

## Appendix “E”

### Case Study #2

This male witness is a 70 year old who gave evidence of multiple murderers killing seven members of his family, being evicted from his home, being currently an IDP and that at least one of the original perpetrators is now occupying his land.<sup>451</sup>

He reported a full account to the Police but there has only been partial follow-up. It appears that in spite of compelling evidence only one perpetrator has been charged with murder. Identifying material has been removed from the original statement.

The witnesses recounted that,

*“During the referendum campaigns of 2005, I was asked by my Kalenjin neighbours, where I would go if the Orange/No vote carried the day, because Majimbo would be implemented and I am not of their jimbo. I also asked them where they would go, because they are Keiyo and we were in Uasin Gishu.*

*A councillor, while campaigning for the No vote, used to state that whether Banana/yes vote or Orange/No vote won, all Kikuyus must vacate the area.*

*Having lived in the area since 1970, the local community used to invite me to their get-togethers. Previously, I was a senior headman. From 1982, I was a village elder of a sub-location, where a majority of the residents are Kalenjins followed by Kikuyus and Kisiis.*

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<sup>451</sup> Commission Witness 86 heard by the Commission “in camera” 7 August 2008

*During the 2007 campaigns, the Kalenjin politicians used to make utterances that, “...you ‘kimirio’ or ‘bunyot’ (both meaning enemy) must leave the area whether Kibaki wins or loses in the General elections.”*

*On the 27<sup>th</sup> of December, 2007, I and my family members woke up very early to go and vote. The Kalenjin PNU agents had been denied entry into the polling station and were not even allowed to vote, though the ODM agents were allowed into the polling stations.*

*At about 6 am, the Kalenjins started voting and this was on until about 9 p.m. The Kalenjins were allowed to vote up to six times. Vote counting then continued throughout the evening, until the morning of 28<sup>th</sup> December, 2007. Tension started building up from the 28<sup>th</sup> and the 29<sup>th</sup>, and when a certain Councillor won, it exacerbated.*

*On the 30<sup>th</sup> of December, after a church service within my compound, I noticed that whereas ordinarily after the service the Kalenjins would join us in my home, on this day, they declined. We felt that all was not well.*

*On the 31<sup>st</sup> of December, I was in my home with my wife, four sons, daughter and two grandchildren. At about 5 p.m., while we were discussing family matters in the compound, my neighbour visited us and told me that some youth wanted to cause violence, but that the elders were against it. He assured me that the elders would not allow the violence to take place and I was consoled.*

*I went and got charcoal from a neighbour and then headed toward my house. When I got there, my wife informed me that there could be trouble, and further, that two people had visited us and told her that the youth intending to cause violence came to our compound, she should scream and they would come to our rescue. At the time, my sons were in the men’s house.*

*When I went outside, I saw about 40 armed youths at the end of my farm. The said armed youth were talking with two neighbours so I alerted my wife that there was trouble.*

*The said armed youths ran into my compound screaming and my sons got out of their houses. I asked one of the attacking youth, why they were attacking us. I told him that is it was land they wanted, they should just let my family leave. All this time, they were shooting arrows at us and throwing stones, while they made sounds like dogs. He then replied that they wanted five heads from my compound.*

*My sons asked me to get back into the house and my wife and I retreated to the bedroom, where I continued pleading with the attackers through the window. The attackers had torched all the houses. While I was still at the window, I saw one of my sons being hit with a club on the chest and he screamed. I called to him to get into the house. I got under a bed with my grandson. My wife also got under another the bed, but on the side facing the door. The attackers gained entry into the house by forcing the door open. They got hold of my grandsons whom they threw out of the door where they were murdered. My wife screamed and the attackers pulled her out from under the bed and hit her on the head with a club before they slit her throat with a knife. Before they killed her, she was screaming, "brother, why are you attacking us?" He replied telling her that the time for brotherhood was over and she had better pray.*

*While I was at the window pleading with them to allow us safe passage out of the village, I recognized 14 people who I knew to be amongst the attackers. Four of them killed members of my family including my wife, three sons, my daughter and two grandchildren. One carried petrol, one was an elder, one was the leader and carried a gun, one was a teacher and there were others. Only one has been arrested.*

*One son escaped through the window and was pursued by the attackers for over two kilometres. My daughter-in-law who was also hiding under the bed with her daughter and another granddaughter, escaped after the attackers pursued my son and hid under some bushes near the fence.*

*I also ran out of the burning house and hid under some bushes. At about 10 p.m., I heard wailing as of a child, and on going to investigate, I found a grandson of mine ( 2 years), injured but still alive. I took him and we went to hide in the bush. We stayed in the bush until the morning of 1<sup>st</sup> January, 2008, when I went to the Administration Police Post. There were a lot of people camping there already. Upon arrival at the camp, I fainted. I came to three hours thereafter. An Administration Police Officer took my grandson and cleaned and bandaged his wounds.*

*My neighbour led other neighbours in burying my family in a shallow grave, 3 days after the attack, with the assistance of the AP officer giving guard services.*

*The AP officer advised that our security was not good and that we should move to St. Muge Secondary School in Subukia, where we moved to, on or about the 4<sup>th</sup> of January, 2008.*

*I know the details of the motor vehicles that were used to transport the armed youth from to my village. They are owned by a village resident.*

*On the 7<sup>th</sup> of January, my son-in-law came and picked me up from the camp and took me home to Njambini.*

*On the 28<sup>th</sup> of April, 2008, the bodies of my family were exhumed and we gave them a decent burial.*

*It is my prayer that the perpetrators of these heinous crimes are brought to book. I have been informed that one of the perpetrators has started building a house on my parcel of land.*

*That is all I wish to say.”*