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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION ON TUESDAY, 19TH APRIL,
2011 AT THE KENYA RED CROSS HALL, WAJIR**

PRESENT

Berhanu Dinka	-	The Presiding Chair, Ethiopia
Tom Ojienda	-	Commissioner, Kenya
Gertrude Chawatama	-	Commissioner, Zambia
Ronald Slye	-	Commissioner, USA
Ahmed Sheikh Farah	-	Commissioner, Kenya

SECRETARIAT

Simon Njenga	-	Presiding Clerk
Belinda Akello	-	Leader of Evidence
Abdurashid Omar Ahmed	-	Translator

(Opening Prayer)

(The Commission commenced at 9.00 a.m.)

The Presiding Chair (Commissioner Dinka): I would like to welcome you to this morning's session and would like to say that yesterday we had a very fruitful discussion and presentation. The presentation of memoranda took account of the suffering and the pain of communities and groups. We had very sorrowful moments, going into extensive and intensive discussions on them. The core of the discussion was the Wagalla Massacre which, in one way or another, will continue to be so as long as the Commission is sitting in Wajir.

Today, we have others lined up. Some of them will be concentrating on community issues while others will be lined up for individual injuries and individual sufferings. Because of the very extensive and intensive discussions on those memoranda, we have not had sufficient time to cover everything that we had scheduled yesterday. So, we have about five cases remaining from yesterday which we will cover this morning then about eight others which we will try to cover. That will make our total witnesses about 13, which might not be practicable. In order for us to do as much as possible and give opportunity to all your colleagues and countrymen to have the opportunity to address the Commission, I would like to appeal to the witnesses to be brief and precise in their contributions.

Secondly, I request those who are presenting memoranda, particularly on Wagalla, unless they are trying to give the Commission a new insight which was not obvious yesterday, to as much as possible try not to repeat what we heard yesterday. If you give us that

opportunity and that collaboration, I assure you that the Commission will do its best to cover as many cases as possible.

I would also like to appeal to everyone to respect the witnesses and, that respect could be manifested by very simply listening to them. They are going back to a very painful experience which in itself is a very traumatic experience but for them if they feel that the people are paying attention to them, that pain could be a bit lessened. So, please, do respect the dignity of the witnesses and listen to their narration, whether you agree with them or not. It is also a matter of mutual respect.

Having said that, I also want to assure you that the Commission will be very strict. So, anyone who deliberately wants to disturb the session will be asked not to do so and in extreme cases, he or she could be asked to leave the room.

To the media, we appreciate what you are doing and any photographs or movements should be done before or after the witness has spoken not during the process of testimony.

Last but not least, I would also like everyone to switch off their mobile phones. I will explain to you the process. Most of you who were here yesterday saw it but I will go through it. The Hearing Clerk will swear in the witnesses where the witness will affirm to tell the truth. Then the evidence leaders will lead the witnesses through the testimonies. After the evidence leaders complete their tasks, the Commissioner who may feel that there are some questions that they would like to ask will do so. That is as far as testimonies and witnesses are concerned. I would now like to ask any counsel present here to identify themselves and say who they are representing in the session.

Since there is none, I will ask the Hearing Clerk to call the first witness of the day.

(Mrs. Halima Birik Salah took the oath)

Ms. Belinda Akello: Good morning Mrs. Salah! Kindly for the record state your names.

Mrs. Halima Birik Salah: My name is Mrs. Halima Birik Salah.

Ms. Belinda Akello: Do you recall that on 7th February, 2011 you recorded a statement to the Truth, Justice and Reconciliation Commission (TJRC)?

Mrs. Halima Birik Salah: Yes.

Ms. Belinda Akello: Having gone through yesterday's session and the background that was given, kindly go through the statement that you gave us but kindly and briefly with regard to yourself and what happened to you during that time that you recorded your statement.

Mrs. Halima Birik Salah: My name is Halima Bikir Salah and I live in Bulajogo in Wajir. The Wagalla Massacre happened on 2nd October. Since I was told to be brief and precise, I will try to do so. Whatever happened to us is not something that we can exhaustively talk about here. There was a big problem. It happened to me, to my relatives and to many other people. Before I go to the problems that I suffered, there are some people who are seated here now but some of them are my neighbours; like that old man Mohamed Nunu. He is an old man but when you look at his abdomen you will see marks of ruthless gun attacks. There is also an old woman seated here who was raped and her husband is blind because of the attacks that he underwent. There is another case where a woman and her husband were burnt in their house. The man was blind and the woman was raped. *Mama* Abdia was also raped. The problem is so big and gross and we cannot talk about it here. The situation was that people suffered.

Ms. Belinda Akello: I have noted the people you have talked about but could you kindly go back to what particularly happened to you and your direct family?

Mrs. Halima Birik Salah: I was traumatized due to what happened to me. My father, my maternal grandfather and my father-in-law were killed. We were 14 siblings and my father's second wife who was pregnant miscarried. We do not know whether the foetus was buried well. Our houses were burnt and we lost livestock. My step-mother got crazy because of what she suffered. The children that were left behind were taken care of by my mother who was also helpless. At that time, there were no houses because they were burnt and there was no food.

The soldiers gathered men and came back to rape women. The only place one could run to were the Government houses and relative's houses. In the morning, the District Commissioner (DC) announced that nobody could be kept in the Government houses apart from those who were entitled to be there. So, we were thrown out in the streets. It was Sister Alanina who helped us. She kept many people and helped them. There was nothing to eat and the children suffered so much. Sister Alanina told me to help the children by boiling water and adding some sugar in it so that they could get some energy. We were 14 children and I and my brother were the oldest. The other children were so young and we gave them glucose and water. When I cried, she told me not to cry because my mother was crying and my father was dead.

That was a very painful situation because I remember that my father was burnt alive with his clothes on.

We used the glucose to help. We gave them the glucose and water and when I cried she said, "Your mother is dying and your father is dead; why should you cry?"

Ms. Belinda Akello: Can you continue with---

Mrs. Halima Birik Salah: That was a painful situation; they killed my father and burnt him with his clothes on. They said he was a sorcerer and that was why he could not burn well. Then they cut his body into pieces and eventually they took it away and we do not

know where they threw it. In the morning he had been caught with his student as he was a religious teacher. The problem was so painful, so huge and mighty; we are just fortunate now that we can talk about it because this helps. Now I do not have a birth certificate and initially you could not talk about it. I did not get one because whenever people asked where my father was and I responded that he was killed in Wagalla they would respond “Are you accusing the Government?” This was why we could not get a birth certificate. Even for the ID card we had to use the names of a different father to get that important document. We could not use the name of our real father because this way we could not get an ID.

Ms. Belinda Akello: Thank you; we empathize with your situation. If you continue with your statement--- You were told also to watch your time; would you like the people whom you have come with to stand up for the commissioners to see them?

Mrs. Halima Birik Salah: I would like that. This is *Mzee* Mohamed Nonor and Mohamed Rubia Arisi; this old man was in the camp. He was one of those who were badly injured. He got an injury in the stomach and now he is disabled since that day in Wagalla. It is a gun shot; when he came out he was brought to where Alanina works and that was where he got attended to.

Ms. Belinda Akello: What about the second witness you have brought before the Commission?

Mrs. Halima Birik Salah: The second one is Halasy. She is among those who were raped. They tried to penetrate her by force; when they came to her house he tried to penetrate her by force, but she resisted.

Ms. Belinda Akello: Thank you, very much. Tell us about that person.

Mrs. Halima Birik Salah: Our neighbour was a blind man; when they attacked in the morning they found a house girl in the house, who said nobody else was in. Then she went to look for her children and when she came back she found her blind husband burnt in the same house. They also raped her and caused her a lot of suffering.

Ms. Belinda Akello: Will you be able to tell us what happened? Briefly mention the name of the last one.

Mrs. Halima Birik Salah: The third is *Mama* Abdia; she is also a neighbour and she was raped by a gang of seven people. When she tried to resist they hit her on the face; they used the gun butt to penetrate her. That is all about this.

Ms. Belinda Akello: So you will be able to speak not only for yourself, but also on behalf of those people you have brought before the commission. I will only ask you one question; I only expect you to tell me the number and then we release you to the commissioners. You have mentioned your husband, your father, and your brother-in-law. How many of your direct family members were killed at the airstrip.

Mrs. Halima Birik Salah: Among those killed was my father, my maternal grandfather, and my husband's father.

Ms. Belinda Akello: You had indicated that your husband was working for the Government as an administrative officer when the District Commissioner asked people to leave Government houses except those entitled. Was your husband allowed to continue staying with you and your children at the house as you had indicated you were newly wed?

Mrs. Halima Birik Salah: We were not allowed; I was newly wed and he was going to work and they arrested him on the way, even after he said he worked for the Government. They asked him who was in the house and then they saw a brother of his and asked him if he was a Degodia, adding, "If you are a Degodia, you will be fortunate if we leave you". They took his brother and went to the Government camp.

Ms. Belinda Akello: Thank you, very much. I would like to hand you over to the commissioners if they have any questions.

The Presiding Chair (Commissioner Dinka): Thank you, very much, Leader of Evidence. I would now like to ask my colleagues, the commissioners, if they have any questions for the witness.

Commissioner Chawatama: Thank you for sharing your testimony with us. I would like to know this, at the time that the massacre took place, were you living with your parents or with your husband?

Mrs. Halima Birik Salah: I was newly wedded and was with my husband, but I was also living with my parents who lived near Kura Jogo.

Commissioner Chawatama: I would like to know whether after this incident your husband was able to go back to work.

Mrs. Halima Birik Salah: He was not among those who were taken to Wagalla. He was not taken to Wagalla; when they came for him they did not take him there. But imagine a man whose father and relatives were killed. All those who were tortured and came to his house eventually he died of pressure from the tormenting he got.

The Presiding Chair (Commissioner Dinka): Thank you, very much. Any more questions?

Commissioner Slye: Thank you for coming forward and sharing your experience with us. We know it was a painful thing at the time, and it is still a painful thing to remember. My question is, did you go to the airstrip to see what was happening?

Mrs. Halima Birik Salah: I did not go back when people were taken there the next day; we took water and clothes to help those who ran away. We could see people who were in very bad situation as we roamed around to look for people to help.

Commissioner Slye: During the time, did any official of the Government speak to the people on the issue?

Mrs. Halima Birik Salah: Nobody came other than the police and the army, who were there to torture us. No one came to help us in any way.

The Presiding Chair (Commissioner Dinka): Were you able to recognize any individual and see whether some were familiar to you?

Mrs. Halima Birik Salah: I cannot remember; they were the military, the police and the AP; so, they were all soldiers and we were so traumatized; I cannot remember exactly, but I know they were Government soldiers.

The Presiding Chair (Commissioner Dinka): Finally I know it is only about a few years ago that people like you have started to speak about this event vividly; I am wondering if during the past you have been able to speak with your family about what you would want to see done to repair the terrible damage done to you, your family and your community.

Mrs. Halima Birik Salah: This is a bygone and it is pain that is easing, but what can be done to make us forget or forgive is bringing the perpetrators to book as well as compensating the victims besides building monuments to remember the incident. When my father was killed my mother became unconscious and has remained in bad state; so, what we need is compensation.

The Presiding Chair (Commissioner Dinka): Thank you, very much, Halima. You mentioned about your step mother who on hearing about the death of your father miscarried, and also became mentally challenged, is she alive and has the situation improved?

Mrs. Halima Birik Salah: No; she did not miscarry; she got out of the shock but she started bleeding and she is on bed; she cannot get out of the bed.

The Presiding Chair (Commissioner Dinka): I would like to take this opportunity to thank you for the courage to go through the pain again when telling us this story. It is a very painful story and we empathize with you. I hope that things will, as a result of your testimony, and as a result of the work of this Commission, things will shape up for the better in this region and for the people of the region. That is my hope and I really thank you. Now, I call upon the Hearing Clerk to accompany the witness and call the next witness.

I would also like to thank the people who have been mentioned by Ms. Halima, who came to show us the scars and what had happened to them during the Wagalla Massacre. Despite the painful experience they have gone through the challenges they face today,

and come to assist the Commission in really getting better insight into what happened at Wagalla. Thank you, very much.

Can you please reduce the commotion? Please, those who want to go out, go out and those who want to sit, sit but let there be no commotion.

Mr. Abdi Guhad Unshur: My name is Abdi Guhad Unshur. I live in Wajir Town. I made a statement to the Commission on facts pertaining to 10th February, 1984.

Mr. Tom Chavangi: Thank you *Mzee*, we want you to be very specific on what happened because at that time you were serving as an administration officer.

Mr. Abdi Guhad Unshur: I was among the people who were arrested.

Mr. Tom Chavangi: According to your statement it has stated that you participated in rounding up the Degodias.

Mr. Abdi Guhad Unshur: Yes!

Mr. Tom Chavangi: And those were orders from the DC; they were not your orders?

Mr. Abdi Guhad Unshur: Yes!

Mr. Tom Chavangi: Kindly tell the commission what really happened in brief; your participation in rounding up the Degodias and the eventualities.

Mr. Abdi Guhad Unshur: I am fearing the Muslims who have converged here to pray.

Mr. Tom Chavangi: When you rounded up the Degodias you took them to Wagalla Airstrip; What happened at Wagalla Airstrip?

Mr. Abdi Guhad Unshur: I was a soldier, and on Thursday, a brother of mine came to me and told us he would bring a lorry and on Friday all the people would be taken to Wagalla. I never asked who the people were to be rounded up. So, we collected the people on Friday and there was someone I had sent on an errand to go and fetch water for the cows; he was seated by me. On Saturday I could not stay at home with my father, mother and everybody wailing. So I left in the evening and I went there; I saw my father drinking his own urine. The soldiers saw me carrying my father and they shot me. I can even show you where the gun shots are. I tried to help my father and came to a road junction and straight to the camp. I did not have a gun. I was treated there I called three Degodia men and asked what had happened. Our guns were taken from us. We consulted and somebody said, "I will go to Ethiopia"; another one said he would go to Somalia but I said I would remain here and I was not going anywhere. Our fathers are buried here and our forefathers are buried here.

So I persevered and in the morning I saw all my cows and goats loaded onto trucks. They had marks that I identified that they were mine. I never spoke because I had no powers. I asked the in-charge why this was happening and I was immediately interdicted. I do not have much to say; that is what I saw. I cannot say more than that.

Mr. Tom Chavangi: Those are terrifying incidents. When you talk of your father, can you remember his name?

Mr. Abdi Guhad Unshur: My father's name was Guhad.

Mr. Tom Chavangi: You were shot? Did you say you were shot?

Mr. Abdi Guhad Unshur: I was shot and a brother of mine, who was running the errands and taking care of the cows, I tried to carry him as he had been shot in the stomach and I was shot on the leg; I can show you where the shots are.

Mr. Tom Chavangi: Initially you had said that you were rescuing your father and that was why you were shot. Is that the position?

Mr. Abdi Guhad Unshur: I could not rescue my father. I was there to follow orders, and when I went there I saw the person whom I had given money to go and buy cows for me. I saw him there and they had been taken there on Friday, but I went there on Saturday. Our guns were taken from us and we were told that we were Degodias, and that we were *shiftas*. We were told that if we asked questions we would be interdicted. I told my brother we should all remain here; there was nowhere we were going.

Mr. Tom Chavangi: You were a serving Administration Police Officer then?

Mr. Abdi Guhad Unshur: Yes Sir.

Mr. Tom Chavangi: What led to your shooting? How can somebody shoot an officer?

Mr. Abdi Guhad Unshur: I was dressed in civilian clothes. I had gone there to rescue my brother.

Mr. Tom Chavangi: In the process of rescuing your brother you were shot?

Mr. Abdi Guhad Unshur: Yes!

Mr. Tom Chavangi: Can you remember the name of your brother?

Mr. Abdi Guhad Unsur: I can remember. His name is Billow Guhad.

Mr. Tom Chavangi: You have indicated that your brother died. Did he die as a result of the gun wound?

Mr. Abdi Guhad Unshur: He died there and then of the gun shots.

Mr. Tom Chavangi: *Mzee* Guhad, you were a serving administration police officer?

Mr. Abdi Guhad Unshur: Yes!

Mr. Tom Chavangi: Why were you disarmed? When you went back to the camp you found that you had no guns. Who disarmed you and why were you disarmed?

Mr. Abdi Guhad Unshur: They took the arms away from us. It was there at the Camp with the Sergeant Major but the orders had come from the DC. I even know the name of the Sergeant-Major.

Mr. Tom Chavangi: What was the name of the Sergeant-Major?

Mr. Abdi Guhad Unshur: Ahmed Guril; somebody from Garissa.

Mr. Tom Chavangi: You said you lost cows; how many were they?

Mr. Abdi Guhad Unshur: The cows were 16 and then there were those that were held in the shed, numbering 20. So, in total they were 35. There were 300 goats.

Mr. Tom Chavangi: You said that you were interdicted?

Mr. Abdi Guhad Unshur: Yes, I was interdicted.

Mr. Tom Chavangi: What led to your interdiction? Was it because of the rescue at Wagalla Massacre or was it because of any other reason?

Mr. Abdi Guhad Unshur: The question we asked was “Why are our people being tortured?” We were asked, “You are still speaking?” Immediately he ordered that I be interdicted and the other guy was taken to Garissa. He still works in Garissa.

Mr. Tom Chavangi: Do you have the interdiction letter with you?

Mr. Abdi Guhad Unshur: I do not have it. I do not want to lie but you can get the interdiction letter in the files. Everybody heard about it. All the Somalis around here know about it.

Mr. Tom Chavangi: Mr. Guhad, after experiencing all this, what are your expectations? What can you tell the Commission?

Mr. Abdi Guhad Unshur: It was preordained but justice must prevail. We have not killed. We were killed for no reason. We were tortured and we want justice.

Mr. Tom Chavangi: I will pass you over to the Commissioners, who will ask you a few questions.

The Presiding Chair (Commissioner Dinka): Thank you leader of evidence. Any questions from the Commissioners?

Commissioner Ojienda: Thank you, *Mzee* Guhad. I just want to ask you one or two questions, and I know the pain that you have gone through from hearing you speak to the Commission. Just clarify to me, as an Administration Police officer, how many Degodias did you personally round up on the orders of the DC, and what was the name of the DC?

Mr. Abdi Guhad Unshur: I do not have the numbers. I was traumatized; I do not remember the name of the DC. Up to now I am still traumatized.

Commissioner Ojienda: My second question is, just tell the Commission the state of the airstrip. State what you saw at the airstrip when you went there to rescue your brother.

Mr. Abdi Guhad Unshur: We were pushing people there and there were those who were taken there on foot and others by lorries.

Commissioner Chawatama: *Mzee* Abdi, thank you, very much, for your testimony. I know that the work of the police officer is to protect lives and property; sorry for the situation that you found yourself in. I would like to know when you joined the Administration Police?

Mr. Abdi Guhad Unshur: In 1970 and by the day the Wagalla Massacre happened I had been serving for 14 years.

Commissioner Chawatama: In those 14 years, did you ever find yourself in the situation you found yourself in during the Wagalla Massacre, where you had to act to protect your kith and kin?

Mr. Abdi Guhad Unshur:No!

Commissioner Chawatama: So during those---

Mr. Abdi Guhad Unshur:I heard of people burnt and tortured in Garissa and Malkamalle .

Judge Getrude Chawatama: So, during the 14 years you worked well with your superiors?

Mr. Abdi Guhad Unsur: Yes. I was a poor man; a low ranked officer who had no education. I do not have a farm and I had to take the orders.

Commissioner Chawatama: Did you enjoy a good relationship with the people of the community that you were serving, or did the police enjoy good relationship with the people that they were serving?

Mr. Abdi Guhad Unshur: There was no bad relationship; I took orders diligently until my retirement.

Commissioner Chawatama: So when these orders were given to you to round up the people, what went through your mind.

Mr. Abdi Guhad Unshur: These people had a purpose and had concluded that everybody was a Shifta, but only God knows the extent of what we went through.

Commissioner Chawatama: When you saw your brother amongst the people who were gathered, what went through your mind?

Mr. Abdi Guhad Unshur: At Wagalla, the people who were brought through the gate were so many. To be sincere, I thought those people were only creating fear, intimidating those gathered and that they would be released; I assumed that.

Commissioner Chawatama: You say that you served until you retired; does this mean that you went back to work, reached retirement age and then retired from the Administration Police?

Mr. Abdi Guhad Unshur: The interdiction was revoked because they learnt it was based on lies. Even my brother, who was in the army, Mohamud, and who had also been dismissed, was also returned to his job.

Commissioner Chawatama: I am so happy to hear that there was some justice that was done, and that the interdiction was revoked and you were able to go back to work. I thank you so much for answering the questions.

Commissioner Slye: I want to thank you for coming forward and sharing your story with us and sharing with us the information that you have. I know that it is difficult to remember some of the things that happened, because it is a very traumatic experience and it has been a very long time since it happened. However, I wonder if you can imagine yourself back to those first days. Can you remember who first told you about the order to round up the Degidia.

Mr. Abdi Guhad Unshur: Mr. Presiding Chair, Sir, the order was from the province to the District Commissioner (DC) and then to the Sergeant-Major. It reached us through the Sergeant-Major.

Commissioner Slye: I think you mentioned before that he was the one who personally told you about the order.

Mr. Abdi Guhad Unshur: Yes, it was him. It was that Sergeant-Major.

Commissioner Slye: Did he tell you alone or did he tell you and a number of other people?

Mr. Abdi Guhad Unshur: Mr. Presiding Chair, Sir, the order came to all and sundry among the troops.

Commissioner Slye: Are you able to remember who else among your colleagues was there when you were told of that order?

Mr. Abdi Guhad Unshur: The three I talked about; one is even here and one is in Garissa.

Commissioner Slye: Those were the people who were in the Administration Police with you or were they in the military?

Mr. Abdi Guhad Unshur: Yes, they were in the Administration Police.

Commissioner Slye: Can you remind us of their names again?

Mr. Abdi Guhad Unshur: Mr. Presiding Chair, Sir, one of them is me, the other one is Abdi Guresh Keilei and Ali Kathie, whose famous nickname is “Ali Wasai”.

Commissioner Slye: Thank you, very much.

The Presiding Chair (Commissioner Dinka): Mr. Abdi, thank you, very much, for coming to share your painful story with us. We empathize with your suffering and we salute your courage for coming and sharing this story with us.

I would like to ask the hearing clerk to lead the witness back to his chair and call the next witness.

(Mr. Isaak Abdi Noor took the oath)

Mr. Tom Chavangi: Thank you Mr. Noor. Welcome to the Commission. For the record, kindly tell the Commission your names.

Mr. Isaak Abdi Noor: My names are Abdi Isaak Noor.

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

Mr. Isaak Abdi Noor: Mr. Presiding Chair, Sir, I live in Wagalla.

Mr. Tom Chavangi: You gave a statement to the Commission pertaining to the Wagalla Massacre that you were arrested on the 10th of February 1984 at Wagalla Village, taken to Wagalla Airstrip and were tortured; you also indicated that other people died.

Mr. Isaak Abdi Noor: Yes.

Mr. Tom Chavangi: So, you are before this Commission as a victim of the Wagalla massacre. Kindly, tell the Commission what happened to you specifically.

Mr. Isaak Abdi Noor: Mr. Presiding Chair, Sir, my names are Abdi Isaak Noor. I was born in Wagalla in 1965. I went to Wagalla Primary School in 1977 and completed my Certificate of Primary Education (CPE) in 1983.

I remember 10th February 1984 at 4.00 p.m. well. I was caught by Kenyan soldiers. I was taken to Wagalla Airstrip and forced to lie down on the murram while naked. I still remember on 11th when the first man of my age was killed. This was the first person. He was running away and was shot down. He was called Yusuf Haji Mohammed Abdul. Later on Sunday several other people died.

When I was caught I had just left Wagalla Primary with the head teacher, Mr. Bishar Maalim Abdile and some other teachers, one of them Mr. Muktar Ali, who is now a DC. The other one was Mr. Noor Ibrahim Abdi, who is now the DO, Garissa. I had gone to Wagalla Primary School to collect my school leaving certificate, because I had been admitted to a national school then. That was Kabete Technical Secondary School.

Mr. Presiding Chair, Sir, I could not continue with my studies because of the trauma that I got from the Wagalla massacre. Some of the people whom I know died there were Jelo, Abei Ali, Abdi Abdirahaman Robe and several others. Those still alive but with several injuries are many, and some are here. I can remember *Mzee* Bash Yusuf and Yusuf Abdile, who is deaf today; he cannot hear anything. Family members use signs to talk to him.

I can also remember *Mzee* Mohammed Osman nicknamed as Brikbrik, my maternal uncle, Cllr. Kanyere, who is here as well and several others.

On Monday 13th, some of those who could run away ran away from the airstrip. I was lucky to go to the opposite side, and that was how I escaped. I just sat under a tree. Later I got some goat kids, killed one and took water and blood from the stomach. The worst thing I can remember is that people were taking other people's urine. People slept on dead bodies in order to get cold. All animals died, but---

(Mr. Noor broke down)

Mr. Tom Chavangi: Mr. Noor, do you wish to continue with this testimony?

Mr. Isaak Abdi Noor: I want to tell the Commissioners that people are still dying today, because of the injuries they got at Wagalla Airstrip.

The Presiding Chair (Commissioner Dinka): You can rest a bit if you like. Take a few minutes to rest.

(The Commission went on a short break)

(The Commission resumed)

Mr. Tom Chavangi: Our Commissioners, the witness is ready to proceed.

Mr. Isaak Abdi Noor: I also wanted to tell the Commissioners that we were economically grounded because animals were killed and those with small businesses had them looted.

My message to the Commission is that Wagalla Location is still marginalized. There is no development from the Government, but we have always been given false promises. I would request the Commissioners to not only visit Wagalla Airstrip, but also Wagalla Town and see how it looks like.

One of the things I would like to note is that the TJRC is formed under the National Accord. We have seen other commissions like the one led by Prof. Makau Mutua, which was here sometime back. It was not successful.

After we voted for the new Constitution at the referendum, there is a commission called the Constitution Implementation Commission (CIC). After this Commission will there be any implementation commission that will implement your recommendations? That is the only way in which you can prove that you are capable of doing things.

I request the Commissioners to look at *Mzee* Kanyere and see the way he is.

Owing to what I personally suffered, I and my colleagues, who completed their primary education in 1983, could not continue with studies. We were thousands. I was admitted to a national school in 1984 and I would be better off today had I joined the school, and if Wagalla Massacre was not carried out. It even made me be a rotten person in the community. Today I am married, but I always go hospital for medication. I have several scars. I cannot work for my family today.

Mr. Tom Chavangi: Mr. Noor, *pole sana* for having suffered these traumatic events. You were only 19 years old then. However, for us to get to the bottom of this matter we would wish to ask a few questions, if you do not mind.

The Presiding Chair (Commissioner Dinka): You mentioned that there were several other people who died. Is it possible for you to get us the list of these people later on?

Mr. Isaak Abdi Noor: I do not have a list, but I know the names of many of them.

The Presiding Chair (Commissioner Dinka): Is it possible to get the names in writing if you do not mind?

Mr. Isaak Abdi Noor: Not at the moment.

The Presiding Chair (Commissioner Dinka): Later on, not now.

You also mentioned a survivor by the name Yusuf Abdile, who is deaf. Is he the same one who was produced here yesterday?

Mr. Isaak Abdi Noor: No.

The Presiding Chair (Commissioner Dinka): Then you mentioned Prof. Makau Mutua's Commission and the work of the CIC. Those are questions that will be answered by the Commissioners.

Hon. Commissioners, I would seek your indulgence to have Mr. Kanyere, who has been mentioned by *Mzee* Noor, appear before the Commission.

If Mr. Noor does not mind, and the scars are not going to make him uncomfortable in terms of exposing them--- If you agree you can show the scars to the Commissioners.

Mr. Tom Chavangi: Hon. Commissioner, I close my line of questioning.

Commissioner Slye: Is Mr. Kanyere here?

The Presiding Chair (Commissioner Dinka): Hon. Commissioners, we can proceed with the questions as we try to locate Mr. Kanyere.

Commissioner Ojienda: Mr. Noor, thank you for your testimony. I know your experience seems to probably be out of the ordinary, because you were young and had a bright future ahead of you when this happened. You have said that you went up to primary school. Just confirm if you have been able to further your education beyond that level after the events. You can also tell what you do for a living today.

Mr. Isaak Abdi Noor: In fact, I could not continue with my studies because all the animals perished. My father lost over 150 goats, 210 sheep and over 50 head of cattle. Currently, I am not working. I just volunteered to be a community, or social, worker in human rights activities.

Commissioner Ojienda: Secondly, you have said that Wagalla remains un-developed, and that the Commission should find time to visit Wagalla itself. What would you want to see done in Wagalla?

Mr. Isaak Abdi Noor: Mr. Presiding Chair, Sir, Wagalla is very big. It is where that massacre took place. The people living there are victims, survivors and relatives of the same. There are no permanent structures there. Wagalla has over 300 wells and the water is permanently available. The airstrip is where the people were massacred, and is no longer useful. There is just one boarding primary school, which was started in 1977. It is called Wagalla Boarding Primary School. I was one of the pioneers of that school. If you hear the name and see how the town looks---It is different; when people go there they always cry and everybody runs away from the town.

If you go there you will see people crying. Rather than settle down there, people run away.

Commissioner Ojienda: Thank you. We share your pain.

Commissioner Chawatama: Thank you, very much, for your testimony. I know that it is a very hard thing when a man cannot provide for his family. There is a feeling of one losing one's self worth. You are an example that as human beings we are work in progress; events happen in our lives that cause us pain. You are a fine example of someone who has chosen to continue living, and I applaud you for that. You have also exhibited that you are not a selfish person by choosing to volunteer to do social work in the area of human rights. I have no doubt that you will help generations to come. I encourage you to neither despair nor give up. Your life has a meaning and a purpose. I have no questions to ask. Mine was just to encourage you and to thank you. You are a great man.

Thank you.

Commissioner Farah: Mr. Noor, mine is not to ask you any questions. Mine is just to assure you, on behalf of the Commissioners, that the recommendations that we shall make will be binding and the Government shall implement them. I know you were a little bit concerned earlier about the Makau Commission. The Makau Commission was just trying to find out whether the people of Kenya wanted a Truth, Justice and Reconciliation Commission (TJRC). I realize your concern that although 95 per cent of the people of Kenya requested at TJRC, there was no political will to form it in 2004, 2005 or even 2006.

Commissioner Farah: I wish to recommend the formation of an implementation committee to our recommendations. So, I think with all those few words we allay your fears that our recommendation will not lie down somewhere, but will be implemented.

Thank you, very much.

Commissioner Slye: Thank you Mr. Abdi. I just want to reiterate what my fellow Commissioner has just said about the Commission as well as the ability to create an implementation committee like the one in place for the Constitution. We have already

decided that we will create the implementation committee. So, I hope that with that committee working in Kenya, the likelihood of our recommendations being implemented will be much higher than with other commissions. I wonder if you will just let me ask a few questions about what happened in 1984.

You had said that you were rounded up on 10th February, 1984. Do you remember how many people came when you were rounded up?

Mr. Isaak Abdi Noor: I cannot exactly name anybody, but I can remember that they were about seven or eight people.

Commissioner Slye: There were seven or eight military people.

Mr. Isaak Abdi Noor: I was not alone. I was called by the headmaster of that school plus the other teachers.

Commissioner Slye: How were you transported to Wagalla Airstrip?

Mr. Isaak Abdi Noor: They just called us and they took us on foot.

Commissioner Slye: I know it is difficult even in those circumstances, to get the sense of how many people were in one place. But do you have a rough estimate of how many people were there when you arrived and how many people were there when you left?

Mr. Isaak Abdi Noor: In fact, it was at 4.00 p.m. when I was first taken to Wagalla Airstrip. By then I was very young; just after primary school. So, I cannot exactly estimate or know the exact number but I can remember people being brought everyday and the number increasing day and night. Lorries were just ferrying people and bringing them to Wagalla Airstrip. People increased every minute and every hour.

Commissioner Slye: We have heard that when people were brought there, after one or two days, they were stripped of their clothes. Do you remember what happened after the first and the second day?

Mr. Isaak Abdi Noor: Yes.

Commissioner Slye: Do you remember what day that was?

Mr. Isaak Abdi Noor: I beg your pardon!

Commissioner Slye: You arrived there on Friday, then after a period of time all your clothes were taken away. Do you remember when that happened? Was it immediately when you got there, or was it after a day or two?

Mr. Isaak Abdi Noor: No! Some people were made to strip their clothes on Saturday. But almost all people were stripped off their clothes on Sunday.

Commissioner Slye: And then what day did you escape?

Mr. Isaak Abdi Noor: On Monday afternoon.

Commissioner Slye: I have no further questions, but I want to appreciate your coming here and the dignity with which you have presented yourselves. I know that things were difficult and they continue to be difficult. What I can promise on behalf of the Commission and my fellow Commissioners is that, we will do everything we can to make sure that the Government begins a long process of development compensation, reparations and other things that would make your life better. I hope that all of you here will have a better life in future. But I know with your strength and with the work that you have done for your community and what others have done here puts a very strong base.

I think with that and with some help from us and from others, you can move ahead.

Thank you.

The Presiding Chair (Commissioner Dinka): Mr. Isaak Abdi Noor, thank you, very much. I have no questions for you, but I would like to join my colleagues in saluting your courage for having decided to come and share with us very traumatizing experiences.

I would also like to salute your optimism which is demonstrated very clearly, that things could be better through your activities in the community and in the human rights field. That the human rights situation in the northern region could be improved; the life of the people could be improved. That is really the best we can see in the resilience of the human spirit.

We thank you, very much, for coming and we hope, as my colleague Professor Slye just said, supported by your testimony, those of others and by our own hard-worked investigations and recommendations, we might be able to put certain measures in motion that would lead to the improvement of the situation, not only in the northern region but throughout the country, particularly for the marginalized areas, such as your own region.

I will now ask the Presiding Clerk to accompany the witness to the seat and call the next witness.

(Mr. Abdi Rahaman Elmi took the oath)

Mr. Abdulrahman Elmi Daudi: My name is Abdulrahman Elmi Daudi.

Ms. Belinda Akello: Honourable Commissioners, do note that the witness before you has written two different statements. This is one of the witnesses who literally ferried people from the plane to the offices.

Bwana Abdulrahman, you have provided two statements to the Commission. According to you, you were arrested, demoted and soon after, disengaged. In relation to that statement, kindly state before this Commission what you wrote in your statement and your recollection of that day.

Mr. Abdulrahman Elmi Daudi: When I was a corporal in the military, I was told on 8th February that there were some intelligence people from Nairobi who were coming. So, I had to take a Landover Registration No. 04KA 89. I was told to go to the airstrip to take Brig. Kibwana. When I reached the airport, I found Brig. Kibwana and the Battalion Commander who was then Francis Moindi. I saw them when they were alighting from the flight; they were with Mr. Kiplagat and the DC, Garissa.

When they alighted from the plane, I took Brig. Kibwana to the camp. All the other dignitaries went to the DC's office using the DC's car and the OCPD's car. All of them went to the DC's office but Brig. Kibwana went into my car and I took him to the DC's office also.

Then after Brig. Kibwana left the army camp, I took him to the DC's office. They had a security meeting at the DC's office until 2.00 p.m. and then I took him back to the airstrip. We passed through the sergeant's camp and he talked with the major commander of the camp. I then took him back to the airstrip and then he went back to Nairobi.

From there, on 9th February, at 9.00 am, I was the guard commander at the main gate which had six soldiers. At midnight, Capt. Mugo, who was the company officer came and told me that at 3.00 a.m. I should make sure that all the soldiers wake up. When it reached at 3.00 a.m., I made sure they were awake.

All the soldiers were woken up and paraded at one place. We were then instructed how we were going to carry out the operation. After that, we were given instructions to go for the operation which was to take place at Wajir Town. At exactly 4.00 a.m., all of us boarded cars and when we reached the police station we found that all the regular police and the Administration Police were also there waiting for us. We were lumped together then told that we were going for an operation on the road to Moyale, Meru and the village of the Bulajogoo. We were told to block the road and nobody was allowed to pass through that place.

We spent the whole night at that place and in the morning, nobody was allowed to move out of the Bulajogoo, even those people who were going to school. We packed all the men who were moving out of that village in lorries. The lorries took them to Wagalla Airstrip and ----

We spent the whole night at that place and in the morning, nobody was allowed to move out of the Bulajogoo village. Even those who were going to school could not go. Any man who wanted to move from there was not allowed to move out. All the men who were moving out of that village were packed in lorries. The lorries transported them to the Wagalla Airstrip. Women and children followed us to the Wagalla Airstrip. From that

place, nobody was tortured or beaten. People were just being taken there but they were also instructed to do some things. We the soldiers kept guard. We were told not to leave. When the DC came at 3.00 p.m., he told us that these people should be given food, but the commander who was there refused. After some time, the DC left and the people spent the whole night there crying for food and water. They were told: “You will die here unless you do what we want you to do for us.”

Those people spent the whole night at that place and the next day, all the people were stripped naked. They started complaining why they were being treated like that. When they started complaining, that is when they started being beaten and being stripped naked. That was the third day; they had been taken on 10th, and they were there on the 11th and 12th. On 12th they started asking for something to drink. When one saw another one urinating, he folded the arms to be given urine to drink.

They started drinking their urine. They stayed there on Friday, Saturday and Sunday.

(Power interruption)

Ms. Belinda Akello: Lets resume! You were just informing the Commission how people were treated in the field. You have informed us that the PC had ordered for food and water to be brought but the OCPD declined. That he informed the people that, if they did not do as he wanted, they would die at the site. You told us that people were stripped naked and were hungry. Some were asking for the others’ urine to drink. That is where we had power interruption.

Kindly proceed.

Mr. Abdulrahman Elmi Daudi: Thereafter, people started asking for water because of thirst. They were looking for water because they were thirsty. They started running because they wanted something to drink. When they started running, they were shot down. Others were shot to death. I was the driver of those lorries with *Mzee* Galale who was also a driver. They were taken by the army lorries to the army camps where they were beaten until evening. They were beaten by the army soldiers on Monday. On Tuesday, people destroyed the airstrip; they broke walls and started running away. While they were running away, they were shot dead. Some people died on the spot while others died later.

On Tuesday, at mid-day, while I was still there, I was also arrested on that day at 2.00 pm. I was taken to the battalion order because they said that I had broken the order from the Commander. I was taken to Army Commander to undergo a pre-trial process.

Ms. Belinda Akello: Let me go back to what happened at 2.30 pm.

Mr. Abdulrahman Elmi Daudi: People started running and escaping and trying to break down the fence of the airstrip. An order was given that, anybody who was running away was to be shot because the place they were running to was fenced and so people could not

pass. Anybody who was found there - because they could not escape through the fence - was shot. Most of them were struck and they died there.

At 2.30 p.m., I was also arrested because they said I had broken the order from the commander of the battalion. They did not arrest me in the field, but they ordered me to take the lorry to the camp because I was under the leadership of that camp. When I reached there, they told me: "Now you have disobeyed the order of the army, so we are going to take you to Garissa where you will be jailed." I was taken to Garissa. I reached at Garissa at 4.00 pm, using a plane. When I reached there, there was commander of the battalion plus the PC. Then from there, we flew from Garissa back to the Wagalla area. There were a lot of corpses there. Then they said that, as soldiers, that was the best work they had done because there were a lot of corpses around that place. They said that because I had disobeyed the law, I had to be taken to the soldiers' prison. Before that, there were some old men there who were defending the villagers. Those who sympathized with the people at Wagalla were taken back to Wagalla where they were beaten. We have some people like Allah Abdi Mohammed, who was taken back to Wagalla and beaten. Others were taken back to the barracks as groundsmen at Kanyale. They were taken back at exactly 9.00 p.m.

On 6th 7th and 8th, we went to Grifitu, Elnur, Alguyan and Eldas to bring some water.

Ms. Belinda Akello: Is that in your statement?

Mr. Abdulrahman Elmi Daudi: That is not in my statement, but it happened. That was on 5th, 6th and 7th, when we went to Elnur, Grifitu, Alguyan and Eldas where all soldiers were. At Grifitu, Eldas, Elnur, Alguyan. All of us went there to stop people from drinking water from that area. Those people who were taking water from that area were restrained from taking water. They were hauled together and beaten by the army soldiers.

When we went to Garissa, we spent three days there writing statements for the soldiers according to the law of the soldiers. We were told by the battalion commander that because we swore to maintain the law and order of the soldiers, we would be taken to prison. I was then taken to Lang'ata. When we reached Lang'ata, the gate commander said that I will not be detained but he gave the order that I get executed by the person who took me there. Then I was jailed according to the law of the army. I stayed there for eight days.

Ms. Belinda Akello: You are a bit fast! Kindly, go back to the orders that were given when you were being taken for the court martial at Lang'ata.

Mr. Abdulrahman Elmi Daudi: It was the battalion commander (BC). After meeting the battalion commander, I was told that because I had refused to obey the army commander according to the oath I took, I would be taken to jail. So, that means that the letter was to be written by the battalion commander but the battalion commander said that he could not write the letter. I had to be taken back to the Army Commander. After ten days, the letter came ordering the battalion commander to finalize the case.

But when I went back to the battalion commander he said: “You are not going to the court martial, but you are now ordered to surrender your rank, you are not going to be a corporal, you will just be ordinary”. Instead of being promoted, I would now be demoted. They demoted me after working for 15 years. It was after working for 20 years that I now became a corporal. Thereafter, I was to be retired any time.

After retiring from the army, I had fifteen cattle but they were taken by the soldiers. When I was taken to Lang’ata, I asked them why they took my property, but they never answered me. That is the time I was sacked from the army.

On Monday, when people were being beaten, I had left for Garissa. Those people were taken to the bush. Those who died were dumped. People complained that the bodies of some people who had died could not be traced. Some people were dropped on Mandera Road while others were dropped on Moyale Road. By that time, people could not find their corpses. There was a woman called Analina, who came and started collecting those people who were alive for medication. But the bodies of those who had died were just left there. I know some of those people who were being beaten to death. I also know some who survived. Maybe, just like these old men, they could even show you the injuries they sustained.

We have an old man here who was stoned. Some old men were detained. Those are the only people who I know owe their lives to Kanyale. One of them is that old man who was here yesterday and others who I know by name but they died.

Ms. Belinda Akello: Thank you, very much, for your courage to speak today and your humility and we totally salute you in coming forth with this kind of information. I only have three clarifications to make, but before I make the clarifications if the presiding chair could allow; he had brought three people whom he wanted to stand as people who had been tortured both at the army camp and at the airstrip. He had requested for these people to come before the Commission. He has also shown one person whom he personally knew to have been detained at that time. Kindly allow these men to stand up before the Commission.

The Presiding Chair (Commissioner Dinka): It could be alright if they are here.

Ms. Belinda Akello: *Hao Wazee ni akina nani?*

Mr. Abdulrahman Elmi Daudi: These are the old men who were detained and beaten.

(The old men were ushered in)

Ms. Belinda Akello: The witness who has just come in was actually arrested not on order but under instruction. The one who is walking towards the front;’ that old man, just

wanted to have him brought forward for him to acknowledge that he saw him being beaten.

Kindly give us the name of the people who are in front of us? Just state their names. You can state briefly.

Mr. Abdulrahman Elmi Daudi: This is Abdi Adams. What makes me remember him is his appearance plus the clan where he comes from. There is another old man who is seating here. He was beaten and even his back cannot be straightened. But I cannot remember his name. I can only remember the family he comes from.

Ms. Belinda Akello: *Mzee* Abdi Rahaman Elmi, I just want three clarifications from before I hand you over to the commissioners. The first one is on your first statement.

You have mentioned that one Cap. Njeru Mugo instructed you that at 3.30 a.m., you should wake up all the army officers. You were put together and you were briefed, and this happened on the 9th. Could you, very briefly, tell us what the instructions that were given during that briefing before you were released to go out on 9th February, 1984?

Mr. Abdulrahman Elmi Daudi: In the military, you will always be told what you are going to be told. The first thing I was told was to make sure that all the soldiers woke up at 3.00 a.m. So, at 4.00 a.m., the soldiers were told to go onto the lorries, and that was the only command that soldiers followed. Nobody was allowed to ask questions. From that day, the Army Commander and Capt. Njeru were the ones who gave the orders. All of us who were there got onto the lorries and proceeded to the police station, where we found APs personnel waiting. We were all mixed up. That was when we were told that we were travelling on the road to Moyale and Marsabit to a manyatta known as Bula Jogoo.

When we got there, we were ordered to surround up that place until morning. We were told to ensure that nobody got out of that place. We were told to pack all the men onto the lorries and ferry them to the airport. That was the only command we were given.

Ms. Belinda Akello: My second clarification is with regard to the plane trip you had on your way to Garissa for your punishment. Just for the record, and for history, you said that on the plane going to Garissa, you were with senior officers. You have indicated that the then PC, Mr. Mr. Kaaria, was there, and that he commended the job that was happening below. To the best of your recollection or memory, how many officers were on that plane, and can you remember their names?

Mr. Abdulrahman Elmi Daudi: The planes came twice. There was the first plane which brought officers from Nairobi. We then had the plane that was from Garissa, which was a bit small, and it carries very few people. I, Lt-Col. Muindi and the PC of this province then were the only people who went back to Garissa. However, the plane that came in the morning was the one which was carrying Messrs Kiplagat, Kibwana and the PC. The plane took off from the airport and took those officials back to Nairobi in the evening at 4.00 p.m.

Ms. Belinda Akello: The next question is in relation to your second statement. You have indicated that you had animals which were taken away, and that you were bitter because the animals were taken away by the same army that you served. How did you know that it was the army that took away your cows, goats and camels?

Mr. Abdulrahman Elmi Daudi: My property was in the Army Camp. I believe that nobody came from the outside of the Army Barracks to take my animals. Those animals were living there. Even today, if you go there, you will find that army soldiers' property like livestock always lives there. I was even one of the persons who herded the animals there. When I went to Langata, all my livestock were in the barracks. When we came back from Langata, I found that my animals were not there. When I asked who had taken my animals, they said that, maybe, they had died but the truth was that the animals were shared out amongst Lt-Gen. Njiru and others. The command came from the Army Commander; who gave the order for the animals to be shared out. I wrote that statement with the army. When I pursued the matter I was told I had to retire. This was because the same persons who were supposed to defend me were the ones who were there to persecute me.

Ms. Belinda Akello: There is one more clarification about your detention. You have indicated to us that the Brigade Commander refused to endorse the application for the charge that the CO and the Battalion Commander had proposed for you at the Court Martial. You proceeded to inform us that you were jailed for one-and-half months. At which place were you detained?

Mr. Abdulrahman Elmi Daudi: I was imprisoned in an army jail. The person who jailed me was Lt. Philip Muindi. I was jailed for 21 days. When you are in prison, you are not paid a salary. They told me that my request for further engagement would only be granted if it was accepted by our seniors. Such a letter is always written and taken to the DOD and then back, directing when they can accept one's re-engagement or retirement. So, the letter came, in which, maybe, the authorities refused to give me extra service years. What I can remember is that they paid me Kshs28, 140, plus a pension of Kshs417.

However, some of the soldiers who were employed together with me were being paid Kshs17,000 or Kshs20,000, but I was paid Kshs2,000 when President Kibaki increased the pension for soldiers. They said that I could not continue with the court marshal because there was no evidence to take to the court marshal. Maybe, that was why they decided to charge me like that.

Ms. Belinda Akello: You mentioned the following persons in your statement – Lt-Col. Muindi, Brig. Kibwana, OCPD, Wajir, Capt. Njeru Mugo; Maj. Mudogo and Lt.(Dr.) Wachira. You have also just informed us that you did see Amb. Bethuel Kiplagat come off the plane?

Mr. Abdulrahman Elmi Daudi: Amb. Kiplagat came off the plane, but they never entered into my car. They entered into the DC's car, but Brig. Kibwana came into my car

and I took them to the office of the Lieutenant. From there, after taking tea, I took him to the DC's office.

Ms. Belinda Akello: In your statement, you talked about a brother of yours who was tortured. Was he at the Wagalla Airstrip?

Mr. Abdulrahman Elmi Daudi: He was in prison. However, it was not only my brother. There were other people as well. I can only be sure if you show me the statement, because, may be, my brother is not in the statement.

Ms. Belinda Akello: I would like to hand you over to the Commissioners.

The Presiding Chair (Commissioner Dinka): Thank you, Mr. Abdi Rahman. I will hand over the witness to my colleagues, if they have any questions for him.

Commissioner Ojienda: Mr. Abdi, thank you, very much, for your evidence.

Ms. Belinda Akello: Presiding Chair, can you allow me to interrupt the hon. Commissioners? The witness did provide a letter, dated 28th May, from the Kenya Rifles 7th Battalion and an Army Certificate of qualification. Kindly, admit these as exhibits to his testimony.

The Presiding Chair (Commissioner Dinka): It is so decided.

Ms. Belinda Akello: Thank you.

Presiding Chair, kindly, give the witness less than one minute. He insists on one of the witnesses showing a scar on the tummy. He would like to ask the witness if the witness is ready. He adamantly insists that the witness should show the Commission his scar.

The Presiding Chair (Commissioner Dinka): He can have a minute.

Ms. Belinda Akello: Thank you, Chair.

Commissioner Ojienda: Mr. Abdi, you have narrated your experience to the Commission. Just confirm that you worked with the Kenya Army before the Wagalla Massacre.

Mr. Abdulrahman Elmi Daudi: Mr. Presiding Chair, I worked as a Kenya Army soldier for 15 years, after which I came back to Wajir and joined Wajir Telekom, where I worked for 16 years. So, in total, I have worked for the Government for 36 years.

Commissioner Ojienda: At the airport, when you carried Col. Muindi, you did not carry Mr. Kiplagat in the same vehicle?

Mr. Abdulrahman Elmi Daudi: Mr. Kibwana and Mr. Muindi were not in the big plane. Col. Muindi came in a plane which was a bit small. The DC and Mr. Kiplagat came in a different plane. The people who came from Nairobi came in a plane known as “Buffalo”, but all of them met at the airport. The DC and the Battalion Commander came from Garissa. Brig. Kibwana and Mr. Kiplagat, who were amongst a group of about 10 people, came from Nairobi in a big plane known as “Buffalo”.

Commissioner Ojienda: Can you remember what happened thereafter?

Mr. Abdulrahman Elmi Daudi: When I took Brig. Kibwana to the venue of the meeting of the security team at the DC’s office, all the drivers were there until the meeting was over. We never knew what happened inside, but when Brig. Kibwana came out of the office at 4.00 p.m., he was holding a red piece of paper, which was written “K/E”. I never understood the meaning of those letters, but when he came out of the meeting, he was holding that piece of paper. When they came out, the drivers were out there, waiting for them.

Commissioner Ojienda:---(Inaudible)

Mr. Abdulrahman Elmi Daudi: I was the only soldier driver with a car bearing the Brigadier’s flag. The driver of the PC was an old man whom I could not identify. I can recall the name of the driver of the DC, which is Gedi, but he has since retired.

Commissioner Chawatama: Can you repeat? For how many years had you served in the army before the Wagalla event?

Mr. Abdulrahman Elmi Daudi: I worked for 15 years.

Commissioner Chawatama: Throughout the 15 years, you were based at Wajir?

Mr. Abdulrahman Elmi Daudi: They moved me between Wajir, Mandera and Garissa. Whenever the battalion moved, they would take me to Wajir or Mandera. When my transfer came, I would go anywhere. The Battalion covers a very big area. For instance, the battalion of this area covers Wajir, Mandera and Garissa. I was the Corporal who is in charge of transport. So, they moved me from one place to another. I was in the battalion of Gen. Farah. Gen. Farah knows how it works.

Commissioner Chawatama: I would just like to know the facts. Did you say that you were not court martialled? Just say “yes” or “no”.

Mr. Abdulrahman Elmi Daudi: No. They never took me to a court martial. They dealt with me in accordance with the laws of the military.

Commissioner Chawatama: Were you charged or not?

Mr. Abdulrahman Elmi Daudi: They never charged me anywhere.

Commissioner Chawatama: How did you lose your job?

Mr. Abdulrahman Elmi Daudi: Upon the expiry of the contract you had signed with them, they always asked you whether you wanted to renew the contract or you wanted to go home. When I said that I wanted to adjust my contract, they told me that I could not adjust my contract. After they took away my rank, they said that I should not adjust my contract. My contract could not be adjusted because I was complaining that people from my tribe were being killed in Wagalla. So, I was only just waiting to see what would happen at Wagalla. That was why my commander said that I should not renew my contract. He died one month later. In fact, he was also demoted from the rank of Major to Captain. That was when he took to heavy drinking, and he subsequently died.

Commissioner Chawatama: The letter that you have given to us suggests that you were retired in 1985. Is that the true position?

Mr. Abdulrahman Elmi Daudi: That is true. The time for retiring was 15 years after service. So, in 1985, my time expired. I was a private, and that was the period after which privates were always retiring.

Commissioner Slye: Thank you, Mr. Abdi Rahman. I have a couple of questions. You mentioned that at the airstrip, you saw Mr. Kibwana, Mr. Muindi and Mr. Kiplagat. Had you ever seen---(*Inaudible*)

Mr. Abdulrahman Elmi Daudi: No, Mr. Muindi and the PC came earlier in a small plane, before the “Buffalo” came with the brigadier. When Kiplagat came, the PC was already in the office of the DC.

Commissioner Slye: My question is: Had you ever seen any of those individuals before that day?

Mr. Abdulrahman Elmi Daudi: Yes, because Brig. Kibwana is a person whom I know. I had been working with him. I could not identify other people who were in that plane, like Mwiraria, but Kiplagat is a person I knew. I used to see him on television. So, I knew him by face.

Commissioner Slye: After you woke up the soldiers on the morning of 10th February, if I understand your testimony correctly, you also participated in driving people to the airstrip. Is that correct?

Mr. Abdulrahman Elmi Daudi: It is true, because I was one of the soldiers who were supposed to beat up people but I never beat anybody. The operation went on because there was nothing I could do. Even though it was home, there was nothing I could do because I was only obeying orders. Even though I was at home, I had to follow the instructions that were given but when the beating intensified, I could no longer agree with my colleagues even though I took an oath to serve the Government. People were being

beaten up and their clothes were being burnt. People were stripped naked, and I could not accept that in my soul.

Commissioner Slye: Do you have an estimate of how many people you brought to the airstrip?

Mr. Abdulrahman Elmi Daudi: They could not have been less than 5,000. On the second day, people were taken from Delabash and Baswel. Others were taken from Busas and Galbuyebyan. The APs who were in those towns were told to bring anybody who was from the Degodia community. The DCs' cars and police cars were doing that job; bringing all those people to town, until the day I left Wajir for Garissa. There were almost 7,000 people. Even if you came there at that time, you could not tell the exact number of people who were at the airstrip, because it was hard to count them. About 7,000 people were stripped completely naked.

Commissioner Slye: Can you remember how many times you brought people to the airstrip? Did you go just once with people or did you go twice or three times? Do you remember how many times you took people to the airstrip on that day?

Mr. Abdulrahman Elmi Daudi: There were so many soldiers' vehicles which were ferrying people. People were being ferried to the airstrip from 7.00 a.m. to 6.00 p.m. I could not count how many people I ferried to the airstrip, because Wagalla is a big area. You know soldiers' cars move. We went to Bula Jogoo to bring people to the airport. So, people were just rounded up and when you got there, people were loaded onto the trucks and taken to the airstrip, but I cannot remember how many trips I made. I was among the people who were bringing the people to the airstrip. There was another car which was driven by a Boran known as "Dina". From the military, there were eight vehicles. From the DC's office, there were two vehicles. We had another vehicle which was borrowed from the Veterinary Department, which was also used to ferry people to the airstrip.

Commissioner Slye: Mr. Abdi Rahman, if I understand your testimony correctly, you made many trips from Wagalla, Wajir and other parts of the area; carrying people to the airstrip. Is that correct? There were many trips throughout that day and you personally participated?

Mr. Abdulrahman Elmi Daudi: I took people there but whenever the commanders left the venue to consult, I would take away some people from the airstrip and hide them in the bush for them to run away. I think I took people five times from the airstrip to a school known as "Sabuni", so that they could run away. I took about 100 people to that school. I helped them because I hated the whole thing. I felt that I could be sacked any time, or that they could do anything to me. So, I did this to save their lives. I hid some water jerrycans, so that I could help them. We have some witnesses in this field, who can testify as to how many people I gave water. I was not selective. I was giving water to anybody who was near me.

Firearms were taken away from all soldiers and security personnel from the Degodia clan. They were transferred to other places like Garissa and Wajir, so that they could not try to help their people. The soldiers who were there came from other tribes.

Commissioner Slye: Mr. Abdi Rahman, we understand and appreciate that during this horrible situation, you, unlike, perhaps, many others who were in situation, assisted people through your actions. Some individuals were able to escape and some individuals were able to get water and, perhaps, food. We want to commend you for that. It is particularly people like you who are in organizations that are engaged in certain activities; when you see that something is wrong, you take action even though you risk in doing so. You actually faced a risk.

Just to explain my earlier question, we are trying to get an idea of how many people were, in fact, brought to the airstrip. So, I am asking you if you can remember how many trips you personally made. If we know how many trips you made in bringing people to the airstrip; it will help us to get a clear picture of how many people were there. So, if you can remember the number of times you took people to the airstrip, we will appreciate. If you cannot remember, it is fine but I understand that you made many trips. It was not just one or two trips; it was more than that. Is that correct?

Mr. Abdulrahman Elmi Daudi: I went to the airport twice to pick up the officers. The second time was when I took them back to the airport. Sincerely speaking, I cannot say how many times I took people to the Wagalla Airstrip, because I never wrote anywhere. So, I do not know.

On the second question, those people did not only kill the Degodia people but they also brought shame to Kenya, in the eyes of the whole world. Even today, this Commission is sitting so as to find out the truth. Even you cannot accept a recurrence of such an incident. If I had a weapon on me at that time, I would have shot the major, the captain and the OCPD. I did not have a weapon and, therefore, there was nothing I could do; of course, they did something which was very shameful. I pray that the TJRC does something. If somebody like Capt. Njeru could be here, I would recommend that I do the same things he did to people at the airstrip, because whatever the Government did to the Degodia people on the air field was shameful.

There is nothing I can say about the number of trips I made to the air field, because I made so many trips to the field, from morning to evening. I could not count the exact number of trips I made. What I can remember is that I tried to take people from Wagalla airstrip to a hiding place. I can remember that we had big people like councillors at the scene, whom I can bring here tomorrow. Those are people I took away in an army vehicle from the Wagalla Airstrip into hiding. I was followed by Capt. Njeru to explain why I did so.

The Presiding Chair (Commissioner Dinka): Abdi Rahman, let me understand you clearly. There were two aircraft which came – a small one and a big one or the Buffalo. Off the small one, came the PC, from what I understand.

Mr. Abdulrahman Elmi Daudi: The PC and the Battalion Commander, Lt.-Col. Francis Muindi came off the small plane.

The Presiding Chair (Commissioner Dinka): On the big plane, were Mr. Kiplagat and some other people? You took Brig. Kibwana to the Military Camp and, subsequently, to the DC's office for a meeting, and when they came out, you saw Brig. Kibwana carrying a red piece of paper. You then took him to the airport to fly back to Nairobi?

Mr. Abdulrahman Elmi Daudi: Yes.

The Presiding Chair (Commissioner Dinka): What happened to the rest of the people who came with him? Did they spend the night there or did they also fly back?

Mr. Abdulrahman Elmi Daudi: They never spend the night here. They went back to Nairobi. The persons who were left here were the PC and Lt-Col. Muindi. The other people flew back to Nairobi on the Buffalo plane. The DC spent the night there, but they travelled back the next day. Then, again, Francis Muindi and the PC came on that small plane, which stayed in Garissa for almost six months.

The Presiding Chair (Commissioner Dinka): Again, let me be very clear. They came here on the 8th of February and, on 9th, the operations began?

Mr. Abdulrahman Elmi Daudi: At that time, I was the gate commander. I was told by Capt. Njeru to make sure that all the soldiers were awake by that time. After people were arrested on Friday, Saturday, Sunday and Monday, the DC and the Battalion Commander came and spent the night day. The next day, when I was arrested, they took me into the plane. We went round the Wagalla Airstrip.

The Presiding Chair (Commissioner Dinka): I hear you. When they came out of the meeting at the DC's office, was it only Brig. Kibwana whom you recognized or did all the others come out also?

Mr. Abdulrahman Elmi Daudi: As a soldier, I could not identify all the people who came out of the meeting. The person I could identify well was the brigadier, because he was a person I knew. The only other person I could identify well was Mr. Kiplagat, because of his face and the grey hair he has. That is the only other person I could recognize because I used to see him on television and newspapers. I could not identify the other people, because the DC's car, which had hoisted a flag, took them to the airport.

The Presiding Chair (Commissioner Dinka): When the people at the airstrip were asking for food and water, was it the PC or the DC who ordered food to be given to them but the military refused? Who was it? Was it the PC or the DC?

Mr. Abdulrahman Elmi Daudi: It was the OCPD and the junior major who refused to give people food. When an order was given that food and water be taken to the people,

the OCPD, who was there with the major, refused. They said that water should not be given to those people.

The Presiding Chair (Commissioner Dinka): But who is the one who said: “Give food and water to these people?” Was it the PC or the DC?

Mr. Abdulrahman Elmi Daudi: The Acting DC, who was there, was the one who said that people should be given water.

The Presiding Chair (Commissioner Dinka): I really thank you for the information you have given us. You are an eye witness on the other side, for which you have suffered a lot; it was because of your own humanity. Thank you, very much. You are a very courageous person. I would like to wish you a very long life and a much better life in future.

Mr. Abdulrahman Elmi Daudi: Thank you, very much, Sir.

The Presiding Chair (Commissioner Dinka): Presiding Clerk, take the witness back to his seat.

Before the next witness comes, the Commissioners would like to take a few minutes break. The Master of Ceremony (MC) will announce when we are ready to resume.

[The Commission adjourned temporarily at 12.00 p.m.]

[The Commission resumed at 12.20 p.m.]

[The Presiding Chair (Commissioner Farah) in the Chair]

The Presiding Chair (Commissioner Farah): We shall resume with the next witness; Presiding Clerk, could you bring the next witness and swear him.

The Presiding Clerk (Mr. Njenga): Commissioners, the next witness is physically disabled; so, he will take his oath seated.

(Mr. Billow Ibrahim Hassan took the oath)

The Presiding Chair (Commissioner Farah): Before we hear the next witness, I want to say for the record that during the break, the four male Commissioners have looked at the scars of Mohamed Nunow. The elderly man had suffered a number of severe injuries on his private parts and we could also see scars on his stomach. We thank God that he was treated at the hospital. But the scars are visible. He suffered a lot and, probably, he cannot walk, stand up straight, or even sit without assistance. So, we have witnessed that.

Mr. Tom Chavangi: Thank you, Commissioners for the important information for the record. We will skip Wajir Six who wishes to testify in camera. The next witness is Wajir

Ten. For the record, Mr. Billow Ibrahim Hassan, kindly tell the Commissioners your name.

Mr. Billow Ibrahim Hassan: My name is Billow Ibrahim Hassan. I live in Bute.

Mr. Tom Chavangi: Mr. Billow Ibrahim Hassan, you recorded a statement with this Commission about the serious injuries you sustained as a result of disarmament after the shifta wars in 1983. Kindly, tell the Commission what happened.

Mr. Billow Ibrahim Hassan: Commissioners, in the 1980s, we had a lot of insecurity in our area. One day, I and a young girl, were driving cows to the outskirts of the town. We drove them near the airstrip which was controlled by the army. What happened was that the army officers who were in a land rover saw us and they came to where we were. Within a few seconds, they started shooting at us. The young girl ran away and went back to the town. Unfortunately, I was hit by a bullet. There was great fear. People were fearing to come to me. The issue was reported to the chief and the DO. I was taken from there after the army left. After some days, I was taken to Moyale Hospital. By the then the wound was worse. It was operated on, but it could not heal immediately. From that day, I have been walking with the support of these clutches.

Mr. Tom Chavangi: Thank you, Mr. Billow. After you were shot by the army, what kind of injuries did you sustain?

Mr. Billow Ibrahim Hassan: My legs were broken and I sustained serious wounds. They could not be treated in the hospital. Amputation was the only solution. Surgery could not help it. So, the doctor decided to amputate it from the upper point of the leg. I was there several nights. I was discharged from the hospital in January of 1984.

Mr. Tom Chavangi: *Mzee* Billow, pole for your traumatic events. This young girl you were with, was she in any way injured by the army.

Mr. Billow Ibrahim Hassan: No. They did not get to her.

Mr. Tom Chavangi: How did you know that those were army people or officers?

Mr. Billow Ibrahim Hassan: There were army officers in the town. It was not something strange for them to do such kind of thing. They used to do so. They used to castrate men and even kill them. They were based at Moyale. To them, this was a normal thing to do. We knew about them.

Mr. Tom Chavangi: After you were shot, you said, people reported to the DO and the DC. Did the DO and DC take any action to support you?

Mr. Billow Ibrahim Hassan: Nothing more than taking me to the hospital. That was all that they did for me.

Mr. Tom Chavangi: You are telling the Commission that the DO and the DC ordered that you be taken to the hospital?

Mr. Billow Ibrahim Hassan: That was a division with only DO and the chief.

Mr. Tom Chavangi: Do you remember the name of the chief of that area?

Mr. Billow Ibrahim Hassan: He was here yesterday. Since we did not get a chance to give our testimony yesterday, he left. However, I can see him seated there.

Mr. Tom Chavangi: Can you mention his name?

Mr. Billow Ibrahim Hassan: His name is Abdisalan Ibrahim.

Mr. Tom Chavangi: Can you remember the name of the DO

Mr. Billow Ibrahim Hassan: I cannot remember; it was long time ago.

Mr. Tom Chavangi: You said, you were taken to Moyale Hospital. Did you keep the records from Moyale District Hospital?

Mr. Billow Ibrahim Hassan: I had the records, but I do not have them now. It was long time ago and I do not have the records. What I remember is that I paid Kshs60. I could not raise it but was assisted to raise it.

Mr. Tom Chavangi: How many cattle did you lose?

Mr. Billow Ibrahim Hassan: About 30 cattle. I used to get milk for my family. So, it was around 30 cows.

Mr. Tom Chavangi: *Mzee* Billow, can you tell the Commission your expectations? What would you like to tell the Commissioners, given what you went through?

Mr. Billow Ibrahim Hassan: You want to hear about my problems. I suffered from that day. I became disabled at that tender age. Look at my hands, knees and the whole of my body. I did not get anything or compensation whatsoever. In other countries, disabled people are taught skills to support themselves in life. I need be compensated so that I can forgive those people who inflicted pain me. I would like also my son to go to university and study law so that he will come and pursue justice for us.

Mr. Tom Chavangi: My last question is about the *Shifita* War. Were you a *shifita*?

Mr. Billow Ibrahim Hassan: No.

Mr. Tom Chavangi: You are telling the Commission that you were not a *shifita* and that the Government shot an innocent Kenyan?

Mr. Billow Ibrahim Hassan: I was an innocent man looking for my daily bread. However, I was shot and disabled. In 1976, there was a war between Somalia and Ethiopia. People who were seen in this region were thought to be Ethiopian or Somalis militias. Since then, there was influx of people from Ethiopia and Somalia. The Government thought that we were those people and we had guns. I remember an incident where women were raped until they died. Those people were thought to be Somalia or Ethiopia militia men. Their property was looted and animals killed. We are poor and impoverished due to what happened that time.

Mr. Tom Chavangi: Mr. Billow, I have no further questions.

Commissioner Chawatama: I would like to know whether the young girl who was with you when that incident occurred is still alive.

Mr. Billow Ibrahim Hassan: She died. Her name was Saadia Abdullahi Ibrahim. She was my niece. By the time she was dying, she had two children. Her children are still alive.

Commissioner Chawatama: Can you remember the impact the event that you witnessed had on her.

Mr. Billow Ibrahim Hassan: She was shocked. She ran away. She used to cry a lot and she was traumatized a lot by that event.

The Presiding Chair (Commissioner Farah): Mr. Billow, can you tell the Commission that at the time the incident happened to you, the *Shifita* War was not there any more? It was about banditry? Can you confirm that?

Mr. Billow Ibrahim Hassan: There was no *Shifita* War. There was no banditry. There was an intended massacre which we blame on the Government. It was intended to finish the Somali people.

The Presiding Chair (Commissioner Farah): You said in the 1980s, there were a lot of problems. Could you highlight what those problems were?

Mr. Billow Ibrahim Hassan: As I mentioned, there was a lot of looting. People were killed. Animals were stolen. People were denied water. That was targeting pastoralists. The targeted places were the water points. The Government stationed army there to wait for people who would bring their animals. When people brought their animals for water, they would be killed. People who went to towns to buy their items were also killed. It was terrible. That was an act of aggression to those who were travelling to Wajir or Moyale towns.

The Presiding Chair (Commissioner Farah): Did the army mistake you to be from Ethiopia? Why were you attacked? Were they aware that you were a Kenyan?

Mr. Billow Ibrahim Hassan: They knew I was a Kenyan. Why did they shoot at me? Why did they have to shoot at me without asking whether I was a foreigner or a Kenyan? They were not even concerned whom I was.

Commissioner Slye: Mr. Billow, I join my fellow Commissioners in thanking you for coming here and sharing with us your story. How far away was the person who shot you, when he shot you?

Mr. Billow Ibrahim Hassan: He was near me. In fact, he stood by the road side when he shot at me. It was less 200 metres; I was not that far from him. There were no trees or bushes. I was clear.

Commissioner Slye: So, you could see him clearly, and he could see you clearly. Is that right?

Mr. Billow Ibrahim Hassan: Yes.

The Presiding Chair (Commissioner Farah): Thank you, very much, Mr. Billow. Was the man who shot you alone or was it a group of soldiers who came and one of them shot you?

Mr. Billow Ibrahim Hassan: They were many on a lorry.

The Presiding Chair (Commissioner Farah): How far were you from that military air field which they were guarding?

Mr. Billow Ibrahim Hassan: The airstrip was far. They came quite a distance.

The Presiding Chair (Commissioner Farah): There was no question or argument between you and them; they just started shooting?

Mr. Billow Ibrahim Hassan: Yes.

Commissioner Slye: Mr. Billow, would you be able to tell us whether it was one of them who shot at you or it was more than one shooting?

Mr. Billow Ibrahim Hassan: I cannot tell exactly what happened because I was so shocked. I only remember I was shot.

Commissioner Slye: Do you remember whether there was more than one bullet that hit you?

Mr. Billow Ibrahim Hassan: I think it was more than one. I had not experienced that kind of thing. I could only hear the gun shots.

Commissioner Slye: Thank you, Mr. Billow, for sharing your testimony. I appreciate your testimony.

The Presiding Chair (Commissioner Farah): Thank you, very much, Mr. Billow Ibrahim Hassan. We empathize with your suffering. Life can be very difficult in our continent even with your ribs, legs and arms. But when you become disabled like this, for no reason whatsoever--- It is not only sad and tragic, but also has a serious impact on the livelihood of your family and self. But despite that, you were courageous enough to come and share your tragic story and go through the trauma again with us. On behalf of my colleagues here, I would like to thank you, very much. I have no further questions for you. I would ask the presiding clerk to accompany the witness to escort you to your chair.

Thank you, very much.

I just want to tell you that we have finished yesterday's files. We will begin with today's files this afternoon. My appeal still stands and even stronger; that, we should be brief and to the point, so that we cover more ground when we come back. At 1.00 p.m. people go for prayers. Therefore, we will break off now and come back exactly at 2.30 p.m. Thank you, very much, and enjoy your lunch.

[The Commission adjourned at 12.47 p.m.]

[The Commission resumed at 2.50 p.m.]

The Presiding Chair (Commissioner Farah): Hearing Clerk, will you bring the first witness this afternoon?

(Mr. Abdullahi Aden Farah took the oath)

Mr. Abdullahi Aden Farah: My name is Abdullahi Aden Farah. I am a Kenyan who lives in Wajir.

Ms. Belinda Akello: Can you confirm to this Commission that you did write a statement to the Commission staff about an incident that happened on 10th February, where the Army came to your home and you were bundled into a truck and then taken to the airstrip at Wagalla? Is this true?

Mr. Abdullahi Aden Farah: If, God willing, I am given a very short time – around 10 minutes – I will talk about things that happened to Wajir before I got to Wagalla. If I could speak about greater Wajir before I come to the issue of Wagalla--- I think each and every person who is sitting here is affected in one way or another. I can call them the remains of violence; 40 years of emergency where one could---

Ms. Belinda Akello: Sorry about that, Mr. Abdullahi. Kindly continue with your statement.

Mr. Abdullahi Aden Farah: All the people you see here suffered violation in one way or the other. Their grandfathers and progenitors suffered violence in one way or another. The reason is that this was 40 years of curfew, emergency law or marginalization, where one was pointed a shifta and that would make him killed.

Ms. Belinda Akello: Thank you, very much, for the background. It was very informative. Kindly go on to what particularly happened to you on 10th February, 1984.

Mr. Abdullahi Aden Farah: I am coming to that. I lived at Wagbri Location of Wajir. I remember 10th February, 1984. Early in the morning after prayer, the Army came to our house and surrounded it. We were around four men. They came to our house and asked us our clan. We said that we were Degodia. They told us to follow them without giving us any reason. We went to Orahey, in Wajir Town and found several people already there. We were taken to the station where the cells were full. Some people were standing outside. Three police lorries came carrying three people. We were told to board the lorries and driven to Wagalla Airstrip. We met people there who I think had been there overnight. They were about 10,000 people or less. It was a shock to us. We asked what he had done, because nobody knew why they were there. At that time we were surrounded by the Administration Police and the Army. We stayed there that Friday, 10th February, up to 2.00 p.m. and people were brought there in lorries every moment. We were told to lie down facing the ground. Anybody who raised his head was hit. We were not given water since we were brought there. We were told to stay naked. I was a businessman and had some money with me. I tried to resist removing my clothes. I told them that we were prisoners but they did not have a right to take off our clothes from us. When I defied their order, they took me outside and hit me with stones until I became unconscious. I have marks showing the beating I suffered. I woke up later and found that I had blood all over. The old men who were arrested with me tried to help me. When they tried to help me, they were tortured until they died. Nobody cared about who died and people were killed like nobody's business and indiscriminately. It was ruthlessness and an atrocity of the highest order, and it was very shocking. They were walking on our bodies with Army boots. The situation deteriorated on Sunday. They started burning people and anybody who tried to run away was shot dead. On Monday, people tried to run away from the shooting and burning. They opened fire on them. Some managed to run away and those who remained in the airstrip--- We were packed into the lorry like sacks of sugar. There were dead bodies and wounded people. We were taken to a place called "Della". It was a dry place where we could not get water. We were helped later by Mr. Mohamed Elmi and a lady by the name Analina. They took me to hospital under guard where Analina worked. I remained in hospital for eight months. Houses were burnt and looted. Women were also raped. The livestock was denied drinking water and they disappeared before problems were great.

I can remember that when I was being beaten and tortured, I had Kshs65, 000 in my pocket and I do not know who took it. We suffered a lot and we cannot talk about our problems in such a short time. Since then, we live in fear. It is not easy to forget. Whenever the authorities called for public *barazas*, we thought that it was something similar to the Wagalla incident. We suffered bodywise, healthwise and propertywise. We

do not know where some people are up to now. We did not get their bodies, at least, to find peace. If you find a brother's body, you can forget, but when you do not know where he is or how he was buried, it is very painful.

That is my submission.

Ms. Belinda Akello: I empathize with you. I only have two questions for you, Mr. Abdullahi. In your statement, you have indicated that, first, you were taken to Orahey. There were men who came and took you from your home and when you got to the airstrip, you were being instructed to look down when you were naked. Do you know who was giving those instructions or any of the people who came to do this to you? Do you remember any of their names?

Mr. Abdullahi Aden Farah: I do not know their names. What I know is that they were Kenyan soldiers. I think the order came from above – the President – and Kiplagat, who we were told came there. That is what I think.

Ms. Belinda Akello: Just to follow on that point, why would you think Kiplagat was responsible? Did you see him or why do you mention him as one of the responsible people?

Mr. Abdullahi Aden Farah: I think so because he came to Wajir on 8th February. I think the soldiers who did what they did to us must have gotten orders from the authority. Immediately he left, that was when we suffered.

Ms. Belinda Akello: Did you get to see him with your own eyes?

Mr. Abdullahi Aden Farah: He is a famous man. I did not see him then but I heard that he came under cover. Everybody knows that he came and it is clear.

Ms. Belinda Akello: Thank you, very much. You have indicated that you were beaten, first of all, when you disobeyed one of the orders. You were stepped on with the boots when you were naked and bleeding profusely. You also indicated that Analina came and took you to hospital where you stayed for eight months. Were you completely healed or do you suffer any of these complications to date?

Mr. Abdullahi Aden Farah: Now, I have many scars on my head. I broke two ribs. They hit me with stones and the scars are clear.

Ms. Belinda Akello: Can you point to the scar on your head just from where you are seated?

Mr. Abdullahi Aden Farah: Yes.

(Commissioner Farah pointed to the scar)

Ms. Belinda Akello: Thank you, very much. We are very sorry for what you went through. Mr. Abdullahi, I have four documents which were presented by you. One is a list of 303 persons and newspapers cuttings. Do you wish to present these before the Commission?

Mr. Abdullahi Aden Farah: Actually, the veracity is very clear. There is reason we talk about these particular people.

Ms. Belinda Akello: Thank you, very much. Hon. Commissioners, kindly admit the five pieces of evidence.

Hon. Commissioners, he has another document that he is currently presenting before us. Mr. Abdullahi, what is this that you would seek to present right now before the Commission?

Mr. Abdullahi Aden Farah: It is a paper I prepared about the problems I suffered.

Ms. Belinda Akello: He has just adduced one copy of a paper he has written about what he suffered. Mr. Abdullahi, do you have any other documents you want to present to the Commission?

Mr. Abdullahi Aden Farah: I do not have any other documents. Many of the things I had disappeared and now I have to look for more.

Ms. Belinda Akello: Thank you, very much. We are still sorry for what you underwent. The Commissioners will now ask you a few questions.

The Presiding Chair (Commissioner Farah): Thank you, Leader of Evidence. Before I give the floor to my colleagues to ask some questions if they have any, I would like to welcome the Minister for Development of Northern Kenya and other Arid Lands, Mr. Mohamed Elmi. Mr. Minister, you have done us a great honour by coming to visit us. We know that you are a very busy man. In fact, from what I heard, you may not be able to stay with us much longer. You are going back to Nairobi for urgent business. I would like everybody to recognize the presence of this great man. This is because when you walked in, your name was being mentioned in a very admirable manner. Welcome, Mr. Minister. If you do not mind, before you leave us, you can say a few words in terms of encouragement and to the people who are so courageous to come and share with us their painful and traumatic experiences.

You are welcome to say a few words.

The Minister for Development of Northern Kenya and Other Arid Lands (Mr. Mohamed Elmi): Thank you, Presiding Chair and other Commissioners. First of all, I would like to apologize for not coming on Sunday. I got a bit sick. My plan was to be here to welcome you to this Constituency as the area Member of Parliament. So, as a Ministry, and representative of the Northern Kenya Members of Parliament, we give you

our full support to the Commission. We do believe that there are many things that have happened in this country that need to be brought to a closure as we go through our next phase of this country with the new Constitution.

In my view, this Commission is probably one of the most important ones to bring that closure, together with the Commission for Cohesion that will hopefully take us to the next level. As a Member of Parliament, we will be lobbying to ensure that you get more support than you do at the moment. We will be lobbying to see whether you can have the life of this Commission extended because I think this needs to be done much more.

The other thing I want to say is that I came in when Wagalla was being talked about. I happened to be in Wajir at that time as a civil servant. I am among the few people who happened to go to the site when the operation was still on, together with the late Annalina. I promise that I will put in writing what I saw and probably, come to the Commission at a later date. Even 27 years later, it is too emotional for me to sit in a public place like this to talk about what I actually saw. So, I will have that in writing; that is a promise.

Wagalla is just a small and tiny part of things that happened in this country. I think people will be talking about the atrocities. Even after Wagalla, many more things happened. Again, while working here, a number of people were killed in Lehele and Sholote, just a village down here. Even as late as last year, just before we passed the Constitution, some people were still exceeding their powers in Kutulo and many other places. So, in my view, this is really what is going to stop it. The fact that 27 years later people were being called to provide witnesses will deter future officers from going beyond the law. Apart from the human rights abuses, there are things that people really do not talk about. How many people died because we did not have a road that is passable during the rainy season? I will just share one with the audience here. In 1997, we had *El-Nino* rains for close to six to nine months. All the areas upwards were closed to the rest of the country. What people ate was what came by planes. From the records we have of that time, over 2,000 people died. So, while we talk of the actual crimes against humanity, the omissions done in form of development in Northern Kenya--- As we speak, drought is on. It is a part of this country that looks like the colonial outpost. It does not feature in people's way of thinking, when they think of development. This is because unfortunately or fortunately, we have a drought that, as we speak, is ravaging only the northern frontier districts; that is, from Turkana up to Garissa. But because the rest of the country does not have drought, you will not hear about it. The response is not similar to the one we had in 2009. So, I just wanted to bring it to light that what we are dealing with is a major mindset, including that needful change. I hope your report will help bring that about. There is such a mindset that one author, who I cannot remember the name, said: "oppression is not complete until those who are oppressed perpetuate it." You will hear a lot of people saying that the Government said it and they accept the things that are going on to date. So, I will encourage the Commission to look into the mindset behind the way people treat this part of the country.

Thank you.

The Presiding Chair (Commissioner Farah): Thank you, very much, Mr. Minister. This is a very encouraging brief statement for all of us. We now have, as they say, a friend in court. You will be our advocate in Parliament and Government. The Commission and Commissioners are absolutely dedicated and determined to do whatever it takes to achieve the mandate entrusted upon them, but the quality of work that we might do varies because of the time that you mentioned, which has been wasted at one point, because of certain difficulties and challenges that the Commission had faced. But now that, that time is behind us, everyone of us is working more than we ever thought we would work. We have very good and capable staff. They are few but very well qualified. They are committed and dedicated to carry out this task. So, we count on your support, your colleagues from the northern region and your other colleagues in Parliament.

Thank you, very much, Mr. Minister.

Does any of my colleagues want to add or comment?

Commissioner Ojienda: Thank you, Mr. Abdullahi for your testimony. Again, it is a story of great pain that you went through. You have said that when the Army men came, you were arrested in the company of three other men who were Degodia. Were there any other people in the Army truck that took you to the Wagalla Airstrip?

(Technical hitch)

Mr. Abdullahi, can you hear me now? My question is: You said that when you were arrested on 10th February, 1984, you were in the company of three other Degodia men. You also said that you were bundled into an Army truck and taken to the airstrip. How many other persons were in that truck at the time you were arrested?

Mr. Abdullahi Aden Farah: From Orahey, we were taken to a police station. From there we were taken in lorries. We were so many, but I cannot tell the exact number. We were loaded into the lorry like sacks of sugar.

Commissioner Ojienda: At what point were your animals taken and how many were they?

Mr. Abdullahi Aden Farah: The money I had on me was Kshs65, 000. They took it when they were torturing me. They even took my underwear. They did not leave me with any clothes. I do not know where the livestock went. They got lost completely.

Commissioner Ojienda: Do you remember who assaulted you at the airstrip?

Mr. Abdullahi Aden Farah: They were many. Those who were beating me were around five or six soldiers. I cannot remember exactly. I may not even identify them if you bring them before me now. You asked me about the people who were with me. The three were killed at the airstrip. I am the only one who came out of the airstrip alive.

Commissioner Chawatama: Thank you, very much for your testimony. I see from your prepared statement that you are a ward councillor. Is that correct?

Mr. Abdullahi Aden Farah: Yes, I am a councillor.

Commissioner Chawatama: I am so glad to hear that you are a councillor. It means that despite what you went through, you have continued living and to serve your people.

I have a few questions to ask. My first question is which police station were you taken to? What is the name of the police station that you were taken to?

Mr. Abdullahi Aden Farah: I was taken to Wajir Police Station.

Commissioner Chawatama: When the lorries that you were asked to board came, were they empty or did they have other people in them?

Mr. Abdullahi Aden Farah: When they brought lorries we were forced to board them. We were compelled to do so. As we were boarding them, people were tortured.

Commissioner Chawatama: What were some of the torture that people went through as they were boarding the lorries?

Mr. Abdullahi Aden Farah: Some were beaten. Some had their faces hit on the bodies of those lorries.

Commissioner Chawatama: What impact did the events that took place in your life, have on your business?

Mr. Abdullahi Aden Farah: I was a businessman. My businesses suffered a lot because I spent a whole year in the hospital. When I came out, I did not have capital. Everything of mine was lost. The situation was so bad. I still suffer.

(Power failure)

Commissioner Chawatama: When you mentioned that you were put amongst dead persons who were then dumped in a certain place, were you presumed dead when you were dumped?

Mr. Abdullahi Aden Farah: There were 10 dead people dumped there. Some of them were alive. They were just carrying bodies without checking whether they were alive or not. They were just throwing them into the lorry. They later burnt the dead bodies that were left there.

On the question you asked me about my condition, if I could just go back a bit, it was a large scale problem whereby many people suffered. Now that I am a political leader who

is responsible for his people, I would like to say the following: My people hate to hear the story of Wagalla Massacre. What they love most is to hear anybody say what they can do to the victims or survivors of Wagalla. Right now we fear, probably, this programme to identify those who can still talk about Wagalla Massacre. We even fear for our lives.

Commissioner Chawatama: Your statement shows that you said that you would be accompanied by your wife. Who is your wife here?

Mr. Abdullahi Aden Farah: There is drought in this region. I left her at home to take care of the family.

Commissioner Chawatama: What impact did the events that took place have on your family life?

Mr. Abdullahi Aden Farah: What affects the business, normally affects the family. It affected me and although now I am a councilor, I am a poor man. I am not as rich as I ought to be. I used to be rich before that event.

Commissioner Chawatama: Thank you so much.

Commissioner Slye: Commissioner Farah, I want to join my fellow Commissioners in expressing my gratitude to you as well for coming forward and telling us a really horrific story. Not only going through the beatings and torture that you went through, but being left for dead with dead bodies is something that I know must have been incredibly traumatic. We very much appreciate that.

I just have a couple of questions. You were taken to the police station and you said that three lorries came and you were all put into them and taken to the airstrip. Do you know enough about automobiles to tell us the make of those lorries or how big they were?

Mr. Abdullahi Aden Farah: All I can say is that they had the colours of army trucks.

Commissioner Slye: Were you able to estimate how many people were in there with you when you were taken to the airstrip?

Mr. Abdullahi Aden Farah: People were lying on each other. They were around 150 people put in those lorries. That is the estimate that I can give. People were sitting and standing on each other. Some people were crying and others complaining. We were beaten. They used sticks to hit us. We were literally sitting on each other. That is the much I can remember.

Commissioner Slye: You estimate that they were 150 people in your lorry and that there were three lorries. So, there were 450 of you that were brought to the airstrip?

Mr. Abdullahi Aden Farah: I think each lorry was carrying around 50 people.

Commissioner Slye: When you handed in the list of names of the dead Wagalla victims, I thought I heard you say that the list was not a complete one and that there was something special about the names on this it? Could you just clarify what the names upon this list are?

Mr. Abdullahi Aden Farah: To say the truth, the names I gave were for the four people we were with. I did not write the list of names of the people of Wagalla victims. I cannot estimate or remember. People were so many.

Commissioner Slye: At some point in your testimony, you said that recently when you hear that there is a public baraza, you are fearful of attending because you are afraid that it might be another Wagalla Massacre?

Mr. Abdullahi Aden Farah: Sometimes, I used to fear any public meeting. Before seven years ago, we used to fear any issue like that because what happened to us was something very unexpected. Nowadays, whenever we see a public meeting, we think it would be similar to Wagalla.

Commissioner Slye: Am I right to say that today, you still fear the Government or has that changed over time?

Mr. Abdullahi Aden Farah: I think that we were like people who were blind folded, but now brought to the light with the multi-party era. The politics that changed helped us to see the light a bit. I think that will continue and we will progress.

Commissioner Slye: Is there anything that you would recommend that the Government could do to help to start remedying the long term effects of the Wagalla Massacre?

Mr. Abdullahi Aden Farah: Actually, I think that nothing can serve as a remedy for Wagalla Massacre. Many people died. We lost wealth. What we want is that those who were responsible for this to be brought to book. That will help us to feel a bit better. I do not think it will solve the problem. I want the issue addressed directly. We have experienced 27 difficult years, whereby one is told that if he says anything about Wagalla Massacre, he will be taken back there. I would ask the Commission to be steadfast. Continue with the spirit you started your work. That is what we want. That kind of willingness and audacity will help us gain the confidence we lost. We want those people to face the law and be arraigned in court. After that, we advise the Government to think about how to compensate our people.

The Presiding Chair (Commissioner Farah): Thank you, very much Mr. Abdullahi Farah. I have no question for you, but I would like to join my colleagues to salute your courage for taking time and also for daring to go through that experience again with us in your narration. This is not easy. We understand and we empathize with your pain. We really, truly thank you, very much.

Could the Presiding Clerk swear in the next witness?

(Mr. Ibrahim Dayow Mohammed took the oath)

Ms. Belinda Akello: Could you tell the Commission your full names?

Mr. Ibrahim Dayow Mohammed: My name is Ibrahim Dayow Mohammed. I live in Wajir, in Habaswein.

Ms. Belinda Akello: Your statement was in reference to an event that took place during the shifta war. Kindly, take the Commission through your statement and the events that occurred on 10th February, 1966.

Mr. Ibrahim Dayow Mohammed: I was a young man and a pastoralist when Kenya attained its Independence. I was a nomad looking after livestock when the country attained Independence. We did not know much about it because we were in the bush. Kenyan soldiers would come to us and ask us about *shiftas*. When we refused to tell them about *shiftas*, they used to beat us. The most shocking day for me was in 1966 when the Kenyan army came to Hadado. The military came to us in more than 30 trucks and they surrounded us. They did not ask us anything. They opened fire on us without any concern. They killed women, men, children, old men and animals. Nothing was left. I remember relatives who were there, most of them died, but only a few escaped. The most painful thing is that I saw my father, Dayow Mohammed Ali and five of my brothers die. I also remember Hussein and Mohammed were killed during that time.

Three of my brothers died there. These were Ahmed, Jilo and Hassan. When I remember that day, I feel like a dead man. It was the most shocking experience of my life. The worst thing was I could not report this incident to anybody. Some of our animals were all killed. Others were taken away from us. Houses were burnt. How did they expect us to continue living? I slept in the bush for three days. I was shocked and did not know what to do. That is the worst experience I had in my life.

Ms. Belinda Akello: Thank you, very much, for sharing with us your experience and loss. We really empathize with what you had to go through. Just one clarification, you said you were being asked about the *shifta*. What does *shifta* mean or who is a *shifta*?

Mr. Ibrahim Dayow Mohammed: *Shifta* were armed people. They roamed in bush and they would terrorize our people. We did not know much about them.

Ms. Belinda Akello: Were they part of the Government?

Mr. Ibrahim Dayow Mohammed: They were not part of the Government.

Ms. Belinda Akello: You also indicated that the Kenyan soldiers would come to your homes and ask about these *shiftas* and if you told them, they would leave you. If you did

not, then they would beat you or shoot you. What is this that they wanted you to tell them, that if you said, you were left without harm?

Mr. Ibrahim Dayow Mohammed: They would ask us about *shiftas*. Their hideouts and whether we were hiding them. We used to tell them that we did not know where they were, because we were not hiding them. They would accuse us of hiding them. They never used to do more than that.

Ms. Belinda Akello: How many of you were at home when the Kenyan soldiers came? Who else was in the house with you?

Mr. Ibrahim Dayow Mohammed: I was with my father Hussein Dayow Mohammed, my brothers, Barre, Ahmed, Jilo and Hassan. I was at home with all my brothers. We were living in the country. We had many other relatives. This was too painful for me because I lost so many people that were dear to me.

Ms. Belinda Akello: You have mentioned those who were killed as your father and your brothers. Were there any other female relatives who were at home at that time?

Mr. Ibrahim Dayow Mohammed: They were many. Over 50 people were killed.

Ms. Belinda Akello: Was this kind of shooting common? Did it just happen to your home? Did it happen in other villages? How long did this kind of *shifita* menace go on?

Mr. Ibrahim Dayow Mohammed: It was common. At that particular time, many people were killed. The harassment was normal. They used to cane people. However, on this day, it was a deliberate massacre. They beat and killed our people and animals. They killed around 300 camels. These animals, the women and children were not *shifita*. The motive was to finish all people. They were killing indiscriminately. So, that is the issue.

Ms. Belinda Akello: Kenyan soldiers were killing indiscriminately. Would the *shifita* cause any harm to the people or it was only the Kenyan soldiers that would cause harm? Were the *Shifita* also involved in the killings or destruction of property?

Mr. Ibrahim Dayow Mohammed: The *shifita* never used to kill people. They would ask for food; eat and leave. That is what the *shifita* would do. They never used to kill people.

Ms. Belinda Akello: What are your expectations? What would you like the Commission to assist you with regarding this menace? How can the Commission help alleviate the kind of suffering you are experiencing right now because of those events that took place in 1966; for you and others who also suffered the *shifita* menace?

Mr. Ibrahim Dayow Mohammed: What happened was a big problem. We cannot talk about it here. If we are looking for truth and justice, let us do something that will make our people happy. I remember at a police station, I heard about a young lady who was killed in Maasai Mara. She was a white woman. The Kenyan Government compensated

her Kshs30 million. However, our people were killed and our homesteads destroyed and burnt down, but nobody has ever thought of compensating us. It is only good compensation that can make us forget this massacre. No compensation can fill the gap my father and my brothers left. No one can compensate for the dear people that I lost 40 years ago.

What makes me happy is that the Government is now asking me what happened. What makes me, an old man of 60 years, cry before you although it is un-African for a man to do so? This was a big massacre. If you are looking for the truth, this is not something that can be measured. If the issue is just asking us what happened and doing nothing, we are not ready for that. What we want is the truth. If you are looking for the truth, the problem cannot be measured and everything is as clear as the morning sun. That is all I would like this Commission to do to our people.

Ms. Belinda Akello: I would now like to hand you over to the Commissioners, just in case they need to make any clarifications or have any questions.

Commissioner Slye: Mr. Ibrahim Dayow Mohammed, I want to thank you for coming here and sharing with us your story that is now over 40 years old. I know it is something that has pained you for a very long time. I appreciate what you have said that being able to tell your story here has helped. I know that it can only be a small thing to deal with a very big loss.

We are grateful that we can at least provide something through this process. I would like to ask you one question to try and get it clear in my mind what exactly happened on that day. I guess maybe it will be a series of questions. You said the military trucks came and surrounded your home. I was a little unclear how many people were in the home. You mentioned your father, five of your brothers, some women and children. Can you remember how many women and children were in the house?

Mr. Ibrahim Dayow Mohammed: My mother was not there. The rest of my family was there. My mother who is still alive up to now was absent.

Commissioner Slye: If your mother was not there can you remember who was there?

Mr. Ibrahim Dayow Mohammed: I am the only survivor out of all those family members who were present at that time. The rest died.

Commissioner Slye: What is the total number of people who died?

Mr. Ibrahim Dayow Mohammed: The number of people who died in that neighborhood was 57 people.

Commissioner Slye: There were 58 people in your household, including you, and 57 of them were killed by these men?

Mr. Ibrahim Dayow Mohammed: Those who died from our household were six. The people who were living in that neighbourhood, in the same vicinity are the 57 I am talking about.

Commissioner Slye: In your household, it was 15 that were killed?

Mr. Ibrahim Dayow Mohammed: We were seven in my household and six were killed.

Commissioner Slye: Have you ever reported this to any Government official or tried to make a claim against the Government for what happened to you?

Mr. Ibrahim Dayow Mohammed: I was a young man, a nomad who lived a nomadic life. We could not tell anyone, so I did not tell anyone about this. I did not report anywhere.

Commissioner Slye: I assume you have not been able to make a legal claim to the Government. I do not know if you are aware of this, but there is something in Kenya called the Indemnity Act. What would prevent you from seeking compensation or any form of justice from the Government for the acts that you describe here? I want to assure you that, that Act does not apply to this Commission.

Mr. Ibrahim Dayow Mohammed: I do not understand. We were even running away from the Government. We used to run away from anything concerning the Government. We were living in fear. We could not ask anybody anything. The phrase “Government administration” was the most frightening thing. How can you report something to somebody you fear? We feared that they would even arrest us. How can you ask the man who killed you: “Why did you kill me?” That was the fear. We could not tell anything.

Commissioner Slye: It makes an enormous amount of sense that you were not able and willing to report it for exactly the reasons that you have said. I just want to assure you that while the Indemnity Act precludes certain avenues of justice for you, the Act does not apply to us. As we have done today, you can give your testimony. We can also recommend that you, your family and your community receive reparation. If we do make such a recommendation, the Government then will decide whether or not to do that. Unfortunately, it is something that we cannot do ourselves.

We also want to assure you that the Indemnity Act which would prevent you from otherwise suing the Government for what you suffered--- We made it clear that we would like to see that Act repealed. So, I would just want to assure you that we and many other people, including the Ministers who are here today, have been working hard to get that legislation reversed. So, again, I want to thank you for your testimony.

The Presiding Chair (Commissioner Farah): Thank you, very much, Mr. Mohammed. I have no question for you. I would like to join my colleagues to commend your courage and to assure you that we all have been affected by your horrendous story of your father and five brothers and also the property that you and your family have worked for your

entire life. In spite of that, we see that you are trying to get up and lead your life again. We wish you the best of luck and we want to assure you that we empathize with your tragedy, loss and suffering. I would like to encourage you to continue living your life and showing that you are a resilient person. The family is a resilient one. You can get up and get up again. On our part as my colleague has said, your story will be part of our report and recommendations and thank you, very much. The hearing clerk will now escort you to your seat. Next witness and administer the oath.

(Mr. Abdi Subow Noor took the oath)

Mr. Tom Chavangi: What is your name?

Mr. Abdi Subow Noor: My names are Abdi Subow Noor. I live in Wajir.

Mr. Tom Chavangi: Can you tell us what happened?

Mr. Abdi Subow Noor: I remember I was detained for nine days and not more than that. The first time I was arrested, I was detained for nine days.

Mr. Tom Chavangi: You were arrested for nine days. Tell us the reason for your arrest?

Mr. Abdi Subow Noor: I was not told the reason for my detention.

Mr. Tom Chavangi: Can you tell us what happened and who arrested you?

Mr. Abdi Subow Noor: Police officers were sent to me. I was in my house at 2.00 a.m. in the morning. It was 3rd February 1984. People came to my house and knocked on the front gate. I asked who it was and I was told it was the police. They told me to open the door, which I did. When I opened the door, they asked for my name. I told them I was called Abdi Subow Noor. I was taken from there. There were four people who were arrested and three of them were brothers. They were lying down and I was told to lie down with them. I lied down with that group. We were there for some time until others were brought in. We were then taken to the police station. We were not asked anything. We were taken to a small room with no window but only a door. We were put inside there. We were 12 people. We stayed there from 8th February 1984. We were then transferred to a bigger cell. On 12th, we were told that all the people who were taken to Wagalla were killed. They told us to be ready to also die. We waited for 14 days in the bigger jail. We spent 30 days in that jail. The 12 of us were in jail for 24 days and six days, before that we were in a small jail. We could not sleep or sit in the small jail. We would be standing the whole night. Then we were transferred to the bigger jail.

Mr. Tom Chavangi: You have already told us part of your narration. I want to confirm two things; the first time you were arrested for nine days and the second time you were arrested for 24 days. You were arrested twice?

Mr. Abdi Subow Noor: I was not told. I was not given any reason for the arrest. When I was leaving is when I was given this letter.

Mr. Tom Chavangi: Are you getting me? Which police station were you taken to when you were arrested?

Mr. Abdi Subow Noor: Wajir Police Station. The police officers came to my house at 2.00 a.m. in the morning and the old men who were caught were taken to the police. Do you understand me?

Mr. Tom Chavangi: Do the 24 days fall within the Wagalla Massacre period?

Mr. Abdi Subow Noor: We were the leaders of the Degodia old men and that is why we were arrested. We were arrested on 3rd.

Mr. Tom Chavangi: You were a victim of Wagalla Massacre that started on the 10th of February?

Mr. Abdi Subow Noor: I was not in Wagalla but my two brothers were killed when I was in jail for ten days. I came and found that my shop was looted. I found my house was broken into. The doors were broken. There was nothing inside it. I was told my two brothers had been killed. One of them was a businessman with a shop and the other one was a herdsman. They were killed in Wagalla. Also my brother's shop was looted. The herdsman was also arrested and taken to Wagalla. He was arrested when he took the animals to the water point. All the animals were left at the water point without people to take care of them. Two of our cattle were killed when I was in jail. The three of us had 300 cows. When I came out of jail, I tried to look for the cows. I took a car and went to Grifti and I did not get a single cow. My brothers left eight children with the oldest being seven years old and the youngest being less than a year old. Adan left two children. One was three years and the other one year old. Since I was poor, there was no way I could help those children. It was frustrating begging for help. I used to beg for my brother's children. Now they have grown up and the last three are in school. I thank Allah since nobody died and we are still alive. The memories of suffering for 27 years are still there. We cannot report it to anybody. When our shops were looted, I went to the Government and reported the matter, but I was chased away. Up to this moment, I am still suffering from being told *kwenda*. There is no help that I got from the Government. Some of the children are in the university and we do not have any money to help them, even for those in secondary school. It is only Allah who is helping us.

Mr. Tom Chavangi: *Mzee* Subow, you have gone through very traumatic situations. We really sympathize with you.

The Presiding Chair (Commissioner Farah): Thank you, very much.

Mr. Tom Chavangi: Hon. Commissioners, give *Mzee* Subow some little time to calm down. *Mzee* Subow is ready to proceed now. *Mzee* Subow, I am going to ask you a few

questions. You said your house was broken into and your shop looted. Also, you said that you as a family lost domestic animals. Can you estimate, if possible, the amount of loss?

Mr. Abdi Subow Noor: Yes, I can estimate what I lost. The shop contained commodities worth about Ksh300, 000. The livestock consisted of 300 cattle and 200 goats. It belonged to the three of us. My brother who owned the shop was richer than me. He operated a wholesale which had goods worth more than Kshs600, 000. It had about 40 sacks of sugar. In fact, we do not know where all the commodities went. My brother Aden Subow was the one who was looking after the animals. Billow Subow was the one in town with me and he was the one who was running a supermarket.

Mr. Tom Chavangi: You have actually clearly brought out those issues again and again. That is very good of you and that shows you have a very good memory. Kindly, inform the Commissioners the names of your two brothers that you lost during this period?

Mr. Abdi Subow Noor: One is Billow Subow Noor and Aden Subow Noor. One was a herdsman and the other lived in town and he was a businessman. I did not tell you that the houses of my two sisters were burnt down. That is the *heria* or Somali type houses. Everything inside was burnt down.

Mr. Tom Chavangi: You said you reported this to an office belonging to the Government of Kenya. Which particular officer was this?

Mr. Abdi Subow Noor: I went to the OCPD and the OCS. I also went to the DC. When they asked me which tribe I belonged to, I told them I was a Degodia and they told me to go away. They told me, “we do not want to see the Degodia.” Then I left because where else could I go?

Mr. Tom Chavangi: You have a very good memory. Is it possible for you to remember the names of these OCPD, OCS or DC?

Mr. Abdi Subow Noor: I cannot tell since it was a long time ago – 27 years ago.

Mr. Tom Chavangi: You forgot?

Mr. Abdi Subow Noor: I can only remember the time but not the names.

Mr. Tom Chavangi: *Mzee* Subow, what are your expectations of this Commission?

Mr. Abdi Subow Noor: We had forgotten about the problems we went through, the brothers we lost and everything. You have come to look for a solution to our problems and we thank you for that effort. Secondly, for the people who did this to us, I would like the long arm of the law and Government to get hold of them and they should be brought to book. Thirdly, we suffered great pain and we want compensation from the Government for the pain, the rape of our women and the wealth lost. If you are looking for justice, please make sure we are compensated.

Mr. Tom Chavangi: There is a letter that you have just produced before this Commission which was written to you by one OCPD namely C.M. Wabwire detaining you for not more than 30 days from 3rd February 1994. Do you want to produce this letter to the Commission?

(Mr. Noor laid the letter)

Mr. Tom Chavangi: Commissioners, I have the photocopy. It is a letter from the then OCPD Wajir, C.M. Wabwire ordering detention of *Mzee* Abdi Subow Noor for not more than 30 days under the repealed Act of Preservation of Public Security Cap.57 of the Laws of Kenya. I wish to produce this letter as an exhibit. I have no further questions and I hand over the witness to you.

The Presiding Chair (Commissioner Farah): Thank you, very much. You can give us the exhibit. Do my colleagues have any questions for the witness?

Commissioner Ojienda: Thank you *Mzee* Abdi for your testimony. I note that you were served with a notice by Mr. Wabwire the OCPD and you say you were detained for nine days and a further 21 days. I want to understand whether you occupied any position among the Degodia or why you were targeted with tension by the police during this time.

Mr. Abdi Subow Noor: I was an elder of the Degodia. I come from the inner clan, the *Jebrail*. I was among those who were called whenever a problem arose. I was among the elders of the *Jebrail* in 1974 and in 1964. I was once a councillor from 1964 until 1974. I was a respected and reliable old man from my sub-clan. So, that was my position.

Commissioner Ojienda: I am just trying to find out something with this brief question. You went through a lot of pain and you were held during the time of the massacre. Apart from your two brothers, did you lose anyone else in the massacre?

Mr. Abdi Subow Noor: Apart from my brothers, in that massacre there is another brother who was shot dead. It was not in Wagalla. He was looking after goats and he was shot dead. That was in 1966. They opened fire on them. My brother was called Ali Subow Noor. The old man who was with my brother and who was also killed was called Farah Hussein. He was my uncle. We saw their bodies and the goats went missing. That is what I remember. There is a time when they could open fire on camels in a place called Mansa. Around 300 people and their camels were killed.

Commissioner Chawatama: Thank you, very much, for your testimony. As an African, we believe that sometimes when you have a sick person and you see him deteriorating, it is easier to come to terms with that particular death. To have lost your brothers in the manner in which you lost them is, indeed, a very sad thing and we continue to hear testimonies from others who suffered the way you did. We expected when we began sitting that we would cause some pain in people remembering what happened to their loved ones. I was not quite prepared to the extent of this thing. I am very sorry for your

losses but I applaud you for the way you have continued living and looking after your brother's children. You have really honoured your brother's memories. I want to ask you two questions: Do you recall who informed you that your brothers had passed away?

Mr. Abdi Subow Noor: When my two brothers were killed, we were told while in jail. When we came out of jail, I was told that my two brothers were dead. Everyone told me so and that is when I was sure that they were dead. I looked for the bodies and I could not find them. I looked in the shops and there was nothing. Their wives were just wandering and crying because their houses were burnt down. When I asked them what was happening, they told me that their husbands had been killed and their houses burnt down. All I could do was to beg and look for something that could sustain us. I went to a rich Arab man who used to live in Wajir. I told him that my people had died and that I was only spared because I was in jail. He gave me Kshs20, 000 as a loan and I started doing business with that money.

Commissioner Chawatama: Thank you for answering my question. You have actually answered my second question which I was going to ask. Thank you so much.

The Presiding Chair (Commissioner Farah): Thank you, Mr. Abdi. Again, I have no question for you but I would just like to join my colleagues in thanking you and saluting your courage. The fact that you have been able to send your brother's children to school and some of them even to the university shows how kind a person you are and the kind of integrity that you have.

Thank you, very much, and we admire you and empathize with your pain.

Hearing Clerk, can you, please, escort the witness to his seat and call the next witness?

(The Hearing Clerk escorted the witness to his seat)

(Mr. Maalim Abdi Derrow took the oath)

Mr. Tom Chavangi: The witness before you is Witness No. Wajir 24 /Maalim Abdi Derrow. Witness No. Wajir 23/Ahmed Sheikh Abdi Shirow cannot be traced. He was here earlier today before lunch but at the moment, we cannot trace him. So, we are presuming that this witness is the last one.

Mzee Maalim Abdi Derrow, kindly, for the purpose of the record, tell the Commissioners your name.

Mr. Maalim Abdi Derrow: My names are Maalim Abdi Derrow.

Mr. Tom Chavangi: Where do you live?

Mr. Maalim Abdi Derrow: I live in the east of Wajir.

Mr. Tom Chavangi: That part of Wajir; does it have a name?

Mr. Maalim Abdi Derrow: Yes, it is called “Arganey”.

Mr. Tom Chavangi: You gave a statement to this Commission?

Mr. Maalim Abdi Derrow: No, I will give you the statement. I will tell you the truth.

Mr. Tom Chavangi: Can you tell us what took place in Mayagaba Area of Modogashe?

Mr. Maalim Abdi Derrow: In 1981, I and others were really hurt by some things which happened, and especially me. The people who were affected mostly were also my brothers and relatives; I will tell you their names. It was in 1981 and on the 10th month on 20th while we were looking after our animals, the Government came to us and took them away. They opened fire on our animals and killed them. My hut was also set on fire. There were six huts in total which were burnt in Modogashe. Everyone knows that and they have seen it. Our camels were killed. The people who killed them went to another place where there was water. They also killed other livestock and within two days, they killed about 800 animals. This is what happened to us. We lived in Kenya because we were born here yet calamity kept on following us. In hospitals, we were mistreated. We were treated as if we were not human beings. This is what happened to me as well as my people. What happened in Wagalla is true, we were there and we witnessed it.

The place where the camels were shot was close to the town, so we ran to the town. Later, news reached everywhere and the Members of Parliament also heard about it. Amongst them was Ahmed Khalif, who is dead now, another man called Ahmed Sheikh Abdisalam and Abdikadir Hassan who was Ogaden Aulihan. All of them came here to witness what had happened. Only God saved us because we ran away. So, even us, they would not have had mercy on us. What happened was not personal; it happened to a lot of people, but I am talking about it because I am also one of the people who were affected. The Members of Parliament, Assistant Minister for Livestock, Mr. Shikuku, and generally the Government saw the dead camels. An argument ensued as to who would have killed the camels. Government representatives objected and said that they had died of a disease known as “Kud”. So, there was another man – I do not know his name – but we had nicknamed him “Buffalo”, a veterinary doctor from Wajir who testified that the camels had been shot by Government officials. So, later, people wondered whether this man really worked for the Government if he could indeed testify against the same Government. Following this, the man was suspended from work for three days. Another man who was called “Kuso”, a sub-chief from the Aulihan Clan also confirmed that the camels had not died of any disease but had been shot by Government officials. He too was sacked. That is what happened; a very ugly calamity.

So, news spread and the matter reached Parliament. So, all the people whose camels were killed were 100. The matter was solved by Parliament. This is what I wanted to tell you. The Government did not apologize to the people and they did not compensate them. They denied everything. So, what I am telling you and what I wanted to tell you is that I

have already written a statement before, but today I have written it again and I am here to testify again to strengthen it. We are really grateful to the Commission. The calamity happened but we have to think of how to get better because the Government is not doing anything. If after 30 years you are asking us to tell you what happened, we are still grateful. So, we are requesting the Commission to follow and investigate this matter thoroughly. They denied what happened in Garissa; the Wagalla Massacre and the killing of animals unnecessarily. It was an open operation. So, we are asking the Commission to bring our rights back. We want to be compensated by the Government and the Commissioners.

Thank you.

Mr. Tom Chavangi: *Mzee* Abdi, I have a statement written by you dated 23rd March, 2011. You stated in your statement that this violation took place on the 10th of February, 1984, and today you are telling us that these animals or the violations took place on the 20th of October, 1981. Please, clarify the dates and the year for us, if you can remember?

Mr. Maalim Abdi Derrow: I did not write in a book because I am from the countryside. I never came to the town before the killing of my animals but everybody knows me because I am a very famous man. I am telling you that it happened in 1981, the tenth month on 20th. I do not know whether it is called Moi Day or Kenyatta Day, but that is when they killed my animals and attacked my family. That is all I have to tell you. You can ask me any more questions. I have written it.

Mr. Tom Chavangi: Thank you, *Mzee*. There was loss of camels, houses were razed and livestock were killed. Can you estimate this loss?

Mr. Maalim Abdi Derrow: I did not write that date. I was a countryman. I never came to the town and when I came back, all I saw were my children standing in the open. It is Modogashe. I stayed there for two years and then I came to the town. The Members of Parliament are the ones who wrote in their report, although one died and two are still alive. I can give you the phone number of Abdisalam to confirm this.

Mr. Tom Chavangi: Mr. Abdi, what is the number of Abdisalam? Is he still a serving MP? We would like to have his number.

Mr. Maalim Abdi Derrow: No, he is not an MP. His phone number is in my phone, but I do not know it off head. But it is in my phone and I can give you.

Mr. Tom Chavangi: Do you know why you were attacked by the military people?

Mr. Maalim Abdi Derrow: The people who killed are the police. I heard it from their mouth. Later during the investigation when they said the bullets--- It was found that it was the police from eastern who did that and the matter was taken to Parliament. The case went on for six months. Even if you go now, you can check the records of Parliament. Ahmed Khalif was following up on the case. The killing of the camels did

happen. But, unfortunately, the *Shifita* and the army--- The police exchanged fire and then we were told to bring the police--- They were saying that the *Shifita* and the police are the ones who fired at each other. We were watching that day when the hearing was going on because we wanted to know how the matter would end.

So, they denied the case of the camels. But if you now follow the Government, you can find out. All I want now is for justice to be done, nothing more.

Mr. Tom Chavangi: Mr. Derrow, my last question is about this incident; did you report it to any Government office?

Mr. Maalim Abdi Derrow: Yes, I reported that day, but nobody wanted to hear anything to do with North Eastern Province, and if you told anything to the police, you would have regretted it. Even just walking innocently, you would not have gotten away from them; they were attacking us all over. Now, we are feeling, for the first time, that we are breathing. So, if we were born in the Arab world or in Somalia, at least, we could have something. But, unfortunately, we were born in Wajir and we have never gone anywhere else. I was 20 years old at independence.

Mr. Tom Chavangi: I will now pass you on to the Commissioners who will ask you a few questions.

The Presiding Chair (Commissioner Dinka): Thank you, Leader of Evidence. Questions?

Commissioner Ojienda: *Mzee* Abdi, you have made a statement. To wind up; of course, I associate myself with your testimony and with the things that you went through. Can you explain what you mean by saying that if you were born in Somalia or in the Arab world, it would be better than being born in Wajir?

Mr. Maalim Abdi Derrow: What I mean when I say that is that, we understand the religion of Islam; the best of humanity was tried in this world and if I could get another place to go, I could go. There is a kind of patience we call patience with no otherwise. That is the kind of patience we had. If we were not patient, we could have suffered because there is nowhere we could go. Now, that is the kind of life we lead and we thank God. Now that we are talking about justice that will come, we thank God a thousand times and we are so thankful to the Commission.

Commissioner Ojienda: The next question, Mr. Abdi; I do not know whether you ever came face to face during this difficult period with the *shifita*?

Mr. Maalim Abdi Derrow: I did not see *shifita* targeting people. During independence time we saw people coming from Ghana and Somalia. It was during the time of Emergency. After that, we did not see *shifita*, but the reason why they were killed was hatred. They did not want us; it was hatred against the Somali people. The ID cards that

were asked here, that was direct discrimination against us. Everybody who was born here is aware of that.

Commissioner Ojienda: Thank you.

Commissioner Chawatama: Thank you for sharing your testimony with us. I just have two questions to ask you. Do you recall during the time that this incident happened, whether or not there were some disturbances in the area where you lived?

Mr. Maalim Abdi Derrow: Do you mean against the Government or such things? Explain it to me; I do not understand, please?

Commissioner Chawatama: Not against the Government. Some of the testimony that we have heard, some of the problems came about because of some disturbance, maybe, somebody had been killed. At that time, was there something that had happened that triggered off the killing of the animals and the burning of the huts?

Mr. Maalim Abdi Derrow: No, there was nothing. There was no disturbance I am aware of. No, it was peaceful. The Boranas and Somalis co-existed peacefully. There was no war, fight or argument between any of the tribes. It was a very peaceful time.

Commissioner Chawatama: Thank you.

Mr. Maalim Abdi Derrow: Thank you too.

Commissioner Slye: Mr. Maalim, just one question. At some point in your testimony, you mentioned the Wagalla Massacre. Were you present during part of that massacre?

Mr. Maalim Abdi Derrow: Yes, I was not far. It happened on Friday and I had left on Thursday. We had taken goats to Isiolo and when I heard that the targeted community was the Degodia, I just remained there; I did not come back. I was hiding but I was aware of everything that was going on.

Commissioner Slye: When did you return to Wajir?

Mr. Maalim Abdi Derrow: I was away for two weeks. I could not stay longer than that because I had to go home. By then, people had been killed. Dust was a bit settled; we knew about the dead and everything and that the bodies had been buried in different places.

Commissioner Slye: Did you lose any property or livestock during that time?

Mr. Maalim Abdi Derrow: My house was burnt down at a place called “Magalo Road”; it was a Somali thatched house.

Commissioner Slye: Thank you, very much.

Mr. Maalim Abdi Derrow: Are there any more questions you would like to ask me?

The Presiding Chair (Commissioner Dinka): I have no questions for you. I just want to thank you for sharing your pain, difficulties, sufferings and what happened to you and your neighbours. It is a very difficult experience for you to go through again, but you did. Thank you, very much.

I would like to ask the Hearing Clerk to escort the witness to his seat.

Mr. Tom Chavangi: Hon. Commissioners, we have no more witnesses for today. We look upon you for further directions.

The Presiding Chair (Commissioner Dinka): Ladies and gentlemen, now we have come to the end of today's session. I am sure you would agree with me that we have done a lot of work. We would have done even more, but one or two witnesses who showed up in the morning did not show up in the afternoon. So, we have to stop at this point.

However, I am very happy to announce that we have listened to nine witnesses and gained much more insight into what has been happening in this region, particularly the Wagalla Massacre and even other raids and disturbances that have gone on besides Wagalla, from which the people of this region have suffered. For that, I am particularly grateful to the nine people who have come as witnesses; first, Halim Birik Saga, Abdi Guad Nasur, Isack Abdi Noor, Abdirahman Elmi, Billow Ibrahim Hassan, Adan Abdullahi, Ibrahim Dayo Mohamed, Abdi Subow Noor and Maalim Abdi Derrow. These nine persons have come and shared with us; they have walked us through the terrible experiences again, which are quite traumatizing for them and very unpleasant to revisit. But they have done it and we are all grateful to them and we know about the problem of this region because of them and their courage, and we salute them.

I would also like to thank the participants, who have been very patient with us. They have waited and listened patiently to every witness with very little commotion, if any. We thank you, very much, for that. The media also has been very co-operative; they have strictly adhered to the instructions of the Chair in the morning and they have done their job very well, and we thank them very much.

We are also grateful to all the staff of the Commission for the great job that we are doing. Having said that, I would also like to announce that tomorrow, there will not be a public hearing, but we will have a public hearing possibly on Thursday in the morning. Tomorrow the Commission, the Commissioners and the staff will be engaged in other activities. When I say "other activities" it is not something that we are going to do outside of Wagalla or outside of Wajir; it will be in connection with our mission in Wajir. So, we may not see you again, but we might see you on Thursday morning at about 8.30 or 9 o'clock. But we will announce the exact time.

Thank you, very much.

I would like the Master of Ceremony to ask someone to end the session with a prayer.

(Closing Prayer)

(The Commission adjourned at 5.30 p.m.)