

REPUBLIC OF KENYA

Library

PARLIAMENT
OF KENYA
LIBRARY



PAPERS LAID No	
Speaker N. A.	Clerk Assts
Deputy Speaker	C. H. Editor
Clerk N A	Reporters
Chief Clerk	Library
P. C. A	Press

KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT - SECOND SESSION - 2008

**REPORT OF THE JOINT VISIT TO MOUNT ELGON
REGION BY THE COMMITTEES' ON DEFENCE
AND FOREIGN RELATIONS, AND
ADMINISTRATION, NATIONAL SECURITY AND
LOCAL AUTHORITIES**

17TH TO 20TH AUGUST, 2008

CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

NOVEMBER, 2008

TABLE OF CONTENTS

<u>ITEM</u>	<u>PAGE</u>
1. ABBREVIATIONS	
2. PREFACE	1
3. EXECUTIVE SUMMARY.....	5
4. BACKGROUND INFORMATION.....	6
5. THE VISIT.....	6
6. OBSERVATIONS.....	16
7. RECOMMENDATIONS.....	17

ABBREVIATIONS

- (i) AP - Administration Police
- (ii) ASTU - Anti Stock Theft Unit
- (iii) DC - District Commissioner
- (iv) GK - Government of Kenya
- (v) GPMG - General Purpose Machine Gun
- (vi) GSU - General Service Unit
- (vii) KWS - Kenya Wildlife Service
- (viii) OB - Occurrence Book
- (ix) OOM - Operation Okoa Maisha
- (x) PC - Provincial Commissioner
- (xi) RPG - Rocket Propelled Grenade
- (xii) SLDF - Sabot Land Defence Force
- (xiii) SSP - Senior Superintendant of Police

1.0 PREFACE

Mr. Speaker, Sir,

The Departmental Committees on Defence and Foreign Relations; and Administration, National Security and Local Authorities are established pursuant to provisions of Standing Order 151. Under the provisions of Standing Order 151(4) the Committees are mandated to:-

- (i). investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;***
- (ii). study the Programme and policy objectives of the Ministries and departments and the effectiveness for implementation;***
- (iii). study and review all legislation after First reading, subject to the exemptions under Standing Order 101A(4);***
- (iv). study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with its stated objectives;***
- (v). investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister; and***
- (vi). make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.***

On Thursday 26th June, 2008, the two Committees held their first joint meeting at which they agreed to undertake a joint fact finding mission to the Mount Elgon region to assess the security situation and ascertain allegations of human rights abuses by the security agents.

1.1 MEMBERSHIP

The joint Committee comprised the following Members of Parliament:-

- (i) The Hon. Adan W. Keynan, MP – **Co-Chair**

- (ii) The Hon. Fred C. Kapondi, MP – **Co-Chair**
- (iii) The Hon. Hassan Ali Joho, MP
- (iv) The Hon. Julius Kiema Kilonzo, MP
- (v) The Hon. Eugene Ludovic Wamalwa, MP
- (vi) The Hon. Mohammed Affey, MP
- (vii) The Hon. Jeremiah Ngayu Kioni, MP
- (viii) The Hon. John Mbadi Ng'ongo, MP
- (ix) The Hon. Joshua Serem Kutuny, MP
- (x) The Hon. Peter Edick Omondi Anyanga, MP
- (xi) The Hon. Benedict Fondo Gunda, MP
- (xii) The Hon. Wilson Mwotiny Litole, MP
- (xiii) The Hon. Mwalimu M. Mwahima, MP
- (xiv) The Hon. Lewis Nguyai, MP
- (xv) The Hon. Mohamed Hussein Ali, MP
- (xvi) The Hon. Kungu C. Waibara, MP
- (xvii) The Hon. Pollyns Ochieng Anyango, MP
- (xviii) The Hon. Cyprian Ojwang Omollo, MP
- (xix) The Hon. Peter Kiilu, MP
- (xx) The Hon. Joseph Kiuna, MP
- (xxi) The Hon. Ngata Kariuki, MP
- (xxii) The Hon. Raphael L. Letimalo, MP

1.2 FACT FINDING VISIT TO MOUNT ELGON

The Committee had a successful visit to the Mt. Elgon region. The purpose of the visit was to assess the security situation and ascertain allegations of human rights abuses by the security agents in Mt. Elgon. The objectives were to be achieved through:-

- (i) holding discussions with the Provincial Security Committee, Western Province;
- (ii) visiting and holding discussions with prison officials and inmates at the

Kitale and Bungoma GK prisons; and,
(iii) holding meetings with local leaders and affected community members.

Mr. Speaker, Sir,

The Committee wishes to record its appreciation to you for having given it the opportunity to undertake the visit. The Committee is grateful to the Clerk of the National Assembly for the continuous facilitation of its operations and to the Ministry of State for Defence and; Ministry of State for Internal Security and Provincial Administration for the logistical support during the tour.

The delegation comprised the following Members:-

- (i) The Hon. Adan W. Keynan, MP – **Co-Chair**
- (ii) The Hon. Fred. C. Kapondi, MP – **Co-Chair**
- (iii) The Hon. Jeremiah Kioni Ngayu, MP
- (iv) The Hon. Julius Kiema Kilonzo, MP
- (iv) The Hon. Wilson Mwotiny Litole, MP
- (vi) The Hon. Eugene Ludovic Wamalwa, MP
- (vii) The Hon. Joshua Serem Kutuny, MP
- (viii) The Hon. Mohamed Hussein Ali, MP
- (ix) The Hon. Peter Kiilu, MP
- (x) The Hon. Joseph Kiuna, MP

The delegation was accompanied by Messrs. Emejen Nicholas and Daniel Mutunga.

The Committee had a successful fact finding visit during which it held meetings and discussions with the Provincial Commissioner, Western Province, Western Province Security Committee and Trans Nzoia District Security Committee. The Committee also received submissions from members of the public residing in Mount Elgon and its environs. The Committee further visited Kitale and Bungoma GK prisons and held meetings with prison officials and inmates.

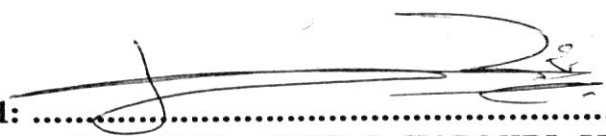
Sir, it is our pleasant duty and privilege, on behalf of the Joint Departmental Committees on Defence and Foreign Relations; and Administration, National Security and Local Authorities, to table this report and commend it to the House for adoption, pursuant to provisions of Standing Order 162.

Thank you.



Signed:

THE HON. ADAN W. KEYNAN, MP (Joint Chair)
Chairman -Departmental Committee on Defence and Foreign Relations



Signed:

THE HON. FRED C. KAPONDI, MP (Joint Chair)
Chairman -Departmental Committee on Administration, National Security and Local Authorities

Date..... December 4th, 2008

2.0 EXECUTIVE SUMMARY

The visit was undertaken by the Departmental Committees on Defence and Foreign Relations; Administration, National Security and Local Authorities.

The objective of the mission was to conduct a visit to the Mount Elgon area on a fact finding tour following concern in the House and by the public over the security situation and allegations of human rights abuses by security agents in Mount Elgon.

During the visit the Committee met and received submissions from the following individuals and groups:

- (i). The Provincial Security Committee led by the Western Provincial Commissioner, Mr Abdul Mwasserah and the Military Commander Colonel S.K. Boiywo.
- (ii). The District Security Committee led by the Nzoia West and East District Commissioners Messrs. Francis Mutie and S.I. Matata respectively.
- (iii). Area leaders including councillors and representatives of civil society.
- (v). Officers In Charge of the Kitale and Bungoma prisons.

The Committee noted that while the land factor was the root cause of the perennial conflict and violence in Mount Elgon and one of the reasons for the emergence of the Sabaot Land Defence Force (SLDF), politicians and other local leaders in the area politicized the land issue and exaggerated the local differences among the Soy-Soy intra clan conflicts and the Ndorobo who were later sucked into the conflict, for their own political gains.

Other factors that have aggravated the situation in Mount Elgon are the inability of the security forces to curb the problem of SLDF, and the complacency of government officers in the land allocation process in the Chebyuk scheme. These and other factors have worsened the historical injustices and other inherent causes of the conflict.

3.0 BACKGROUND

Mt. Elgon district was carved out of the larger Bungoma district in 1993 and is situated in the vast Mt. Elgon region in Western Province with the district headquarters located in Kapsokwony. Mount Elgon district is divided into four administrative areas (divisions) viz; Cheptais, Kapsokwony, Kaptama and Kopsiro.

The district covers 944km² out of which 645km² is under forest cover and has an estimated population of 158,000 persons. (2005 pop. est.). The Mountainous terrain that characterizes the district rises to 800 metres above sea level in the Southern part of the district and 4,300 metres above sea level to the North. The land question dates back to the colonial times when the colonialists systematically evicted the Sabaot community in the 1920's from their ancestral land which covered parts of the present day Bungoma, Teso, and Trans Nzoia districts. The community was scattered and some settled in Chepkitale forest in Mt. Elgon.

The district is predominantly occupied by the Sabaot, Teso and Bukusu communities. The Mt. Elgon conflict has pitted the various clans, chief among these being the Ndorobo [Mosop] and the Soy. The Ndorobo have historically inhabited Chepkitale forest [Moorland] while the Soy lived in the lower parts of the mountain.

4.0 THE VISIT - MEETINGS AND SUBMISSIONS

4.1 Meeting with the Provincial Commissioner (PC) Western Province at the Mt. Elgon District headquarters (Kapsokwony), and Bungoma District Headquarters (Bungoma)

The Committee paid a courtesy call on the PC at Kapsokwony and had a meeting with the Provincial Security Committee at the Bungoma district headquarters. The

Provincial Security Committee briefed the Committee on the security situation in the province and particularly in Mt. Elgon district.

The Committee was informed that the security situation had deteriorated in Mount Elgon following the emergence of the Sabaot Land Defence Force which had almost taken over the entire Mount Elgon region and was spreading to the neighbouring districts of Bungoma and Trans Nzoia.

Owing to the worsening security situation the provincial security committee requested the National Security Committee to assist by deploying the army to root out the SLDF which had entrenched itself in the Mountain and had threatened the rich agricultural areas in the province and was almost crippling the agricultural production and other social and economic activities in Mount Elgon and in the neighbouring districts.

The Committee was further informed that the SLDF had overwhelmed the internal security apparatus in Mount Elgon. The militia had terrorized local residents by imposing on them illegal taxation, torturing them, raping their women, forcefully recruiting young men and killing ordinary *wananchi*. The local provincial administration personnel (chiefs and assistant chiefs) and other security agents sent to contain the militia had not been spared either.

The Committee was also informed that with the deployment of the military to aid the local security officers, the security situation in Mount Elgon was finally contained and calm returned.

4.2 Source of the Conflict – The Land Factor

The Committee was informed that the conflict in Mt. Elgon revolves around allocation of land in the Chebyuk Settlement Scheme particularly the Phase III scheme (Emia location).

The Chebyuk Settlement Scheme was established between 1965 and 1971, when the government decided to give parts of the forest to settle the Ndorobos in the lower parts of the Mountain. This was intended to preserve the forest as a water catchment area for Western Province and the lake region as well as to develop the area.

The exercise witnessed the settlement of 500 families in 4,000 acres in what became phase I of Chebyuk Scheme with each family being allocated 5 acres. Owing to population increase, the Ndorobo leaders petitioned the government for more land hence the origin of phase II which was allocated but never degazetted as a forest.

In 1993 the Soy leaders petitioned the then President [H. E. Hon. D.T. Moi] for allocation of land. The President consented to the excision of more forest land to settle the Soy giving rise to Phase III. In January 2006 the Government started plans to settle squatters in phase III of Chebyuk settlement scheme. A total of 7,000 people were registered for the exercise but only 1,732 applicants were successful and were earmarked to get 2.5 acres each.

The Committee was further informed that another issue of contention in the phase III exercise was the claim by the Soy and Ndorobo clans of the right to be resettled. A committee comprising village elders from both clans was appointed and a 50 – 50 formula of land allocation was agreed upon and each clan was to get 866 families to be considered for settlement. The vetting process to identify the beneficiaries was conducted by both the provincial administration and leaders from the two clans.

The land earmarked for the resettlement exercise was already occupied. Dissatisfaction followed the vetting process and demands for cancellation of the process and issuance of title deeds for those settled in Chepkurkur and Korngotony areas of Kopsiro were raised leading to disputes and violence over allocation of land at Chebyuk settlement scheme. The dissatisfied group sought to

pursue the matter legally through court process but due to lack of *locus standi* they resorted to armed resistance to reclaim their land which was in the verge of being repossessed by the government and to prevent 'new comers' from settling in the land thus marking the beginning of the Sabaot Land Defence Force (SLDF).

4.3 Challenges in the settlement process in the Chebyuk Scheme

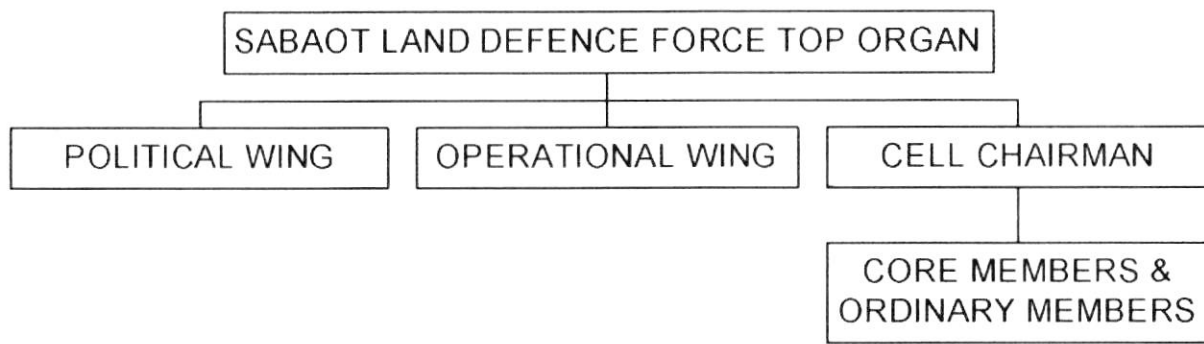
The joint Committee was informed that the settlement process in Chebyuk settlement scheme was marred by many challenges among them:-

- There was no issuance of title deeds;
- The process was marred with nepotism, corruption - land brokers took advantage of the delayed settlement process and took money while promising to give land. They sold off pieces of land illegally. They were targeted by the people on realization that they were conned.
- The Government did not consider the plight of the affected community particularly those evicted and the debate led to animosity between the Soy and Mosop/Ndorobo clans.
- The process of identification of the beneficiaries and allocation was not fair and took unnecessarily very long time to complete and formalize.
- The resettlement process was politicized and used as a campaign tool by successive politicians in the constituency. Political interests have derailed the land allocation system.
- Politics has further entrenched divisions among the two Sabaot clans leading to inter clan fighting and animosity. Land was used to reward supporters and cronies of immediate former Member of Parliament. Politicians promised to settle people using the *Nyumba kwa Nyumba* method meaning settling people where they were instead of using the family unit. This failed due to land settlement policy thus leading to discontent.
- Dissatisfaction by those already occupying large chunks of the forest like Komon and others;

4.4 Sabaot Land Defence Force [SLDF]

The militia which is commonly known as the “Janjaweed” by the local people, arose following dissatisfaction of some people with the land allocation process in the Chebyuk Phase III settlement scheme. The people who were dissatisfied and declined the vetting process took up arms and recruited youths who went to the forest allegedly to protect their land.

STRUCTURE OF SABAOT LAND DEFENCE FORCE



The militia activity mostly affected Kopsiro and Cheptais divisions with schools closing, health facilities shutting down and business grounding to a halt.

The Committee was informed that the SLDF used an assorted array of small arms acquired from the neighbouring countries and some snatched from Internal Security Forces during combat. A total of 56 assorted weapons and 1,561 rounds of ammunition were recovered from the militia during combat and some on surrender by the militia.

The assorted weapons include rocket propelled grenade (RPG), Jumping mines, AK 47 rifles, G3 rifles, General Purpose Machine Guns (GPMG), Bazooka’s and an assortment of pangas, arrows, spears and other crude weapons.

4.5 Military intervention - Operation Okoa Maisha [OOM]

The Committee was informed that the operation which was a combined taskforce of security apparatus consisting of the Army, Regular Police, General Service Unit [GSU], Administration Police [AP] and Anti Stock Theft Unit (ASTU) began Operation Okoa Maisha on 10th March 2008.

The taskforce embarked on destroying training camps and caves in Mt. Elgon, cordoning and searching the area particularly Kamarang, Kapero, Kaptaboi and Kiptii villages all in Cheptais division. This was gradually extended to adjacent villages and eventually the entire district and neighbouring areas netting 710 suspects out of which 104 were identified as SLDF members.

The local community that had been adversely affected by the activities of SLDF assisted in identifying militia members and as a result some SLDF members surrendered voluntarily and gave information on location of camps [SLDF] in the forest and of suspects who were later apprehended and arraigned in court.

The Committee visited Kapkota and Chepkube military camps located at Kapkota primary school and Chepkube coffee factory respectively. The Committee was informed that the Kapkota military camp is used for troops administration, screening and processing of suspects, while the Chepkube camp is used to patrol the area near the border to prevent militias from escaping to neighbouring Uganda.

The Committee was further informed that OOM had realized a degree of success in that peace and calm had been restored in Mount Elgon and neighbouring districts that suffered the spill over effect of the land conflict in Mount Elgon.

Other areas of success include:-

- Recovery of assorted weapons and military uniforms;
- Arrest, screening and arraigning of suspects in court;
- Killing of some top SLDF leaders among them Wycliffe Matakwei;

- Building of health centres and treatment of patients;
- Infrastructure development in the area – opening up of road network;

4.6 Courtesy call on the District Commissioner (DC) Trans Nzoia West District

The Committee paid a courtesy call on the District Commissioner, Trans Nzoia West District. The DC, Mr. Francis M. Mutie was accompanied by his counterpart Mr. Matata from Trans Nzoia East District and other district security committee members.

The Committee was informed that Trans Nzoia West district was carved from the larger Trans Nzoia District and has a population of 400, 000 people. The district is cosmopolitan with the main activity being agriculture.

The Committee was further informed that the districts have suffered from the spillover effect of the conflict in Mount Elgon and was also affected by the post election violence. Land has been a major factor in the conflict in Mount Elgon and in the region. The Sabaot have claimed historical ownership of the land in the larger Trans Nzoia district. The Marakwet on the other side have also laid claim of the land inhabited by settlers who bought them through land buying companies after independence. This has always been a source of simmering conflict between the various communities inhabiting the cosmopolitan Trans Nzoia districts.

The post election violence affected farming activities in the districts but the most affected areas were Gituamba, Kalaa and Saboti. The conflict in Saboti was between the two sabaot clans (Ndorobo and Soy) but in other areas those communities perceived to be settlers were targeted.

The Committee was also informed that Cattle rustling has posed a security challenge in the districts particularly in areas bordering Kapolet forest in Cherengany constituency. The administrators appealed for security to be beefed

up along Kapolet forest and that the Kenya Wildlife Service (KWS) and forest rangers be deployed to help protect the forest and curb insecurity.

4.7 Visit to Kitale G. K. Prison

The Committee visited Kitale GK Prison and held a meeting with prison officials led by the officer in charge, Mr. A. K. Masoro, SSP.

The Committee was informed that the facility holds 1, 239 prisoners, 65% of this population are remandees. The prison has only 391 convicted prisoners. The facility was established in 1962 with a capacity for 362 prisoners.

During the security operation in Mount Elgon the facility received 134 prisoners from Bungoma and Busia. These prisoners were suspected to be members of the Sabaot Land Defence Force and some had wounds and others suffered from cold. 114 of these prisoners were released on bond in a Kimilili court in April 2008, the remaining prisoners were later returned to Bungoma or Busia.

4.8 Visit to the Bungoma Prison

At the Bungoma prisons the Committee was informed that the prison facility holds a total of 1,052 prisoners. The prison had held 523 prisoners who were arrested on suspicion of involvement in the Mt. Elgon conflict and SLDF militia activities.

430 of the prisoners held on suspicion of involvement in militia related activities had been released on bond while 91 prisoners were remanded because they could not raise bail.

18 prisoners were brought from Kitale some of who complained of torture by the security forces. Two of the prisoners namely Patrick Sichei Monoo and Bernard Kipnyesa Cheptei had been assaulted and had succumbed to death as a result of alleged torture by security forces.

4.9 oral submissions from victims of the conflict in Mount Elgon

The Committee received oral submissions from the following individuals:

(i). Isaac Ngeiwo Morit – 23 years old (Bungoma Prisons)

Mr. Ngeiwo informed the Committee that he was arrested on 15th June 2008 on suspicion that he took part in the illegal activities of the SLDF militia and that he was beaten by his fellow villagers who handed him over to the police. He was taken to the Kipsigon Police Station and later transferred to the Kapkota Military Camp. He further informed the Committee that he was not tortured by the Military.

(ii). Kisa Wakoli Patrick - 24 years old (Bungoma Prisons)

Mr. Wakoli informed the Committee that he hails from Cheptais location and was arrested on suspicion of engaging in militia activities and handed over to the security forces. He was not tortured by the security forces.

(iii). Samuel Ngaina Kyeni – 32 years old (Bungoma Prisons)

He informed the Committee that he was arrested by the security forces who were accompanied by the public and taken to Kapkota military camp before being transferred to Chesikaki Police Station. Mr. Ngaina further informed the Committee that during the operation no Ndorobos were arrested in connection with militia activities and that he was tortured in the hands of the security forces.

(iv). Moses Kirui – 36 years old (Bungoma Prisons)

Mr. Kirui informed the Committee that he was arrested in Kamarang village by the security forces, in the company of his neighbours, on claims that he was involved in SLDF militia activities. He further informed the Committee that security forces tortured him while being held at the Kapkota military camp. He showed the Committee bruises on his backside and a big scar on one side of his head. The

prison doctor confirmed that the bruises were as a result of torture and that the victim was still on treatment.

(v). Felista Chesing'are – wife to Alfred Chesing'are (Deceased)

Mrs. Chesing'are informed the Committee that her husband was arrested on 28th April, 2008 by security forces and taken to Saboti Police station. On 29th April, 2008, Mr. Chesing'are was taken by the security forces in a military truck. On 1st May, 2008, he was brought back home for a search but appeared tortured. The security forces arrested the second born Antony Chesing'are as well. Father and son were whisked away to the Kapkota camp. After these arrests, two other sons Isaac and Amos Chesing'are disappeared from home. On 5th May, 2008, Alfred Chesing'are was found dead in the forest and taken to the mortuary by the Kitale Police. The following day (6th May, 2008) the second born son Antony Chesing'are was found at the Busia Police station cells.

The first born son has since disappeared without trace. The post-mortem results for the senior Chesing'are have not been released by the police up to date.

(vi). Eunice Tamnai – wife to Patrick Kipte Sewei

She informed the Committee that her husband was the Assistant Chief, Chebwek sub location of Chepkube location. Together with Serjeant Juma of Bungoma prisons her husband was arrested on 25th April, 2008 by security officers and taken to Chepkube Army base. The officers later returned and demanded that she gives them a list of criminals that her husband had and which she later took to the army base. She reported the arrest and subsequent disappearance of her husband to the local District Officer but no assistance was forthcoming and her efforts to trace her husband's whereabouts in all police stations and prisons in the area have been futile.

A herdsman who alleged to have seen the body of the assistant chief was allegedly poisoned by the Security forces and died.

vii). Lena Cheboi Makumba, Eunice Chemkung' Chesori & Lilian Ndunya

The three widows alleged that their husbands and next of kin namely Sospeter Chepkwesi Cherop, Jackson Komoni Chesori, Stephen Chesori, Simon Chenakam and James Wasama had surrendered to the Security forces after hearing that they were being sought. The security personnel booked them at the Chesikaki Police Station in Occurrence Book of 16/04/08. They were removed the following day under OB of 17/04/08. Since then, they cannot be accounted for.

5.0 OBSERVATIONS

The Joint Committee observed that:-

- (i) The genesis of the Mt. Elgon conflict revolves around the land issue. The intra and inter-clan war has been fuelled by claims of unfair allocation and distribution of land.
- (ii) The involvement of the military in Mount Elgon restored peace and calm in the area. A majority of the residents of Mount Elgon prefer that the Army remains in Mount Elgon.
- (iii) There are cases of human rights abuses by the security forces in Mount Elgon which should be investigated further to ascertain which arm of the security forces perpetrated the abuses.
- (iv) There are reports of disappearance of people in custody of security agencies which should be investigated to establish the whereabouts of these people. Attempts by the Committee to verify these allegations in the OB were frustrated by the Police.
- (v) The jungle uniforms worn by both the military and the police officers was hard to differentiate owing to similarity in colour and design hence the public generally assumed that all security officers were from the military.
- (vi) There was a lapse in the Government security system which led to the failure to contain armed conflict since 2006. As a result, more than 600 people were killed by SLDF who continued unleashing terror for two years until the situation was brought under control by the Military in 2008.

6.0 RECOMMENDATIONS

The Joint Committee recommends that:-

- (i) The land issue in the Mt. Elgon area be resolved once and for all.
The Government should address the issue of landlessness not just in Mt. Elgon, but in other areas in the country which have perennial land conflicts. This should be achieved through a comprehensive land policy.
- (ii) The vetting Committee that has been charged with overseeing land allocation and distribution should be disbanded forthwith and a new team be set up to oversee a fair process of allocation and distribution of land in the Mt. Elgon region.
- (iii) The Provincial Administration, which has previously been accused of corruption, nepotism and complacency in the allocation and distribution of land, should be overhauled to pave way for further investigations into the Mt. Elgon region conflict.
- (iv) The Security personnel, who apparently have overstayed in the district and are themselves under scrutiny for allegedly committing acts of torture against the Mt. Elgon residents, be transferred.
- (v) Phase III of land allocation should be nullified and another process of reallocation started so as to achieve fairness in the exercise of land distribution. The Government should start afresh and fast track the land allocation and resettlement in Chebyuk Phase III Settlement scheme and use the local leaders to identify the real squatters for resettlement;
- (vi) The Government should engage leaders in Mount Elgon region in finding a lasting solution (home grown) to the enmity and animosity between the clans through organizing peace and reconciliation meetings;

- (vii) The Military should set up a permanent base in Mt. Elgon to bolster security in the area and further that the Ministry of Internal Security should establish police stations and camps in each location in the district;
- (viii) Land allocation should not be politicized. All political leaders in the area should stop using land as a political strategy;
- (ix) The Ministry of Forestry and Wildlife should take measures to conserve and protect the forest in Mt. Elgon and undertake massive afforestation and reforestation measures;
- (x) The Government should judiciously open investigations into:-
 - (i) the activities of SLDF, their financiers and political wing;
 - (ii) alleged human rights abuses by the security forces in Mount Elgon; and
 - (iii) whereabouts of people alleged to have disappeared in the custody of security agencies.

The Government should expeditiously prosecute those found to be guilty or participated in any illegal activity;

- (xi) The Armed Forces Act (Cap. 199) be amended to incorporate rules of engagement by the military when aiding civil authority.
- (xii) The process of disarmament should be intensified to root out all arms in the hands of militias (SLDF, the Moorland Defence Force and the Political Revenge Movement (PRM)) in Mt. Elgon and neighbouring districts.

.....**End**.....

MINUTES OF THE 1ST JOINT SITTING OF THE DEFENCE AND FOREIGN RELATIONS AND ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES COMMITTEES' HELD ON THURSDAY, 26TH JUNE, 2008 IN THE COMMITTEE ROOM, 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM.

PRESENT

The Hon. Adan Keynan Wehliye, MP - Co - Chair (Chairing)
The Hon. Fred Kapondi, MP- Co-Chair
The Hon. Lewis Nguyai, MP
The Hon. Polliyns Ochieng Anyango, MP
The Hon. Ngata Kariuki, MP
The Hon. Julius Kiema Kilonzo, MP
The Hon. Cyprian Ojwang Omollo, MP
The Hon. Wilson Mwotiny Litole, MP
The Hon. Peter Kiilu, MP
The Hon. Jeremiah Kioni, MP
The Hon. Mohammed Hussein Ali, M.P
The Hon. Joseph Kiuna, MP
The Hon. Raphael Lakali Letimalo, MP

ABSENT WITH APOLOGY

The Hon. Peter Edick Omondi Anyanga, MP
The Hon. Mwalimu Mwahima, M.P.
The Hon. Kungu Waibara, M.P.
The Hon. Wamalwa Eugene, M.P.
The Hon. Mohammed Affey, M.P.
The Hon. Ali Hassan Joho, M.P.
The Hon. John Ngongo Mbadi, M.P.
The Hon. Joshua Kutuny, M.P.
The Hon. Benedict Fondo Gunda, M.P.

IN ATTENDANCE - KENYA NATIONAL ASSEMBLY

Mr. Nicholas Emejien - Committee Clerk
Mr. Daniel Mutunga - Committee Clerk

Mr. K'Omolo - Parliamentary Intern
Miss Hellen Okwani - Parliamentary Intern

PRELIMINARY

The meeting started with a word of prayer and thereafter the two Chairmen introduced Members of their respective Committees.

MIN. NO. 01/2008 - RULES OF PROCEDURE FOR JOINT SESSIONS

Considering that the operation in Mount Elgon was undertaken by all the uniformed forces which fall under the mandate of the two Committees, Members resolved to conduct joint sessions and investigations into the alleged human rights abuses by the forces during *Operation Okoa Maisha* in Mount Elgon.

The joint Committee resolved to draft rules of procedure/ engagement to guide deliberations during the joint sessions and investigations. The joint Committee resolved that;

- (i) The first sitting of the joint Committee shall be chaired by the senior most Chairman of the respective Committees.
- (ii) Subsequent meetings shall be co-chaired by the Chairmen of the two Committees or as may be agreed by the joint Committee.
- (iii) Quorum of the joint Committee shall be six Members at least three from each of the constituent Committees.
- (iv) All rules of procedure governing Committees shall apply *mutatis mutandis*.
- (v) All press briefings and releases concerning *Operation Okoa Maisha* must be agreed upon by the joint Committee.
- (vi) The two Committees will undertake a joint visit to Mount Elgon area to investigate the security situation, level of military and police involvement as well as allegations of human rights abuses by the forces.
- (vii) A joint report on *Operation Okoa Maisha* shall be produced after the joint Committee visit and sessions.

Being the senior most Chairman, the Hon. Adan Keynan, MP was mandated to Chair the joint session.

MIN. NO. 02/2008 - VISIT TO MOUNT ELGON

The Chairmen briefed the meeting of the need to visit Mt. Elgon to assess the level of military and police involvement and investigate alleged human rights abuses. It was resolved that both Committees undertake a joint visit to the area between 9th -11th July, 2007.

Members explored the best and most convenient mode of transport and resolved that Parliament hires vehicles and purchase air tickets for the visit.

The secretariat was tasked to begin preparations for the visit.

MIN. NO. 03/2008 - ADJOURNMENT

There being no other business the Chairman adjourned the meeting at ten minutes to eleven O'clock. Next meeting will be held on notice before the trip.

Signed:**signed**.....
(Co-Chair) - Chairing

Date: ...28/08/2008.....

Signed:.....**signed**
(Co-Chair)

Date:.....

MINUTES OF THE 2ND JOINT SITTING OF THE DEFENCE AND FOREIGN RELATIONS AND ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES COMMITTEES' HELD ON FRIDAY, 15TH AUGUST, 2008 IN THE COMMITTEE ROOM, 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM.

PRESENT

The Hon. Fred Kapondi, MP - Co-Chair (Chairing)
The Hon. Adan W. Keynan, MP - Co - Chair
The Hon. Julius Kiema Kilonzo, MP
The Hon. Benedict Fondo Gunda, M.P.
The Hon. Peter Edick Omondi Anyanga, MP

ABSENT WITH APOLOGY

The Hon. Mwalimu Mwahima, M.P.
The Hon. Kungu Waibara, M.P.
The Hon. Wamalwa Eugene, M.P.
The Hon. Mohammed Affey, M.P.
The Hon. Ali Hassan Joho, M.P.
The Hon. John Ng'ongo Mbadi, M.P.
The Hon. Joshua Kutuny, M.P.
The Hon. Benedict Fondo Gunda, M.P.
The Hon. Lewis Nguyai, MP
The Hon. Polliyns Ochieng Anyango, MP
The Hon. Ngata Kariuki, MP
The Hon. Cyprian Ojwang Omollo, MP
The Hon. Wilson Mwotiny Litole, MP
The Hon. Peter Kiilu, MP
The Hon. Jeremiah Kioni, MP
The Hon. Mohammed Hussein Ali, M.P.
The Hon. Joseph Kiuna, MP
The Hon. Raphael Lakali Letimalo, MP

IN ATTENDANCE - KENYA NATIONAL ASSEMBLY

Mr. Nicholas Emejien - Committee Clerk

Mr. Daniel Mutunga - Committee Clerk
Mr. Erick K'Omolo - Parliamentary Intern

PRELIMINARY

The meeting started with a word of prayer at 10.20 am and thereafter the Chairman welcomed members and thanked them for attending.

MIN. NO. 04/2008 - CONFIRMATION OF MINUTES

Confirmation of minutes of the first joint sitting was deferred to the next sitting of the two Committees.

MIN. NO. 05/2008 - PROGRAMME OF THE MOUNT ELGON VISIT

Members were taken through the final programme of the joint visit to Mount Elgon area scheduled to begin 17th to 20th August, 2008. The programme was adopted as presented and the secretariat was mandated to make the necessary logistical arrangements.

Hon. Benedict Fondo Gunda informed the meeting that he is still indisposed and therefore would not make it for the scheduled visit.

MIN. NO. 06/2008 - ADJOURNMENT

There being no other business the Chairman adjourned the meeting at Fifty Five minutes to Eleven O'clock. Next meeting will be held on Friday August 22, 2008.

Signed:signed.....
(Co-Chair) - Chairing

Date:

Signed:.....signed.....
(Co-Chair)

Date:.....4/12/2008.....

**MINUTES OF THE THIRD SITTING OF THE JOINT COMMITTEE ON
ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES
AND DEFENCE AND FOREIGN RELATIONS HELD ON TUESDAY,
AUGUST 28, 2008 IN CONTINENTAL HOUSE, 2ND FLOOR,
PARLIAMENT BUILDINGS, AT 10.00 A.M.**

PRESENT

The Hon. Adan Keynan, M.P.	-	Co - Chairman (Chairing)
The Hon. Fred C. Kapondi, M.P.	-	Co-Chairman
The Hon. Benedict Fondo Gunda, M.P.		
The Hon. Peter Edick O. Anyanga, M.P.		
The Hon. Joshua Kutuny, M.P.		
The Hon. Lewis Nguyai, M.P.		
The Hon. Wilson Mwotiny Litole, M.P.		
The Hon. Raphael Lakalei Letimalo, M.P.		
The Hon. Julius Kiema Kilonzo, M.P.		
The Hon. Mohammed Hussein Ali, M.P.		
The Hon. Joseph Kiuna, M.P.		
The Hon. Clement Kungu Waibara, M.P.		

ABSENT WITH APOLOGY

The Hon. Eugene Wamalwa, M.P.
The Hon. Mohammed Affey, M.P.
The Hon. Jeremiah Ngayu Kioni, M.P.
The Hon. Ali Hassan Joho, M.P.
The Hon. John Ngata Kariuki, M.P.
The Hon. Cyprian Ojwang Omollo, M.P.
The Hon. Peter Kiilu, M.P.
The Hon. Pollyns Ochieng Anyango, M.P.
The Hon. John N. Mbadi, M.P.

ABSENT

The Hon. Mwalimu Mwahima, M.P.

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

Mr. Daniel Mutunga	-	Clerk Assistant
Mr. Eric K'Omollo	-	Parliamentary Intern
Mr. Finlay Muriuki	-	Parliamentary Intern

PRELIMINARY

The meeting started with a word of prayer, and thereafter the Chairman welcomed the Members and thanked them for attending.

MIN. NO. 07/2008 - CONFIRMATION OF MINUTES

Minutes of the first joint-meeting were confirmed as the true record of the proceedings and signed by the Chair. The Hon. Lewis Nguyai, MP and Hon. Wilson Litole, MP proposed and seconded the Minutes respectively.

MIN. NO. 08/2008 - MT. ELGON REGION JOINT COMMITTEE REPORT

Members were issued with copies of the draft reports for perusal.

MIN. NO. 09/2008 - ANY OTHER BUSINESS

Members were informed that the Speaker and the Clerk of the National Assembly had proposed to have a meeting with the two Committees. A date for the meeting shall be communicated to members.

MIN. NO. 10/2008 - ADJOURNMENT

There being no other business, the Chairman adjourned the meeting at Eleven O'clock. The date of the next meeting shall be held by notice.

Signed :..... **signed**..... Date:4/12/2008.....

Co- Chairman (**Chairing**)

Signed: **signed**..... Date:

Co- Chairman

**MINUTES OF THE FOURTH SITTING OF THE JOINT COMMITTEE ON
ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES
AND DEFENCE AND FOREIGN RELATIONS HELD ON TUESDAY,
SEPTEMBER 19, 2008 IN CONTINENTAL HOUSE, 5TH FLOOR,
PARLIAMENT BUILDINGS, AT 2. 30 P.M.**

PRESENT

The Hon. Adan Keynan, M.P. - Co - Chairman (Chairing)
The Hon. Benedict Fondo Gunda, M.P.
The Hon. Cyprian Ojwang Omollo, M.P.
The Hon. (Amb.) Mohammed Affey, M.P.
The Hon. Mohammed Hussein Ali, M.P.
The Hon. Ali Hassan Joho, M.P.
The Hon. Wilson Mwotiny Litole, M.P.

ABSENT WITH APOLOGY

The Hon. Fred C. Kapondi, M.P.

ABSENT

The Hon. Julius Kiema Kilonzo, M.P.
The Hon. Joshua Kutuny, M.P.
The Hon. Peter Edick O. Anyanga, M.P.
The Hon. Mwalimu Mwahima, M.P.
The Hon. Kungu Waibara Clement, M.P.
The Hon. Eugene Wamalwa, M.P.
The Hon. Peter Kiilu, M.P.
The Hon. John N. Mbadi, M.P.
The Hon. Joseph Kiuna, M.P.
The Hon. Pollyns Ochieng Anyango, M.P.
The Hon. Jeremiah Ngayu Kioni, M.P.
The Hon. John Ngata Kariuki, M.P.
The Hon. Lewis Nguyai, M.P.
The Hon. Raphael Lakalei Letimalo, M.P.

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

Mr. Daniel Mutunga - Clerk Assistant
Mr. Eric K'Omollo - Parliamentary Intern
Mr. Finlay Muriuki - Parliamentary Intern

MIN. NO. 11/2008

RESCHEDULING OF MEETING

The Chairman noted that given the significance of the Mt. Elgon Report, it was essential that a majority of the Joint Committees' members be present for the report's deliberations.

The meeting to deliberate on the Report was rescheduled to Tuesday, October 7, 2008.

MIN. NO. 12/2008

ADJOURNMENT

There being no other business, the Chairman adjourned the meeting at three O'clock. The next meeting shall be held on Tuesday, October, 7, 2008.

Signed :..... **signed**..... Date:4/12/2008.....

Co- Chairman (Chairing)

Signed: **signed**..... Date:

(Co- Chairman)

**MINUTES OF THE FIFTH SITTING OF THE JOINT COMMITTEE ON
ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES
AND DEFENCE AND FOREIGN RELATIONS HELD ON TUESDAY,
OCTOBER 7, 2008 IN CONTINENTAL HOUSE, 2ND FLOOR,
PARLIAMENT BUILDINGS, AT 10.30 A.M.**

PRESENT

The Hon. Adan Keynan, M.P.	-	Co - Chairman (Chairing)
The Hon. Fred C. Kapondi, M.P.	-	Co - Chairman
The Hon. Benedict Fondo Gunda, M.P.	-	
The Hon. Cyprian Ojwang Omollo, M.P.		
The Hon. (Amb.) Mohamed Affey, M.P.		
The Hon. Eugene Wamalwa, M.P.		
The Hon. Wilson Mwotiny Litole, M.P.		
The Hon. Peter Kiilu, M.P.		
The Hon. John N. Mbadi, M.P.		
The Hon. Joseph Kiuna, M.P.		
The Hon. Mohammed Hussein Ali, M.P.		
The Hon. Pollyns Ochieng Anyango, M.P.		

ABSENT WITH APOLOGY

The Hon. Jeremiah Ngayu Kioni, M.P.
The Hon. Ali Hassan Joho, M.P.
The Hon. John Ngata Kariuki, M.P.
The Hon. Lewis Nguyai, M.P.
The Hon. Raphael Lakalei Letimalo, M.P.

ABSENT

The Hon. Julius Kiema Kilonzo, M.P.
The Hon. Joshua Kutuny, M.P.
The Hon. Peter Edick O. Anyanga, M.P.
The Hon. Mwalimu Mwahima, M.P.
The Hon. Kungu Waibara Clement, M.P.

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

Mr. Daniel Mutunga	-	Clerk Assistant
Mr. Eric K'Omollo	-	Parliamentary Intern
Mr. Finlay Muriuki	-	Parliamentary Intern

PRELIMINARY

The meeting started with a word of prayer, and thereafter the Chairman welcomed the Members and thanked them for attending.

MIN. NO. 13/2008 **DELIBERATION ON MT. ELGON REPORT**

Members of the joint Committee considered the Report and made THE following observations:-

- i) The conflict has been in two fronts; an inter-clan warfare among the Soy themselves, and a clash between Soy and Ndorobo.
- ii) The intra-Soy conflicts involved the SLDF (Sabaot Land Defence Forces) and Soy people who on account of collaborating in land transactions with beneficiaries of Phase I and Phase II were considered traitors.
- iii) No single Ndorobo person has been arrested or prosecuted (arrests were all virtually involving the Soy), and to date the community has not been disarmed and continues to cause insecurity in Trans Nzoia.
- iv) There is need to obtain a Post-Mortem report on Mr. Alfred Chesingare, together with OB (Occurrences Book) contents and Registers to ascertain allegations of disappearance of people in police custody.

MIN. NO. 14/2008 **ADJOURNMENT**

There being no other business, the Chairman adjourned the meeting at forty Fifteen minutes past twelve O'clock. The date of the next meeting shall be Tuesday, October, 21, 2008 at 10.00 a.m.

Signed :...**signed** Date:4/12/2008.....

Co- Chairman (Chairing)

Signed: **signed**..... Date:

Co- Chairman

**MINUTES OF THE SIXTH SITTING OF THE JOINT COMMITTEE ON
ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES
AND DEFENCE AND FOREIGN RELATIONS HELD ON TUESDAY,
OCTOBER 21, 2008 IN CONTINENTAL HOUSE, 5TH FLOOR,
PARLIAMENT BUILDINGS AT 10.30 A.M.**

PRESENT

The Hon. Adan Keynan, M.P.	-	Co - Chairman (Chairing)
The Hon. Fred C. Kapondi, M.P.	-	Co-Chairman
The Hon. Benedict Fondo Gunda, M.P.	-	
The Hon. Cyprian Ojwang Omollo, M.P		
The Hon. Peter Kiilu, M.P		
The Hon. John N. Mbadi, M.P		
The Hon. Julius Kiema Kilonzo, M.P		
The Hon. Pollyns Ochieng Anyango, M.P		

ABSENT WITH APOLOGY

The Hon. Jeremiah Ngayu Kioni, M.P
The Hon. Ali Hassan Joho, M.P
The Hon. John Ngata Kariuki, M.P
The Hon. Lewis Nguyai, M.P
The Hon. Raphael Lakalei Letimalo, M.P
The Hon. (Amb.) Mohamed Affey, M.P
The Hon. Eugene Wamalwa, M.P
The Hon. Wilson Mwotiny Litole, M.P
The Hon. Joseph Kiuna, M.P
The Hon. Mohammed Hussein Ali, M.P

ABSENT

The Hon. Joshua Kutuny, M.P
The Hon. Peter Edick O. Anyanga, M.P
The Hon. Mwalimu Mwahima, M.P
The Hon. Kungu Waibara Clement, M.P

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

Mr. Daniel Mutunga	-	Clerk Assistant
Mr. Nicholas Emejen	-	Clerk Assistant
Mr. Eric K'Omollo	-	Parliamentary Intern

Mr. Finlay Muriuki- Parliamentary Intern

PRELIMINARY

The meeting started with a word of prayer, and thereafter the Chairman welcomed the Members and thanked them for attending. The Chairman noted that the meeting was significant on account of the national security concerns surrounding the Mt. Elgon conflict, hence the need to finalize the Report.

MIN. NO. 15/2008 - INSPECTION OF OCCURENCE BOOKS (OB)

Members were informed that the request to obtain occurrence books and cell registers of Chesikaki, Webuye and Kitale Police Stations from the Commissioner of Police so as to verify allegations of the disappearance of people in Police custody had been rejected by the Police Commissioner.

The Committee resolved that the Minister for Provincial Administration and Internal Security, Permanent Secretary of the Ministry, and the Commissioner of Police be summoned to appear before the Committee to address, among other things, the security concerns, in Mt. Elgon and the issue of perusal of OB's.

MIN. NO. 16/2008 - ADOPTION OF THE MT. ELGON REPORT

Members deliberated on the Report and adopted it subject to new information that might arise from the above meeting with the Minister.

MIN. NO. 17/2008 - ADJOURNMENT

There being no other business, the Chairman adjourned the meeting at forty five minutes past eleven O'clock. Next meeting will be called on notice.

Signed :.....**signed** Date: 4/12/2008.....

Co- Chairman (Chairing)

Signed:**Signed**..... Date:

