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REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT – FOURTH SESSION - 2011

REPORT OF THE
DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY ON ITS FACT FINDING VISIT TO LAIKIPIA
EAST DISTRICT, 15TH – 17TH MARCH, 2011

CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

AUGUST, 2011

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PREFACE

Mr. Speaker, Sir,

The Parliamentary Departmental Committee on Administration and National Security was constituted pursuant to the provisions of Standing Order No. 198 of the National Assembly and has executed its mandate in accordance with the provisions of the said Standing Order 198 (3), which mandates the Committee, among others, to: *“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...”*

Mr. Speaker, Sir,

The Committee, according to Schedule II of the Standing Orders, examines the following subjects:

- i) Public Administration
- ii) National security
- iii) Internal Security
- iv) Immigration
- v) National Youth Service,
- vi) Prison Service, and;
- vii) Natural disasters

The Committee deals with the following Ministries and Departments:

- (i) Office of the President (Cabinet Office & State House)
- (ii) Ministry of Provincial Administration & Internal Security
- (iii) Office of the Prime Minister
- (iv) Ministry of State for Public Service
- (v) The Public Service Commission
- (vi) Ministry of State for Immigration & Registration of Persons; and,
- (vii) Office of the Vice President and Ministry for Home Affairs.

Mr. Speaker,

The following are the Members of the Committee:

The Hon. Fred Kapondi Chesebe, MP (Chairman)
 The Hon. Peter Kiilu, MP (Vice Chairman)
 The Hon. Cyprian Omollo, MP
 The Hon. Danson Mungatana, MP
 The Hon. Raphael Letimalo, MP
 The Hon. Pollyins Ochieng', MP
 The Hon. Mohammed Hussein Ali, MP

The Hon. Joseph Kiuna, MP
 The Hon. Maison Leshoomo, MP
 The Hon. Nkoidila ole Lankas, MP
 * The Hon. Clement Kung'u Waibara, MP

*(The Member whose name is marked with an asterix * has never participated in any Committee deliberations and so he is not part of the observations, findings, conclusions and recommendations in this report).*

Mr. Speaker, Sir,

The following are the Members of the Committee who undertook the fact finding tour to Laikipia East:

The Hon. Peter Kiilu, MP (Vice Chairman)
 The Hon. Maison Leshoomo, MP
 The Hon. Cyprian Omollo, MP
 The Hon. Raphael Letimalo, MP
 The Hon. Mohammed Hussein Ali, MP
 The Hon. Joseph Kiuna, MP.

Mr. Ahmad Kadhi, Clerk Assistant, accompanied Members as secretary to the delegation.

Mr. Speaker, Sir,

On Thursday 16th December 2010, the Deputy Speaker directed that the matter of eviction of residents of Eland Down Farm in Laikipia East Constituency by Police, be referred to the Committee on Administration and National Security for further investigation. The matter came to the floor of the House through a Question by Private Notice by the Hon. Raphael Letimalo, MP, Samburu East Constituency. The Member sought to know from the Minister of State for Provincial Administration and Internal Security;

(a) Why the Laikipia District Commissioner, accompanied by over 400 Administration Police officers, invaded Eland Down Farm on 23rd November 2010, burnt houses and evicted over 300 families in disregard of court orders issued by the High Court at Nyeri on 22nd November, 2010;

(b) Could the Minister explain the circumstances under which an 18 month-old baby Lekamario, was burnt during the illegal operation; and why did Police Officers deny the Kenya Red Cross and Human Rights Officers entry to the farm to assist victims with medication, and;

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(c) Could the Minister withdraw the Administration Police Officers stationed at the disputed land, in order to avoid further harassment of the people, pending determination of the matter by the High Court?

From the Assistant Minister's response to the ensuing supplementary questions raised by other Members, the Deputy Speaker ruled that the Minister was unable to provide a satisfactory answer to the House. He therefore directed that the Committee on Administration and National Security investigates the matter as soon as possible. The Committee visited the area and held meetings with the stakeholders such as the District Security teams, the local leaders, the Provincial Administration, the farm manager and local residents.

Mr. Speaker,

The Committee takes this opportunity to thank the National Assembly for the logistical support which enabled it to conduct this tour successfully. The Committee is also grateful to the Ministry of State for Provincial Administration and Internal Security for facilitating the various meetings with the Ministry's personnel on the ground as well as the District Security Intelligence Committees.

Mr. Speaker, Sir,

On behalf of the Committee, and pursuant to Standing Order 181 (3), it is my pleasant duty to lay on the table of the House the Report of the Departmental Committee on Administration and National Security on its visit to Laikipia East, for deliberation and adoption.

Signed..........Date 17/08/2011

Hon. Fred Kapondi Chesebe, MP

Chairman, Departmental Committee on Administration and National Security

1.0 MEETING WITH LAIKIPIA EAST DISTRICT SECURITY INTELLIGENCE COMMITTEE

1.1 BRIEF FROM THE DISTRICT COMMISSIONER, LAIKIPIA EAST

During a meeting with the Laikipia East District Commissioner, the Committee informed the DSIC of the purpose of the visit following which the DC was invited to brief the Committee.

Members heard that the farm popularly known as “Kabarak Farm” spanned 17,000 acres and was located in Laikipia East District. The Committee was told that at no time did the Laikipia East District Commissioner, accompanied by over 400 administration police officers neither invade Eland Down farm on 23rd November 2010 nor were there any houses burnt or 300 families evicted.

The Committee further heard that the DC’s office had not been served with any court order regarding Eland farm to date and was not aware of any report or incidence in which an 18 month old minor Lekamario was burnt. He claimed to have checked with all the police stations in Laikipia East including Ngarengiro police station which is a short distance away (less than 3 kms) from Eland farm and no such report had been made. The DC had called on any person claiming so to state which police station they had reported the incident in which a P3 form should have been issued and the child taken for treatment. The complainant should have further stated which hospital the child was taken so that the allegations could be investigated.

The Committee was further informed that the DC was not aware that the Kenya Red Cross and Human Rights officers were denied entry into Eland farm as it was private property. Similarly there were no evictions taking place in Eland farm on the said date therefore the question of any victims being assisted would not arise.

There are about 12 Administration Policemen stationed to patrol around Eland ranch, Segera ranch, Mutara ADC farm and other neighbouring settlements to ensure adequate security for the areas including ensuring that no firearms are hidden in the vast ranches by those running away from the disarmament exercise which has been taking place in Laikipia West, Samburu and Isiolo.

On 8th November 2010, the manager of Eland farm made a report to Ngarengiro Police station (OB NO. 16 of 8/2010) that some people armed with rifles had crossed Eland farm and threatened. The manager, who lives on the farm and the police personnel patrolling (including ensuring there is no proliferation of firearms) were to verify the allegations as raised by the manager.

1.2 FACTS AND CURRENT SITUATION ABOUT ELAND DOWN FARM POPULARLY KNOWN AS “KABARAK” FARM LR NO. 10068 NANYUKI

The Committee was informed that;

The above mentioned farm was transferred to H.E. Daniel Toroitich Arap Moi, the retired President on 18th June 1996 and is about 17,000 acres. It is located in Laikipia East District. It borders Mutara ADC farm to the north, Suguroi settlement area (settled by the Samburu's and other communities) to the North West, Segera Ranch to the South and South East and Endana Settlement area to the East and South East.

The land in question had no problems until 2009 when it was sold to the African Wildlife Foundation (AWF) who decided to convert it into a conservancy. AWF decided to involve communities neighbouring the farm in their conservation efforts. This would be done through introduction of programmes and projects which would benefit the neighbouring communities in the course of their conservation, which was the firm's social corporate responsibility to the communities neighbouring the farm. Apart from Suguroi community (mainly made up of the Samburus) the other neighbours to “Kabarak” farm are Pois, Eleri, Endana and Tangi Nyeusi. AWF then called a meeting of these communities to explain what they (AWF) intended to do with their ranch and the benefits those neighbouring “Kabarak” farm would get in the course of their (AWF's) venture. All the other neighbours co-operated and were in favour of what AWF would do but the Suguroi community declined the offer. They moved to court and filed a civil suit in the Senior Principal Magistrate's court in Nanyuki in an attempt to stop AWF from involving other neighbouring communities.

This is civil suit No. 16 of 2009. In their plaint alongside their verifying/supporting affidavit, the community had clearly stated that they have “been the neighbouring community” of “Kabarak” farm which is situated in Laikipia East. At no time in the plaint do they say they have been squatters. On losing in that suit last, there was a paradigm shift where the community started posing as squatters of “Kabarak” farm forgetting they had sworn an affidavit which was attached to the

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plaint which, had clearly stated they were neighbours to “Kabarak” farm. They had been domiciled in Suguroi settlement area and were mere neighbours to the land in question and thus masquerading as squatters was an afterthought after losing the civil suit earlier filed.

The area Assistant Chief and the area Councillor had confirmed that there have never been squatters at “Kabarak” farm (only the farm manager and few workers who left after the farm was sold) and the allegation of squatters and adverse possession would not suffice.

The Assistant Chief had stated in his letter to the DC’s office that there was an Officer from the army who is trying to incite the local Community to pose and masquerade as squatters so that they can have future grazing fields for their large heads of cattle which cannot be accommodated in their current farms where they are settled. If that was to be, the Committee noted that it would investigate these claims as far as impunity of invading private farms in that area is concerned.

Currently the farm was occupied by the former farm manager and a few security personnel therefore the issue of squatters should not be a subject of discussion. The Provincial administration were aware that the locals were being incited by the army officer mentioned in the assistance Chief’s letter to incite the said Samburus of Suguroi area to camp at the gate of “Kabarak” farm with the sole aim of attracting public sympathy starting with the Kenya Red Cross.

The Committee was also told that the DC wrote advising the Kenya Red Cross that there was no human disaster in Laikipia East district to warrant their intervention. the DC assured the members that he had made an aerial view of the said farm and there were no squatters and those who have been attempting to forcibly graze their animals have been kept at bay by the farm manager and the security personnel stationed in that area.

After the brief, Members sought the following clarifications;

- Whether there were 300 houses and if a baby was injured.
- If the Kenya Red Cross Society was denied access to the people in distress.
- If it was of any interest of the authorities to at least verify the allegations levelled against them.
- What action has been taken against the army officer who is alleged to incite the locals causing public unrest?

- Whether there were persons staying inside the farm when the land changed hands?

In response, the Members were informed that:

- No houses or people were burnt by the 12 administration police who were only used to repulse morans intending to trespass into the farm.
- The authorities had made elaborate efforts to inquire into the allegations including going to the area and speaking with the locals who did not volunteer any information.
- Regarding the incitement by the army officer, the Provincial Administration had taken up the matter with the Ministry of State for Defence (Department of Defence Headquarters).

The Committee further heard that there were no settlers in the farm prior to 2008, as the former owner used to graze his own livestock there in.

2.0 MEETING WITH THE FARM MANAGER

The Committee then proceeded to the site and met with the farm manager. He informed the Members that the people had invaded the farm and later left peacefully after a meeting to resolve the standoff had been convened.

However he was later alarmed to see armed men come onto the land prompting him to call the police.

Members inquired when the manager started his duties on the farm, who owned the land and what he manages on the land.

In response, the Manager informed the Committee he started working at Eland Down Farm in 2004 and was employed by former President Moi, who in his opinion was still the owner of the farm. He used to manage cattle but now manages the land which still has wild animals after it was turned into a sanctuary/conservancy.

3.0 MEETING WITH ELDERS AND MEMBERS OF THE PUBLIC NEIGHBOURING ELAND DOWN FARM

The Committee thereafter proceeded to interact with the local community allegedly evicted from the farm. The witnesses adduced evidence as follows:-

Report of the Departmental Committee on Administration and National Security on its fact finding visit to Laikipia East; 15-17 March, 2011

First witness

The Committee was told that the community had resided in the area for close to 20 years. During that time they had invested in a borehole at a cost of Kshs. 100,000.

The Community had lodged a court case and the orders were that the people should not be evicted from the farm pending the conclusion of the case.

At that moment the speaker paraded the mother of the baby who had allegedly been burnt on the material day of the said eviction together with her child. The members present however could not ascertain that the marks on the child's elbow were burns.

The Speaker further lamented that they had no alternative land to settle on and was frustrated by the government for not responding to their plea.

Second witness

The members were told that the community had previously accessed Eland Down freely and would graze their livestock therein. However in December 2008 they were told to vacate the farm as it had been sold.

The Community proceeded to take up the matter in court with their first attempt of filing a case in Nanyuki failing, forcing them to file the case in Nyeri.

The local people had lost a means of livelihood, unable to make ends meet as their way of life and economic activity (pastoralism) had been disrupted. They blamed AWF for disrupting their normal lives. They questioned the presence of the Administration Police post who solely protect the farm, and sought equal treatment to have the authorities protect them as well.

The community lived in poor conditions. They live in constant fear of being attacked by wild animals.

Third witness

He informed the Members that he was surprised to see that the Committee had shown interest in the matter, previously they have had no-one to respond to their calls. Neither the Administrative Officers nor any other Government officials had come to their aid.

The cattle belonging to the community of about 102 heads had been confiscated by the OCPD, of those only 27 heads had been returned.

From there the Committee was taken to the area inside the Eland Down Farm where the evictees had allegedly stayed.

The Committee observed that the remains of houses were relatively new and may not be of the said eviction of 2010 November.

4.0 EVIDENCE FROM LT. COL. RICHARD N. LEIYANGU

The Committee invited the above named person to shed light on the facts known to him and the role he played concerning Eland Down Farm having been adversely mentioned in previous reports as inciting the local community to invade private property.

In his testimony he said that he was aware of the case in Nyeri High Court between the Samburu Community and the retired President Moi and AWF, with the Court issuing temporary orders pending determination of the case. However those orders were not enforced and the local community was evicted from the farm.

As regards his role, he was a member of the affected community, lived in the area and owned a parcel of land near Eland Down Farm. However as regards his professional career he had not been involved in the eviction in any way, be it enforcing the eviction or resisting. The community had sought assistance and/or advice from him from time to time which he readily obliged. The assistance was legal in nature as well as material (foodstuffs) in the spirit of good neighbourliness.

Members raised the following concerns regarding the testimony of the witness:

- Whether the role of the witness had any effect on security in the area as he was said to have incited the locals to resist the eviction.
- Whether he had held any night meetings with the youth to cause any disturbance.
- Whether the community had been resident on the farm prior to the evictions and for how long they had been there.

- Whether any of his cattle had been confiscated and if he had forcibly grazed them on the farm.
- Whether he had intimidated the provincial administration and resisted summons to appear before the DSIC.
- Why would the Provincial Administration form a conspiracy against the witness or make all these allegations against him?
- Whether he harboured any political ambitions.
- How did the Provincial Administration handle the local community during the evictions?

In response to the clarifications sought the Members were informed that:

The provincial administration may be trying to cover up an underground/illegal operation and are looking for a scapegoat, thus he felt he was being targeted for being a concerned member of the community for assisting the locals who are his kinsmen.

Regarding the eviction, he heard that a child was burnt in November 2010 where another incident led to the death of an old man by the name Lendi Lektacharan. While another eviction incident led to a young boy straying into the bush where he was subsequently killed by wild animals. In addition the evictions led to the arrests of many locals with animals being confiscated.

He reiterated that he was a military officer with no political ambitions. Further he was acquainted with the DC and OCPD with whom they interact well with on other issues. This was because he had been in livestock production since 1990 and has over 100 heads of cattle in various ranches where he leases land to graze; He had never had any problems with his ventures and had never been summoned by the DSIC or ever been accused of any wrong doing.

Furthermore he alluded to the Committee that he had known of the stock route passing through Eland Down farm, and the locals had used it all along.

In addition he ascertained that he had never held such meetings to mobilize youth to resist the evictions. Furthermore he had put up residence in Nairobi, with the evictions being on working days he would only hear of them later when he visited his farm.

5.0 COMMITTEE FINDINGS AND OBSERVATIONS

The Committee made the following observations and conclusions during the visit:

1. That the land in question is private, not communal. The claims by the community over alleged land ownership could only be determined by a court of law.
2. The allegation that a baby was burnt during evictions by the administration police could not be ascertained since the only evidence the Members could see on the child was a slight scar on the hand.
3. Some of the facts presented in the Question to the House could not be corroborated on the ground by the Committee. Witnesses gave contradicting statements thus the Committee could not verify if the said evictions took place and if that was what caused the baby some minor injury.
4. Some individuals have been inciting the local Communities to invade private property in the area for their vested interests, some of which are politically motivated.
5. The Communities neighbouring Eland Down Farm had been allowed by AWF to graze on the ranch on humanitarian grounds but one Community (Sugorois) later lodged claims of ownership on the basis that they had been squatters on the farm for a long time, which was not the case.
6. The local communities neighbouring the farm were living in poor conditions and lacked basic facilities such as water, food, shelter, health and education, etc. The poverty levels were high.

6.0 RECOMMENDATIONS

After deliberations, and based on the Committee's findings and observations, the Members made the following recommendations;

1. Private property rights should be respected and upheld as per the rule of law. The Eland Down Farm was private property and the neighbouring Community could not claim its ownership.
2. The District Security Intelligence Committee should investigate the conduct of one Lt. Col. Leiyangu for his perceived role towards incitement of the local communities to invade Eland Down Farm and recommend to the Government the course of action to be taken against the officer.
3. The Government should provide basic needs such as water, shelter, food, health and education facilities to the Sugorois Community who are marginalized and living in harsh climatic conditions.

MINUTES OF THE 61ST SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON TUESDAY 22ND MARCH, 2011 IN THE FOURTH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT

The Hon. Peter Kiilu, MP – **Vice-Chairman (Chairing)**
The Hon. Fred Kapondi, MP – **Chairman**
The Hon. Mohamed Hussein Ali, MP
The Hon. Danson Mungatana, MP
The Hon. Joseph Kiuna, MP

ABSENT

The Hon. Raphael Letimalo, MP
The Hon. Cyprian Omollo, MP
The Hon. Maison Leshoomo, MP
The Hon. Polliyns Ochieng', MP
The Hon. Nkoidila Ole Lankas, MP

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

Mr. Daniel Mutunga - Second Clerk Assistant
Mr. Martin Mugambi - Parliamentary Intern

PRELIMINARY

The Chairman called the meeting to order. A prayer was said. The agenda of the day was read and adopted as the true business of the day.

MIN. NO. 220/2011: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

Confirmation of Minutes of the previous Meeting was deferred to another day.

MIN. NO. 222/2011: BRIEF ON COMMITTEE VISIT TO LAIKIPIA

The Vice Chair briefed the Committee over the visit to Laikipia East. The visit was a success and the Committee gathered important data. It was resolved that one Lt. Colonel Leiyangu should be summoned to a meeting in Nairobi to give his testimony over his role in the evictions of Eland Down Farm.

The Committee further resolved to invite Lawyer Kiplenge to shed more light over the ownership of the Eland Down Farm.

MIN. NO. 223/2011: ANY OTHER BUSINESS

The Committee was informed that the Police Reform Bills were yet to be tabled in Parliament. It was also resolved that the Committee should invite the Minister Provincial

Administration, the Police Commissioner and the NSIS Director General to a meeting to discuss the continuing menace by the Mungiki adherents.

MIN. NO. 224/2011: ADJOURNMENT

There being no other business, the Meeting was adjourned at twenty Minutes after twelve o'clock.



Signed:

Chairman..... Hon Fred Kapondi, MP Date..... 17/08/011.....

MINUTES OF THE 64TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON TUESDAY 29TH MARCH, 2011 IN THE FOURTH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT

The Hon. Polliyns Ochieng', MP - **Chairing**
The Hon. Mohamed Hussein Ali, MP
The Hon. Joseph Kiuna, MP

ABSENT WITH APOLOGIES

The Hon. Fred Kapondi, MP - **Chairman**
The Hon. Peter Kiilu, MP - **Vice-Chairman**

ABSENT

The Hon. Danson Mungatana, MP
The Hon. Raphael Letimalo, MP
The Hon. Cyprian Omollo, MP
The Hon. Maison Leshoomo, MP
The Hon. Nkoidila Ole Lankas, MP

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

Mr. Daniel Mutunga - Second Clerk Assistant

PRELIMINARY

The meeting was called to order and prayers said. The agenda of the day was read and adopted as the true business of the day.

MIN. NO. 227/2011: MEETING WITH LAWYER JUMA KIPLANGE

The Lawyer who had acted for former President Moi during the dispute of ownership of the Eland Down farm informed the Committee;

- i) That the farm had a title deed showing the bona fide owners.
- ii) The Africa Wildlife Fund could not purchase land which was occupied by squatters.
- iii) The neighbouring Communities had signed an affidavit that the land they occupied was private land and that they were allowed to graze on humanitarian grounds by the owners.
- iv) The Communities were required to pay some access money as a token to the owners for using the farm.
- v) The Sugorois Community refused to join the other Communities on the basis that the farm was communal land belonging to the indigenous Communities.

The Committee Members sought the following clarifications;

- i) Whether there was any court injunctions stopping evictions from the farm.

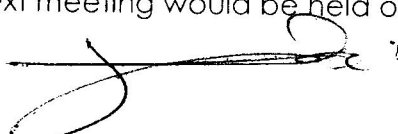
- ii) What the African Wildlife Fund intended to do with the farm they had purchased.
- iii) Why a certain Lt. Col. Leiyangu was inciting the Communities neighbouring the farm without action being taken against him.
- iv) If there was political interference from the leaders from the Communities living around the farm.
- v) Whether there any plans to assist the Communities in terms of facilities such as shelter, water, health and education.
- vi) If the farm was still under the ownership of Moi since his manager was still on site.

In response, the lawyer informed the Members that;

- i) There is a court injunction on evictions until the High Court sitting in Nyeri determines the true ownership of the land.
- ii) AWF intended to use the Eland Down farm as a conservancy.
- iii) He (Lawyer) had written to the Department of Defence requesting the military to investigate the conduct of Col. Leiyangu in the Eland Down farm saga.
- iv) It was the responsibility of the Government to assist the Communities around the farm.
- v) The transfer of the farm from Moi to AWF was not complete hence Moi's Manager was still on the farm.

MIN. NO. 228/2011: ADJOURNMENT

There being no other business, the Meeting was adjourned at ten Minutes after eleven o'clock. The next meeting would be held on Thursday March 17, 2011 at 10 o'clock.



Signed:

Chairman.....Hon Fred Kapwepwe MP..... Date 17/08/011.....

MINUTES OF THE 66TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON THURSDAY 28TH APRIL, 2011 IN THE RESTAURANT, 7TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10 AM.

MEMBERS PRESENT

The Hon. Fred Kapondi Chesebe, MP – (Chairman)
The Hon. Peter Kiilu, MP – (Vice Chair)
The Hon. Raphael Letimalo, MP
The Hon. Mohammed Hussein Ali, MP
The Hon. Polliyns Ochieng', MP
The Hon. Joseph Kiuna, MP

ABSENT WITH APOLOGIES

The Hon. Danson Mungatana, MP
The Hon. Cyprian Omollo, MP
The Hon. Maison Leshoomo, MP

IN ATTENDANCE – KENYA NATIONAL ASSEMBLY

Mr. Daniel Mutunga – Second Clerk Assistant
Mr. Ahmad Kadhi – Third Clerk Assistant
Mr. Martin Mugambi – Parliamentary Intern

IN ATTENDANCE - WITNESS

Lt. Col. Richard N. Leiyagu – Kenya Armed Forces

PRELIMINARY

The Chairman called the meeting to order, prayers were said and oath administered to the witness. The Chairman informed the witness that he was invited to shed light on the facts known to him and the role he played concerning Eland Down farm having been adversely mentioned in previous reports as inciting the local community to invade the said private property.

MIN. NO. 235/2011 – EVIDENCE FROM WITNESS

In his testimony he said that he was aware of the case in Nyeri High Court between the Samburu Community and the retired President Moi and African Wildlife Fund (AWF) who had purchased the land from Moi. The Court had issued temporary orders pending determination of the case. However those orders were not enforced and the local community was evicted from the farm.

As regards his role, he said that he was a member of the affected community, lived in the area and owned a parcel of land near the farm. However, he had not been involved in the eviction in any way, be it enforcing or resisting it. The community had sought advice from him from time to time which he readily gave. The assistance was legal in nature as well as material (foodstuffs) in the spirit of good neighbourliness.

Members raised the following concerns regarding the testimony of the witness;

- Whether his actions had compromised security in the area as alleged from the DSIC.

- If he had held any night meetings with the youth to cause any disturbance.
- Whether the community had been resident on the farm prior to the evictions and for how long had they been there.
- Whether any of his cattle had been confiscated and if he had forcibly grazed them on the farm.
- Whether he had intimidated the Provincial Administration and resisted summons to appear before the DSIC.
- Why would the Provincial Administration form a conspiracy against the witness or make all these allegations against him?
- Whether he harboured any political ambitions.
- How did the Provincial Administration handle the local community during the evictions?

In response to the clarifications sought the Members were informed that:

The Provincial Administration may be trying to cover up an illegal operation and are looking for a scapegoat, thus he felt he was being targeted for being a concerned member of the community for assisting the locals who are his kinsmen.

Regarding the eviction, he heard that a child was burnt in November 2010 where another incident led to the death of an old man by the name Lendi Lektacharan. Another eviction incident led to a young boy straying into the bush where he was subsequently killed by wild animals. In addition the evictions led to the arrests of many locals with animals being confiscated.

He reiterated that he was a military officer with no political ambitions. Further he was acquainted with the DC and OCPD with whom they interact well on other issues. This was because he had been in livestock production since 1990 and has over 100 heads of cattle in various ranches where he leases land to graze; He had never had any problems with his ventures and had never been summoned by the DSIC or ever been accused of any wrong doing.

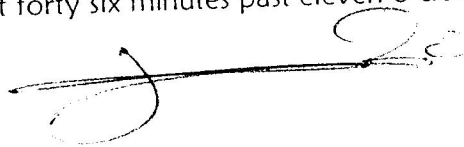
Furthermore he alluded to the Committee that he had known of the stock route passing through Eland Down farm, and the locals had used it all along.

In addition he ascertained that he had never held such meetings to mobilize youth to resist the evictions. Furthermore he had put up residence in Nairobi, with the evictions being on working days he would only hear of them later when he visited his farm.

MIN. NO. 236/2011: ADJOURNMENT

The Chairman thanked the witness for appearing before the Committee. The meeting was adjourned at forty six minutes past eleven o'clock.

Signed:



Chairman.....

Hon. Fred Kapondi, MP

Date

17/08/11

MINUTES OF THE 67TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON TUESDAY 12TH MAY, 2011 IN THE RESOURCE CENTRE, 1ST FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT

The Hon. Fred Kapondi, MP – **Chairman**
The Hon. Peter Kiilu, MP – **Vice-Chairman**
The Hon. Polliyns Ochieng', MP
The Hon. Mohamed Hussein Ali, MP
The Hon. Raphael Letimalo, MP
The Hon. Joseph Kiuna, MP
The Hon. Cyprian Omollo, MP

ABSENT WITH APOLOGIES

The Hon. Maison Leshoomo, MP
The Hon. Danson Mungatana, MP

ABSENT

The Hon. Nkoidila Ole Lankas, MP

IN ATTENDANCE - **KENYA NATIONAL ASSEMBLY**

Mr. Daniel Mutunga - Second Clerk Assistant

PRELIMINARY

The meeting was called to order and prayers said. The agenda of the day was read and adopted as the true business of the day.

MIN. NO. 237/2011: DELIBERATION AND ADOPTION OF THE LAIKIPIA EAST REPORT

After lengthy deliberations, the Committee Members made the following remarks;

- i) That the Eland Down Farm which was in dispute was clearly a private entity.
- ii) That the Communities living around the farm had been allowed to graze within the farm as a goodwill gesture by the previous owner, Mr. Daniel Arap Moi.
- iii) That a Committee first scrutinizes closely the issues raised in a Parliamentary Question before embarking on a field visit.

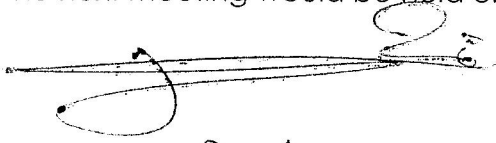
The Committee adopted the Laikipia East Report after deliberations. The Members noted the reservations of the Hon. Raphael Letimalo, MP on recommendations of the Report. The Member was particularly not in agreement with recommendation that cast aspersions on the veracity of questions presented to the House by Members.

MIN. NO. 238/2011: ANY OTHER BUSINESS

The Committee felt that there was need to visit Turkana to assess the security situation after the killings by the Merille militia men of Ethiopia. The secretariat was directed to inform the Minister of State for Provincial Administration over the intended visit by the Committee and also proceed with the logistics for the meeting.

There being no other business, the meeting was adjourned at forty five minutes after ten o'clock. The next meeting would be held on Tuesday May 17, 2011 at 10 o'clock.

Signed:



Chairman.....

Hon Fred Kapondi, MP

Date.....

17/08/11