Horr comes in the backdrop of other skewed allocations of national resources where development projects worth billions have been diverted to the same area.
193. The Borana Community has been branded as being against BBI and supporting Deputy Dr. President William Ruto's 2022 Presidential ambitions. This narrative is intended to create an impression that the Boranas are antigovernment.
194. The following are the chronology of security incidents that have led to the current turmoil in Marsabit County:
 - (i) On 12/04/2017 in the run-up to the 2017 general elections, five (5) innocent Borana children and two adults were brutally murdered in their cattle satellite camp at Dololo Woyama after Amb. Ukur Yatani incitement. The children were unarmed and asleep in their cattle homestead. No arrest was made.
 - (ii) On 4/9/2017, three (3) innocent Borana souls were massacred in their homes at Horonder in broad daylight. None of them was armed. One was a retired 85 years old man. On 15/10/2018, 5 Boranas were murdered at Kupa Quallo borehole within Dirri Division of Saku Constituency. The borehole was bombed with grenades and some livestock stolen and driven towards Buisa in North Horr Constituency.
 - (iii) On 17/10/2018, 2 Boranas manning Jaldesa borehole in Gadamoji division of Saku Constituency were killed after the borehole was destroyed by explosives. On 15/12/2018, 2 Boranas were killed at Haro-Girissa water pan. This is few kilometers from Garr-Qarsa Primary School.

- (iv) On 13/3/2019, three (3) Borana men were killed heartlessly at Garr-rare. On 22/5/2019, 2 Boranas were brutally killed in their boma while asleep at Garr-shabba village. One of them had several bullet wounds. The Boma is only a stone throw away from Kenya Broadcasting Corporation regional station and a permanent police road barrier. Saku High School is in the same vicinity, guarded by a contingent of Administration Police's Rapid Deployment Unit.
- (v) On 23/5/2019, two women and children were killed at Konso Banchalle village. While the village is predominantly inhabited by the Gabra ethnic group, it is highly suspicious that the houses targeted for attacks were the few ones inhabited by the Boranas or intermarried families who live amongst the Gabra. This was calculated to create a narrative for the supposed retaliatory attack for the previous brutal killings of the two Borana men at Garr-Shabba while actually getting rid of people they do not trust in the village.
- (vi) On 31/7/2019, two Borana men were killed and two others injured in Dadach Boshe of Jirime location in Marsabit Central. On 5/8/2019, one Borana male adult was killed during an attack on Willy Village in Nagayo location Marsabit Central. On 6/11/2019, in Kukuto area 10 Borana children aged between 12 to 15 years were ambushed and killed by Gabra militiamen while herding livestock. Three policemen who responded to the attack were also killed.
- (vii) On 25/2/2020, in Kuppi Quallo, Sagante location one (1) Borana was killed. On 8/6/2020, four (4) Rendile youths were killed along Badasa –Songa road. The killers are yet to be arrested. It is believed that the killers were from Gabra scheme. On 13/6/2020 at Haro Jaika dam, Quita location four, Borana herdsman were killed while seeing their livestock drink water.
- (viii) On 14/6/2020, one mentally ill Borana young man was found killed and his body mutilated along Badasa- Songa road. On 22/6/2020, at the bank quarters near Marsabit town, two high school students were killed while travelling on a motorcycle. The third person on the same motorcycle sustained injuries.

3.5 The Rendilles of Karare Ward of Saku Constituency

195. Mr. Paul Galmagah appeared before the Committee during the public hearing on 14th November, 2020 at ACK Hall in Marsabit town and testified on behalf of the Rendilles living in Karare Ward in Saku Constituency as follows-
196. The insecurity in Marsabit County especially Saku Constituency is not a normal crime occurrence or cattle rustling as it is generally perceived among pastoral communities. It is a well-organized, orchestrated, planned and execution of killings by Borana political leaders against minority communities since 1992. Targeted are especially the Rendille Community who live in Karare ward comprising of Songa, Leyai, Lpus, Kituruni, Nasigakwe, Karare, Parkishon, Hulahula and Karantina all within Saku constituency.
197. The creation of Saku Constituency in 1988 was a move manipulated by Borana political elites in order to comfortably and with ease execute injustices and crimes against minority groups. This was with a view to displace the indigenous Rendille of Saku living in the fertile areas of Karare Ward. The birth of Saku Constituency was followed by planning, execution of killings and massacres against the vulnerable Rendilles since 1992.
198. In order to appease members of their communities and to disregard the other constituents, Saku MPs have since 1992 been chauvinistic warmongers able to compromise county security and administrative officers to investigate and arrest perpetrators of crime who are not their tribesmen. They also influence local, county administration and media from exposing killings, massacres and other injustices against humanity.
199. Despite the Saku political leaders hiding facts, influencing county security and administrative officers and misleading the government about the situation on the ground, it was not until April 2006 when a military plane carrying dignitaries crashed in Marsabit killing political leaders including the then Saku MP, Hon Abdi Sasura, the area MP has not made the situation any better. These criminal activities since the beginning of 2008 seemed to be ignored or acknowledged by the area MP.

Natural Resources (Land and Pasture)

200. The Borana of Saku mostly being immigrants and refugees from Ethiopia since 1930's 1973, 1977 to the present time have exerted a lot of pressure on their existing land and would wish to remove minority indigenous Rendille Community out of their areas of occupation. During dry seasons, they enter Rendille grazing zones without following stipulated local grazing rules and

regulations laid down by security and grazing committee. Immediately rains come, they move out after having killed and stolen Rendille livestock.

Biased Political Representations

201. Since the creation of Saku Constituency, the Boranas who are the majority ethnic tribe have always dominated political office and use it to influence county security and provincial administrative officers. Such scenarios promoted favouritism, injustices and negative ethnicity. It has also led to executions of planned crimes and injustices against Karare ward residents. Innocent civilians are shot on the road on their way to Marsabit market to sell their farm products.
202. The biased political representation has led to the laxity of rapid responses measures from the local county authorities because they are compromised, corrupted or influenced by the local MP. Many are instances when killings occur and animals are driven away between less than 10 Kilometres from the County headquarters.

Importation of OLF militia from Ethiopia

203. The Borana community has their kinsmen in Ethiopia who formed the rebel OLF militia group with help of their political dominance and corrupt practices that compromise local government officials. OLF militia are imported to-
 - a) Execute killings of the innocent Rendille in order to scare them out of their fertile land to settle permanently.
 - b) To increase their dominance in the area. Ethiopian refugees and immigrants are given identity cards to increase their voting members to ensure they win the Gubernatorial and Saku elective positions.
 - c) Practice cattle rustling to suppress the Rendille economically to be masters of all and others to be their subjects.
 - d) Acquire and traffic illegal arms in order to suppress minority communities.
 - e) The attacks of Songa location in the year 2002 by OLF militia were meant to scare the Rendille from their fertile land for them to settle permanently.

Uneven distribution of resources

204. Karare Ward has been marginalized and sidelined by the county administration because their decisions are influenced by the area MP.

Karare Ward three locations and sub-locations have not been allocated security coverage fairly since there is only one police post at Leyai catering for a population of more than 20,000 people in an area of more than 100km square.

205. NG-CDF is unevenly distributed. Since its inception in 2003, the entire ward with three locations has received not more than Khs 5 Million, subject to correction. All government departments secure the area MP's favour by providing government services as per the legislatures wish.
206. Since 1992, when the Rendille became targets of planned crimes, the situation worsened early this year leading to the displacement of Leyai Primary School up to date. There has never been any media coverage and government intervention on the same.
207. Provision of essential services such as education, water, health, and access to employment opportunities in government and NGO's offices are done in a segregate manner since most departments are headed by MP's henchmen or are influenced by the MP and this disadvantages minority groups.

Employment/Recruitment

208. The Rendilles of Karare Ward have been marginalized by the county and national government during recruitments. For instance, in Marsabit County during the last KDF recruitment and over the last eight years since 2013, only one Rendille youth was recruited into the forces in Marsabit Central.

Award of tenders

209. Most tenders and county contracts are awarded unlawfully without following the proper procedures. Tenders are awarded politically depending on whom one supported during past elections leaving Rendille of Karare Ward suppressed economically.

Creation of Karare Division

210. To beef up security in Songa location which is mainly affected by insecurity, the residents of Karare Ward request that the divisional headquarters be set up at Songa to strengthen the current outpost at Leyai.

Neglect from local admiration and security personnel

211. With all their government machinery at their disposal in the last 30 years, the local administration of Marsabit County has never acted independently in performing its duties professionally. That is why no conclusive investigations have been done.

Torture and abuse of Human rights

212. Some killings are made to signify injustices against humanity. The victims are mutilated alive, some of whom are school children and women, yet no ever conclusive investigations have been made by the police, neither has there been media coverage, yet all government machinery are meant to be at the disposal of its citizens.

RENDILLES KILLED BY THE BORANA IN SAKU CONSTITUENCY FROM 1978 TO DATE

S/N	NAMES	YEAR KILLED	PLACE OF DEATH
1.	LEJASON LENGOLEY	14.05.1978	SONGA
2.	WORRIOR OF LEKUTON	11.12.1978	KARARE
3.	MUNYATTE	26.06.1992	HULAHULA
4.	MATANGON LESUYAI	26.06.1992	KITURUNI
5.	MAKII LABARAKWE	26.06.1992	KITURUNI
6.	LTESEKWA LABARAKEW	26.06.1992	KITURUNI
7.	MPIRAYON NEEPE CHILD	26.06.1992	KITURUNI
8.	TWO PERSONS OF LTARARA LEKOMBOI	26.06.1992	KITURUNI
9.	TWO PERSONS OF	26.06.1992	KITURUNI
10.	LTANTA LESUYAI	24.06.1992	SONGA
11.	KIDAKHAYN EYSIMBASELE	26.06.1992	KITURUNI
12.	ABRAHAM KOMBOI – PRIVATE PARTS	26.06.1992	KITURUNI
13.	MUTILATED BUT ALIVE	16.05.1993	ILPUS
14.	ANDREA LABARAKWE – PRIVATE PARTS	19.12.1994	ILPUS
15.	PRIVATE PARTS	01.03.1995	SONGA
16.	MUTILATED BUT ALIVE	20.10.1995	SONGA
17.	MZEE LENAİKASA	05.09.1996	SONGA
18.	MALMALO MIRGICHAN	02.09.1996	ILPUS

19.	LTAMPIYON	10.09.1996	ILPUS
20.	LOLKIPAYANGI	22.08.1996	SONGA
21.	LOCHOROBO LENKAINA	24.08.2001	KITURUNI
22.	MZEE LEKUPES	24.08.2001	SONGA
23.	NGIROHOLE BULLO	06.04.2001	HULAHULA
24.	LTANGAWANOI LENEPE	01.08.2001	HULAHULA
25.	LESONGAN NTOIMAGA	09.05.2001	HULAHULA
26.	NTINGISON LENEPE	13.03.2002	SONGA
27.	MAMA LENAITAMANY	13.03.2002	KITURUNI
28.	MZEE EYSIMBASALE	28.05.2002	ILPUS
29.	SON OF ORBORA	05.05.2002	ILPUS
30.	SON OF ORTOYA	24.06.2002	SONGA
31.	URWEN LOLKIPAYANGI	24.04.2002	SONGA
32.	DAVID LEKOMBOI	24.04.2002	LEYAI
33.	SAIDONGOI NTOIMAGA	13.05.2002	LEYAI
34.	LEARANO GARAWAHLE	13.05.2002	LEYAI
35.	MASIWA LBALANGA	06.08.2002	ILPUS
36.	LENARIKUNI LEARAPO	29.12.2002	SONGA
37.	NAITEREY ADISOMO	05.06.2002	LEYAI
38.	LAIBON LITO	08.04.2003	KITURUNI
39.	WAKO WARIO	01.04.2003	KITURUNI
40.	LODOULU KHUYAN	18.04.2004	SONGA
41.	AKUCHUK ORGUBA	18.04.2004	SONGA
42.	ADAN ABDIRAHMAN	18.04.2004	SONGA
43.	DERA	19.04.2004	SONGA
44.	ACHUMI LEMONGO	06.03.2005	HULAHULA
45.	MZEE EYSIMONTE	01.08.2005	HULAHULA
46.	PETER MOSOR	11.12.2005	KARARE
47.	LILIAN LEARAPO	05.09.2005	LEYAI
48.	LTILIAN GARAWAHLE	10.01.2006	SONGA
49.	DAUGHTER OF	10.03.2006	SONGA
50.	EYSIMBASELE	06.12.2007	LEYAI
51.	FEREITI GAMBARE	28.02.2008	LEYAI
52.	ALIYO NTLALO	07.03.2008	SONGA
53.	SON OF DOKHE	07.03.2008	PARKISHON
54.	ISMAEL WANYAMA	02.04.2008	HULAHULA
55.	LTINTILAN LENEPE	01.04.2008	HULAHULA
56.	THOMAS LESORI	04.08.2008	SONGA
57.	LMELEWAN ALYARO	18.08.2008	PARKISHON
58.	BORU GUYO	19.09.2008	PARKISHON
59.	LOIRANAI KHUYAN	02.11.2008	HULAHULA

60.	SON OF LEADUMA	01.02.2008	HULAHULA
61.	JAMES RABHAYO	02.05.2008	HULAHULA
62.	MZEE CHOYA	08.01.2008	HULAHULA
63.	SEPI TEY BURGEY	26.01.2009	LOGLOGO
64.	LEKUTON	26.01.2009	LOGLOGO
65.	LKOTOY BARMIN	26.01.2009	LOGLOGO
66.	SON OF LONGORICHO	06.08.2009	HULAHULA
67.	WORRIOR OF KESI KE	05.04.2009	HULAHULA
68.	LETANGINLEKESI KE	06.02.2009	HULAHULA
69.	SON OF ARBELLE	01.09.2009	HULAHULA
70.	RIIRA ORKHOBESLE	06.06.2009	LEYAI
71.	HALDAYAN BAGAJ O	01.09.2010	HULAHULA
72.	SERITICHO NEELE	08.09.2010	HULAHULA
73.	ELDER OF KUTUKAI	05.09.2011	HULAHULA
74.	CHANA SALAHO	04.12.2011	HULAHULA
75.	KORA MIDI	05.12.2011	HULAHULA
76.	LEKELEI ARBELE	08.04.2012	HULAHULA
77.	MALMALO ORTOYA	04.04.2012	HULAHULA
78.	MOHAMUD WANYAMA	06.06.2013	HULAHULA
79.	THOGULA DAYO	01.09.2015	HULAHULA
80.	GAYERE GALMAGAR	05.01.2016	HULAHULA
81.	WORRIOR OF LESIKEL	01.09.2017	HULAHULA
82.	ABDI LEKURA	06.02.2017	SONGA
83.	GALGALO EYSIMONTE	08.06.2020	SONGA
84.	MOLU HARUGURA	08.06.2020	SONGA
85.	SARAYO GALWAB	08.06.2020	SONGA
86.	HALANO LENKOIDAD	08.06.2020	SONGA
87.	LEARPANAI	23.06.2020	SONGA
88.	SON OF GALHAILE	10.11.2020	SONGA
89.	ASUGO NABOSU		
90.	LEMAYAN LEMOWO		
91.	CHUCHU MOSOR		
92.	JESCA LEADO		
93.	GEORGE OBEILE		
94.	DANIEL LANTARE		
95.	ALLAN LENKOPIYA		
96.	LMAANTAN GALWERSI		

3.6 The Daasnach Community

213. Hon. Korie James Haile, MCA, Illeret Ward appeared before the Committee during the public hearing on 14th November, 2020 at ACK Hall in Marsabit County and submitted on behalf of the Daasanach Community as follows-
214. Illeret Ward is in North Horr Constituency, Marsabit County. The Ward is occupied by the Daasanach community and is home to the expansive Sibiloi National Park. The community is distinct in both language and cultural ethnic practice and it is majorly nomadic pastoralist with a few practising subsistence fishing in Lake Turkana. The following are major grievances fronted by the Daasach community and has led to their marginalization and feel forgotten.
215. Land ownership and administrative Boundary – The Daasanach as a distinct minority *living* in North Horr Constituency are under constant threat of encroachment and constant fraudulent manipulation of the original land demarcation of Illeret Division (2008), now recently reduced to a location under North Horr District. The community protests against this and appeals to the national government to correct, and if possible, recommend giving them a District as an affirmative action.
216. During the onset of land registration process, the community expressed reservation of a single land title in the name of North Horr constituency community, because of historical conflict and oppression suffered over a protracted period of time, leading to marginalization, poverty and high level of illiteracy. The political leadership at the constituency level always comes from the Gabra community; therefore, the Community's land must be registered in Community's name and demarcation protected by the national government.
217. National identity card issuance has remained a chronic problem that has left over 20,000 Daasanach adults with no identity cards. This was a strategy used by the Gabra leadership to suppress and disenfranchise the Daasanach community their basic rights of voting and accessing government services. However, through engagement of the relevant government offices, the situation has gradually improved. In October 2019, registration of close to 2000 persons took place.
218. The Daasanach community has never benefited from North Horr Constituency's NG-CDF kitty. Further, the Community has never benefited from the National Government development projects, most notably the maintenance of National Government roads within the Communities area.

219. Employment opportunities at the national government lack significantly for the Community despite having few educated men and women who are either degree or diploma holders.
220. Members of the Community have never been awarded national government tenders. Illeret town is 480 Kilometres away from the nearest town which is Marsabit. There is need for affirmative action to apply to assist the Community to access these national opportunities.

3.7 The Burji Professionals Association

221. Mr. Ibrahim Gere Yamo, Chairperson and Mr. Abubakar Kura Konse, Secretary appeared before the Committee during the public hearing on 14th November, 2020 at the ACK Hall in Marsabit town and submitted on behalf of the Burji Community professionals as follows-
222. The Burji Professionals Association is a registered non-political association of various professionals from the Burji Community living in Kenya. The Burjis arrived in Kenya from Southern Ethiopia at the beginning of the 19th Century and settled in Moyale and Marsabit District of the then Northern Frontier Districts of Kenya.
223. The early migrants specialized in agriculture and produced teff, barley, sorghum, maize and millet. They were later utilized by the colonial administrators to produce food crops for feeding communities in Marsabit County during the First World War including their neighbours the Borana, Rendile and Gabra who were pastoralists.
224. In the beginning, members of the community held administrative positions in the County Government. However with successive years, they lost all positions to other communities thereby affecting both their farming life, employment opportunities and business enterprises. With political marginalization and ethnic violence from 1994 to 1995, the Burji community suffered due to ethnic tension over land. Their farms with crops were destroyed, houses burnt down, families displaced while teachers in schools maimed and chased from their employment places.
225. The 2019 national government population census put the Burji population at about 36,000 within the Republic. However, the community disputes this figure as it believes its numbers are higher. Generally, the population distribution in Nairobi is concentrated in Kariobangi and Kiamaiiko with 15,000 to 20,000 people, Kibera about 1500, Kayole 2000, Juja in Kiambu

County about 2000 people, then Marsabit and Moyale areas having the larger numbers of Burji community.

226. In the history of independent Kenya, members of the Burji community have never held administrative positions of District Officer, District Commissioner or Provincial Commissioner. This was a deliberate move by successive regimes both nationally and at the local level as lesser populated communities like Elmolo, Bajuni, Nubi and Wata, among others, have held such positions.
227. Political representation is on numbers and unless special category wards are created, then communities without numbers like Burji will lose out on representation. Their voices will never be heard, neither will their needs be addressed yet they pay taxes like all other Kenyans.
228. The Burji community is one of the four (4) major tribes in Marsabit, the others being the Borana, Rendille and Gabra. The Burji have suffered historical marginalization going back to the independence government's brutal suppression of the Shifta insurgents in the then Northern Frontier District. The neighbouring communities of the day labelled the Burji community as betrayers who collaborated with the Kenyan Government against their aspirations to secede and specifically targeted them by destroying their crops and killing them.
229. Today, while the neighbouring communities have benefitted from appointments to positions in the cabinet, senior civil service positions, parastatals and diplomatic missions, the Burji have no representation in these areas. It was therefore the community's appeal that they are considered in subsequent appointments to be made at the national level.
230. The Burji Community and in particular those residing in Marsabit and Nairobi Counties should have special nominative and appointive positions in both the national and county governments in line with aspirations of Article 100 of the Constitution of Kenya. This will help them mainstream their issues in the national development plan and put the community on the same pedestal with other Kenyans in terms of development and legislative recognition. This will also reduce the disharmony and dissatisfaction in representation which in the fullness of time may become a security concern due to the building rebellion.
231. The Government of Kenya to re-align boundaries of the Burji community geographical space to fall administratively and in electoral representation to come under new Electoral Wards of "Manyatta Burji Ward" currently under the larger Manyatta-Heilu Ward and "Dakabaricha Ward" currently under

the larger Marsabit Central Ward. This is because the community has no clear political zone for representation of its people in Governance and this should be protected in the constitution both in elective representation and self-determination.

232. The Association recognizes that equitable representation in the county and national government is a facilitator of shared prosperity that would have a direct impact on the security situation within Saku constituency. However, it notes with concern that the Burji community is poorly represented in both levels of government in terms of the numbers and quality of public service jobs.
233. In the recent past, the community has registered its concern with the Office of the County Commissioner regarding the manner in which recruitments were conducted especially within Saku constituency. The immediate KDF recruitment exercise being a case in point. This indiscriminate action has led to many Burji youths who are qualified for the job but missed out resort to illicit ways of earning a livelihood which would in turn impact on the security situation negatively.
234. During the annual dry season, herders from the pastoral communities within Saku compete for limited pasture and water on the outskirts of Marsabit town. This has over the years led to deadly clashes which have left several people dead, homes burnt, businesses disrupted and people displaced. Those who have borne the brunt of the violence have mostly been the Burji community living largely within the constituency.
235. In an attempt to find sustainable solutions, political and community leaders and national government representatives from warring communities have met severally including most recently in Laikipia County where they agreed on recommendations and action plans. The Government undertook to implement the resolutions. However, no significant action has been forthcoming from the Government and this has led to fresh killings and violence with several injured, homes and schools burnt and people displaced.
236. To boost security in the affected areas, it is therefore the Association's prayer that the following be done-
 - a) Demarcation of the boundary between North Horr and Saku Constituency to end the culture of endless conflicts over grazing land and water points.
 - b) Recruiting Kenya Police Reservists in the area to complement the regular security apparatus in enhancing security in the area.

- c) Implementing resolutions of the peace meeting held between the warring communities within the sub-county.
 - d) The government to ensure and guarantee Security within the constituency by strengthening role of communities in security promotion initiatives including legal arms licensing and the National Police Reservists (NPR) approach.
237. The Burji community being agro-economical community lack representation at both the County and national government and this has put them at risk of exploitation and extortion by rogue public servants who close down their business at will and open them only after extorting bribes and the cycle continues. The Government also without notice increases levies on goods and lorries plying Isiolo/Moyale route without notifying the business community and even overtaxing them. Further to this, the long standing thorn in the flesh of the community remains the attack on the highway by bandits who rob off traders of their hard-earned investments.
238. The long-standing primitive tradition of cattle rustling is still widely practised within the constituency. In the recent past, a section of the community who practice small scale cattle rearing has suffered an unsurmountable loss of their livestock which are never retraced due to inefficiency in the security apparatus. A case in point is within the last two years, the community has lost in number 123 cattle, 612 goats, 6 donkeys and 2 dogs which all end up within Marsabit forest on the outskirts of the town but have never been recovered.
239. Land has been and remains to be a politically sensitive and culturally complex issue for Kenya. Kenya's history with regard to the land question is characterized by indications of a breakdown in land administration, disparities in land ownership, tenure insecurity and conflict.
240. Land belonging to the Burji Community in Sagante/Jaldesa ward and Marsabit Central Ward in Marsabit town and Gubalticha area land in Moyale town is not adjudicated as opposed to other areas within the constituency. The Gubalticha land conflict for instance is a time bomb that needs immediate intervention due to the recurrent disputes that have concerted interests from all the communities living in the area.
241. Land issues make the community live in fear of their land being grabbed by neighbouring communities. The Burji people have been attacked a number of times while innocently going on with their activities within their farms

and some even lost lives. The community's prayer is that these areas be protected, being the only available agricultural land belonging to the Burji Community. The Government should document and compensate communities like Burji that have over the year's experienced historical injustices.

242. The public hearing came at a time when just a few days ago, the Community witnessed one of the most horrendous, treacherous and brutal killing of one of the Association's members, Mr. Jeremy Ado Hanche, a very reliable high school teacher and a young businessman who was murdered in cold blood within the Marsabit CBD between the hours of 8.00 pm and 9.00 pm. The murder took place in the presence of patrol police a few metres from his doorstep.
243. There is therefore an immediate need to arrest the security situation within Marsabit town which has left the residents to live in fear since the authorities tasked with the role of protecting lives and livelihoods are either ineffective or compromised thus threatening peace and destroying livelihoods hence impacting negatively on the economy amidst the biting COVID 19 pandemic.

3.8 Wayyu Council of Elders

244. Dr. Chris Galgalo, PhD appeared before the Committee on 14th November, 2020 during the public hearing at ACK Hall in Marsabit town and submitted on behalf of the Wayyu Community as follows-
245. Marsabit County is a cosmopolitan county with fourteen (14) different ethnic groups with different distinctive cultural background. However, conflict had become the order of the day in the county, with the following as some of the causes
- a) Political leadership is antagonistic at the expense of development and peaceful co-existence
 - b) Lack of equitable resource sharing due to tribalism, favouritism and ethnic chauvinism among the political leadership in the county
 - c) Inflammatory remarks, harassment and incitement by some local political leaders through social and electronic media.

- d) Exclusion of some communities from political representation, job opportunities, cultural festivals and contracts in Saku constituency, County Assembly and County Government of Marsabit.
 - e) Cattle rustling among Marsabit communities for purposes of restocking and prestige, especially for some communities who practice circumcision rite
 - f) Land boundary disputes.
 - g) Aliens from neighbouring countries harboured by some leaders are security threats to the residents of Marsabit County.
246. Wayyu people have been subjected to numerous harassment, discrimination, humiliation, intimidation and threats of all kinds by political leaders of Saku constituency and the county government.
247. Wayyu has been branded by the current Marsabit Governor, Hon Mohamud Mohammed Ali and Hon Dido Ali Raso as a project, a CBO and an NGO of personalities like the former Marsabit Governor, Hon. Amb. Ukur Yatani which was demeaning of the community. This statement has also been uttered in the Marsabit County Assembly on 5th October, 2018 by Hon Halkano Konso who was the House Majority Party Leader.
248. During the 2017 general election campaigns, the Wayyu people were obstructed and roads barricaded so that they would not vote for the candidates of their choice. This was done by supporters of the current Governor H.E. Mohamud Mohamed Ali and Saku M.P Hon Dido Ali Rasso.
249. During the launch of Wayyu code 046 as one of the communities recognized by the Head of State, Hon Uhuru Muigai Kenyatta on 15/12/2018, a chief who was a supporter of Wayyu and defender of human rights attended the event. Sad to note that the Chief was murdered and subsequently burnt by his Borana kinsmen on 16/12/2018 just because he attended Wayyu launch code 046 celebrations in Marsabit. After his death, some persons planned attacks against Dr. Chris Galgallo and Nuria Gollo but the attacks were foiled by government security personnel. They later escaped the following day to Nairobi and reported the matter to DCI headquarters.
250. On 24/08/09, a farm belonging to Dr. Chris Galgallo was burnt so were other neighbouring farms belonging to members of the Gabra Community. In 2018 and 2019, during the Lake Turkana Loiyangalani cultural festivals, the Wayyu Community was deliberately excluded from the event by the current regime of Marsabit Governor. Mohamud Mohamed Ali while the Borana

people from Ethiopia fully participated at the expense of the county government.

251. Hon. Dido Ali Rasso sacked Mr. Elijah Joshua Kose who was the only Wayyu employed by the Saku NG-CDF without any reason being given. The Community suspects that Mr. Koses was dismissed from service because he is Wayyu and probably he did not vote for Hon. Rasso.
252. In the last three years of service by Governor Mohamud Mohamed Ali and Hon Dido Ali Rasso, no one from Wayyu community had been employed by the County Government. Instead, they dismissed some of the Wayyu workers previously employed by the former Governor. Amb Ukur Yatani.
253. From 2018 to 2019, Wayyu people living in Jaldesa were harassed and threatened by the Borana to leave the area because they didn't vote for the current leadership which is from the Borana community. They also termed Wayyu as a friend of their enemy which is the Gabra. Fortunately, the County Security Committee rushed to this area for dialogue for peace to prevail.
254. Despite all these threats, harassment, insults, intimidation and marginalization of all kinds, Wayyu leaders have written severally to the NCIC, the Commission on Administrative Justice, Marsabit County Government, Speaker Marsabit County Assembly and Marsabit County Commissioner for protection. Some did not reply to the Community's grievances, especially the NCIC and the County Assembly of Marsabit which was most unfortunate.
255. Immediately after the results of 2017, general elections, Wayyu community members in Somare, Moyale were assaulted and their properties destroyed by the supporters of the Moyale MP, Hon. Qalicha Gufu and Marsabit Governor, Mohamed Ali Mohamud.

3.9 Samuel Mutunga, Marsabit County Police Commander

256. Mr. Samuel Mutunga, Marsabit County Police Commander testified before the Committee on 13th November, 2020 in his office in Marsabit town as follows-
257. Marsabit County is the largest county in Kenya covering approximately 70,000 square kilometres. The county has 15 ethnic tribes which frequently experience inter-community conflict but the major conflict has been between the Borana, the Gabra and the Rendille in Marsabit Central, Marsabit North, Sololo and North Horr Sub Counties. In Loiyalangani Sub County, the

conflict has been witnessed between the Turkana and the Gabra, the Gabra and the Samburu and the Turkana and the Samburu. The causes of insecurity in the County are as follows-

- a) In Saku Constituency, land is the main cause of conflict and clashes. While some persons in some areas claim to have genuine deeds, others don't and say that the land is owned by the community;
- b) Boundary disputes, especially in Horrander area are which is claimed by two different communities;
- c) Cattle rustling as a cultural belief and practice;
- d) Fighting over grazing land and water for animals;
- e) Political rivalry between communities, especially the Gabra and the Borana; and
- f) Infiltration of illegal firearms across the porous Kenya/Ethiopia border
- g) Inequitable sharing of natural resources.

258. The County is the largest in the country in terms of area and has poor infrastructure, especially roads and communication making police operations difficult. In one incident not long ago, two (2) police officers on a mission lost lives after they were attacked by bandits because they could not communicate for rescue due to lack of communication network.

3.10 Hon. Marseliono Malimo Arbelle, M.P. Leisamis Constituency

259. Hon. Marselino Malimo Arbelle, MP, Laisamis Constituency appeared before the Committee during the public hearing on 14th November, 2020 at ACK Hall in Marsabit Town and submitted as follows-

260. Saku town which is Marsabit County headquarters, is the epicentre of conflict and clashes in the County. Much of the conflict and clashes are usually between members of the Borana and Gabra communities.

261. Members of the Rendille community were the original inhabitants of Marsabit town. In fact, the name Marsabit is Rendille. The name Saku was created to replace Marsabit town in order to confuse generations to come. Saku was originally part of North Horr.

262. Once Marsabit town was renamed Saku, there was influx of members of other communities into the town, thereby driving out the Rendilles. The

relationship between the various Communities living in Saku town is bad, especially between the Gabra and the Rendille.

263. Lack of land boundaries is a significant factor for conflict and clashes in Marsabit County, considering that majority of the communities are nomadic pastoralists. Lack of police presence in especially in hotspot areas is also a factor for insecurity in the County.

3.11 H.E. Mohamed Mohamud Ali, Governor, Marsabit County

264. H.E. Mohamed Mohamud Ali, Governor Marsabit County appeared before the Committee on 29th October, 2020 at Parliament Buildings and submitted as follows-

265. Marsabit County has four constituencies namely; Moyale, North Horr, Saku and Laisamis. Saku Constituency was the epicentre of insecurity in the County. He was happy that the matter of insecurity in Marsabit County had been brought to the attention of the Committee. Previous efforts made to ensure peace and stability in the County had not borne any fruits.

266. Since he was elected Governor of Marsabit County, his administration had been grappling with insecurities in the County. While handling insecurity in the County, they involve all stakeholders such as the warring communities, the County Security Team, Community Elders, Religious Leaders and political leaders. The meetings had made several recommendations that have never been implemented.

267. There are two significant causes of insecurity in Marsabit County. These are land ownership and unclear administrative boundaries. Cattle rustling between the Rendille Community and the Borana is also a cause of insecurity in the area. In resolving the issue of cattle rustling between the said communities, the county government deployed ten National Police Reservists, five of whom were from the Borana Community and another five from the Rendille Community so that they could patrol with a view to ending the attacks.

268. Another cause of insecurity in the area is politics. Marsabit has 14 communities that speak different languages with the Borana, Rendille and Gabra dominating. The 14 Communities have a profound belief in traditions which if tapped positively, can contribute to the peace in the area.

269. The results of the March 2013 elections changed the political landscape in Marsabit County. A coalition of minority tribes namely; the Rendille, Gabra, and Burji, commonly known as the REGABU won all major county seats, defeating the dominant Borana who had many candidates, thereby splitting their votes. The outcome fueled Borana discontent and sense of marginalization. This renewed tension especially between the two main rivals the Borana and the Gabra which led to a series of bloody intercommunal clashes in August 2013 in Moyale.
270. Much of the conflict in the County is between the Borana Community and the Gabra Community & the Rendille. The Daasanach Community and the Gabra Community have had nothing to with land ownership disputes in the County.
271. His leadership in the County has embraced the spirit of inclusivity and fair distribution of resources, unlike his predecessor. His leadership had ensured that major communities in the County are represented by appointing as CECs two persons from each of the Borana, Rendille, Gabra and Burjis Communities. He did this in the spirit of ensuring that every community is represented and that they can live together in peace, love and unity.
272. His predecessor distributed resources in a skewed manner. While some wards received a budgetary allocation of Kshs. 120 million, others got KShs. 30 million. The uneven allocation of resources made other communities unhappy.
273. In September, 2018, while attending a conference on semi-arid and arid lands in Kilifi County, he received a phone call informing him of clashes at Forolle area. The area was contested because the county government denied the Borana Community from settling in the area but allowed the Gabra Community to settle. The area was reserved for the construction of a military airstrip. The Gabra Community had been trying to forceful occupy the place and displace the Borana Community hence the reason for the reoccurrences of attack in the area.
274. The police had occasionally been responding when there was an attack but don't investigate the matter conclusively to ensure the perpetrators are punished. The withdrawal of police reservists in the area had contributed to an increase in insecurity.

275. He disputed claims that Marsabit County harboured illegal immigrants. He said that a search was at one time conducted in the area and no illegal immigrant was found. He said that these were false claims made by his political competitors who were out there to malign him and derail his development agenda for the County.
276. He disputed claims that he was involved in aiding a group of militia to cause insecurity, stating that he is a security-conscious person and that he cannot aid insecurity in the area. He noted that those were wild claims from the competitors.
277. He requested the Committee to help solve the issue of internal boundary among the Constituencies and support in the establishment of network coverage in the areas not already covered.

3.12 Hon. (Amb.) Ukur Yatani, EGH, Cabinet Secretary, the National Treasury and Planning

278. Hon. (Amb.) Ukur Yatani, Cabinet Secretary, the National Treasury and Planning appeared before the Committee accompanied by his advisor Mr. Chris Huka appeared before the Committee on 23rd November, 2020 at Parliament Buildings and submitted as follows-
279. Marsabit County is the country's largest county and is home to some fourteen (14) indigenous groups, with Rendille, Gabra and Borana communities dominating in population and settlement areas inhabited. These three communities' together influence and drive social, political and economic agenda.
280. The initial inhabitants of Marsabit County were the Rendille and Gabra who share many linguistic, ritual and other cultural characteristics and this helped them to co-exist peacefully. 1940-1945 was the period when the Borana Community arrived in Marsabit County from Ethiopia. They found the Gabra Community already settled there. The Gabra welcomed them well and even would pay taxes on their behalf.
281. The Gabra Community was not comfortable with grazing in the forest and grazed in the periphery of the forest while the Rendille Community grazed inside the forest. The conflict between the Gabra and the Borana Communities could be traced back to 12th July 2005; the day Borana raiders

- killed about 60 Gabra residents in Turbi town. These killings were sparked by revenge attacks that followed the murder of a Gabra. The national government's inaction at the time led to souring of relations between the two communities who had co-existed well despite a long history of cattle rustling and banditry.
282. In 1988, following pressure from local political leaders, Marsabit North was subdivided into North Horr and Saku constituencies, reflecting Gabra and Borana interests respectively. However, rather than reducing the conflict between the two communities, the division increased tension and conflict between the two.
 283. Marsabit has been politically and economically dominated by the Borana community for a number of years. This dominance has created growing resentment from smaller communities such as the Rendille, Gabra and Burji. The smaller groups have in the past mobilised themselves strategically to challenge the Borana dominance. Several movements and alliances have been formed including the one by minority teachers during the local Kenya National Union of Teacher's elections (KNUT) to block the Borana teachers from winning elective positions. This strategy succeeded in checking the Borana supremacy among the teachers. In the 2013 general elections, politicians replicated this strategy and formed the Rendille, Gabra, Burji and other small tribes (REGABU) alliance and won all the political seats in the county except for the Saku and Moyale parliamentary seats which were taken by Borana.
 284. The link between the conflict and elections came during the last two polls held in 2013 and 2017 under Kenya's devolved system of government. During these elections, the dominant Gabra community was pitted against the Borana and both formed alliances with minority ethnic groups. At the time, the sophisticated weapons used by community members rendered local security forces helpless and the Kenya Defence Forces had to use air power to stop the fighting.
 285. One of the latest incidents was the killing of 11 Gabra elders on a peace mission. The attack marked a flare-up in periodic fighting between the Gabra and the Borana ethnic communities living in Kenya's largest county and Ethiopia's Oromo region. The killings reversed the momentum in peace efforts gained. The conflict appears increasingly driven by politically instigated ethnic territorial expansion and a contest to increase voter numbers for the 2022 elections.

286. The major causes of the conflict in the area were as follows-

- a) Land and boundary disputes - Contestation over administrative boundaries in Marsabit County continues to fuel conflict. The 2017 gazette notice that created new administrative units which were super-imposed on already existing units. These challenges are heightened by the fact that unlike with many other communities, there are no clear boundaries between the Borana and Gabra.
- b) Resource access and control - Perceptions of the control and management of resources have contributed significantly to conflict. Some county government development and humanitarian interventions were believed to have demonstrated bias in their implementation or been misconstrued by the parties as favouring one side or the other, thus aggravating the tensions.
- c) Cross-border tension with Ethiopia - Marsabit County shares a long and porous border with Ethiopia which is used to smuggle illegal guns used by the militia to cause insecurity in the area.
- d) Political incitement - Political incitement continues to fuel local conflict and is believed by many to have been the trigger for hostilities. There was growing consensus that the role played by current and previous MPs was significant. The role being played by some area MPs in fueling conflict is through supporting violence including funding militias.
- e) Presence of illegal firearms in the area has been a major cause of insecurity in the area; and
- f) Disarmament of the National Police Reservists had contributed to increase of insecurity in the area.

287. There was illegal issuance of National Identification Cards to foreigners from Ethiopia for the purposes of voting. This was being facilitated by the local leadership as it would increase the number of Borana Community voters thereby enabling the Community to win the seat of Marsabit County Governor and Saku MP.

288. In Saku Constituency, Gabra Community comprises of 25% of the population and yet they didn't have a single Sub-Chief or Chief. This made them to be denied critical government services such as National Identification Cards in Saku and had to travel to North Horr for ID issuance.
289. The problem of insecurity in Marsabit County if not contained would spill over to Isiolo and Tana River Counties and then later on become a national problem.

3.13 National Cohesion and Integration Commission (NCIC)

290. Dr. Samuel Kobia, Chairperson, National Cohesion and Integration Commission (NCIC) appeared before the Committee on 2nd February, 2021 at Parliament Buildings and submitted as follows-
291. Marsabit County falls within arid and semi-arid areas and as such can be classified as a dryland county. The county covers 70,961.2 sq km and shares an international boundary with Ethiopia and national boundaries with Samburu, Wajir, Turkana and Isiolo. The County capital is Marsabit town though the largest town is Moyale. According to the 2019 census, the County's population stood at 459,785.
292. Marsabit County has four (4) constituencies and twenty (20) County Assembly Wards. The constituencies are Moyale, Saku, North Horr and Laisamis. The county is home to over fourteen (14) ethnic communities with the Borana, Gabra and Rendille being the major ones. The county's main economic activity is pastoralism with over 80% of the inhabitants involved. Due to adverse climatic conditions and larger number of livestock, this economic activity has brought about competition for water and pasture resulting to frequent conflicts. With adoption of the devolved systems of governance, inter-ethnic conflicts have escalated mainly due to competition for resources and political power.
293. The cause of insecurity in Marsabit County are-
 - a) Land is at the centre of conflict in Marsabit County. There is competition for both grazing and settlement land particularly in Marsabit Central area of Saku which is also a constituency. This has from time to time led to conflict and clashes.
 - b) Administrative and constituency boundary disputes have resulted in conflict and clashes. These include the Horander location which is claimed by both Saku and North Horr Constituencies. The

Constituency boundaries between North Horr and Moyale as well as North Horr and Saku are unclear and contested.

- c) Displacement of members of the Borana Communities from North Horr Constituency and the displacement of members of the Gabra community from Saku Constituency have also resulted in conflict and clashes;
- d) Deep-rooted hatred, especially between the Gabra and the Borana communities
- e) Revenge killings;
- f) Cattle rustling;
- g) Corruption within the security sector;
- h) Porous international border;
- i) Criminalization of communities;
- j) Unequal distribution of resources;
- k) Existence of well-armed militia;
- l) Ethnic incitement;
- m) Unregulated access and use of pasture and water resources leading to conflict
- n) The proliferation of small arms and light weapons; and
- o) Laxity by security agencies to timely respond or act on reports of imminent attacks on communities.

294. NCIC's mandate is to promote the peaceful coexistence and harmonious living of all Kenyans. It envisions an integrated Kenyan Society whose values are harmonious and non-discriminatory. Towards this end, the Commission together with its partners the Frontier Counties Development Council (FCDC), Drylands Learning Capacity Building Initiative (DLCI) and Northern Rangeland Trust (NRT) undertook a fact-finding mission in Marsabit County to establish the cause of conflict and possible solutions to long-standing conflict and clashes pitting the Borana, the Gabra and the Rendille.
295. During their mission, the Commission met key peace and security institutions including the County Security and Intelligence Committee, County Assembly Members, Kenya Wildlife Services and Kenya Forest Services, Chiefs from the affected areas, Marsabit Interfaith Council, Borana Council of Elders, the Gabra and Rendille Communities as well as women and youth leaders.
296. The insecurity situation in Marsabit County requires a multi-agency approach to bring things under control. The political leadership has a key role to play in ending the conflict. In this regard, the Commission has a

facilitated a political leaders meeting involving Treasury Cabinet Secretary and former Marsabit County Governor, Amb. Ukur Yatani representing the Gabra and Marsabit Governor, H.E. Mohamed Mohamud Ali representing the Borana.

297. During the meeting, the two (2) leaders committed to promoting peaceful coexistence between their communities. A fourteen (14) member Peace and Mediation Committee from the Borana and the Gabra Communities was set up to spearhead the peace process. The peace process however stalled due to lack of consultation and operationalization of two administrative units in North Horr Sub County which did not go down well with the Borana community.

3.14 Dr. Fred Matiangi, PhD, EGH, Cabinet Secretary for Interior and Co-ordination of National Government

298. Dr. Fred Matiangi, PhD, EGH, Cabinet Secretary for Interior and Co-ordination of National Government appeared before the Committee on 3rd February, 2021 at Parliament Buildings and testified as follows-

299. The security situation in Marsabit had been fragile over a long period of time. The last three (3) weeks before appearance had been characterized by tense situation occasioned by killings largely associated with revenge attacks. The main sources of insecurity include-

- a) Political supremacy and tribal animosity. The advent of devolution has led to competition for control and power hence county resources;
- b) Unresolved land and boundary issues which have escalated conflict, especially between the Gabras and the Boranas;
- c) Scramble for water and pasture for livestock which involves all pastoral communities in the County;
- d) Possession of illegal firearms among members of the various communities is a major factor for insecurity. During the last disarmament, not all arms were voluntarily surrendered and this poses a great danger to peace and stability. Intelligence reports indicate that after the Communities were voluntarily disarmed, their respective leaders

cried foul and silently armed their kinsmen stating that they were vulnerable and prone to attacks from other communities;

- e) Culture of revenge attacks has led to non observance of the law whenever one community is attacked;
- f) Persons committing crimes are protected by their communities which will never expose them to security agencies;
- g) Partisan approach to insecurity matters by leaders of various communities, especially in the cosmopolitan areas like Saku;
- h) Unfounded rumours peddled by local FM Stations and through social media;
- i) Inadequate policing of the county due to its vastness

PART 4

4.0 OBSERVATIONS AND FINDINGS

300. Based on the evidence on record, the Constitution of Kenya, statute law, Evidence law, parliamentary practices and procedures as well as conventions, the Committee made the following findings and recommendations-

4.1 Political supremacy and tribal animosity

301. There is evidence on record that there is a battle for political supremacy between the Borana and the Gabra communities, especially in the gubernatorial elections. In their testimony, the Gabra Council of Elders averred that in 2013 when one of their own Amb. Ukur Yatani was elected Marsabit Governor, the Boranas did not accept defeat by the Gabras whom they considered inferior and not competent to lead them. Further to this, between 2013 and 2014, the Boranas waged war against the Gabras living in Moyale killing and injuring members of their community.
302. The Committee observed that the Petition itself gives an account of several incidents in which only members of the Borana community were killed by members of the Gabra community. Hon. Chachu Ganya, MP for North Horr and the Gabra Council of Elders all testifying on behalf of the Gabra community have cited several incidents in which the Gabras were killed or injured by the Boranas. They have disassociated themselves with the Petition which according to them was presented by Hon. Dido Ali Rasso on behalf of the Borana community and not on behalf of the Boranas and other communities living in the larger Marsabit County.
303. The Boranas attribute the unending wave of conflict and killings between them and the Gabra communities to political interests of Amb. Ukur Yatani, the incumbent Cabinet Secretary for National Treasury who is former Marsabit County, Governor as well as former North Horr MP. The Gabras attribute the unending conflict and killings to the incumbent Marsabit Governor, H.E. Mohamed Mohamud Ali and Saku MP, Hon Dido Ali Rasso. In his submissions, North Horr MP, Hon. Chachu Ganya testified that a peace deal between the Gabra and Borana political leaders was key in ending conflict and killings in the County.

304. In the process of mediating for peace, NCIC has convened meetings involving Treasury Cabinet Secretary and former Marsabit County Governor, Amb. Ukur Yatani representing the Gabra community and Marsabit Governor, H.E. Mohamed Mohamud Ali representing the Borana community. As a result of the meetings, the two (2) leaders committed to promoting peaceful coexistence between their communities. A fourteen (14) member Peace and Mediation Committee from the two (2) communities was constituted to spearhead the peace process. The process however stalled due to the operationalization of two (2) administrative units in North Horr Sub County, which angered the Borana community.
305. In their testimony, the Rendilles living in Karare Ward, Saku Constituency have accused the Boranas of attacking, killing and injuring them. They have provided a list of 96 members of their community killed by the Boranas since 1978. The Daasanach community in their testimony have averred that they are under constant threat of encroachment and fraudulent manipulation of their original land demarcation in Illeret recently reduced to a location under the Gabras on North Horr.
306. The Gabras and Boranas are also on record accusing each other of owning militia and fighting other communities with a view to displacing them from land occupied and expanding their territories.
307. In light of the foregoing, the Committee was persuaded that political supremacy and tribal animosity, especially between the Boranas and the Gabras was one of the major causes of insecurity in Marsabit County.

4.2 Creation of administrative units in Marsabit County

308. According to the Gabras and Boranas, the creation of administrative units in North Horr and Saku Constituency was among the major causes of conflict and clashes in Marsabit County.
309. The Gabras argued that Gazette Notice No. 5853 Vol. CXIX—No. 80 dated 21st June, 2017 establishing administrative units of Oronder sub-location under Marsabit Central Division, Elle Bor Location and Elle Dimtu Sub-location under Sololo Sub County was in areas predominantly occupied by Borana community. They further argued that Elle Dimtu and Elle Bor were Gabra community land since time immemorial and were electoral units in

North Horr Constituency thus opposed to the creation of the units in areas predominantly occupied by the Boranas.

310. The Boranas were opposed to the creation of two administrative units in North Horr Sub County, arguing that this was part of the ongoing impartial allocation of national resources to one area of the County. They further contended that the creation of the two units for North Horr came against the backdrop of other skewed allocation of national resources where development projects worth billions of shillings were directed to the same area. The new administrative units had not facilitated the delivery of services but instead brought about more conflict, clashes and deaths and therefore the Gazette Notice establishing them ought to be revoked.
311. The Committee noted that Section 14 of the National Governments Co-ordination Act mandates the Cabinet Secretary for Interior and Co-ordination of National Government in consultation with the President of the Republic of Kenya to create administrative units. The Committee observed that among the factors for consideration in the creation of new administrative units are as follows –
 - a) Geographical features and urban centres;
 - b) Population density and demographic trends;
 - c) Cost of administration;
 - d) Physical and human infrastructure;
 - e) Views of the affected communities;
 - f) Community of interest, historical, economic and cultural ties;
 - g) Means of communication;
 - h) Security pursuant to Article 240 of the Constitution of Kenya and relevant provisions and regulations of the National Security Council Act; and
 - i) Any other pertinent and reasonable factor that the Cabinet Secretary may consider necessary in the circumstances.
312. The Committee observed that the reasons advanced by the Gabras and the Boranas opposing creation of administrative units in their County cannot override the factors for consideration in creation of the units which it believes the Cabinet Secretary and the President applied before issuing Gazette Notice No. 5853 Vol. CXIX—No. 80 dated 21st June, 2017.
313. The Committee further observed that the creation of the administrative units pursuant to Gazette Notice No. 5853 Vol. CXIX—No. 80 dated 21st June,

2017 was not for Marsabit County alone but the entire 47 Counties in the country and was intended to improve service delivery by bringing services closer to the people, among other reasons.

4.3 Land and boundary disputes

314. H.E. Mohamed Mohamud Ali, Governor, Marsabit County and Amb. Ukur Yatani, Cabinet Secretary, National Treasury and Planning and former MP. North Horr and Governor Marsabit County in their testimonies, have attributed the conflict and clashes in Marsabit County to land and boundary disputes as a major source. Their evidence has been corroborated by other witnesses and stakeholders who testified before the Committee.
315. According to Dr. Fred Matiangi, Cabinet Secretary for Interior and Co-ordination of National Government, land is at the centre of conflict in Marsabit County. There is competition for both grazing and settlement land, particularly in Marsabit Central area of Saku. This has from time to time led to conflict and clashes.
316. According to the Burji Professional Association, land remains a politically sensitive and culturally complex issue for Kenya. Kenya's history with regard to the land question is characterized by breakdown in land administration, disparities in land ownership, tenure insecurity and conflict. Land belonging to the Burji Community in Sagante/Jaldesa ward and Marsabit Central Ward in Marsabit town and Gubalticha area land in Moyale town are not adjudicated as opposed to other areas within the constituency. The Gubalticha land conflict for instance, is a time bomb that needs immediate intervention due to the recurrent disputes that have concerted interests from all the communities living in the area.
317. The Daasanach community living in North Horr as a distinct minority claimed to be under constant threat of encroachment and fraudulent manipulation of the original land demarcation of Illeret Division (2008), now recently reduced to a location under North Horr District. The community protests against this and asks the national government to correct and if possible, recommend giving them a District as affirmative action.
318. There is evidence on record that most of the communities in Marsabit County are pastoralists and their movement in search for water and pasture see them trespass into other communities' land due to lack of boundaries thereby leading to conflict and clashes. According to the Petition, most of

the Boranas allegedly killed by the Gabras were herders an indication that they lost lives while in search for water and pasture. Similarly, the Gabras in their response to the Petition cite their kinsmen death while grazing.

319. The Rendilles living in Saku claim that during the dry season, Borona herders forcefully enter their land to graze their animals. The Burjis who are mostly agriculturalists specializing in crop farming averred that their land is forcibly invaded by members of the pastoral communities during the dry season in search of water and pastures. In both instances of forceful eviction, lives have been lost. The Wayyu Community also cite land boundary disputes as one of the major causes of insecurity in Marsabit County.
320. There is further evidence on record that both the Boranas and the Gabras claim the Horrander location to be within their territorial boundaries. The constituency boundaries between Moyale and North Horr as well as Saku and North Horr, remain unclear and contested.
321. Based on the evidence on record, the Committee was convinced that land and boundary disputes were among the major causes of conflict and clashes in Marsabit County.

4.4 Skewed distribution of national and county jobs and resources

322. In their testimony, the Gabras averred that despite being the second largest community in the county, none of their members had held positions of Chief or Assistant Chief due to the machinations of Borana political leaders. They provided figures of those holding positions of Chief in 2020 as follows; Borana-14, Burji-3, Rendille-9, Turkana-2, Kosso-1, Indian-1, Waata-1 and Gabra-0.
323. The Gabras further stated that their members in Saku don't benefit from NG-CDF and Affirmative Action Fund. The Borana Managers who are in most cases in charge ensure Boranas dominantly benefit. The Waayu Community in the testimony averred that they had not benefited from the County Government of Marsabit in terms of scholarships or bursaries and job opportunities for the last three (3) years.
324. The Burjis also submitted that they had not been appointed to senior positions in the county government. The Rendilles living in Karare Ward in Saku also submitted to the Committee that the County Government had

marginalized them in resource allocation. Since the inception of NG-CDF in 2003, the Rendilles living in Karare Ward which has three (3) locations, had received not more than Kshs.5,000,000.00. They had also not benefitted much from the County Government in the provision of essential services such as water, health neither had they benefitted much in employment.

325. The Boranas cited skewed national distribution of resources and opportunities as a contributory factor for clashes and insecurity in the County. NCIC also attributed the same reasons for conflict and clashes in the County.
326. The Committee was persuaded that the skewed distribution of resources in the County was a contributory factor for conflict and clashes in Marsabit County.

4.5 Scramble for water and pasture for livestock and cattle rustling

327. Almost all witnesses and stakeholders who testified before the Committee attributed scramble for water and pasture for livestock and cattle rustling as some of the major causes of conflict and clashes in the county. This was because most of the communities in the County are pastoralists and scramble for water and pasture during the dry season while cattle rustling was part of their way of living. There is further evidence on record of revenge attacks to have become a culture whenever one community's livestock is stolen.
328. The Rendilles of Karare Ward in Saku are on record saying that the Borona herders forcefully enter their land to graze their animals causing deaths and injuries to community members. The Burjis who are mostly agriculturalists specializing in crop farming are also on record that during the dry season their land is invaded by the pastoralist communities destroying their crops and injuring or killing members of their community.

4.6 Possession of illegal firearms by civilians

329. In the Petition, the Petitioners have cited use of firearms illegally owned by the Gabra attackers. For instance, in an incident of April, 2017 when four (4) Boranas were murdered, the police recovered 7.62 mm spent cartridges at the scene of crime. In another incident of 11th April, 2017 where Boranas were again killed by Gabras, the Petitioners have averred that the Gabra

attackers were heavily armed with sophisticated machine guns and automatic weapons.

330. In their testimonies, Hon. Chachu Ganya, MP, North Horr Constituency and the Gabra Council of Elders affirmed that indeed, there was exchange of fire in attacks between the Boranas and the Gabras which are outlined in the Petition. The Cabinet Secretary for Interior and Co-ordination of National Government, Dr Fred Matiangi, the Marsabit County Police Commander, Mr. Samuel Mutunga, NCIC Chairperson, Rev. Dr. Samuel Kobia are also on record that there are civilians in Marsabit County in illegal possession of firearms.
331. The Cabinet Secretary for Interior and Co-ordination of National Government, Dr. Matiangi in his submissions, affirmed that during the last disarmament exercise which was voluntary, not all firearms were surrendered and this has threatened peace and stability in the County. Further, intelligence reports available indicate that after the disarmament, political leaders cried foul and silently armed their kinsmen arguing that they were vulnerable and prone to attacks. The County Police Commander averred that most illegal firearms found their way into the County through the long porous Kenya/Ethiopia border which is not well protected with militia operating freely along the border.
332. In view of the foregoing, the Committee found possession of illegal firearms by civilians as one of the major causes of conflict and clashes in Marsabit County.

4.7 Presence of militia in Marsabit County

333. The Petitioners and the Borana Council of Elders in their submissions averred that the Gabras own a militia that has been behind killings of the Boranas as outlined in the Petition. They contend that the militia acts with impunity as if running a system parallel to the existing government structure. They further contend that the North Horr militia arm themselves in secrecy, plan and gang up without knowledge of Government security apparatus in order to carry out an expansionist agenda against the neighbouring communities.
334. The Gabra Council of Elders is on record that there are 5 Borana militia camps at Elle Dimtu, Jaldesa/Badassa, Ambalo, Badan Rero and Kubi

financed and coordinated by the County Government of Marsabit Governor H.E. Mohamed Mohamud Ali and Saku MP Hon. Dido Ali Rasso as well as the Moyale NG-CDF.

335. The Gabra Council of Elders further averred that the OLF militia from Ethiopia also operates in the County supported by the Borana leadership and launches attacks against other communities on behalf of the Borana Community. The OLF live freely amongst members of the Borana community, particularly in Moyale, Sololo and Marsabit. The Rendilles of Karare Ward in Saku also claimed that the Boranas import OLF militia from Ethiopia to execute killings and commit other atrocities on their behalf.
336. The Committee observed that claims of presence of militia in Marsabit County were made against each other by the two warring communities who are the main players in the conflict and clashes in the entire county need to be investigated and appropriate action taken.

4.8 Hate speech and unfounded rumours perpetrated through FM Stations and social media

337. In their testimonies, the Gabras averred that Governor, H.E. Mohamed Mohamud Ali has openly demonized, criminalized and castigated the Gabra community. The Governor is on record referring to the Gabra community as 'Mashetani' (devils) and Gabra Council of Elders as Wakora (criminals) and petty brokers during peace meeting between the Borana and Degodia community after 40 Degodias were killed by Borana militia. The Gabra community was not present in the meeting and was not party to the conflict. He has also been on air severally hurling insults at the entire Gabra community.
338. According to the Boranas, one of the masterminds of that Forolle raid Mr. Pius Wario went live on national television and recklessly and falsely profiled the Borana as warmongers and outsiders to Marsabit County, further exacerbating the situation and sowing seeds of hatred and animosity between Gabra and the Borana.
339. The Cabinet Secretary for Interior and Co-ordination of National Government, Dr Fred Matiangi and the Chairperson, NCIC Chairperson, Dr. Sam Kobia also attributed the conflict and clashes in the county to hate

speech and unfounded rumours perpetrated through FM Radio Stations and social media.

340. Based on the evidence on record, the Committee found hate speech and unfounded rumours perpetrated through FM Radio Stations and social media to be among the causes of insecurity in Marsabit County.

4.9 Inadequate policing of the County due to its vastness and poor infrastructure

341. Marsabit County is the largest county in Kenya, covering approximately Kshs.71, 000 Square Kilometres. The county is also poorly developed in terms of infrastructure, most notably in roads, water, communication and power supply.
342. The Cabinet Secretary for Interior and Co-ordination of National Government, Dr. Fred Matiangi is on record that his Ministry which is responsible for providing security had challenges providing services to each and every part of Marsabit County due to its vastness. His testimony was corroborated by the Marsabit County Police Commander. He cited an incident in which officers on duty lost lives in the hands of bandits because their distress calls could not be responded to due to lack of network in the area they were calling from.
343. The Committee observed that for many years, Marsabit County lacked tarmacked roads and it was quite challenging travelling from Moyale to Marsabit to Isiolo until not long ago when the Isiolo/Marsabit/Moyale tarmac Road was constructed by the national government. Otherwise, most parts of the County lack or have poor infrastructure.

4.10 Disarmament of National Police Reservists

344. In their testimony, the Boranas averred that the 2019 disarmament of National Police Reservists in Marsabit County was inconsistently and selectively carried out leaving members of Borana community extremely vulnerable to attacks from other communities. According to the Gabras, the Government of Kenya disarmed all the National Police Reservists across the county without any discrimination as per the national government directive on disarmament.

345. The Committee observed that there is credible evidence on record on political supremacy and tribal animosity between the Gabras and the Boranas as major cause of insecurity in Marsabit County. Consequently, there were high chances that Police Reservists from the two communities would be partial in operations in favour of members of their respective communities.
346. In a statement issued to the House by the Chairperson, Departmental Committee on Administration and National Security on behalf of the Cabinet Secretary for Interior and Co-ordination of National Government regarding the disarmament of police reservists in Marsabit and Samburu Counties, the Cabinet Secretary submitted as follows –
- a) Section 110(c) of the National Police Service Act vests the recruitment, deployment and dismissal from service of National Police Service Reservists in the National Police Service Commission in consultation with the Inspector-General of Police;
 - b) The Government of Kenya disarmed some of the Police Reservists in Marsabit and Samburu counties because of the following reasons-
 - Being partial in operations and aligning themselves with tribes;
 - Failure to protect life and property;
 - Failure to cooperate with security agencies;
 - Failure to account for the number of ammunition issued;
 - Engagement in highway robberies; and
 - Abuse of powers and privileges.
 - c) The recent restructuring of the National Police Service had boosted personnel strength and therefore recruitment or redeployment of Reservists shall be considered on a need basis after vetting of Reservists previously in service
 - d) The Government had deployed specialized units in Marsabit and Samburu Counties to contain rising cases of insecurity complimented with the General Service Duty Officers.
347. The Committee found the reasons for disarmament of National Police Reservists by the National Police Service Commission plausible and in the best interest of the people of Marsabit and Samburu Counties.

4.11 Long porous and unprotected Kenya/Ethiopia border

348. There is evidence on record that the long porous Kenya/Ethiopia border which is not adequately protected is among the causes of insecurity in Marsabit County.
349. In their testimony, Amb. Ukur Yatan averred that the long porous Kenya/Ethiopia border is used to smuggle into the country illegal firearms used by militia to cause insecurity. Hon. Chachu Ganya, the Gabra Council of Elders the Rendilles living in Saku, the Marsabit County Police Commander Mr. Samuel Mutunga averred that the long porous border facilitated the importation of illegal firearms and immigrants which include militia.
350. Based on the testimonies, the Committee was persuaded that the long Kenya/Ethiopia porous border was a factor for insecurity in Marsabit County and needed to be well protected.

4.12 Compensation of victims of Marsabit conflict and clashes

351. The Committee observed that the clashes in Marsabit County were inter-communal and had led to loss of lives of innocent persons, with others suffering injuries while others becoming internally displaced. The Committee further observed that every Kenyan is entitled to security from the Government of Kenya against such clashes and that victims of the 2007 post election violence were compensated by the Government of Kenya. However there lacked legal framework for compensation of victims like those of Marsabit County.

PART 5

RECOMMENDATIONS

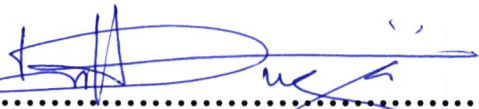
352. Arising from the observations and findings made, the Committee recommends as follows-

1. **The National Government and the Marsabit County Government should ensure fairness and equity in the distribution of resources, including employment opportunities to all residents of Marsabit County; with deliberate affirmative action to minority ethnic groups in the County.**
2. **The Cabinet Secretary for Interior and Co-ordination of National Government should expeditiously investigate the claimed mass issuance of national identification documents to illegal immigrants from Ethiopia in Marsabit County in general and Sololo Sub-County and Sagante Ward in Saku Sub-County in particular.**
3. **The Cabinet Secretary for Interior and Co-ordination of National Government should take immediate action to flush out illegal immigrants from Marsabit County.**
4. **The Cabinet Secretary for Interior and Co-ordination of National Government and the Inspector-General, National Police Service should as a matter of urgency crack down on all militia camps within Marsabit County including; Ambalo, Badan Rero, Elle Bor Elle Dimtu and Kubi Qallo.**
5. **The Cabinet Secretary for Lands should institute measures to ensure land adjudication, demarcation, registration and issuance of title deeds in Marsabit County, starting with the disputed areas.**
6. **The Cabinet Secretary for Lands and the Cabinet Secretary for Interior and Co-ordination of National Government should**

immediately ensure the internally displaced persons in Kosso Banchale, Salesa and Isacko Umuro are resettled.

- 7. The Cabinet Secretary for Interior and Co-ordination of National Government and the Inspector-General National Police Service should disarm and recover all illegally owned firearms in Marsabit County in particular and generally across the country.**
- 8. The Cabinet Secretary for Interior and Co-ordination of National Government should as a matter of urgency ensure the disarmament of National Police Reservists in Marsabit County is concluded and their roles taken up by the National Police Service personnel.**
- 9. The Cabinet Secretary for Interior and Co-ordination of National Government and the Cabinet Secretary in charge of Defence should ensure the borders of Kenya are adequately secured and more particularly the border of Kenya with Ethiopia to prevent the entry of illegal firearms and aliens into the country.**
- 10. The Cabinet Secretary for Interior and Co-ordination of National Government and the National Cohesion and Integration Commission should roll-out programmes and activities to promote peaceful coexistence and reconciliation of the various communities in Marsabit County.**
- 11. The Cabinet Secretary for Interior and Co-ordination of National Government should institute legislative and other measures to forestall cattle rustling in Marsabit and across the country.**
- 12. The Director of Criminal Investigations should expeditiously investigate claims of ethnic incitement and hate speech disturbing peace in Marsabit County with a view to having the perpetrators prosecuted.**
- 13. The national government and the county government of Marsabit should take necessary action to ensure development of transport and communication infrastructure in Marsabit County in order to improve on policing.**

14. The Cabinet Secretary for Interior and Co-ordination of National Government should strengthen national security agencies in Marsabit County, especially the National Police Service's Specialized Units to ensure their presence is felt all over the County.
15. The Kenya National Commission on Human Rights should investigate claims of inter-ethnic killings in Marsabit County and report to the National Assembly within 90 days from the date the report is tabled before the House.
16. All Government Ministries, Departments, Commissions and Agencies required to act on this report should do so and report to the National Assembly within 90 days from the date the report is tabled before the House.

Signed..........Date.....10/8/2021.....

HON. PETER MWATHI, M.P.
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

ATTENDANCE SCHEDULE



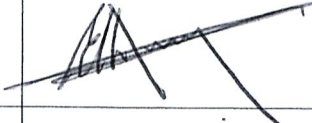


DATE: 05/02/2021

TIME: 10:00 am

VENUE: Committee Room, 1st Floor, Del-cris Building

AGENDA: Adoption of the Report on Public Petition No. 80 of 2020 regarding insecurity in Saku Constituency and the larger Marsabit County

NO.	NAME	SIGNATURE
1.	Hon. Peter Mwathi, MP - Chairperson	
2.	Hon. Fatuma Gedi, CBS, MP - Vice Chairperson	
3.	Hon. George Peter Kaluma, MP	
4.	Hon. Dr. Makali Mulu, MP	
5.	Hon. Aduma Owuor, MP	
6.	Hon. Dr. Tecla Chebet Tum, MP	
7.	Hon. Halima Mucheke, MP	
8.	Hon. Marselino Malimo Arbelle, MP	
9.	Hon. Nimrod Mbithuka Mbai, MP	

10.	Hon. Ngunjiri Wambugu, MP	
11.	Hon. Abdi Omar Shurie, MP	
12.	Hon. Col (Rtd) Geoffrey Kingangi, MP	
13.	Hon. Peter Masara, MP	
14.	Hon. Oku Kaunya, MP	
15.	Hon. Rozaah Buyu, MP	
16.	Hon. Jeremiah Lomurukai, MP	
17.	Hon. William Chepkut, MP	
18.	Hon. Swarup Mishra, MP	

Signed.....Date.....

Adan Gindicha,
Senior Clerk Assistant,
Departmental Committee on Administration and National Security.

Signed.....Date.....

Peter Chemweno,
Director, Directorate of Departmental Committee Services

MINUTES OF THE 24TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON THURSDAY, 5TH AUGUST, 2021 AT 10.00 A.M. IN THE COMMITTEE ROOM ON 1ST FLOOR RED CROSS BUILDING, PARLIAMENT BUILDINGS

PRESENT-

1. Hon. Peter Mwathi, MP *Chairperson*
2. Hon. Aduma Owuor, MP
3. Hon. Dr. Makali Mulu, MP
4. Hon. Peter George Kaluma, MP
5. Hon. Dr. Tecla Chebet Tum, MP
6. Hon. Halima Mucheke, MP
7. Hon. Peter Masara, MP
8. Hon. Oku Kaunya, MP
9. Hon. Marselino Arbelle, MP
10. Hon. Ngunjiri Wambugu, MP
11. Hon. Jeremiah Ekamais Lomurukai, MP
12. Hon. Nimrod Mbithuka Mbai, MP
13. Hon. Abdi Omar Shurie, MP
14. Hon. Rozaah Buyu, MP

ABSENT WITH APOLOGIES

1. Hon. Fatuma Gedi, CBS, MP *Vice chairperson*
2. Hon. Col (Rtd) Geoffrey King'ang'i, MP
3. Hon. William Kamuren Chirchir Chepkut, MP
4. Hon. Swarup Mishra, MP

IN ATTENDANCE-

COMMITTEE SECRETARIAT-

1. Mr. Adan Gindicha - Senior Clerk Assistant
2. Mr. Joshua Ondari - Clerk Assistant
3. Ms. Jemimah Waiwa - Senior Legal Counsel
4. Mr. Edison Odhiambo - Fiscal Analyst
5. Ms. Delvin Onyancha - Research Assistant Officer

- | | | |
|-------------------------|---|-------------------------|
| 6. Mr. Rodgers Kilungya | - | Audio Recording Officer |
| 7. Ms. Eva Kaare | - | Serjeant-At-Arms |
| 8. Mr. James Oloo | - | Office Attendant |

MIN No. 88/2021:-

**PRELIMINARIES AND COMMUNICATION
FROM THE CHAIRPERSON**

The Chairperson officially welcomed Members to the meeting at 10.30 am with a word of prayer.

MIN No. 89/2021:-

CONFIRMATION OF MINUTES

Minutes of the 23rd sitting held on Wednesday, 28th July, 20221 at 2.30 pm were confirmed as a true record of deliberations after having been proposed and seconded by Hon. Oku Kaunya, MP and Hon. Aduma Owour, MP respectively.

MIN No. 90/2021:-

MATTERS ARISING

The following matters arose-

Under Min No. 85/2021

The Chairperson informed the meeting that he had a meeting with the Cabinet Secretary, Ministry of Interior and Coordination of National Government and agreed to schedule the meeting with the Committee. In the said meeting the said Cabinet Secretary would be appraising the Committee on the status of security in the Country. He would also address the issues of insecurity in Baringo South Constituency.

MIN No. 91/2021:-

**ADOPTION OF THE REPORTS ON
PETITIONS**

**Report on the Public Petition No. 008 of 2021 regarding lack of Access to
Citizen Registration Services by residents of Garissa and Wajir Counties**

The report was unanimously adopted after having been proposed and seconded by Hon. Dr. Makali Mulu, MP and Hon. Oku Kaunya, MP respectively.

Report on the Public Petition No. 41 of 2020 regarding recognition of the Pemba People of Kenya as Citizens of the Republic of Kenya

The report was unanimously adopted after having been proposed and seconded by Hon. Oku Kaunya, MP and Hon. Aduma Owour, MP respectively.

Report on the Public Petition No. 11 of 2021 regarding Amendment of the Firearms Act, Cap 114

The report was unanimously adopted after having been proposed and seconded by Hon. Oku Kaunya, MP and Hon. Jeremiah Ekamais Lomurukai, MP respectively.

Report on *Public* Petition No. 30 of 2020 regarding insecurity in Saku Constituency and the Larger Marsabit County

The report was unanimously adopted after having been proposed and seconded by Hon. Dr. Makali Mulu, MP and Hon. Aduma Owour, MP respectively. **It is noted that Hon. Marcelino Arballe recused himself from the adoption of the report having been a witness during the fact finding visits to Marsabit County.**

MIN No. 92/2021:-

ANY OTHER BUSINESS

The Chairperson informed the meeting that the Committee had received an invitation letter from the Ministry of Foreign Affairs inviting 10 Members of the Committee to attend U.S Embassy sponsored conference in Mombasa from 12th to 15th August, 2021 to deliberate on the Strategic Goods Control (SGC), Bill. He requested Members to confirm the attendance.

MIN No. 93/2021:-

ADJOURNMENT

The Chairperson adjourned the sitting at noon.

Signed.....

Chairperson

Date.....

10/8/2021

MINUTES OF THE 18TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON MONDAY, 24TH MAY, 2021 AT 2.00 P.M. IN SERENA BEACH HOTEL, MOMBASA

PRESENT-

- | | |
|---|-------------------------|
| 1. Hon. Peter Mwathi, MP | <i>Chairperson</i> |
| 2. Hon. Fatuma Gedi, CBS, MP | <i>Vice chairperson</i> |
| 3. Hon. Peter George Kaluma, MP | |
| 4. Hon. Dr. Makali Mulu, MP | |
| 5. Hon. Aduma Owuor, MP | |
| 6. Hon. Dr. Tecla Chebet Tum, MP | |
| 7. Hon. Halima Mucheke, MP | |
| 8. Hon. Peter Masara, MP | |
| 9. Hon. Marselino Malimo Arbelle, MP | |
| 10. Hon. Oku Kaunya, MP | |
| 11. Hon. Nimrod Mbithuka Mbai, MP | |
| 12. Hon. Col (Rtd) Geoffrey King'ang'i, MP | |
| 13. Hon. Rozaah Buyu, MP | |
| 14. Hon. Abdi Omar Shurie, MP | |
| 15. Hon. William Kamuren Chirchir Chepkut, MP | |
| 16. Hon. Swarup Mishra, MP | |
| 17. Hon. Jeremiah Ekamais Lomurukai, MP | |

ABSENT WITH APOLOGIES

Hon. Ngunjiri Wambugu, MP

IN ATTENDANCE-

COMMITTEE SECRETARIAT-

- | | | |
|-------------------------|---|------------------------------|
| 1. Mr. George Gazemba | - | Principal Clerk Assistant II |
| 2. Mr. Joshua Ondari | - | Clerk Assistant II |
| 3. Ms. Brigitta Mati | - | Legal Counsel |
| 4. Mr. Joseph Okong'o | - | Media Relations Officer |
| 5. Mr. Rodgers Kilungya | - | Audio Recording Officer |
| 6. Ms. Eva Kaare | - | Serjeant-At-Arms |

MIN No. 67/2021:-

**PRELIMINARIES AND COMMUNICATION
FROM THE CHAIRPERSON**

The Chairperson officially welcomed Members to the meeting at 2.00 pm with a word of prayer.

MIN No. 68/2021:-

**CONSIDERATION OF REPORT ON THE
PUBLIC PETITION NO. 11 OF 2021
REGARDING AMENDMENT OF THE
FIREARMS ACT, CAP 114**

The Committee considered the report and came up with the following observations and recommendations-

The Committee observed that;

- a) The directive issued by the Cabinet Secretary, Ministry of Interior and Coordination of National Government on individuals seeking to own guns to undergo a mandatory mental examination as pre-condition for acquiring a firearm licence is founded on law and policy.
- b) The Firearms Act Cap 114 and the National Police Service Act No. 11A of 2011 is the legal framework that governs the use of firearms. The law is not exhaustive and adequate in regulating the use of firearms on the following grounds-
 - (i) Lack of mandatory mental examination as pre-condition for acquiring a firearm licence;
 - (ii) The lack of provisions requiring all applicants to possess firearm licence certificate;
 - (iii) Lack of definition on what constitutes the legal use of a firearm;
 - (iv) Absence of legal protection of persons who use their legal firearms;
 - (v) Failure to prescribe the circumstances under which a legal firearm holder could use his or her firearm;

- (vi) Lack of definition on what is justifiable use of a firearm ;
 - (vii) Lack of definition of the words “telescope”, “mufflers”, “bullet proof gear”, “night vision devices” and other similar devices as used in the Act creating interpretation ambiguity and
 - (viii) Absence of legal framework that would foster self-regulation by licensed firearms owners.
- c) There is need to review and amend the Firearms Act Cap 114, the National Police Service Act No. 11A of 2011, the law and policy on the use of firearms and on arrest and prosecution of persons accused of misuse of firearms and any other relevant law.
- d) Moreover, comparable jurisdictions worldwide point towards a move for tighter regulations on the use of firearms including mental assessment of potential firearm holders in order to guarantee public safety and security.

The Committee recommends as follows–

THAT the National Assembly do undertake a review of the Firearms Act Cap 114, the National Police Service Act No. 11A of 2011 and any other relevant law and policy on arrest and prosecution of persons accused of misuse of firearms.

MIN No. 69/2021:-

CONSIDERATION OF REPORT ON PUBLIC PETITION No. 30 OF 2020 REGARDING INSECURITY IN SAKU CONSTITUENCY AND THE LARGER MARSABIT COUNTY

The Committee considered the report and came up with the following observations and recommendations-

The Committee observed that;

- a) Political supremacy and tribal animosity**

- i) There is evidence on record that there is a battle for political supremacy between the Borana and the Gabra communities, especially in the gubernatorial elections. In their testimony, the Gabra Council of Elders averred that in 2013 when one of their own Amb. Ukur Yatani was elected Marsabit Governor, the Boranas did not accept defeat by the Gabras whom they considered inferior and not competent to lead them. Further to this, between 2013 and 2014, the Boranas waged war against the Gabras living in Moyale killing and injuring members of their community.
- ii) The Committee observed that the Petition itself gives an account of several incidents in which only members of the Borana community were killed by members of the Gabra community. Hon. Chachu Ganya, MP for North Horr and the Gabra Council of Elders all testifying on behalf of the Gabra community have cited several incidents in which the Gabras were killed or injured by the Boranas. They have disassociated themselves with the Petition which according to them was presented by Hon. Dido Ali Rasso on behalf of the Borana community and not on behalf of the Boranas and other communities living in the larger Marsabit County.
- iii) The Boranas attribute the unending wave of conflict and killings between them and the Gabra communities to political interests of Amb. Ukur Yatani, the incumbent Cabinet Secretary for National Treasury who is former Marsabit County, Governor as well as former North Horr MP. The Gabras attribute the unending conflict and killings to the incumbent Marsabit Governor, H.E. Mohamed Mohamud Ali and Saku MP, Hon Dido Ali Rasso. In his submissions, North Horr MP, Hon. Chachu Ganya testified that a peace deal between the Gabra and Borana political leaders was key in ending conflict and killings in the County.
- iv) In the process of mediating for peace, NCIC has convened meetings involving Treasury Cabinet Secretary and former Marsabit County Governor, Amb. Ukur Yatani representing the Gabra community and Marsabit Governor, H.E. Mohamed Mohamud Ali representing the Borana community. As a result of the meetings, the two (2) leaders committed to promoting peaceful coexistence between their communities. A fourteen (14) member Peace and Mediation Committee from the two (2) communities was constituted to

spearhead the peace process. The process however stalled due to the operationalization of two (2) administrative units in North Horr Sub County, which angered the Borana community.

- v) In their testimony, the Rendilles living in Karare Ward, Saku Constituency have accused the Boranas of attacking, killing and injuring them. They have provided a list of 96 members of their community killed by the Boranas since 1978. The Daasanach community in their testimony have averred that they are under constant threat of encroachment and fraudulent manipulation of their original land demarcation in Illeret recently reduced to a location under the Gabras on North Horr.
- vi) The Gabras and Boranas are also on record accusing each other of owning militia and fighting other communities with a view to displacing them from land occupied and expanding their territories.
- vii) In light of the foregoing, the Committee was persuaded that political supremacy and tribal animosity, especially between the Boranas and the Gabras was one of the major causes of insecurity in Marsabit County.

b) Creation of administrative units in Marsabit County

- i) According to the Gabras and Boranas, the creation of administrative units in North Horr and Saku Constituency was among the major causes of conflict and clashes in Marsabit County.
- ii) The Gabras argued that Gazette Notice No. 5853 Vol. CXIX—No. 80 dated 21st June, 2017 establishing administrative units of Oronder sub-location under Marsabit Central Division, Elle Bor Location and Elle Dimtu Sub-location under Sololo Sub County was in areas predominantly occupied by Borana community. They further argued that Elle Dimtu and Elle Bor were Gabra community land since time immemorial and were electoral units in North Horr Constituency thus opposed to the creation of the units in areas predominantly occupied by the Boranas.
- iii) The Boranas were opposed to the creation of two administrative units in North Horr Sub County, arguing that this was part of the ongoing impartial allocation of national resources to one area of the County. They

further contended that the creation of the two units for North Horr came against the backdrop of other skewed allocation of national resources where development projects worth billions of shillings were directed to the same area. The new administrative units had not facilitated the delivery of services but instead brought about more conflict, clashes and deaths and therefore the Gazette Notice establishing them ought to be revoked.

- iv) The Committee noted that Section 14 of the National Governments Co-ordination Act mandates the Cabinet Secretary for Interior and Co-ordination of National Government in consultation with the President of the Republic of Kenya to create administrative units. The Committee observed that among the factors for consideration in the creation of new administrative units are as follows –
- a) Geographical features and urban centres;
 - b) Population density and demographic trends;
 - c) Cost of administration;
 - d) Physical and human infrastructure;
 - e) Views of the affected communities;
 - f) Community of interest, historical, economic and cultural ties;
 - g) Means of communication;
 - h) Security pursuant to Article 240 of the Constitution of Kenya and relevant provisions and regulations of the National Security Council Act; and
 - i) Any other pertinent and reasonable factor that the Cabinet Secretary may consider necessary in the circumstances.
- v) The Committee observed that the reasons advanced by the Gabras and the Boranas opposing creation of administrative units in their County cannot override the factors for consideration in creation of the units which it believes the Cabinet Secretary and the President applied before issuing Gazette Notice No. 5853 Vol. CXIX—No. 80 dated 21st June, 2017.
- vi) The Committee further observed that the creation of the administrative units pursuant to Gazette Notice No. 5853 Vol. CXIX—No. 80 dated 21st June, 2017 was not for Marsabit County alone but the entire 47 Counties in the country and was intended to improve service delivery by bringing services closer to the people, among other reasons.

c) Land and boundary disputes

- i) H.E. Mohamed Mohamud Ali, Governor, Marsabit County and Amb. Ukur Yatani, Cabinet Secretary, National Treasury and Planning and former MP. North Horr and Governor Marsabit County in their testimonies, have attributed the conflict and clashes in Marsabit County to land and boundary disputes as a major source. Their evidence has been corroborated by other witnesses and stakeholders who testified before the Committee.
- ii) According to Dr. Fred Matiangi, Cabinet Secretary for Interior and Co-ordination of National Government, land is at the centre of conflict in Marsabit County. There is competition for both grazing and settlement land, particularly in Marsabit Central area of Saku. This has from time to time led to conflict and clashes.
- iii) According to the Burji Professional Association, land remains a politically sensitive and culturally complex issue for Kenya. Kenya's history with regard to the land question is characterized by breakdown in land administration, disparities in land ownership, tenure insecurity and conflict. Land belonging to the Burji Community in Sagante/Jaldesa ward and Marsabit Central Ward in Marsabit town and Gubalticha area land in Moyale town are not adjudicated as opposed to other areas within the constituency. The Gubalticha land conflict for instance, is a time bomb that needs immediate intervention due to the recurrent disputes that have concerted interests from all the communities living in the area.
- iv) The Daasanach community living in North Horr as a distinct minority claimed to be under constant threat of encroachment and fraudulent manipulation of the original land demarcation of Illeret Division (2008), now recently reduced to a location under North Horr District. The community protests against this and asks the national government to correct and if possible, recommend giving them a District as affirmative action.

- v) There is evidence on record that most of the communities in Marsabit County are pastoralists and their movement in search for water and pasture see them trespass into other communities' land due to lack of boundaries thereby leading to conflict and clashes. According to the Petition, most of the Boranas allegedly killed by the Gabras were herders an indication that they lost lives while in search for water and pasture. Similarly, the Gabras in their response to the Petition cite their kinsmen death while grazing.
- vi) The Rendilles living in Saku claim that during the dry season, Borona herders forcefully enter their land to graze their animals. The Burjis who are mostly agriculturalists specializing in crop farming averred that their land is forcibly invaded by members of the pastoral communities during the dry season in search of water and pastures. In both instances of forceful eviction, lives have been lost. The Wayyu Community also cite land boundary disputes as one of the major causes of insecurity in Marsabit County.
- vii) There is further evidence on record that both the Boranas and the Gabras claim the Horrander location to be within their territorial boundaries. The constituency boundaries between Moyale and North Horr as well as Saku and North Horr, remain unclear and contested.
- viii) Based on the evidence on record, the Committee was convinced that land and boundary disputes were among the major causes of conflict and clashes in Marsabit County.

d) Skewed distribution of national and county jobs and resources

- i) In their testimony, the Gabras averred that despite being the second largest community in the county, none of their members had held positions of Chief or Assistant Chief due to the machinations of Borana political leaders. They provided figures of those holding positions of Chief in 2020 as follows; Borana-14, Burji-3, Rendille-9, Turkana-2, Kosso-1, Indian-1, Waata-1 and Gabra-0.
- ii) The Gabras further stated that their members in Saku don't benefit from NG-CDF and Affirmative Action Fund. The Borana Managers who are in most cases in charge ensure Boranas dominantly benefit.

The Waayu Community in the testimony averred that they had not benefited from the County Government of Marsabit in terms of scholarships or bursaries and job opportunities for the last three (3) years.

- iii) The Burjis also submitted that they had not been appointed to senior positions in the county government. The Rendilles living in Karare Ward in Saku also submitted to the Committee that the County Government had marginalized them in resource allocation. Since the inception of NG-CDF in 2003, the Rendilles living in Karare Ward which has three (3) locations, had received not more than Kshs.5,000,000.00. They had also not benefitted much from the County Government in the provision of essential services such as water, health neither had they benefitted much in employment.
- iv) The Boranas cited skewed national distribution of resources and opportunities as a contributory factor for clashes and insecurity in the County. NCIC also attributed the same reasons for conflict and clashes in the County.
- v) The Committee was persuaded that the skewed distribution of resources in the County was a contributory factor for conflict and clashes in Marsabit County.

e) Scramble for water and pasture for livestock and cattle rustling

- i) Almost all witnesses and stakeholders who testified before the Committee attributed scramble for water and pasture for livestock and cattle rustling as some of the major causes of conflict and clashes in the county. This was because most of the communities in the County are pastoralists and scramble for water and pasture during the dry season while cattle rustling was part of their way of living. There is further evidence on record of revenge attacks to have become a culture whenever one community's livestock is stolen.
- ii) The Rendilles of Karare Ward in Saku are on record saying that the Borona herders forcefully enter their land to graze their animals causing deaths and injuries to community members. The Burjis who

are mostly agriculturalists specializing in crop farming are also on record that during the dry season their land is invaded by the pastoralist communities destroying their crops and injuring or killing members of their community.

f) Possession of illegal firearms by civilians

- i) In the Petition, the Petitioners have cited use of firearms illegally owned by the Gabra attackers. For instance, in an incident of April, 2017 when four (4) Boranas were murdered, the police recovered 7.62 mm spent cartridges at the scene of crime. In another incident of 11th April, 2017 where Boranas were again killed by Gabras, the Petitioners have averred that the Gabra attackers were heavily armed with sophisticated machine guns and automatic weapons.
- ii) In their testimonies, Hon. Chachu Ganya, MP, North Horr Constituency and the Gabra Council of Elders affirmed that indeed, there was exchange of fire in attacks between the Boranas and the Gabras which are outlined in the Petition. The Cabinet Secretary for Interior and Co-ordination of National Government, Dr Fred Matiangi, the Marsabit County Police Commander, Mr. Samuel Mutunga, NCIC Chairperson, Rev. Dr. Samuel Kobia are also on record that there are civilians in Marsabit County in illegal possession of firearms.
- iii) The Cabinet Secretary for Interior and Co-ordination of National Government, Dr. Matiangi in his submissions, affirmed that during the last disarmament exercise which was voluntary, not all firearms were surrendered and this has threatened peace and stability in the County. Further, intelligence reports available indicate that after the disarmament, political leaders cried foul and silently armed their kinsmen arguing that they were vulnerable and prone to attacks. The County Police Commander averred that most illegal firearms found their way into the County through the long porous Kenya/Ethiopia border which is not well protected with militia operating freely along the border.

iv) In view of the foregoing, the Committee found possession of illegal firearms by civilians as one of the major causes of conflict and clashes in Marsabit County.

g) Presence of militia in Marsabit County

- i) The Petitioners and the Borana Council of Elders in their submissions averred that the Gabras own a militia that has been behind killings of the Boranas as outlined in the Petition. They contend that the militia acts with impunity as if running a system parallel to the existing government structure. They further contend that the North Horr militia arm themselves in secrecy, plan and gang up without knowledge of Government security apparatus in order to carry out an expansionist agenda against the neighbouring communities.
- ii) The Gabra Council of Elders is on record that there are 5 Borana militia camps at Elle Dimtu, Jaldesa/Badassa, Ambalo, Badan Rero and Kubi financed and coordinated by the County Government of Marsabit Governor H.E. Mohamed Mohamud Ali and Saku MP Hon. Dido Ali Rasso as well as the Moyale NG-CDF.
- iii) The Gabra Council of Elders further averred that the OLF militia from Ethiopia also operates in the County supported by the Borana leadership and launches attacks against other communities on behalf of the Borana Community. The OLF live freely amongst members of the Borana community, particularly in Moyale, Sololo and Marsabit. The Rendilles of Karare Ward in Saku also claimed that the Boranas import OLF militia from Ethiopia to execute killings and commit other atrocities on their behalf.
- iv) The Committee observed that claims of presence of militia in Marsabit County were made against each other by the two warring communities who are the main players in the conflict and clashes in the entire county need to be investigated and appropriate action taken.

h) Hate speech and unfounded rumours perpetrated through FM Stations and social media

- i) In their testimonies, the Gabras averred that Governor, H.E. Mohamed Mohamud Ali has openly demonized, criminalized and castigated the Gabra community. The Governor is on record referring to the Gabra community as ‘Mashetani’ (devils) and Gabra Council of Elders as Wakora (criminals) and petty brokers during peace meeting between the Borana and Degodia community after 40 Degodias were killed by Borana militia. The Gabra community was not present in the meeting and was not party to the conflict. He has also been on air severally hurling insults at the entire Gabra community.
 - ii) According to the Boranas, one of the masterminds of that Forolle raid Mr. Pius Wario went live on national television and recklessly and falsely profiled the Borana as warmongers and outsiders to Marsabit County, further exacerbating the situation and sowing seeds of hatred and animosity between Gabra and the Borana.
 - iii) The Cabinet Secretary for Interior and Co-ordination of National Government, Dr Fred Matiangi and the Chairperson, NCIC Chairperson, Dr. Sam Kobia also attributed the conflict and clashes in the county to hate speech and unfounded rumours perpetrated through FM Radio Stations and social media.
 - iv) Based on the evidence on record, the Committee found hate speech and unfounded rumours perpetrated through FM Radio Stations and social media to be among the causes of insecurity in Marsabit County.
- i) Inadequate policing of the County due to its vastness and poor infrastructure**
- i) Marsabit County is the largest county in Kenya, covering approximately Kshs.71, 000 Square Kilometres. The county is also poorly developed in terms of infrastructure, most notably in roads, water, communication and power supply.
 - ii) The Cabinet Secretary for Interior and Co-ordination of National Government, Dr. Fred Matiangi is on record that his Ministry which is responsible for providing security had challenges providing services to each and every part of Marsabit County due to its vastness. His testimony was corroborated by the Marsabit County Police

Commander. He cited an incident in which officers on duty lost lives in the hands of bandits because their distress calls could not be responded to due to lack of network in the area they were calling from.

iii) The Committee observed that for many years, Marsabit County lacked tarmacked roads and it was quite challenging travelling from Moyale to Marsabit to Isiolo until not long ago when the Isiolo/Marsabit/Moyale tarmac Road was constructed by the national government. Otherwise, most parts of the County lack or have poor infrastructure.

j) Disarmament of National Police Reservists

- i) In their testimony, the Boranas averred that the 2019 disarmament of National Police Reservists in Marsabit County was inconsistently and selectively carried out leaving members of Borana community extremely vulnerable to attacks from other communities. According to the Gabras, the Government of Kenya disarmed all the National Police Reservists across the county without any discrimination as per the national government directive on disarmament.
- ii) The Committee observed that there is credible evidence on record on political supremacy and tribal animosity between the Gabras and the Boranas as major cause of insecurity in Marsabit County. Consequently, there were high chances that Police Reservists from the two communities would be partial in operations in favour of members of their respective communities.
- iii) In a statement issued to the House by the Chairperson, Departmental Committee on Administration and National Security on behalf of the Cabinet Secretary for Interior and Co-ordination of National Government regarding the disarmament of police reservists in Marsabit and Samburu Counties, the Cabinet Secretary submitted as follows –

Section 110(c) of the National Police Service Act vests the recruitment, deployment and dismissal from service of National Police Service Reservists in the National Police Service

Commission in consultation with the Inspector-General of Police;

iv) The Government of Kenya disarmed some of the Police Reservists in Marsabit and Samburu counties because of the following reasons-

- Being partial in operations and aligning themselves with tribes;
- Failure to protect life and property;
- Failure to cooperate with security agencies;
- Failure to account for the number of ammunition issued;
- Engagement in highway robberies; and
- Abuse of powers and privileges.

v) The recent restructuring of the National Police Service had boosted personnel strength and therefore recruitment or redeployment of Reservists shall be considered on a need basis after vetting of Reservists previously in service

vi) The Government had deployed specialized units in Marsabit and Samburu Counties to contain rising cases of insecurity complimented with the General Service Duty Officers.

vii) The Committee found the reasons for disarmament of National Police Reservists by the National Police Service Commission plausible and in the best interest of the people of Marsabit and Samburu Counties.

k) Long porous and unprotected Kenya/Ethiopia border

i) There is evidence on record that the long porous Kenya/Ethiopia border which is not adequately protected is among the causes of insecurity in Marsabit County.

ii) In their testimony, Amb. Ukur Yatan averred that the long porous Kenya/Ethiopia border is used to smuggle into the country illegal firearms used by militia to cause insecurity. Hon. Chachu Ganya, the Gabra Council of Elders the Rendilles living in Saku, the Marsabit

County Police Commander Mr. Samuel Mutunga averred that the long porous border facilitated the importation of illegal firearms and immigrants which include militia.

iii) Based on the testimonies, the Committee was persuaded that the long Kenya/Ethiopia porous border was a factor for insecurity in Marsabit County and needed to be well protected.

l) Compensation of victims of Marsabit conflict and clashes

i) The Committee observed that the clashes in Marsabit County were inter-communal and had led to loss of lives of innocent persons, with others suffering injuries while others becoming internally displaced. The Committee further observed that every Kenyan is entitled to security from the Government of Kenya against such clashes and that victims of the 2007 post election violence were compensated by the Government of Kenya. However there lacked legal framework for compensation of victims like those of Marsabit County.

The Committee recommends as follows–

- a) The National Government and the Marsabit County Government should ensure fairness and equity in the distribution of resources, including employment opportunities to all residents of Marsabit County; with deliberate affirmative action to minority ethnic groups in the County.
- b) The Cabinet Secretary for Interior and Co-ordination of National Government should expeditiously investigate the claimed mass issuance of national identification documents to illegal immigrants from Ethiopia in Marsabit County in general and Sololo Sub-County and Sagante Ward in Saku Sub-County in particular.
- c) The Cabinet Secretary for Interior and Co-ordination of National Government should take immediate action to flush out illegal immigrants from Marsabit County.

- d) The Cabinet Secretary for Interior and Co-ordination of National Government and the Inspector-General, National Police Service should as a matter of urgency crack down on all militia camps within Marsabit County including; Ambalo, Badan Rero, Elle Bor Elle Dimtu and Kubi Qallo.
- e) The Cabinet Secretary for Lands should institute measures to ensure land adjudication, demarcation, registration and issuance of title deeds in Marsabit County, starting with the disputed areas.
- f) The Cabinet Secretary for Lands and the Cabinet Secretary for Interior and Co-ordination of National Government should immediately ensure the internally displaced persons in Kosso Banchale, Salesa and Isacko Umuro are resettled.
- g) The Cabinet Secretary for Interior and Co-ordination of National Government and the Inspector-General National Police Service should disarm and recover all illegally owned firearms in Marsabit County in particular and generally across the country.
- h) The Cabinet Secretary for Interior and Co-ordination of National Government should as a matter of urgency ensure the disarmament of National Police Reservists in Marsabit County is concluded and their roles taken up by the National Police Service personnel.
- i) The Cabinet Secretary for Interior and Co-ordination of National Government and the Cabinet Secretary in charge of Defence should ensure the borders of Kenya are adequately secured and more particularly the border of Kenya with Ethiopia to prevent the entry of illegal firearms and aliens into the country.
- j) The Cabinet Secretary for Interior and Co-ordination of National Government and the National Cohesion and Integration Commission should roll-out programmes and activities to promote peaceful coexistence and reconciliation of the various communities in Marsabit County.
- k) The Cabinet Secretary for Interior and Co-ordination of National Government should institute legislative and other measures to forestall cattle rustling in Marsabit and across the country.

- l) The Director of Criminal Investigations should expeditiously investigate claims of ethnic incitement and hate speech disturbing peace in Marsabit County with a view to having the perpetrators prosecuted.
- m) The national government and the county government of Marsabit should take necessary action to ensure development of transport and communication infrastructure in Marsabit County in order to improve on policing.
- n) The Cabinet Secretary for Interior and Co-ordination of National Government should strengthen national security agencies in Marsabit County, especially the National Police Service's Specialized Units to ensure their presence is felt all over the County.
- o) The Kenya National Commission on Human Rights should investigate claims of inter-ethnic killings in Marsabit County and report to the National Assembly within 90 days from the date the report is tabled before the House.
- p) All Government Ministries, Departments, Commissions and Agencies required to act on this report should do so and report to the National Assembly within 90 days from the date the report is tabled before the House.

MIN No. 70/2021:-

ADJOURNMENT

The Chairperson adjourned the sitting at 6.00 pm.

Signed.....


Chairperson

Date.....

10/8/2021



Approved.
BWA
SNA
12/8/2020

REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

PUBLIC PETITION

(No. 30 of 2020)

REGARDING INSECURITY IN SAKU CONSTITUENCY AND THE LARGER MARSABIT COUNTY

I, the **UNDERSIGNED**, on behalf of the people of Saku Constituency in Marsabit County;

DRAW the attention of the House to the following: -

- THAT**, in 2015, the leadership of Marsabit County approved highly-contested plans to relocate Marsabit airstrip to *Horonder* area and subsequently resettled a section of *Bubisa* residents comprising over 50 households into the area, and following intervention by the Constituency leadership and the National Government, it was agreed that the new settlers would be relocated back to *Bubisa* within two months;
- THAT**, the Marsabit County Government reneged on this resolution and instead formalized the settlement by constructing new ECDE centres and advertising the position of area Assistant Chief under *Bubisa* Location despite the area being in *Qilta* Location, thereby simmering unwanted ethnic tensions and administrative boundary contestations considering that the area is in Saku Constituency and already had a Chief and Assistant Chief;
- THAT**, in April 2017, four *Borana* herders namely Wario Oba Ubane, Abdub Kana Guyo, Abdub Jarso Waqo and Ibrahim Fugicha were senselessly massacred in cold blood in *Dololo Woyama* area of *Sagante* Location by suspected *Gabra* attackers following which 27 expended 7.62mm cartridges were recovered at the scene by police;

THE NATIONAL ASSEMBLY
RECEIVED
 13 AUG 2020
 DIRECTOR COMMITTEE SERVICES
 Time:.....Sign:.....

NATIONAL ASSEMBLY
RECEIVED
 12 AUG 2020
 SPEAKER'S OFFICE
 P. O. Box 41842, NAIROBI.

Hon. Speaker
 This is w/water. You
 may approve.
 12/08/2020

4. **THAT**, further attacks led to the murder of Police Reservist Jattani Afatu along *Shurr-Jaldesa* public road on 11th April 2017 with the arrested suspects being freed in unclear circumstances and the brutal murder of three *Borana* herders namely Mzee Wako Tato, Tari Diba Sankara and Jirmo Gobu on 5th September 2018 by suspected *Gabra* attackers heavily armed with sophisticated machine guns and automatic weapons and who also torched their houses and properties in *Horonder* area;
5. **THAT**, on 13th October 2018, an unprecedented conflict in Kubi Qallo led to the death of Wario Guyo Ali, Abdub Girro, Guyo Boru Barako and Wario Boru Dida as well as destruction of the water generator set at Kubi Qallo China Borehole valued at Ksh.5m, burning of ten motor cycles valued at Ksh 1.2m and theft of 60 heads of cattle and 653 goats and sheep from the *Borana* Community;
6. **THAT**, on 13th October 2018, *Jaldesa* village was attacked by suspected *Gabra* raiders leading to the murder of Tadicha Godana and Abdub Jattani as well as destruction of water genset at *Jaldesa* Borehole valued at Ksh.5m, followed by the 15th December 2018 murder of *Borana* herders Doko Galgallo and Gababa Godana at Haro Girisa while watering their animals as well as theft of Police Reservist guns and ammunition;
7. **THAT**, on 13th March 2019, an attack at Haro Girisa by *Gabra* militia led to the brutal killing of three Kenya Police Reservists namely Golich Boru Dida, Qalla Kossi Bilinga and Mohamed Abdi and injury to seven other residents as well as theft of their guns and ammunition, followed by cold-blooded murder of two *Borana* herders Jillo Sora and Abdub Jillo in *Garr* Shaba on 23rd May 2019 by *Gabra* attackers from *Segel* area of *Jirime* Location less than a kilometer from police road block at Kenya Broadcasting Corporation station, Marsabit;
8. **THAT**, On 15th September 2019, a quarry worker at *Haro*, Halakhe Yaya by the name of Denge Happi Da'acha was killed by attackers who fled into *Segel* village inhabited by the *Gabra* community and no effort was made by the law enforcement agencies to apprehend the killers;

PUBLIC PETITION

**REGARDING INSECURITY IN SAKU CONSTITUENCY AND
NEIGHBOURING AREAS OF MARSABIT COUNTY**

9. **THAT**, on 6th November 2019, 10 *Borana* herders including 5 school-going children aged between 6-15 were killed at *Kukuto* by heavily armed *Gabra* militia believed from *Horonder, Segel* and *Bubisa* following which one of the attackers was airlifted to Nairobi for specialized treatment in mysterious circumstances, followed by the brutal murder of 3 police officers in *Jaldesa* village during which a mobile phone belonging to one of the attackers was collected at the scene of crime and no arrests have been made to date;
10. **THAT**, further attacks have led to the murder Galgallo Kara Roba at *Haro Halake Yaya* grazing field on 27th May 2020, murder of 4 Rendille youths along *Badasa-Songa* Road on 8th June 2020, murder of 4 *Borana* herders at *Haro JICA* on 13th June 2020, murder and mutilation of mentally-ill *Wario Wako Elema* on 14th June 2020, murder of two secondary school students along the *Dirib-Town* Road on 22nd June 2020, among many other cold-blooded killings;
11. **THAT**, residents of *Hargeisa* Village were displaced and left to suffer as IDPs following destruction of 110 houses, by the *Gabra* Militia and later settling in those villages by erecting Uni-hut which were recommended for demolition by the County Security team that has never been implemented;
12. **THAT**, all these attacks took place in Saku Constituency by attackers believed to be from North Horr Constituency, *Gabra* villages in Moyale Constituency and Ethiopia Region Four, and who disguise themselves as herders in well-orchestrated attacks aimed at removing the *Borana* Community from Saku Constituency, making Marsabit County ungovernable and discrediting the current Marsabit County leadership;
13. **THAT**, the militia behind these attacks act with impunity as if running a system parallel to the existing government structure, with land being at the epicenter of this conflict as exemplified by the fact that the *Gabra* have managed to cleanse the *Borana* from their midst in all their settlements, with the latest being *Hurri Hills*, that has made the former *Borana* occupants to be refugees in Ethiopia and IDPs at *Ele Dimtu, Ele Borr* and *Kubi Qallo*;

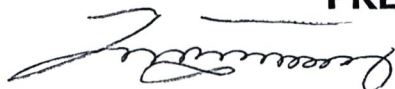
14. **THAT**, the militia in North Horr Constituency arm themselves in secrecy, plan in secrecy and gang up without the knowledge of Government apparatus in order to carry out their nefarious expansionist agenda against the neighbouring communities of *Dasanach*, *Turkana*, *Rendille* and *Borana* in a bid to expand their territory;
15. **THAT**, efforts to address this matter with relevant authorities have not borne much fruit as exemplified by the fact that in September 2018 the Marsabit County Commissioner disarmed Borana Police Reservists who were actually the victims of *Gabra* attacks;
16. **AND THAT**, the matter in respect of which this Petition is made is not pending before any Court of Law or Constitutional body.

NOW THEREFORE, your humble petitioners pray that the National Assembly through the Departmental Committee on Administration and National Security-

- a) Enquires into the ongoing cases of gross insecurity in Saku Constituency with the objective of facilitating restoration of peace by addressing/and resolving the Resource, Community and Administrative boundary between Saku and North Horr Constituencies, resolving all existing boundary disputes in Marsabit County and facilitating recovery of Kenya Police Reservists guns, ammunition and livestock due to the Borana victims of the aforementioned attacks/killings including compensation for the families for these avoidable losses, and
- b) Makes any other orders that it deems appropriate in light of the circumstances outlined in this Petition.

And your **PETITIONERS** will ever pray.

PRESENTED BY




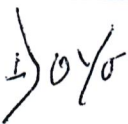

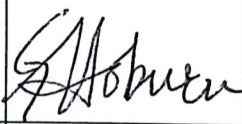







HON. COL. (RTD.) DIDO ALI RASSO, MP
MEMBER FOR SAKU CONSTITUENCY

Date.....*19th August, 2020*.....

PUBLIC PETITION
(No. 25 of 2020)

**REGARDING INSECURITY IN SAKU CONSTITUENCY AND
NEIGHBOURING AREAS OF MARSABIT COUNTY**

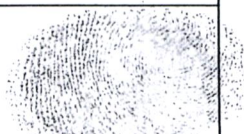


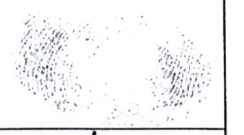


We, the undersigned, hereby append our signatures in support of this Petition:

	Name	I/D No.	Telephone No.	Signature
1	Mr. Dida Halake Galma	0022635	0722854677	
2.	Cllr. Doyo Galgallo	0020832	0799329319	
3.	Mr. Wako Galm Bukicha	0022475	0718286029	
4	Engr. Guyo Halake Boru	0021256	0722728879	
5	Mr. Dida Wario	0022591	0726962839	
6	Mr. Said Jillo Tukena	2445980	0726523074	
7	Mr. Wario Roba Barille	0628827	0711192555	
8	Mzee. Duba Guyo Barfata	0022505	0700475837	
9	Mzee Dida Waqo Diriba	0022580	0720895100	
10	Mzee Guyo Jattani	0597681	0726723074	
11	Mzee Wako Korma	0021999	0710393335	

PUBLIC PETITION
(No. 25 of 2020)

**REGARDING INSECURITY IN SAKU CONSTITUENCY AND
NEIGHBOURING AREAS OF MARSABIT COUNTY**






We, the undersigned, hereby append our signatures in support of this Petition:

	Name	I/D No.	Telephone No.	Signature
12	Mr. Dida Regatu	0629044	0727687264	
13	Mr. Dida Golisa	0631433	0704695414	
14	Mr. Guracha Boru	2000246	0726005813	<i>Guracha Boru</i>
15	Mr. Gollo Dakka	0632556	072784572	
16	Mzee Dalacha Qitti	0021125	0727880608	
17	Mr. Dida Waqo Tato	9559740	0727056315	<i>Dida Waqo</i>
18	Mr. Kalicha Hukka	0020133	0725092801	<i>Kalicha Hukka</i>
19	Mr. Galgallo Huka Adi	0022188	0720553968	<i>Galgallo Huka</i>
20	Mr. Guracha Jarso Kocha	0022206	0710373750	
21	Mzee Sora Dido Ukurara	0268746	0700571971	<i>Sora Dido</i>
22	Mzee Galma Jattani	1288527	0717367102	

**PUBLIC PETITION
(No. 25 of 2020)**

**REGARDING INSECURITY IN SAKU CONSTITUENCY AND
NEIGHBOURING AREAS OF MARSABIT COUNTY**

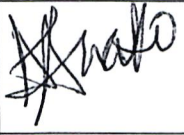


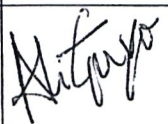





We, the undersigned, hereby append our signatures in support of this Petition:

	Name	I/D No.	Telephone No.	Signature
23	Mzee. Wako Kalicha	0633073	0716358147	
24	Mr. Diba Jarso Balla	0283749	0711208862	
25	Cllr. Halake Wako	0634061	0790049433	
26	Mzee Ali Guyo	----- 0021569	0727490521	
27	Mzee. Rob Sora	0596190	0717270287	
28	Mzee Guyo Arero	00205580	0728804616	
29	Mzee Tari Adi	0068743	0707257879	
30	Mzee Kanasa Jarso	7147698	0711483240	

PUBLIC PETITION
(No. 25 of 2020)

**REGARDING INSECURITY IN SAKU CONSTITUENCY AND
NEIGHBOURING AREAS OF MARSABIT COUNTY**






We, the undersigned, hereby append our signatures in support of this Petition:

	Name	I/D No.	Telephone No.	Signature
31	Mzee. Andrew Abdub Wako	0022667	0716112518	
32	Mr. Sora Kunni	12756579	0746391232	
33	Mr. Wako Roba Wako	0022510	0711502233	
33	Mzee Ali Guyo	0021569	0727490521	
34	Mr. Rob Sora	0596190	0717270287	
35	Mr. Dokata Ali Rasso	0630801	0719279731	
36	Mr. Boru Garo Qalla	12756612	0712317157	
37	Ms. Asha Dima Jattani	3455077	0727140106	
38	Ms. Hawo Dalacha	0210544	0700692510	

PUBLIC PETITION
(No. 25 of 2020)






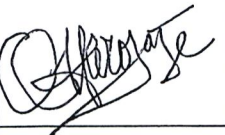




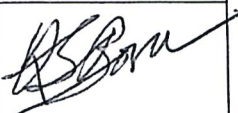
**REGARDING INSECURITY IN SAKU CONSTITUENCY AND
NEIGHBOURING AREAS OF MARSABIT COUNTY**

We, the undersigned, hereby append our signatures in support of this Petition:

	Name	I/D No.	Telephone No.	Signature
39	Ms. Halima Jarso Godana	059771	0797407152	<i>Halima Jarso</i>
40	Ms. Sake Dima Doyo	13729235	0745440408	
41	Mr. Kallo Golicha Qanchora	0073480	0746876878	
42	Ms. Fatuma Dalacha	12756571	0714740106	<i>Fatuma Dalacha</i>
43	Ms. Adhi Waqo Bati	0213882	0791321486	
44	Mr. Hakule Godana Orbale	22767750	0700376749	
45	Mr. Garo Diribo Jattani	21471674	0757400118	
46	Mr. Alexander Roba Dima	12432939	0727963137	<i>Alexander Roba Dima</i>
47	Mr. Halake Katelo Godana	0204890	0701898394	<i>Halake Katelo</i>


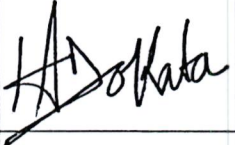







**REGARDING INSECURITY IN SAKU CONSTITUENCY AND
NEIGHBOURING AREAS OF MARSABIT COUNTY**

We, the undersigned, hereby append our signatures in support of this Petition:

	Name	I/D No.	Telephone No.	Signature
48	Mr. Boru Adhi Jattani	9571290	0722466922	
49	Mr. Abdi Omar Karumbe	7146954	0725734088	
50	Mr. Rob Malicha	23763077	0704505158	
51	Mr. Bonaya Doti	11504396	0725824219	
52	Mr. Guyo Gababa Barutha	21005960	0702458670	
53	Ms. Qabale Haro Jaje	24074631	0703857787	
54	Ms. Fatuma Wario Dadacha	13729965	0717314525	
55	Mr. Hassan Wako Jarso	12755402	0721991572	
56	Ms Halima Galmagal	20526787	0792677216	
57	Ms. Okutu Galma Duba	28799447	072691260	
58	Ms. Qabale Sora Boru	27053478	0711544451	



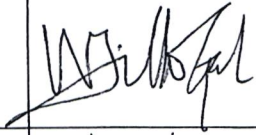
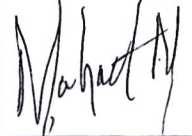

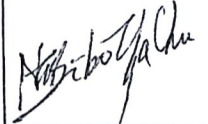

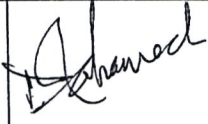
**REGARDING INSECURITY IN SAKU CONSTITUENCY AND
NEIGHBOURING AREAS OF MARSABIT COUNTY**

We, the undersigned, hereby append our signatures in support of this Petition:

	Name	I/D No.	Telephone No.	Signature
59	Mr. Hassan Wario Duba	22604323	0770301262	
60	Mr. Halkano Dokata	38275350	0716771678	
61	Ms. Buke Wario Boru	12756558	0712442431	
62	Mr. Abdi Jirmo Boru	22305322	0726588721	
63	Mr. Wario Boru Wario	0630763	0710353422	
64	Mr. Mohamed Abdirkadir	24075297	0715780194	
65	Ms. Dahabo Wako Korma	22975221	0792901539	
66	Ms. Halima Boru Katelo	24610112	0705043540	
67	Ms. Amina Wario Guyo	12876326	0721421488	

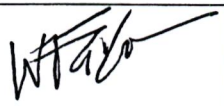

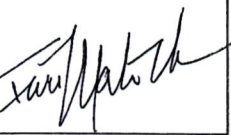
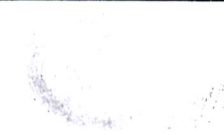


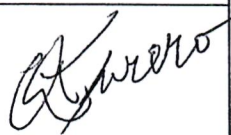
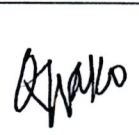
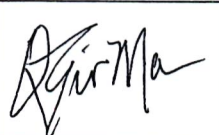
**REGARDING INSECURITY IN SAKU CONSTITUENCY AND
NEIGHBOURING AREAS OF MARSABIT COUNTY**

We, the undersigned, hereby append our signatures in support of this Petition:

	Name	I/D No.	Telephone No.	Signature
68	Mr. Rob Dida Kitito	31802874	0725293483	
69	Mr. Haro Halake Sora	22479414	0705530799	
70	Mr. William Jillo Galgallo	32330967	0719691621	
71	Mr. Mahaad Mohamed	12432763	0713217067	
72	Ms. Kule Boru Galgallo	2355278	0717382989	
73	Ms. Abdi Charfi Halake	20204754	0724390212	
74	Ms. Nasibo Hussein Chachu	27559424	0718355078	
75	Ms. Sadia Mamo Godana	37699237	0757264371	
76	Mr. Mohamed Jattani	16042787	0719187692	
77	Mr. Fatuma Boru Galma	28690406	0768700936	

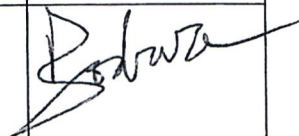
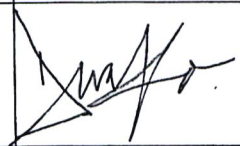
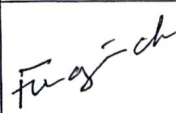
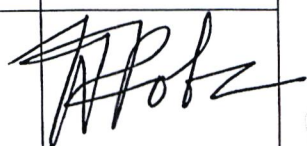
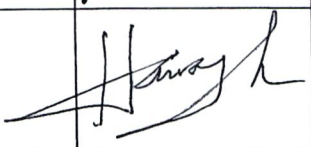
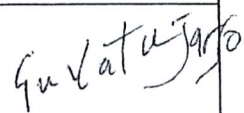
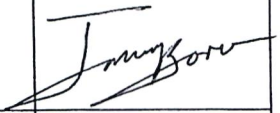
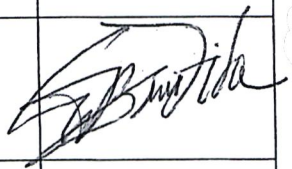
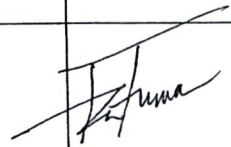
**REGARDING INSECURITY IN SAKU CONSTITUENCY AND
NEIGHBOURING AREAS OF MARSABIT COUNTY**

We, the undersigned, hereby append our signatures in support of this Petition:

	Name	I/D No.	Telephone No.	Signature
78	Mr. Wario Arero Fayo	21209243	0768700432	
79	Ms. Mumina Gollo	21278080	0715145075	
80	Mr. Tari Malicha	95592005	0720582047	
81	Mr. Jillo Mamo Gardulicha	0211675	0729660931	
82	Mr. Tune Komba	22480258	0714012678	
83	Ms. Maria Qabale Jillo	11504771	0725778220	
84	Ms. Qabale Tache Arero	0212247	0727687205	
85	Ms. Qabale Wako	5498938	0726218839	
86	Ms. Qabale Girma	0075301	0724696363	

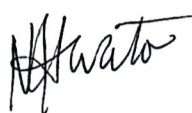
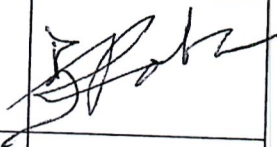







**REGARDING INSECURITY IN SAKU CONSTITUENCY AND
NEIGHBOURING AREAS OF MARSABIT COUNTY**

We, the undersigned, hereby append our signatures in support of this Petition:

	Name	I/D No.	Telephone No.	Signature
87	Mr. Boru Diba	31583957	0725284729	
88	Mr. Dub Wako	22826783	0710840011	
89	Mr. Fugich Ware	28902196	0704788272	
90	Mr. Wario Roba	31594714	0794182578	
91	Mr. Halkano Hawa	27115373	0713033983	
92	Ms. Guyatu Jarso	30571306	0727143681	
93	Mr. Jarso Boru	3195440	0712486813	
94	Mr. Miyo Guyo Hallo	11503100	0717444343	
95	Mr. Guyo Bonaya Dida	28031918	0701420773	
96	Ms. Kabale Jillo Chana	24752473	0721641784	
97	Ms. Fatuma Godana	0212999	0724759599	

**REGARDING INSECURITY IN SAKU CONSTITUENCY AND
NEIGHBOURING AREAS OF MARSABIT COUNTY**





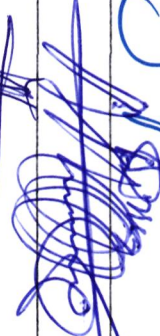
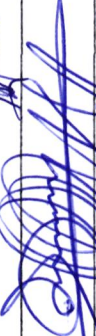


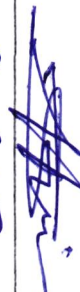
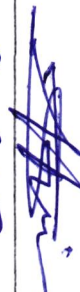



We, the undersigned, hereby append our signatures in support of this Petition:

	Name	I/D No.	Telephone No.	Signature
98	Mr. Mohamed Halake Wato	13804272	0716158551	
99	Mr. Boru Diba Roba	27736469	0757959208	
100	Mr. Mohamed Hassan Lamma	24074680	0758616955	
101	Ms. Guyatu Wario Halkano	25995082	0797627946	
102	Mr. Tatache Aga Galgallo	0592534	0797310562	
103	Ms. Habiba Tamana Rata	5559986	0791952239	
104	Ms. Darmi Sole Ali	23404458	0705785904	
105	Mr. Sora Katelo	21447111	0726689803	
106	Mr. Boru Wario	22738756	0727962734	

Chrisgabalo2002@yahoo.ca-uk

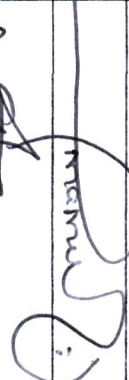











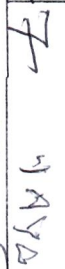

BUESI

WITNESS ATTENDANCE LIST

NAME	DESIGNATION	CONTACTS	SIGNATURE
Ibrahim Osho	Elder	0726950086	
Jasib Aksha	Knucel	8125461117	
Abdo Ala	PCA - CAN	0721719636	
Josiah Sidi Jitho Esha	Business man Elder Bugi	0725 9492130 0102465736	 
A. Kouse Kern	SEC GENERAL BPA	0112 016138	
MATWO HYKO	ELDER	0725579042	
Mohamed HAILE	Elder	07206559980	
Boga AGE	Elder	07208610592	
Siko Ayoko	Elder	0722915974	
GILPOUNE	Youth	0725824218	
Ibrahim Wacha	Elder	0724314439	
Sauwel B.A. Durito	Youth	0722303493	













BURSI

WITNESS ATTENDANCE LIST

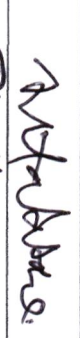
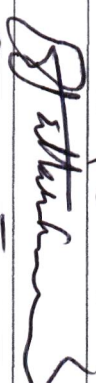











NAME	DESIGNATION	CONTACTS	SIGNATURE
Yenuresh Mahmud	Bursi Bursi Member	0725734127	
CITEME DRACO	-Bursi	0727263558	
ADAM BOZETIM	Bursi Member	0417820168	
MARSA MOCHE	Bursi Newber	0720090107	
KACHIE BUANO	Bursi member	0726589288	
HIRBI JERO	BURSI member	0725950072	
MAMU BARO	BURSI M.B.T	07224243644	
ALLO OAMMOS		072215820	
ABAM KUGE		072306653	
ISRAHIM KORE	Bursi m.B.T	0722350416	
OGE DAISO	Bursi m.B.T	0718420849	
FATUMA N. SHEGE	Alcluet	0725746480	
YAGO STADANE	Bursi Bursi	0725560747	
MOHAMED IBRAHIM	Bursi	0720603481	

20251


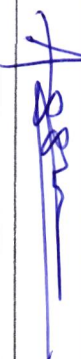










WITNESS ATTENDANCE LIST

NAME	DESIGNATION	CONTACTS	SIGNATURE
Mohammed Safo	Organizing Sec. Bongi Potseand	07186714095	
Morachi leure	Chairman Bongi Potseand	0783914663	
Nolubho Dama	Member	0735786886	
Sadie H. Cisso	Member	0725271862	
DSTE CHURO DSTE	Member	0727392485	
HIRBO ALLA DAME	member	0727915740	
Pthup thupe	member	07245855	
npna	member	0724324396	
Hibo Hassan	Member	0727369942	
Dama Roba	"	0728168880	
Petas Sillo	MEMBER.	0789443349	
Juma Solis	MEMBER	0727918446	












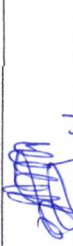
Rep. Baramba Community.
WITNESS ATTENDANCE LIST

NAME	DESIGNATION	CONTACTS	SIGNATURE
1. DIDA HALANGA	Chair BCE	07022854677	
2. DUYO HALAKA	Member BCE	0722728879	
3. GILLO BAKHARA	Member BCE	0727840772	
4. SAPANA DUBA	Member BCE	072452897	
5. APULUKU BABA	Member BCE	0720135089	
6. WAKO GATINA BUKIHA	Member BCE	0718206029	
7. AYO GATATEA	Member BCE	0799329319	
8. GURACH MESA	Elder	0743756655	
9. PABO DADALI ZITIM	Member BCE	0724065718	
10. MANGO KEMBA	Member BCE	0710393335	
11. SKUMBU KIRANI	CSO	0721701270	
12. FURACH BOMU	BCE Member	0726005813	
13. BOMU BILA WAKO	Youth Rep.	0725284729	












REP. BOARD A Community
WITNESS ATTENDANCE LIST

NAME	DESIGNATION	CONTACTS	SIGNATURE
1. Galgalo HUKA	Bce Member	0720553968	
2. Sora Dido	Bce Member	0724457087	
3. Gurachi Kalgalo			
4. Dub Wako Sakala	Youths Rep	0710840011	
5. Abodus ELEMA		07144912896	
6. Liban Denge	Sagante Jibena Youths Vice Chairman	0791413623	
7. SAM RUSA	Secretary	0701876600	
8. James bulle	Sagante Kibloga Youths Secretary	0717091903	
9. John ketelle falls	Youth Rep.	0726494696	
10. Galsillo KASGO	Jirime	0751928155	
11. Abdu JARSO	Youth Rep	0792069893	
KANASA LUGMANA	ELDSN	0711453240	
CAIDA JILLO	BCE	0726523274	














REP. BOBANA Community
WITNESS ATTENDANCE LIST

NAME	DESIGNATION	CONTACTS	SIGNATURE
1 Juma ESEKON	ELDER	0726387959	
2 AIDA RIGAYU	ELDER	0727689264	
3. NURR WABIO BARI		0727211567	
4. WABIO ROBA	BCE	0711925555	
5. GUTO JATTANI	BCE		
6 HALEHE KLEKO	BCE	0790244933	
7 GUTO HA DUSA	North leader	0717312882	
8 KABALE TACHE	ELDER	0727687205	
9 FATMA GODOHA	yi	0724759599	
10 Stephen Dora	Leader (men)	0726689883	
11. MOHAMMED ABDUD	C & D	0700673098	
12. Hassan Wakala	North leader	0700355952	
GEORGIO JOHANNI BOT	ELDER	0792512800	






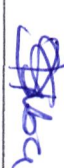







Rep. BOBATHA Community
WITNESS ATTENDANCE LIST

NAME	DESIGNATION	CONTACTS	SIGNATURE
MICKI JAYSO KITHI	Member Elder	0717383845	
ELEMS BONY	Woman Represents TVE	0790582047	
Nancy D. Galama	M. AIR ID	0720598960	
SORA KUNDI	Member - BCE	0702651355	
DAVID AYDA	Remember	0726962830	
WARIO MAMU	ELDER	0727232472	
GUAFU JARSO	women representative	0727143681	
BOLKUPH- DUBA	ELDER	0701044302	
Kanu Mio	Woman	07	
Heberos wales	Woman	0715300820	
Molu Helephm	Elder		
WIKO KOBAT	"	0711503233	
DIBK JAYSO	Elder	0711008862	

Boakra Community
WITNESS ATTENDANCE LIST














NAME	DESIGNATION	CONTACTS	SIGNATURE
Joseph Halkano	CEO Besting and Hope	0726574289	
Mohammed Gzelans	Full Collector	0728224275	
Guyo Bonu	'11	0710720804	
BENSON BONATA	PHD	0706172963	
JOHN GUYO BURSA		0792728804	
Ramadhan SORA LUGO		0724958115	
ABDI ABAQUDO		0710323289	
ABDI GODANA	Elder	0716176478	
ALI SHUNE MARI	ELDER	0720574150	
GUYO GAXA DOYO	ELDER	0727279790	
Odiana Adgallo Ali	ELDER	0772159427	
Ben Gingo	South Youth	0728809040	
Wario Balasu		07443909764	

BORANA COMMUNITY
WITNESS ATTENDANCE LIST

NAME	DESIGNATION	CONTACTS	SIGNATURE
Mohamed Jim	youth	0718353930	
Jattani Pera	Elder	0716671821	
WAQID JATTANI	Elder	0729360142	
ABDI CHARISI	Elder	0724390212	
Mohamed Galgala	youth	0712025791	
SADIA Guyo	youth	0726809737	
Hadiga Sarv	Elder	0724730161	
ABDULLAH DABASSO	Elder	0724498752	
Abubakar Lemayon	Elder	0721433444	
Guyo Abdi	Elder	0705005622	
KONSO TADI	Elder	0721788114	
Waris Dub Huka	Elder	—	
Doye Dulada Huka	Elder	—	

RENDILE

WITNESS ATTENDANCE LIST

NAME	DESIGNATION	CONTACTS	SIGNATURE
Juma Ibrahim		0769250874	
Ilbeyan Kelle		072697875	
Gumanya SEACE		0720127211	
Kulata Salama		0740636177	
LMareyon mayala		0745783200	
David Kombi		0716893805	
MUSI LAPUK		0703445422	
DIBALO ICJala		0705713446	
JAFAN MAEMAE		0727933367	
Michael Jitabman		0713550151	
Joseph Lemorogo		0718215344	
#Eldugso Nabosu		0701785482	
Charity Kobanai		0721306152	

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072697875

RANDIWE

WITNESS ATTENDANCE LIST


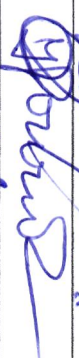







NAME	DESIGNATION	CONTACTS	SIGNATURE
HON LEADO STEPHEN SAD, KATO	NCA KARARE WARD Randiwe Council	0727549003 0722435160	Lead Lead
A.B. GAKGULE	Peace chairman Hula Hula	0729342684	Lead Lead
SALES GAMBARE	VILLAGE ELDER	0711-809898	Lead Lead
HOSEHAT LAMINHA ARIGGE	Elder Songe Loc	0725829230	Lead Lead
SAPUKI LEPARPARORI	YOUTH KARARE		
LAPATIKEN CHAKUWA	Elder KMEMBE	0718912225	Lead Lead
NOOR MABOSU	Elder HULAHULA	0727797962	Lead Lead
AREBE NOPYA	Elder HULAHULA	0725869083	Lead Lead
PAULINE MARLESU	YOUTH SONGA LOC.	0726439627	Lead Lead
MABIAN KENYAKEN	Elder KARARE	0703263137	Lead Lead
Loiboku - Lesideaye	KILUUNU	0719542971	Lead Lead
MKARUNGA HAILE	AN ELDER	0718676845	Lead Lead

RENDUKE
WITNESS ATTENDANCE LIST

NAME	DESIGNATION	CONTACTS	SIGNATURE
JOSEPH MATHACH	AN ELDER	0716818140	
ADAM XI. LANTARE	Youth Representative Songra	07004073884	
BARUNAS BARMIN	YOUTH LEADER	0729455771	
TERESIAH NAGSI	Youth rep	0708904299	
Joshua Kengyap	Elder	0702640071	
ANTONELA SERERIT	Elder	0707087162	
HOU. ASSUNTA GATLITALE	MCA	0713349254	
Paul Grammarr	Council of Elders	0725960797	
ANTONELA KEPABES	ELDER	0701898334	
Leokue NALLE	Elder	0722350345	
HAKLO SAIP	1295752646	69044937671	
Sharif Arkano Gumbare	Youth leader	0768630465	




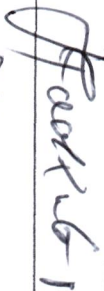





WITNESS ATTENDANCE LIST

CARRERA COMMUNITY

NAME	DESIGNATION	CONTACTS	SIGNATURE
Alba Elena	ACE	075789733	
Mario Yathani	GEI	0722211415	
Mundi Hela	GEI	0714012522	
Boru D. Guqo	"	0727915671	
Karu Brodu Avba	"	0714252883	
Sohi Sora	"	0727144991	
Hellen Kabale	"	0714766775	
ASHA ISAKO	11	0725793019	
Sabalis mamu	"	0725746592	SM.
BATI Gurra Boru	"	0710970755	
Robe Hoiko Boru	"	0718301329	Robe
Gubal Duba	"	0705869333	Gubal
Salesa WAKO	"	0715133907	Salesa

WITNESS ATTENDANCE LIST

CABARRA COMMUNITY

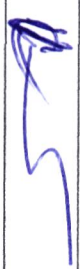





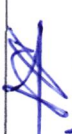



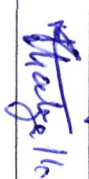
NAME	DESIGNATION	CONTACTS	SIGNATURE
Darlene Robb	Women's ^{Head} Representative	0725808521	
TURA WALKER	Elder	0729621898	
Isacko Saker	Youth Representative	0793503581	
Isacko Oto	Elder		 Dika
Dika Mamo	Elder		
Abdi Godana	" "	0724815791	Abdi
Abdus Guro	" "	0716771647	
Bonaya Bern	" "	0710556736	BO
Daniel Dawocka	Elder	0724697027	
Abdi Guro	" "	07294151785	BO
UMURO KATEKO	YOUTH	0768874673	
ABDI Guro	VICAR GSE	0723490326	
GODANA-ABDIWA	Elder	0702651914	

WITNESS ATTENDANCE LIST

CRABA Community

NAME	DESIGNATION	CONTACTS	SIGNATURE
Abudu Demo .H.	Elder	0707501835	
Boru Shagamu	Youth	071847928	
Abudu umuro	youth	0740441050	
Barako Boru Wario	Youth rep	0711529166	
Elena R. Kushi	Youth	0740849665	
THANSA HUGA	Youth	0714887569	
Isack Boru	GCE	0720823465	
Michael Kallirya	GCE	0708962602	
Dub Kunnin	GCE	0714080871	

WITNESS ATTENDANCE LIST

NAME	DESIGNATION	CONTACTS	SIGNATURE
Hanchest Chepe	CH GRF	0722451244	
TILLO ISACKO		0728224003	
Lokho Abdubq	Gabra Council of Elder	0722539595	
Memo wario	Gabra Council of Elder	0720057386	
BARAKO .B. MARIO	Gabra Youth	0711527166	
ELEMA R. KUSHI	Gabra Youth	0746849665	
Isack BOAR	GCE	0720823465	
Michael Mallisha	GCE	0708962602	
DUB Kurufo	GCE	0714080871	
Ahi Adano	G.C	0717382961	
JOHN UMURO	GEE	0725778175	
DABTSO SMTU	ELDER		
KONSU BAMBICHALE	ELDER		