29 DAYS OF TERROR IN THE DELTA: KNCHR Account Into The Atrocities at Tana Delta
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## Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACHPR</td>
<td>African Charter on Human and Political Rights</td>
</tr>
<tr>
<td>AP</td>
<td>Administration Police</td>
</tr>
<tr>
<td>ASAL</td>
<td>Arid and semi-arid land</td>
</tr>
<tr>
<td>CDF</td>
<td>Constituency Development Fund</td>
</tr>
<tr>
<td>CEWARN</td>
<td>Conflict Early Warning and Response Mechanisms</td>
</tr>
<tr>
<td>CEWARU</td>
<td>Conflict Early Warning Response Unit</td>
</tr>
<tr>
<td>CRA</td>
<td>Commission on Revenue Allocation</td>
</tr>
<tr>
<td>CSO</td>
<td>Civil Society Organisation</td>
</tr>
<tr>
<td>DC</td>
<td>District Commissioner</td>
</tr>
<tr>
<td>DO</td>
<td>District Officer</td>
</tr>
<tr>
<td>DPC</td>
<td>District Peace Committee</td>
</tr>
<tr>
<td>GOK</td>
<td>Government of Kenya</td>
</tr>
<tr>
<td>GSU</td>
<td>General Service Unit</td>
</tr>
<tr>
<td>ICC</td>
<td>International Criminal Court</td>
</tr>
<tr>
<td>ICCPR</td>
<td>International Convention on Civil and Political Rights</td>
</tr>
<tr>
<td>ICESCR</td>
<td>International Convention on Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>IDP(s)</td>
<td>Internally Displaced Persons</td>
</tr>
<tr>
<td>IGP</td>
<td>Inspector General of Police</td>
</tr>
<tr>
<td>IPOA</td>
<td>Independent Policing and Oversight Authority</td>
</tr>
<tr>
<td>KDF</td>
<td>Kenya Defence Forces</td>
</tr>
<tr>
<td>KNBS</td>
<td>Kenya National Bureau of Statistics</td>
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<tr>
<td>KNCHR</td>
<td>Kenya National Commission on Human Rights</td>
</tr>
<tr>
<td>Acronym</td>
<td>Full Form</td>
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<tr>
<td>---------</td>
<td>-----------</td>
</tr>
<tr>
<td>KNEC</td>
<td>Kenya National Examination Council</td>
</tr>
<tr>
<td>KPR</td>
<td>Kenya Police Reservists</td>
</tr>
<tr>
<td>KRCS</td>
<td>Kenya Red Cross Society</td>
</tr>
<tr>
<td>LPC</td>
<td>Locational Peace Committee</td>
</tr>
<tr>
<td>MoU</td>
<td>Memorandum of Understanding</td>
</tr>
<tr>
<td>MRC</td>
<td>Mombasa Republican Council</td>
</tr>
<tr>
<td>NCIC</td>
<td>National Cohesion and Integration Commission</td>
</tr>
<tr>
<td>NFI(s)</td>
<td>Non food items</td>
</tr>
<tr>
<td>NIS</td>
<td>National Intelligence Service</td>
</tr>
<tr>
<td>NPS</td>
<td>National Police Service</td>
</tr>
<tr>
<td>OCPD</td>
<td>Officer Commanding the Police Division</td>
</tr>
<tr>
<td>OCS</td>
<td>Officer Commanding the Police Station</td>
</tr>
<tr>
<td>OPP</td>
<td>Officer Commanding the Police Post</td>
</tr>
<tr>
<td>PC</td>
<td>Provincial Commissioner</td>
</tr>
<tr>
<td>SALW</td>
<td>Small arms and light weapons</td>
</tr>
<tr>
<td>SSP</td>
<td>Senior Superintendent of Police</td>
</tr>
</tbody>
</table>
**Glossary of terms**

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Malka</em></td>
<td>animal migratory corridors</td>
</tr>
<tr>
<td><em>Machetes</em></td>
<td>a crude weapon</td>
</tr>
<tr>
<td><em>Baraza</em></td>
<td>a public forum</td>
</tr>
<tr>
<td><em>Ebba</em></td>
<td>colloquial term for public forums amongst the Orma community</td>
</tr>
</tbody>
</table>
Acknowledgements

The Kenya National Commission on Human Rights gratefully acknowledges the many Kenyans who talked to us on the conflict situation in the Tana Delta. It was not easy for them to narrate their painful experiences but they did so with great courage.

The KNCHR appreciates the support of the Government of Kenya and development partners who funded the missions.

Lastly, KNCHR acknowledges the participation and contribution of Commissioners and staff.
Executive Summary

The Kenya National Commission on Human Rights is an independent National Human Rights Institution entrenched at Article 59 (4) of the Constitution and operationalized vide the KNCHR Act No. 14 of 2011 with the core mandate of protecting and promoting human rights in the country.

On or about 22 August 2012, KNCHR became aware of media and other reports concerning the conflict in Tana Delta and surrounding areas which had occasioned egregious human rights violations. KNCHR commenced an inquiry into the matter. This inquiry was framed in the context of section 8 (e) of the KNCHR Act which mandates us to on its own initiative or on the basis of complaints conduct investigations or research matters in respect of human rights.

The objectives of the inquiry were:

a) To determine the causes of the violence in the region
b) To determine the nature and extent of human rights violations and identify relevant perpetrators
c) To assess the humanitarian situation in order to inform appropriate interventions
d) To assess the adequacy of the interventions of the State to stop the violence
e) To make appropriate recommendations on accountability for the violations and redress for the victims

KNCHR deployed teams to the region twice to undertake fact finding and conduct further investigations into the violations. The teams spoke to more than 60 witnesses out of whom 28 agreed to record statements, interviewed government officers and other stakeholders and visited the sites of the violations.

The outputs of the investigation were

- A detailed report with recommendations on accountability measures to effectively redress the violations and to deter future violations;
- Analysis of the factors of the conflict;
- Comprehensive documentation of the events that took place and mapping of the patterns of violence where they occurred;
- Policy, legal and other recommendations.
Summary of findings:

**Structural factors of the conflict include:** uncertainty associated with the land tenure systems, minimal presence of security, divergent land use needs;

**Proximate factors of the conflict include:** negative ethnicity; armed communities, clash for water resources, unemployment, proliferation of small arms and light weapons, historical injustices, existence of organized gangs, the main trigger of the conflict was the migration of herders in search of water and pasture.

**Human rights violations:** Massive and egregious human rights violations were committed primarily by citizens and the State in those circumstances failed in its primary duty to protect citizens from attacks through acts of omission and commission. During the security operation, the government violated human rights by using torture to force citizens to give information about firearms and gang members. This was however on a limited scale compared with similar instances in the past.

**Planning and organization:** The conflict witnessed in the region had some level of organization, planning and possible financing during the attacks. The investigations revealed that there was a reasonable degree of organization and coordination prior and during the attacks.

**Role of State actors:** The State’s response to the conflict was inadequate in the circumstances. State ought to have played a more prominent role in detection and prevention of crime, investigation of reported cases and prosecution of known offenders.

**Humanitarian assessment:** The response of humanitarian actors to the conflict mainly the Ministry of State for Special Programs, Kenya Red Cross and Faith Based Organizations was quite commendable. Their interventions were timely and IDP’s received appropriate assistance. There were however gaps in the assistance issued to integrated IDP’s. Other immediate gaps that need to be addressed are on education, shelter and sustained relief assistance.

**Criminal responsibility:** The State officers are criminally responsible in their individual capacity for the commission of various criminal offences during the security operation. Command responsibility applies to officers in command or in charge of operations for their acts of commission and omission in the conflict; including delayed intervention to stop the violence. Civilian attackers, who committed various offences including murder, assault causing grievous harm, forcible displacement, arson, destruction to crops, being in
possession of firearms, injury to animals, are criminally culpable and should be promptly and effectively investigated and prosecuted.

**Peace building and conflict management:** KNCHR established that some of the peace structures created to respond to the conflict were not effective before and during the conflict. In some case there were reports of partisanship in the interventions of these structures. The structures did not also have the full support of the communities.

**Key recommendations:**

1. The National Police Service should undertake prompt and effective criminal investigations for low and high profile perpetrators.

2. The National Police Service should enhance community policing strategies and be responsive to reports received from civilian informers.

3. The Independent Policing Oversight Authority should promptly and effectively investigate allegations of omission and commission against the police, especially the failure by the police to detect the impending violence and cases where civilians claimed they were tortured by police.

4. The Ministry of State for Special Programs should undertake a comprehensive profiling of IDPs. The Government should facilitate the return or resettlement of IDPs, rebuild their livelihood, facilitate the immediate replacement of lost documents (such as national identity cards, voters’ cards and birth certificates) and support them to reconstruct their shelter.

5. The Independent Elections and Boundaries Commission, the office of the Registrar of Persons and other relevant departments should urgently embark on the process of vetting and registration of persons who lost their identification documents as they are likely to be disenfranchised.

6. The Ministry of Education should immediately facilitate KCSE and KCPE candidates displaced from their regions to sit for their exams from where they are currently living. If this is not possible, considering the KCSE examinations are underway, special consideration should be made to enable them sit for their final exams in the shortest time possible, for example through provision of special examinations. The Ministry to adopt affirmative action measures with respect to candidates who are sitting or scheduled to sit for their examinations under the circumstances.

7. The Ministry of Provincial Administration through the National Secretariat for Peace Building and Conflict Resolution should establish effective peace building and
reconciliation initiatives. It should undertake an urgent review of the existing peace building mechanisms in the region. This can be further facilitated by the National Cohesion and Integration Commission.

8. Ministries responsible for Agriculture, Water and Livestock should design an effective livelihoods strategy geared at mitigating the cyclic conflict over resources. The government needs to regulate migration of livestock to make it sustainable so that only numbers that can be supported by a given area are allowed. The government should also assess the carrying capacity of each area.

9. The government must put in place structures aimed at resolving historical injustices suffered by this region over time. Key among these injustices are issues relating to land tenure and systematic marginalization of the region. The relevant agencies mandated to address these specific issues should develop strategies and programmes that are responsive to this fact.

10. The Government must resolve the problem of Kenya’s porous borders in order to prevent the proliferation of firearms. Continuous disarmament of civilians should be enhanced.
Maps

(Source: Tana River District Short Rains 2011/2012 Assessment Report and KNBS)
Methodology

The Kenya National Commission on Human Rights, in pursuant to powers vested upon it under the KNCHR Act, undertook investigations on a *suo moto* basis, into the conflict experienced in Tana Delta. On 23rd August – 1st September 2012, a team was deployed to the region to conduct fact-finding in Tana River and Kilifi. Subsequently, an investigative team was deployed in the region between 20th – 30th September 2012, where the team visited Tana River, Kilifi and Lamu counties.

The KNCHR recorded 28 witness statements, conducted several group interviews with the affected communities and held meetings with different stakeholders, including state security agencies, Provincial Administration, civil society organizations, medical personnel and humanitarian agencies such as the Kenya Red Cross Society.

Information and observations obtained from these two missions was complemented by secondary sources such as papers, journals, theses and other published sources obtained through desk-top research.
Chapter 1: Introduction

Geography
1. Tana River County borders Garissa county to the North, Isiolo county to the North West, Lamu county to the North East, Kilifi county to the Southeast, Taita Taveta county to the South, and Kitui county to the West. The county is situated in a semi-arid area with an annual relief rainfall varying between 400mm and 750mm and it measures 38,436.9Km² (square kilometers) with an estimated population of about 47,414 families. The available resources include indigenous forests, wildlife, land and water from Tana River. The main production system in the region is farming and pastoralism with a small portion of the population engaged in fishing. The region is generally dry and prone to drought, but when it rains it becomes inaccessible for all service provisions. The rainfall received is erratic, with rainy seasons in March to May and October to December.

Political boundaries
2. The county has three registered constituencies that include Bura, Galole and Garsen and three administrative districts namely Tana North, Tana River and Tana Delta. The Tana Delta district has an estimated population of 87,201 people inhabiting three divisions: Garsen hosting a population of 47,476, Tarasaa hosting around 23,659 and lastly Kipini which has 16,066 people.

3. Garsen constituency: Honourable Danson Mungatana is the current Member of Parliament for Garsen Constituency. He was first elected in 2002 through a NARC ticket, and then reelected in 2007 on a NARC-Kenya ticket. The constituency is divided into 15 locations and wards.

4. Galole constituency: Honourable Godhana Dhadho Gaddae is the current Member of Parliament for Galole Constituency. He was elected in 2007 through the Orange Democratic Movement (ODM) ticket; this is his first term representing the Galole constituents in Parliament. Galole Constituency is divided into the following wards: Chewani/ Kiarukungu, Chifri, Gwano, Kinakomba, Milalulu, Ndura, Wayu, and Zubaki/Mikinduni.

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2 Assessment report by the Kenya Red Cross in their analysis of the Tana Delta crisis.
3 Based on the recent census results.
5 Ibid
6 Ibid
5. **Bura constituency**\(^\text{7}\): Hon. Nassir Nuh Abdi is the current Member of Parliament for Bura Constituency, he was elected in 2007 under the ODM- Kenya ticket, and this is his first term representing the Bura electorates in Parliament. Bura Constituency is divided into the following locations: Bangale, Bura, Buwa, Chewele, Hirimani, Kamagur, Madogo, Mbalambala, Mororo, Nanighi, Saka and Sala.

6. Out of the three constituencies Garsen constituency was the scene of the recent conflicts in Tana Delta.

<table>
<thead>
<tr>
<th>Locations and wards within Garsen constituency</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Assa</td>
<td>1,430</td>
</tr>
<tr>
<td>2. Bilisa</td>
<td>9,510</td>
</tr>
<tr>
<td>3. Chara</td>
<td>4,751</td>
</tr>
<tr>
<td>4. Galili</td>
<td>9,461</td>
</tr>
<tr>
<td>5. Kilelengwani</td>
<td>3,715</td>
</tr>
<tr>
<td>6. Kipao</td>
<td>4,109</td>
</tr>
<tr>
<td>7. Kipini</td>
<td>7,861</td>
</tr>
<tr>
<td>8. Kone Mansa</td>
<td>2,601</td>
</tr>
<tr>
<td>9. Mwina</td>
<td>5,714</td>
</tr>
<tr>
<td>10. Ndera</td>
<td>8,257</td>
</tr>
<tr>
<td>11. Ngao</td>
<td>8,612</td>
</tr>
<tr>
<td>12. Ozi</td>
<td>1,680</td>
</tr>
<tr>
<td>13. Salama</td>
<td>5,287</td>
</tr>
<tr>
<td>14. Shirikisho</td>
<td>7,197</td>
</tr>
<tr>
<td>15. Wachu-Oda</td>
<td>5,878</td>
</tr>
</tbody>
</table>

**Ethnic and Religious Composition**

7. The Tana Delta is home to three major tribes: the Pokomo, Wardei and Orma. Other communities include the Giriama, Gosi, Watta, Meru, Luo and the Somali. The Pokomo are predominantly farmers while the Orma and Wardei are pastoralists, The Orma and Wardei are almost exclusively Muslim. The Pokomo are mixed: those from Ngao to Oda villages are predominantly Christian while those further East are predominantly Muslim.

**Ethnic Hostilities**

8. The conflict between Pokomo and Orma communities dates back to the 17\(^{\text{th}}\) century, when these communities started settling along the Tana Delta from their different origins in Ethiopia and Somalia. Since their arrival in the region, the different lifestyles\(^\text{8}\) saw the Pokomo and Orma engaged in recurrent conflicts over ownership and use of land, pasture and water. Due to persistent conflict between the two communities, the colonial administration tried to resolve the conflict through a negotiated arrangement where during the dry spell, the Pokomo would allow the Orma and Wardei access to

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\(^7\) *Ibid*

\(^8\) These differing lifestyles stem from the different ways in which the communities utilize the river.
pasture land and water through corridors called *malkas* but when the dry spells were over, the Orma and Wardei would go back to their communal areas in the hinterland.

9. In the present context, the approach is no longer respected by the Orma and Wardei communities who perceive land as communal while the Pokomo believe they are the original owners of the land. A number of initiatives have been undertaken to mitigate the conflict in the region. For instance, the Government of Kenya with the support of international development agencies such as the GIZ, initiated different development projects along the Tana River such as Bura, Hola and the Tana Delta Rice Irrigation Projects (TDRIP). These projects failed after the water works were damaged by the *el nino* rains in 1998. The collapse of these schemes forced the three communities to revert to their old ways of life, competing for the available resources. Flooding is also a regular problem affecting the region, caused by heavy rainfall in upstream areas of the River Tana presenting an interesting case of the nexus between conflict and food security.

10. Relentless conflicts between the pastoralist communities and farmers prompted various interventions including peace building initiatives. There were also community initiated steps to address the conflicts. For instance, due to rampart killings in the Tana Delta; the Gasa Elders (Pokomo council of elders) wrote to Hon Maj. (Rtd). Marsden Madoka, who was the then Minister for Internal Security. The letter clearly sequenced insecurity incidents dating back to 1980; including the causes and proposed solutions. The question remains whether the relevant actors undertook action to address the conflict in the region.

11. The recent conflict between the Ormas and Pokomos began in early April 2012 and intensified during the months of August and September 2012 coinciding with the Muslim Holy month. The stretch along River Tana is a pasture reserve while for the Pokomos, the area is a fertile section for cultivation hence, the inherent conflict. The two communities perceive land as “God-given” which ought to be shared by all, while the Pokomo, believes land to be theirs.

12. Prior to the current conflict, the region experienced a similar conflict in the year 2001. Notably, the conflict preceded an election year (2002) and the team established similar trends in the two conflicts- the same shall be discussed in this report.

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9 Through an unrecorded conversation by a local District Peace Committee member the GIZ initiative tended to demarcate land to both communities for farming and pastoralism. Pathways to the river were clearly marked out and they were placed far away from the cultivated lands. They involved the local leadership and made sure that the boundaries were not interfered with.

10 Letter dated: Wednesday 23rd August 2001, Cc Ps Provincial administration and internal security, Controller of State house, Ass Minister & MP Galole, Commissioner of Police, Director of Criminal investigation, Provincial Commissioner Coast, Provincial Police Coast, District Commissioner Tana River, MP Garsen and MP Bura.
13. Will the conflict ever end? Research conducted on the perpetual conflict in Tana River revealed that environmental factors and cultural differences between the communities lead to different perceptions towards the resources and as long as these factors did not change, the hostility and animosity between the pastoralists — Orma/Wardei (Cushites) — and the peasant farmers — Pokomo (Bantu) — would never cease.\textsuperscript{11} The conflicts between the communities and their different yet uncompromising lifestyles\textsuperscript{12} have led to deaths through the use of crude weapons such as clubs, spears bows, and, for some time now, firearms.

14. Areas that are mostly affected by the cyclic conflict include Chara, Kipini, Tarasaa divisions in Tana River district and Witu in Lamu West.

15. This report shall endeavour to give a succinct analysis of the current conflict, its causes (past and current triggers), interventions and proposed possible solutions.

\begin{flushleft}
\textsuperscript{11} The Conflict and its Socio-Economic Impact in Garsen Division of Tana River District, [2007] Martin Pilly of Moi University.

\textsuperscript{12} In his statement of the problem, Martin Pilly asserts that as long as the two variant lifestyles do not find a way of integrating in order to use the river resource equitably, the conflict will never end.
\end{flushleft}
Chapter 2: Normative Framework

Introduction

In undertaking the inquiry into the Tana Delta conflict, the KNCHR was guided by national, regional and international human rights and legal framework on conflict and human security. For purposes of the inquiry, KNCHR defines conflict as incompatibility of goals among groups or individuals. Conflicts may be waged violently as in a war or non-violently as in an election or an adversarial legal process. Security includes freedom from danger, poverty, threats and apprehension. Human security includes economic security (assured basic income), food security (physical and economic access to food), health security (relative freedom from disease and infection), environmental security (access to sanitary water supply, clean air and a non-degraded land system), personal security (security from physical violence and threats), community security (security of cultural integrity) and political security (protection of basic human rights and freedoms).

Conflict situations threaten human security and the enjoyment of human rights. The ultimate goal of human rights protection is to ensure that every human being lives free from fear and want in all situations including a conflict. A conflict cycle usually runs from latent conflict to conflict emergence to conflict escalation to stalemate (hurting) to de-escalation or negotiation to dispute settlement and, finally, post-conflict peace-building. Post-conflict peace-building is aimed at restoring peace and rebuilding relationships that may be suffered during the conflict.

During a conflict situation, a number of interventions occur that may lead to the violation or promotion of human rights. These include peace

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13 Peace terms: Glossary of terms of conflict management and peace building. Dan Snodderly (Ed.) USIP, Washington DC.
building initiatives, security and humanitarian response. This chapter reviews the legal and human rights framework applicable in a conflict cycle in light of the obligations and responsibilities of the State and citizens respectively to prevent and manage conflicts as well as mitigate the negative impacts. Human rights and legal framework applicable to non-state actors, particularly humanitarian agencies, in mitigating the impact of the conflict is also reviewed in this Chapter.

**General Human Rights Obligations**

19. The State has an obligation to ensure that before, during and after conflict citizens are able to enjoy their human rights and fundamental freedoms to the greatest extent possible. These include: right to life, freedom and security of the person, the right to have one’s dignity protected and respected, protection of right to property, right to accessible and adequate housing, right to adequate food, right to clean and safe water, and right to education, and right to language and culture. The impact of conflict on vulnerable and marginalized groups such as women, children, elderly, youth, persons with disabilities, is more pronounced and the State is obligated to put in place measures to ensure that these groups are accorded enhanced protection of their rights.

20. The frameworks within which these rights are protected are anchored in domestic, regional and international instruments. Nationally, these rights are primarily entrenched in the Bill of Rights specifically in Articles 26, 28, 29, 40, 40 and 53 – 57 of the Constitution of Kenya, 2010; and operationalized through various legislation such as the Penal Code, the Sexual Offences Act, the National Police Service Act, International Crimes Act, National Land Act, the Children Act and the Persons with Disabilities Act.


22. Apart from setting them out, the national, regional and international frameworks establish the states’ obligation to respect, protect and fulfill human rights. The obligation to respect requires the State to abstain from any acts or omissions that may result in a violation of these rights. The obligation to protect requires the State to prevent third parties from interfering with or infringing on other person’s rights. When the State puts in place measures to ensure the promotion and realization of rights it is
complying with its obligation to fulfill human rights. These obligations extend to the State as well as citizens and other persons.

23. Generally speaking, human rights are not absolute and can be limited in compliance with set standards. Article 24 (1) of the Constitution articulates this position as follows “a right or fundamental freedom in the Bill of Rights shall not be limited except by law, and then only to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors including the nature of the rights or fundamental freedom, the importance and purpose of the limitation, the nature and extent of the limitation, the need to ensure that the enjoyment of rights and fundamental freedoms by any individual does not prejudice the rights and fundamental freedoms of others and the relation between the limitation and its purpose and whether there are less restrictive means to achieve the purpose”.

24. However, there are rights that shall not be limited regardless of the circumstances. These are freedom from torture, cruel, inhuman or degrading treatment or punishment, freedom from slavery or servitude, the right to a fair trial and the right to an order of habeas corpus (Article 25).

State and right holders response during the conflict cycle

25. The State’s obligation to protect human rights during the conflict cycle is heightened. Before a conflict for instance, the government is obligated to put in place structures for the early detection of intelligence and counter intelligence in order to avert impending violence; establish conflict management structures; provide adequate security in potentially volatile areas. During the conflict, the government must promptly and effectively respond to the violence to avert violation of human rights by all actors including citizens, armed groups and State security apparatus; and promptly and effectively mitigate the negative impact of the violence. When the conflict ends, the government is under an obligation to put in place measures for post conflict reconstruction such as disarmament, demobilization and reintegration, reconciliation, and accountability and redress mechanisms.

26. At the national level, several laws and policies govern the country’s obligation in this regard. These are found in the National Police Service Act; the Penal Code; the International Crimes Act which criminalizes offences that occur in a conflict situation; the Firearms Act; Customs and Excise Act; the National Cohesion and Integration Act; the National Policy in Small Arms and Light Weapons; and the National Policy on Disaster Management. There are no laws or policies that specifically address the matters of peace building, conflict management and internal displacement.
27. At the regional level, Kenya is a member of the International Conference on the Great Lakes Region under which it signed the Pact on Security, Stability and Development in the Great Lakes Region. The Pact is made up of 10 protocols and of relevance here are the Protocol for the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination; Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children; Protocol on the Protection and Assistance to Internally Displaced Persons; and Protocol on the Property Rights of Returning Persons. Kenya is also a State Party to the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and Horn of Africa.

28. Internationally the country is a party to various instruments and guiding documents that address issues of security, stability and development. These include the United Nations Guiding Principles on Internal Displacement; the United Nations Security Council Resolution 1325 of 2000 which requires States to involve women in peace and conflict management processes; and the Beijing Platform for Action.

29. In addition to being a State Party to the above instruments, Kenya has also established institutional mechanisms to facilitate its response to conflict. These include the Kenya National Focal Point on Small Arms and Light Weapons, the National Steering Committee on Peace Building and Conflict Management through which local, divisional and district peace committees as well as county peace forums are established, the National Conflict Early Warning Response Unit (CEWARU) modeled after the Conflict Early Warning and Response Mechanisms (CEWARN) created under the Inter Governmental Authority on Development.

30. The legal and human rights framework discussed hereinabove informed the findings of the KNCHR.
Chapter 3: Theatres of Violence

Introduction

Villages affected by violence

(Source: Tana River District Short Rains 2011/2012 Assessment Report)
### Key timelines to the present conflict

<table>
<thead>
<tr>
<th>Date</th>
<th>Incident</th>
</tr>
</thead>
<tbody>
<tr>
<td>9(^{th}) July, 2012</td>
<td>A herdsboy was confronted by a farmer when his animals strayed into a farm at Milkameni in Sera location. This was followed by a retaliatory attack by fellow herdsmen. The incident went undocumented because there were no serious casualties.</td>
</tr>
<tr>
<td>3(^{rd}) - 5(^{th}) August, 2012</td>
<td>Mwenje in Kipini location: livestock that were reported to have strayed into a Pokomo farm were hacked to death in what was perceived as a retaliatory attack by farmers following the 9(^{th}) of July attack.</td>
</tr>
<tr>
<td>4(^{th}) August, 2012</td>
<td>Kalota in Chara location: a farmer was forced by unknown people to surrender his fishing gear and other valuables.</td>
</tr>
<tr>
<td>4(^{th}) August, 2012</td>
<td>Idho in Kilelengwani location: a herdsman went missing and his body was found the following morning.</td>
</tr>
<tr>
<td>14(^{th}) August 2012</td>
<td>Kau (Pokomo): herdsmen from the Orma community drove their livestock through the Pokomo community farms in Kau, asserting that animal migratory corridors had been converted into farms. Pokomos confronted the herdsmen and clashes erupt and 3 people are killed, 7 critically injured, 198 cattle killed. The herdsmen fled after razing 110 houses. 214 people were displaced from Kau and neighbouring villages for fear of further attacks.</td>
</tr>
<tr>
<td>22(^{nd}) August 2012</td>
<td>Riketa village: 52 people are massacred in the Orma village by suspected raiders from the Pokomo community.</td>
</tr>
<tr>
<td>25(^{th}) August 2012</td>
<td>Further attacks were carried out at Idsowe-Garsen by suspected youths from the Pokomo community. The attackers hacked cattle belonging to Wardei.</td>
</tr>
<tr>
<td>30(^{th}) August 2012</td>
<td>A herdsman from the Pokomo community is killed.</td>
</tr>
<tr>
<td>1(^{st}) September 2012</td>
<td>40 goats are stolen from Semikaro village (Pokomo) by armed attackers believed to be from Orma community. Pokomo youth pursued the raiders provoking exchange of gun fire and one Pokomo teacher, Mwalimu Branji Morowa is killed, and his body never recovered.</td>
</tr>
<tr>
<td>7(^{th}) September 2012</td>
<td>Chamwanamuma village is attacked at dawn by raiders suspected to be from Orma community. About 20 people are killed and 94 houses are burnt.</td>
</tr>
<tr>
<td>7(^{th}) September 2012</td>
<td>Leaflets circulate in Wenje division, Tana River district, warning the Ormas to leave the area or face attacks.</td>
</tr>
<tr>
<td>9(^{th}) September 2012</td>
<td>A person believed to be a Pokomo is shot dead in Kone village.</td>
</tr>
<tr>
<td>10(^{th}) September 2012</td>
<td>Kilelengwani village (Orma) is raided at dawn by raiders suspected to be from Pokomo community. 38 people including 9 police officers are killed, 8 people are injured and 176 houses are burnt down.</td>
</tr>
<tr>
<td>11(^{th}) September 2012</td>
<td>Four people are killed in another attack on Semikaro village.</td>
</tr>
</tbody>
</table>
Catalysts to the main violence - April to July 2012

31. The violence that engulfed Tana Delta and its environs began early in the year but intensified during the month of August and September 2012. The worst affected areas include Chamwanamuma, Semikaro and Riketa in Tarasa division and Kau and Kilelengwani in Kipini division. There were other incidents that were reported in various parts of the region including Ngao, Kipao, Nduru, Laini, Hewani, and Shirikisho. The villages that were affected by the violence are important sources of water for livestock and have fertile farmlands. Tana Delta is an important source of livestock and pastures that attract herders from as far as Ijara and Garissa. Parts of Magarini District in the neighbouring Kilifi County were also affected by the violence.

32. It is worth noting that all the villages in Tana Delta are located along the river and the two main communities have occupied distinct but neighbouring villages separated by a road, school, or river.

33. Early in the year there were scattered reports of farmlands belonging to Pokomo community being invaded by livestock belonging to the Orma community. The Ormas were also losing their livestock which are believed to have been confiscated and slaughtered by Pokomos. In April, a Pokomo man was killed and the Pokomos saw the hands of Ormas in the murder. In May, an Orma man was beheaded and the Ormas suspected that it was the work of Pokomos. Towards the end of June, a Pokomo boy was killed in Kilelengwani A, an Orma village. Three Orma suspects were arrested and prosecuted.

34. Among those killed in the retaliatory attacks between April and July 2012 include:
   - Igiro Shora, Salad Gobu and Hussein Dido – the three Orma’s were beheaded in Kilelengwani before the month of Ramadhan (from 21st July to 20th August 2012).
   - Mr. Mohammed Diribo, (alias Mohammed Yupanga), a 70 year old Pokomo man who hailed from Soroko scheme in Kilelengwani, disappeared. His mutilated body was later found in the bush.
   - Mr Hussein – an elderly Orma man was beheaded near Handarak village. The head and an arm could not be traced.
   - Mr. Fuad Ali – a male youth suffering from mental disability was killed on his way home and his body carried on a plank of wood to his house.

What caused these early skirmishes?

35. There are differing accounts about the cause of these early conflicts between the herders and farmers. The Pokomos accuse herders of deliberately invading farmlands to graze their livestock while Ormas accused Pokomos of deliberately extending their farms to block access routes for livestock. Many residents feel that the police and local administrators did not deal firmly with the reports. No arrests were made and in the
few instances that arrests were made, many of the suspects were later released by the police. This led to the escalation of violence in the months of August and September 2012. It is also alleged that politicians might have either fueled or funded the violence for their own ends. The Commission has not yet conclusively established the veracity of this claim.

The explosion of violence: August – September 2012

Kilelengwani location: Kau and Kilelengwani villages

36. Kilelengwani location is in Kipini division of Tana Delta District in Tana River County. Kilelengwani and Kau villages are in Kau sublocation. Kilelengwani village has two parts: Kilelengwani B which is inhabited by Pokomos and Kilelengwani A which belongs to Ormas.

37. The violence broke out during the month of Ramadhan after a Pokomo youth was allegedly attacked and killed by the Orma in unclear circumstances. The Pokomos openly promised to retaliate. On 5th August 2012, a Wardei herdsboy from outside Kilelengwani was killed while grazing cattle in Onido area of Kilelengwani. His head and arms were chopped off and were never recovered. On 7th August 2012 the DO1 Tana Delta, DO Kipini, members of Tana Delta District Peace Committee and the OCS Kipini intervened. The young man’s father, Mr. Hassan Khurtumo, a nominated councilor from Garsen said that he will not revenge but ‘left it to God’. Curiously, the Ormas reportedly promised to revenge for the death of the Wardei youth.

38. Incidentally, on 13th August, 2012, when the Tana River County Peace Forum15 was going on in Hola, it was reported that Orma herders were moving in with large numbers of livestock into farms owned by Pokomos in Kau. This prompted some of the farmers to demand for the herders to vacate their farms with their cattle. When the herders declined, a confrontation between the herders and the farmers ensued and it is alleged that the Orma herders, who were few in number but armed with guns, opened fire before fleeing.

39. The Orma’s later complained to the Provincial Administration that the Pokomo’s had stolen their cattle. The Chief of Kau and about six police officers met the Pokomos and prevailed upon them to surrender the cattle. The farmers explained that they confiscated the cattle as exhibits to the DO, as evidence of the raid. The animals were subsequently released.

15 The County Peace Forums were a Government country –wide peace building initiatives in preparation for the upcoming 2013 general elections.
40. An account to this particular incident from members of Orma community is slightly different. It is alleged that Pokomos had converted animal migratory routes (*malkas*) in Kau into community farms. On that day, Orma herders were grazing their cattle in Dendole village in Kau when about 200 Pokomo youth armed with *machetes*, guns and spears attacked them and stole over 600 cattle, of which, 50 were slaughtered on the spot and several of them were injured. Only 200 cattle were recovered following the intervention by the DO Kipini and the Kipini divisional peace committee. This is the first incidence of reports of armed raiders attacking members of the other community.

41. The following day on 14\textsuperscript{th} August 2012, 110 houses were torched in Kau village by suspected Orma raiders. It was said that the Ormas had gone to Kau to look for their stolen cattle but were met with armed Pokomo men, guarding the village. By this time, most of the women, old people and children had fled the village in anticipation of a possible attack by the Ormas. An eye witness account by a Pokomo villager stated that on that day at around 9 o’clock in the morning Kau village was surrounded by Ormas armed with guns, dressed in what looked like official security regalia (camouflage uniform), who attacked and shot at the villagers and torched houses. Pokomo men confronted the Ormas and fighting ensued leaving 3 Pokomos dead and 7 persons injured.\textsuperscript{16} Among the dead was an elderly Pokomo woman who attempted to escape from a burning house but was allegedly pushed back by the attackers. On the same day, the sub chief of Handaraku sub-location in Wachu-Oda Location Mr. Huko Makumbi, an Orma and a member of the Locational Peace Committee, lost over 200 cattle in Kau and only 15 were traced with severe injuries.

42. On 15\textsuperscript{th} August 2012, members of the District Peace Committees were able to locate 198 heads of cattle which had been hacked to death in a forest in Kau the previous night. Following this incident, the members of the DPC were sent to their respective communities to quell the tensions. The Orma promised not to retaliate but demanded for compensation, which was averaged at Ksh. 14.5 million; Ksh. 30,000 for a mature animal and Ksh. 10,000 for a calf. On the same day, the attackers allegedly broke into a local health facility, destroyed the food store and defecated at the mosque altar.

43. On the same day, information was rife that youths armed with guns had been seen coming from the Orma village of Kipao to attack Pokomo-Kau. This report was allegedly conveyed to the OCS, the DO Kipini and the DO 1 Tana Delta. A possible revenge attack was anticipated after *Idd ul fitr*, on the 20\textsuperscript{th} September 2012.\textsuperscript{17} A witness to the incident, who is also a local administrator, in lamenting the inaction by his senior colleagues, stated to the Commission team, “*The DO knew this and ought to have done the needful.*”

\textsuperscript{16} Assessment Report : Tana Delta Tribal Clashes- 20\textsuperscript{th} September 2012 - Kenya Red Cross Society.

\textsuperscript{17} As per the Islamic faith, Muslims are forbidden from engaging in warfare during the Holy month of Ramadhan. Therefore, the warring communities had to suspend the hostilities until the end of the said month.
44. The issue of compensation was re-affirmed on 16th August 2012, in a meeting convened by the Coast Provincial Commissioner Mr. Samuel Kilele and attended by the area MP Hon. Danson Mungatana. The Pokomos allegedly refused to attend the meeting convened by the PC due to an apprehension of a possible attack by the Ormas. Their view was that guns needed to be surrendered before dialogue could commence. Subsequently, security was beefed up in the area; about 100 security officers from the Administration Police, GSU officers and regular police were deployed to man the villages. Coincidentally, Riketa village which is a predominantly Orma village, was left out making it vulnerable to attacks. Subsequently, the village was attacked on 22nd August 2012 by suspected Pokomo raiders; presumably a revenge attack against the attack on Kau village. The Riketa massacre provoked a retaliatory attack by suspected Orma raiders on Chamwanamuma village on 7th September 2012.

45. Following the Chamwanamuma raid, a retaliatory attack took place on 10th September 2012 in Kilelengwani-Orma, where suspected Pokomo raiders allegedly launched a pre-dawn attack. An estimated 200 youths armed with guns, bows, spears and other crude weapons, attacked the village and killed 9 police officers who had been deployed to provide security in the area. 29 other people were killed (16 men, 5 women and 8 children). Some of the victims were hacked to death in a nearby mosque where they had sought refuge run while some of the police officers were hacked to death at their temporary base in a classroom at Kilelengwani Primary School. 9 people were injured, 167 manyattas were set on fire, 1 police vehicle was set on fire and about 400 heads of cattle were driven away while others were hacked to death.

Blood-stained wall (left image) and floor (right image) of the Mosque in Kilelengwani
46. According to an eye witness, the attackers came from the direction where Kau, Ozi and other surrounding Pokomo villages are situate. Some of the attackers were positively identified by their victims as some were neighbours, friends and former classmates, while some were strangers. The attackers had tied red ribbons on their heads and white strips of cloth on their waists. Witnesses to the incident informed the team that Police reinforcement intervened after two hours. Most of the victims had cut wounds but others had bullet wounds. Observations made from security officers on the ground indicate that the attackers would slash the victims at the point of entry of the bullets, presumably to conceal evidence of use of guns.

**Kanagoni, Magarini District, Kilifi County**

47. Magarini district borders Tana Delta District. The two districts are in neighbouring counties, namely Kilifi and Tana River. Magarini is largely inhabited by Giriamas who are mainly farmers. Due to its proximity to Tana Delta, pastoralists from the Orma and Somali communities move their cattle in the district in search of pasture, specifically during the dry seasons. It is alleged that in mid August, the pastoralists took their animals into the farms belonging to the Giriamas. The farmers confronted the pastoralist and violence erupted, where two people were injured in Kanagoni area, which is on the border of Tana Delta and Magarini District.

48. On Tuesday, 14th August 2012, the DC Magarini held peace talks between herders and farmers and a committee was established to address the conflict. On Wednesday, 15th August 2012, the committee with the assistance of the OCPD Malindi and District
Agricultural Officer, Malindi went to assess the degree of damaged crops. However this exercise was disrupted when at around 2.00 pm, a neighbouring farm was invaded by armed pastoralists grazing their animals.

49. The Government promptly, effectively and firmly intervened and was able to quell the simmering tension averting a potential bloodbath similar to what would eventually be witnessed in Tana Delta.

Kone Mansa Location: Riketa village

50. Kone Mansa Location is located in Tarasaa Division of Tana Delta District in Tana River County. The two sub-locations are Odole and Kikomo. The village that was heavily affected by the fighting in Kone Mansa is Riketa. The Riketa attack appears to have been a retaliatory attack by suspected Pokomo raiders to revenge for the raid by Ormas on Kau village on the 14th August 2012. Riketa village is a remote isolated village, with poor infrastructure and is mainly accessible by boat specifically during the rainy season as it is surrounded by distributaries of the Tana Delta.

51. On 22nd August 2012, at about 6.00 am suspected Pokomo raiders attacked the village. The choice of the target seemed to have been deliberate due to its remoteness and the fact that no security officers had been deployed there. According to eyewitness accounts, over 200 raiders armed with guns including AK 47 assault rifles, machetes, spears, pangas and axes came from the direction of Kau and Ozi villages which are predominantly Pokomo villages. They had red ribbons tied round their heads and dressed in ordinary civilian clothes. Several attackers were identified by the victims interviewed. The attack had all the hallmarks of a pre-planned attack executed with military precision. For instance, distinct clothing for identification purposes, the swift nature of the attack which lasted about 20 minutes, the distinct roles of the attackers, where there were those who would carry out the attack, those who would carry their injured/dead (‘no man left behind policy’) and those who would issue instructions/command.

52. According to a witness account, months before the attack he had seen a man from Mombasa recruiting Pokomo youths in Ozi and Kilelengwani to join the Mombasa Republican Council. This incidence was reported to intelligence and the man was arrested. It is feared that the raiders who attacked Riketa might have received their training at Ozi forest.

53. Members of the Orma community believed that the aforesaid trainings in Ozi were being undertaken by members of the MRC. Their belief was premised on the fact that the Pokomos were uncharacteristically more organized and violent, unlike the past. Their modus operandi during the attack was characteristically similar to past attacks associated with the MRC and other similar groups like the Kayabombo in Kwale.
54. Following the attack, 52 people were killed (10 men, 31 women and 11 children) out of who 42 were slaughtered and 10 were burnt beyond recognition. 16 people sustained serious injuries and were taken to various hospitals including Witu Health Centre, Mpeketoni sub-district hospital, Malindi district hospital and Coast Provincial General hospital. One person was airlifted to Kenyatta National Hospital. 78 houses were burnt down and over 453 head of cattle were killed and others went missing. ¹⁸

55. Later, on 23rd August 2012, a government delegation led by Hon. Ester Murugi, Minister for States for Special Programmes, and accompanied by Garsen Member of Parliament Hon. Danson Mungatana, Chairperson of the National Cohesion and Integration Commission (NCIC) Mr. Mzalendo Kibunjia, Commissioner of Police, Mathew Iteere and Samuel Kilele, Coast Provincial Commissioner among others visited the area. The Prime Minister also visited the area at a later date. The leaders appealed for calm and assured residents that the Government will act on the perpetrators of the crime. However the heavy Government presence did not deter planning and execution of retaliatory attacks in the region.

Wachu Oda Location: Handaraku and Hewani villages

56. Wachu Oda location is in Tarasaa division of Tana Delta District, and has three sub-locations namely Oda, Handaraku and Kurawa. While there were no major attacks in the location, events prior to and after the killings in Riketa, Kilelengwani and Chamwanamuma were closely linked to events in Wachu Oda, particularly Oda and Handaraku villages.

57. Following the hacking to death in Kau of 198 heads belonging to Mr. Huka Wario, the sub chief of Handaraku sub location in Wachu Oda on 14th August 2012, tension increased in the area, and this greatly shaped subsequent events in Wachu Oda.

58. According to an eyewitness, on 17th August 2012 an Orma man was seen cutting down crops and grazing his cattle on a farm belonging to his Pokomo neighbour in Hewani village, in Handaraku. When confronted by his neighbour, he retorted that he was not only destroying the crops but he vowed that the Ormas were well prepared and they were going to wipe out all the Pokomos in the area. He further claimed that all Orma villages had volunteered 10 youths in each village to attack and burn down Kau and Kilelengwani.

59. On 18th August 2012, the incidence was reported to the Chief Barisa of Wachu Oda and Oda Police Post where it was entered as Occurrence Book number 07/18/8/12. By this time the Pokomos had started moving out of Hewani to Oda for safety. On 23rd August ¹⁸

Information received from the Kenya Red Cross Society.
2012, tension heightened further following news of the Riketa massacre a day earlier. According to the witness, gunshot rented the air from the nearby Orma villages including Gubai, Bura Anani, and Maderte. The incident was again reported to the Officer Commanding Police Post Oda Police post and the area chief.

60. On 25th August 2012, the same Orma man was reportedly seen in company of a heavily armed gang at around 10.00 p.m. threatening a Pokomo farmer to leave the area or risk being killed. This incident was also reported to the area chief and the OCPP, Oda. The team established at the time of the visit on 26th September 2012, that the man was still at large and was being sought after by the police. The area chief reportedly advised the Pokomos to stay put while the OCPP advised the complainants that they wait for the intervention by the chief. On 26th August 2012, the chief convened a peace meeting where it was stressed that peace must prevail and Pokomo’s were assured of compensation for the losses and that the said suspect would be arrested. However later that evening some members of the Pokomo community got information from their Orma friends that Ormas were still planning to attack Pokomos despite the peace initiatives. According to our source this information was relayed to the area OCPP and the area chief. The exodus of the Pokomos from Hewani to Oda continued.

61. On 28th August 2012, two Pokomos who had fled to Oda returned to their farms in Hewani. On their way they went to meet with an Orma Muslim leader and requested him to intervene together with the village headmen to ensure that their property in Hewani is safe. An old man appeared and questioned why the Muslim leader was hosting the Pokomos who were not wanted in the area forcing the two to immediately return to Oda for safety.

62. Further, on 29th August 2012 a shamba boy from the Giriama community who was employed by a Pokomo was accosted by some Orma men but was spared because he was not a Pokomo. He reported to his Pokomo employer who later reported the incident to the OCPP Oda and the chief on 30th August 2012. The Chief reportedly instructed the sub chief for Oda to convene a peace meeting on 1st September 2012. However at around 4.00 am houses belonging to Pokomo’s were burnt in Hewani. The area sub chief, the OCPP and the DO Tarasaa were informed of the arson attacks. Some Pokomo villagers who had fled to Oda started moving out to places like Chamwanamuma which were perceived to be relatively secure.

Chara Location: Chamwanamuma and Semikaro villages

63. Chamwanamuma and Semikaro villages are neighbouring villages in Chara location, Tarasaa division, Tana Delta District, Tana River County. They two villages are predominantly inhabited by the Pokomos although other communities found there include the Garsan, Wata, Goshi and Ormas. The area was largely peaceful until early September 2012 when hostilities between Ormas and Pokomos spilled into the area
from the neighbouring Kone Mansa and Kilelengwani locations leading to the attack on the Semikaro and Chamwanamuma villages on 1\textsuperscript{st} and 7\textsuperscript{th} of September 2012 respectively by suspected Orma raiders. The attacks were purportedly to avenge for massacre of Orma’s at Riketa village. On 11\textsuperscript{th} September 2012, just a day after the massacre at Kilelengwani village, Semikaro village was attacked again.

64. The increasing tension in Tana Delta forced peace committees at various levels to intensify peace initiatives in the entire region. For instance, on 13\textsuperscript{th} August 2012 a joint peace meeting for Ormas and Pokomos from Odole and Chamwanamuma villages was held at Odole Primary School. However, following the Riketa massacre, tension increased in the area undermining the ongoing peace efforts. A Pokomo from Shirikisho village, was about to be attacked by Ormas but was rescued following the intervention of the Chief of Kone Mansa and the Sub Chief of Odole. Ormas living in Pokomo villages in Chara location started moving out into villages that were predominantly occupied by the Ormas such as Lailoni in Oda, Nduru-Orma, Marafa and Darga. The peace initiatives had clearly collapsed at this point. On 24\textsuperscript{th} August the Sub Chief of Semikaro sub location pleaded with Ormas who had moved to Nduru-Orma to return to their homes in Semikaro but to no avail.

65. Another peace meeting was held on 31\textsuperscript{st} August 2012 but on the following day, 40 goats were stolen from Semikaro village by suspected Orma youths and driven towards Kikomo village. According to the police, the theft was meant to provoke Pokomos to pursue the raiders who had already laid a trap near Kikomo to surround and kill any pursuers. Pokomo men including one Mr. Branji Morowa, a teacher at a local primary school who was also one of the owners of the stolen goats, pursued the thieves but when they failed to recover their goats, they seized 103 cattle that they found grazing at Kikomo. This sparked a violent confrontation between Orma who were armed with guns and the Pokomos. In the ensuing melee an Orma and two Pokomos were injured: one of the Pokomo men suffered bullet wounds on the head. Mwalimu Branji was shot dead and his body was dragged away by the killers. The Pokomos managed to drive away the 103 cattle and surrendered them to the police patrol base at Semikaro for safe custody until the Ormas returned their goats.

66. The incident was reported to the local administration and the area DC who instructed the Assistant Chief of Semikaro and the police to trace the goats and the body. About 9 police officers from the Patrol base and the Sub Chief for Semikaro tried to trace the stolen goats and the body to no avail. They had to abandon the mission when they encountered over 100 Orma youths heavily armed with guns and other crude weapons and who seemed ready to engage them in a fight.

67. The DC for Tana Delta, the DO for Tarasaa Division, the OCPD Garsen and the Senior Superintendent of Police convened a meeting with chiefs and their assistants from affected areas. On the same day, the DC ordered that the 103 cattle be surrendered to
the owner who hailed from Kone Mansa. He instructed the Chief of Kone Mansa and his elders to ensure that the goats and the body are returned the following day. Apparently the 40 goats and teacher's body were taken to Kikomo village in Kone Mansa.

68. Subsequently a Chief’s *baraza* was held at Kikomo where the elders were tasked to plead with the youth to return the body and the goats. During the meeting, an elder who was opposed to the arrangement went to the youth and demanded that the Chief should “resurrect the 52 dead in Riketa and all the dead cattle before the body could be returned”. Two days later, the DC convened a meeting with chiefs from three predominantly Orma locations namely Kipao, Wachu Oda and Kone Mansa to discuss how the body would be returned. Information obtained by the Commission suggested that Mr Branji’s body could have been thrown in the river. The body and the goats had not been recovered as at the time of the KNCHR’s mission.

69. Prior to the attack at Chamwanamuma, various witness accounts point to the fact that for several days they could hear gunshots renting the air every evening from Kikomo and nearby Orma villages. These incidents were reported to the Oda police post and local administration but no action was taken.

70. On 7th September 2012, an estimated 400 heavily armed Orma youths surrounded Chamwanamuma village and attacked at it dawn killing about 20 people (16 men, 3 women and one 9 year old boy). Two other men from the Watta community were also killed near the village. Scores were injured, 67 houses burnt, 79 heads of cattle and 129 goats were stolen. The raiders disappeared when the police from Semikaro Patrol Base arrived after about 20 minutes to assist 6 Kenya Police Reservists at the village who were overwhelmed by the attackers. According to a witness from the Pokomo, prior to the raid, he had gotten information that the Orma had recruited about 400 armed attackers to destroy Pokomo villages. He allegedly notified the Officer Commanding Police Post Oda who took no action. He believes that Chamwanamuma village was attacked because this is where many Pokomos from other villages had fled to for safety.

71. According to eye witnesses, the attackers were all male. Many of them were dressed in combat or jungle uniform and most of them were armed with guns including AK 47 assault rifle, G3 and other automatic machine guns. Others were armed with spears. Some of the attackers were locals, neighbours and “friends” from neighbouring Orma villages while many of them were said to be strangers. It is believed that the attackers came from the direction of Kikomo village.
72. On the 11th September 2012, a dawn attack at Semikaro village claimed four more lives and a number of houses were burnt. Chara Location was the centre of retaliatory attacks against Pokomos. All Pokomo villages were attacked except Anasa and Mbelezoni. The affected villages are Semikaro, Chamwanamuma, Nduru-Pokomo, Shirikisho and Laini. No Orma villages were attacked.
Chapter 4: Impact of Violence: Human Rights Assessment

Introduction

73. The violence that was witnessed in Tana River County has had devastating impact on the people of Tana River and its environs. It has led to loss of innocent lives, displacement of thousands of people, destruction of livelihoods and disruption of access to basic needs and services including education, housing, and health. It has also disrupted normal community functioning and entrenched deep sense of fear, mistrust, and tension among the Pokomo and Orma communities that may take time and effort to address in the immediate term. The impact of the violence will continue to be faced in the immediate, short and long term as the nation comes to terms with the realities of what has happened. For instance, there are lingering uncertainties about possible disenfranchisement of voters in the region due to the displacement or loss of vital documents including national identity cards. This chapter analyses the impact of the violence from a human rights lens.

Loss of life, injury to person and loss of property

74. According to the Kenya Red Cross Society, more than 116 people were killed and 49 casualties were reported during the 29 days of intense hostilities between the Ormas and Pokomos; that is, from 14th August to 11th September 2012. Slightly more than half of those killed were women and children as indicated in the table below. The actual data of fatalities and casualties may be higher than the reported figures; as statistics of victims prior to August 14th and after 11th September 2012 have been excluded. Further, the Commission received reports that the attackers could carry away their casualties during raids, hence, unaccounted for.

Statistics of victims and losses incurred as a result of the conflict

<table>
<thead>
<tr>
<th>Date</th>
<th>Village</th>
<th>Reported Deaths</th>
<th>Causalities</th>
<th>Property destroyed/livestock killed</th>
<th>No. of households</th>
<th>Total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>14/8/12</td>
<td>Kau</td>
<td>2</td>
<td>3</td>
<td>110</td>
<td>324</td>
<td>1924</td>
</tr>
<tr>
<td>22/8/12</td>
<td>Riketa</td>
<td>6</td>
<td>13</td>
<td>78</td>
<td>383</td>
<td>2298</td>
</tr>
<tr>
<td>1/9/12</td>
<td>Semikaro</td>
<td>1</td>
<td>17</td>
<td>0</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>7/9/12</td>
<td>Chamwana muma</td>
<td>13</td>
<td>2</td>
<td>94</td>
<td>1094</td>
<td>6564</td>
</tr>
<tr>
<td>10/9/12</td>
<td>Kilelengwani</td>
<td>25</td>
<td>8</td>
<td>167</td>
<td>200</td>
<td>1200</td>
</tr>
<tr>
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<td>Laini</td>
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<td>0</td>
<td>0</td>
<td>-</td>
<td>-</td>
</tr>
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<td>11/9/12</td>
<td>Shirikisho</td>
<td>0</td>
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<td>109</td>
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</tbody>
</table>
75. The highest number of deaths and casualties was the Riketa massacre of 22nd August 2012 where about 52 lives were lost, shocking the conscious of the nation and the world. Further, the Kilelengwani massacre of 10th September 2012 (which claimed 38 lives) could have been worse than the Riketa massacre were it not for the gallant efforts of the nine police officers who were brutally hacked to death while defending village from the attackers. The intervention of the police in Chamwanamuna village mitigated the number of fatalities and casualties. The victims of the massacres in Riketa and Kilelengwani were buried in mass graves.

76. As per the Assessment report, more than 668 houses were burnt down during the 29 days of terror. Kau (110 houses), Kilelengwani (167 houses) and Shirikisho (109 houses) together account for more than half of the houses burnt. More than 458 heads of cattle were either killed or stolen, out of which 198 were found hacked to death in Kau on 14th August 2012 while another 200 were driven away during the raid at Chamwanamuma. 600 goats were stolen in Semikaro and Chamwanamuma.

77. As at the time of compiling this report, there was no information on any assessment done on the damage to crops and farm lands as well as loss of other household items, personal belongings and other property.

**Displacement of people**

78. A total of 3,302 households representing a population of about 19,979 people were displaced from various villages including Kau, Riketa, Kilelengwani, Chamwanamuma, Semikaro, Nduru and Shirikisho. During the Commission’s second visit in
September, these villages remained deserted with only police officers on patrol or at their temporary bases being seen in the vicinity.

79. Most of the displaced persons settled in at least 5 spontaneous IDP settlements namely; Dide Waride, Witu D.O office, Vipingoni, Witu Primary school and Tarasaa DO office with the largest ones being Didewaride, Tarasaa, and Witu. Others integrated with the local community in Madante, Oda, Kipao within Tana Delta district while the rest moved to locations outside the district in places like Malindi, Kilifi, Kwaile, Kisauni, Garissa, Mombasa, Lamu and Tana River districts.

80. It is important to note that the number of displaced persons could be higher than the available data since other persons who fled to far flung areas like Mombasa were not profiled. The main challenge facing the displaced is the uncertainty as to when peace will be restored in the region to enable them return to their homes.

### Profile of displaced population

<table>
<thead>
<tr>
<th>Camp/area of integration</th>
<th>Children (Under 5 yrs)</th>
<th>Children (6-18 yrs)</th>
<th>Adults (Over 18 yrs)</th>
<th>Women</th>
<th>Persons with disability</th>
<th>Elderly</th>
<th>Orphans</th>
<th>Number of households</th>
<th>Total population</th>
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<tbody>
<tr>
<td>Camp/area of integration</td>
<td>Children (Under 5 yrs)</td>
<td>Children (6-18 yrs)</td>
<td>Adults (Over 18 yrs)</td>
<td>Women</td>
<td>Persons with disability</td>
<td>Elderly</td>
<td>Orphans</td>
<td>Number of households</td>
<td>Total population</td>
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<td>Pregnant</td>
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<td>India</td>
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<td>Kadaha</td>
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<td>Makafuni</td>
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<td>Bafajir</td>
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<td>Zambaraoni</td>
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<td>Kunguni</td>
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<tr>
<td><strong>Summary of displaced population integrated with the community in Mpeketoni</strong></td>
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<td>Lake Amu</td>
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<td>Swabane</td>
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<tr>
<td><strong>Summary of displaced population integrated with the community in Malindi</strong></td>
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<td></td>
<td></td>
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<tr>
<td>Kibokoni</td>
<td>7</td>
<td>7</td>
<td>26</td>
<td>17</td>
<td>20</td>
<td>16</td>
<td>5</td>
<td>0</td>
<td>12</td>
</tr>
<tr>
<td>Mtangani</td>
<td>145</td>
<td>136</td>
<td>288</td>
<td>257</td>
<td>152</td>
<td>260</td>
<td>14</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Shela</td>
<td>178</td>
<td>234</td>
<td>285</td>
<td>265</td>
<td>260</td>
<td>240</td>
<td>94</td>
<td>23</td>
<td>16</td>
</tr>
<tr>
<td>Gongoni</td>
<td>133</td>
<td>139</td>
<td>206</td>
<td>220</td>
<td>154</td>
<td>177</td>
<td>50</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>Mambrui</td>
<td>109</td>
<td>140</td>
<td>198</td>
<td>228</td>
<td>197</td>
<td>232</td>
<td>61</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>Marereni</td>
<td>283</td>
<td>220</td>
<td>649</td>
<td>861</td>
<td>239</td>
<td>450</td>
<td>136</td>
<td>29</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>2054</strong></td>
<td><strong>2177</strong></td>
<td><strong>3672</strong></td>
<td><strong>3816</strong></td>
<td><strong>2577</strong></td>
<td><strong>2510</strong></td>
<td><strong>943</strong></td>
<td><strong>257</strong></td>
<td><strong>219</strong></td>
</tr>
</tbody>
</table>

(Source: Assessment Report: Tana Delta Tribal Clashes- 20th September 2012 - Kenya Red Cross Society.)

**Food and Livelihood**

81. The violence disrupted the communities’ main sources of livelihood. Farmers saw their crops, farmlands and farm equipment destroyed while herders saw their livestock being stolen or hacked to death. A joint Kenya Red Cross and World Food Programme Food for Assets programme was disrupted by the violence and subsequent displacement that affected some of the beneficiaries. Traders too suffered losses as their stores were vandalized or razed to the ground while workers could no longer go to work freely for fear of attack.

82. With their sources of food and livelihood destroyed, most of the displaced persons have been relying on relief supply from the Government through the Ministry of State for...
Special Programmes, relief agencies such as the Kenya Red Cross Society and other well wishers. The KRCS is the lead agency coordinating relief efforts on the ground. They have been distributing both food and non food items to IDPs in camps and those integrated within the community.

83. The main challenge is that there is poor coordination of relief efforts by some of the actors leading to poor targeting of some of the beneficiaries and over concentration or duplication of efforts in some areas for example, Mambrui. With the growing uncertainty about how long the prevailing situation will last, it is unclear whether agencies have prepositioned adequate supplies to cater for possible needs beyond three months. Further, beneficiaries of the assistance lamented about the lack of special provisions being made for children and elderly persons while host families complained that there is inadequate attention drawn to them despite them hosting a high number of victims.

84. In the medium to long term the violence will have an impact on the future food security situation of the area due to the damage visited upon farms, livestock and other livelihood projects.

Health and psycho-social support

85. During the conflict, over 49 casualties were reported with many of the victims being rushed to different hospitals and health centres including Malindi, Mpeketoni hospitals, and Ngao District hospitals, Witu dispensary, Coast General hospital and Kenyatta National hospital for specialized treatment. Over 30 patients were admitted at Malindi District hospital. Out of the injured, the confirmed cases of police brutality.

86. In an interview with a nurse at a local health centre, there were reports that due to the ethnic animosity between Pokomos and Ormas, some patients would refuse to be attended to by staff from the warring communities. Kau dispensary was vandalized and burnt down during the conflict while Semikaro dispensary was converted into a temporary GSU camp during the disarmament process.

87. There have been several interventions from agencies and government to mitigate the negative health impact of the violence. Several medical outreaches have been conducted by the Kenya Red Cross Society and the Ministry of Public Health and Sanitation in places like Kilelengwani, Kilunguni, Kau, Kipini, Tizama Lako and Vipingoni. The Ministry of State for Special Programmes, KRCS, and the Child Welfare Society of Kenya have provided counseling and psychosocial support services to IDPs in camps.

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19 Information obtained during interviews between the Commission team and the KRCS.
88. Some health facilities located near IDP camps have been stocked with additional drugs and equipment. However, there is little evidence that the health intervention, particularly psychosocial support, has been carried out systematically to cover all areas including sites hosting large numbers of integrated IDPs. There is also little information concerning impact of the violence on persons living with HIV (PLWHIV). The nationwide doctors’ strike that happened in the month of September impacted on service delivery to some of the patients.

89. The main challenge will be to ensure that displaced persons have continued access to primary health care, and psychosocial support is sustained and expanded.

**Education**

90. The violence and subsequent displacement happened when schools were about to reopen for the final term of the school calendar where candidates at primary and secondary schools will be sitting for the Kenya Certificate for Primary Education and Kenya Certificate for Secondary Education national examinations. At the time of the second mission, there were fears that over 187 standard 8 KCPE candidates would miss out of school and might not be able to sit for their final examinations. Despite assurances from local administrators that the government was liaising with Kenya National Examination Council (KNEC) to ensure that all candidates in the area are able to sit for their exams, there were media reports that more than 100 candidates could not be traced as KCSE examinations were underway20. According to the reports, most of the affected candidates were from Ngao, Kipini and Tarasaa secondary schools. Further out of the 256 candidates who had registered for KCPE, only 5 could be traced.

91. Numerous educational facilities were damaged or vandalized during the violence while others such as Kilelengwani Primary School and Semikaro Primary school were converted into temporary operation bases for GSU officers. 9 primary schools with a student population of 2705 and 1 secondary school with about 120 students were affected. The affected schools include Shirikisho Primary School (533 pupils), Chamwanamuma Primary School (343), Semikaro Primary School (303), Nduru Primary School (419), Kibokoni Primary School (202), Riketa Primary School (274), Kau Primary School (117), Ozi Primary School (304), Kilelengwani Primary School (409) and Buyani Secondary School.

92. Hundreds of pupils were displaced, while at least one teacher, Mwalimu Branji Morowa was killed during the violence. In areas where displaced persons sought refuge, there are reports that school facilities in those areas are over stretched and unable to cope with the influx of new pupils. For instance, the student population of Dide Waride

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20 The Standard; Daily Nation, 15th October 2012
Primary school rose from 270 to 470 pupils. The student population in the IDP camps is as indicated below:

<table>
<thead>
<tr>
<th>Camp</th>
<th>Student Population</th>
<th>Classroom tents required per camp</th>
</tr>
</thead>
<tbody>
<tr>
<td>Witu DO</td>
<td>135</td>
<td>30</td>
</tr>
<tr>
<td>Tarasaa</td>
<td>58</td>
<td>7</td>
</tr>
<tr>
<td>Dide Waride</td>
<td>98</td>
<td>7</td>
</tr>
<tr>
<td>Vipingoni</td>
<td>54</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>350</strong></td>
<td><strong>49</strong></td>
</tr>
</tbody>
</table>

(Data compiled as at 2nd October 2012. Source: District Education Office, Tana Delta District)

93. Most of the pupils have suffered psychological trauma and therefore require counseling. Schools in some of the deserted villages remain closed while teachers are unwilling to return to work until their security is assured. It is evident that education standards will be greatly affected by the violence leading to poor results for candidates in the national examinations.

**Housing**

94. The displaced persons who went to camp received standard non food items including tarpaulins, kitchen sets, mosquito nets, soaps among other things from relief agencies. The tents were not adequate considering that household sizes in these communities range from 5 to 15 persons and no special provision was made for large households. In areas where IDPs were integrated in the community, host families have to cramp large number of displaced persons in their tiny rooms. The housing condition is not adequate to ensure privacy and dignity of the person. As we are approaching the short rain season, there is the possibility that many of the displaced will continue to be sheltered in tents and suffer the indignity of spending their nights in flooded tents. In the medium term, the community will require support to enable them rebuild 697 houses that were burnt down during the violence.

**Water and Sanitation**

95. One of the immediate needs is to ensure continuous supply of clean and safe water for domestic and personal use in all IDP camps as well as areas harbouring large numbers of integrated IDPs. Further, provision of temporary sanitation facilities including latrines in IDPs camps is necessary. Relief agencies like KRCS have provided water treatment tablets to some camps and entered into agreements with Witu Water Association to supply water to IDPs at Tarasaa Primary, Dide Waride, Vipingoni and

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21 The Standard 15th October 2012
22 The Star 5th October 2012
Witu for a period of one month where each family receives eighty litres per day. These resources are likely to be strained if the prevailing situation lasts more than one month.

**Family tracing services**

96. Tracing and family restoration has been going within and outside the Tana Delta. According to KRCS and local administrators, the exercise has been made easy with the coverage of mobile phones ownership. However there are reports that some individuals who have not been traced and their fate remain unknown.

**Peace building initiatives**

97. Whereas peace building initiatives have been going on under the auspices of Tana Delta District Peace Committee, the catastrophic failures of these initiatives leaves a lot of unanswered questions. At some point, it appears that these initiatives collapsed and some members of the committees from the village to district levels retreated to their tribal cocoons either to protect their communities’ interests or out of fear of being branded ‘traitors’. Further, interventions by the Prime Minister, Rt. Hon Raila Odinga, Minister for Special Programmes, Hon Esther Murugi and the Coast Provincial Commissioner, Mr Samuel Kilele could not prevent the violence from spiraling out of control.

**Access to documentation**

98. Interviews with affected persons reveal that many people have lost vital documents including national identity cards, educational certificates, voters’ cards and birth certificates. These documents are important as they are required for one to be able to access most basic rights including health, education, employment and enable citizens to exercise their political rights. However, the Government has not undertaken any comprehensive assessment of the extent of this problem with a view to assist the victims. The witnesses complained that it ordinarily takes longer for residents of the region to obtain vital documents like national identity cards and birth certificates and this loss is a blow to them.

**Future outlook: How long will it last?**

99. According to the Commission’s assessment, it is unlikely that normalcy will resume within a short time so that all the displaced persons are able to return home. The best case scenario is that normalcy will resume within one month. However, the prevailing ethnic animosity, the heavy presence of security personnel and the heightening of political temperatures towards the general election make this an unrealistic option. The medium case scenario is that the current situation will last for three months until
December 2012 while the worst case scenario is that it will last until after the March 2013 general elections.
Chapter 5: Analysis of the Role of the Various Actors in the Conflict

100. This Chapter shall discuss the role of citizens, State and non-state actors in the Tana Delta conflict, in relation to their involvement in the conflict and their response.

Direct and Indirect actors in the conflict

101. The KNCHR received information on the direct and indirect involvement of various individuals in the violence witnessed in Tana Delta. The primary participants in the violence were the members of the two warring communities, specifically the Ormas and the Pokomos. Male youth and middle-aged men across the communities carried out the attacks. However, women, children and the elderly were not direct combatants and suffered the brunt of the conflict.

102. The indirect involvement of other actors in the conflict was through reports of incitement of members of the two communities, allegations of funding of combatants, administering of illegal oaths, trainings, arming and organization of combatants. The Commission received reports that some politicians and local leaders from main communities might have taken advantage of the volatile situation to advance their political interests. The team received statements indirectly implicating various political leaders from the region and neighbouring counties to the violence. However, the KNCHR acknowledges the role that was played by some politicians in trying to mitigate the violence through their participation in various peace meetings. Some local community elders were allegedly involved in mobilizing the combatants to fight, inciting them to violence and administration of oaths. Security officers from the local communities were also implicated in the mobilization and training of the combatants.

103. Some local elite and business people are alleged to have played a role in the conflict in the context of protecting their business interests. These elite and business people emanate from areas within and surrounding the Tana Delta including Ijara and Garissa. During the dry season these people hire out and arm local herders in the Tana Delta region to graze their animals. In the period within which the conflict occurred, there was an unusually large influx of cattle in the region heightening the competition for resources between the herders and farmers and therefore the conflict between the Pokomos and Ormas. Consequently, the Pokomos believe that the elite and business people supported the Ormas.

23 Various witnesses interviewed by KNCHR and the inaction on the leaders part witnessed in the early phases of the violence.
104. Further, some members of the communities knew of the plans by raiders from their own community to attack the rival community and prior to an attack they would leave the targeted village or stop interacting with members of that village. However they would hardly share the information on the preparation and planning of the attacks by members of their own community with the relevant government agencies. This qualifies them to be indirect actors in the conflict.

105. From our analysis, the involvement of youth and middle aged men in the conflict can be attributed to high poverty levels, unemployment, low literacy levels\(^{24}\) in the region as well as systematic marginalization of the area. These factors make them vulnerable to manipulation and consequently deployment in violence.

The Role of the State in the Conflict

106. In the context of this conflict, KNCHR contends that relevant internal security actors had a primary responsibility to prevent and/ or address the violence witnessed in the Tana Delta region. These include the Ministry of State for Provincial Administration and Internal Security, the National Police Service (NPS) and the National Intelligence Service (NIS).

107. The government plays a vital role in any society, by ensuring that security, law and order, as well as protection of human rights is secured. This mandate is exercised through the above agencies. The Ministry’s core functions include maintenance of law and order, prevention and detection of crime, and peace building and conflict resolution at the grassroots level. The NIS is mandated to collect security intelligence to enhance national security in the country\(^ {25}\). The NPS on the other hand is mandated to maintain law and order, while complying with constitutional standards of human rights and fundamental freedoms.\(^ {26}\) The roles of these two agencies are complementary in nature.

108. KNCHR established that prior to the conflict, the government had in place structures to ensure security, law and order in the vast Tana Delta region. These included provincial administration units, police stations and posts, Kenya Police Reservists, NIS officers and district, divisional and locational peace committees. During the conflict, the government beefed up security in the region by deploying extra 100 officers to create patrol bases. Additionally over 1,000 General Service Unit officers were deployed with the specific task of disarming the communities and restoring law and order. Further a number of peace meetings were convened by the government including one held on 17th August 2012 which was attended by the Coast Provincial Commissioner and some local leaders including the area Member of Parliament (MP).

\(^{24}\) CRA, 2012. Tana River County Profile.
\(^{25}\) See Article 242 (2) (a) of the Constitution of Kenya, 2010
\(^{26}\) See Article 244 (c) of the Constitution of Kenya, 2010
109. Further, during the attack on Kilelengwani village, 9 police officers died protecting the residents from the attackers. KNCHR heard from witnesses that were it not for the efforts of the said police officers the whole village would probably have been exterminated.27

110. In the initial stages and during the conflict, KNCHR was informed that the community reported various crimes related to the situation and in some cases, several people were arrested and prosecuted while others were being pursued.

111. Nevertheless, there were serious gaps in the government’s interventions. KNCHR confirmed that the government failed to take timely action on intelligence received by it. There were glaring indicators of potential violence such as;

- Issuance of threats and preparation and recruitment of youth – for instance witness accounts revealed that on 17th August 2012, members of the Orma community warned members of Pokomo community in Hewani village of recruitment of 10 youth from each Orma village to attack Kau and Kilelengwani. There were also reports of similar threats being issued by members of the Orma community in Shirikisho village warning Pokomos of inevitable eviction from the village: ‘Shirikisho mtahama, mpende, mkatae.’ These reports were allegedly reported to the Kenya Police Reservist in Shirikisho village and assistant chief of Chamwanamuma, and Oda Police Post but no arrests were made.

- Exodus of women, children and the elderly from their villages to other towns just before the attacks. Witnesses from Riketa reported seeing Pokomo youth armed with crude witnesses ferrying women and children to unknown destinations prior to the attack

- Community meetings and fundraisings by Ormas living in Oda.28 The perception from members of the Pokomo community was that the purposes of these fundraisings were unclear and mirrored similar events which occurred in 2001, following which violence erupted

- Reported influx of firearms and other weapons during the conflict

27 See KNCHR interview on 28/9/12 with GSU agents deployed at Kilelengwani
28 Various witnesses who testified before the KNCHR team. See witness 26, interview held on 24/9/12
• Suspected involved of Mombasa Republican Council (MRC): witness accounts revealed the possible infiltration of the Tana Delta by the MRC who had reportedly began recruiting members from certain areas, such as Ozi and Kilelengwani villages, and administering illegal oaths to them.29

112. There were also reported cases of the government’s failure to take action in criminal cases reported to the police. For instance residents of Semikaro and Chamwanamuma villages made reports to Oda and Semikaro Police Stations about hearing guns shots from neighbouring Orma villages of Gubai, Buranani and Maderte30 but no action was taken. It was further alleged that members of the provincial administration and various peace committees took sides in the conflict therefore affecting their ability to manage the conflict impartially. Finally, there were reported cases of inaction by the provincial administration.

113. The team learnt that as tension was rapidly simmering in the area, security was beefed up following a visit in mid August 2012 by the area Member of Parliament Danson Mungatana accompanied by the Coast Provincial Commissioner Samuel Kilele. Subsequently, about 130 security officers comprising of the Administration Police, GSU officers and Regular Police were deployed in the neighbouring villages. However, residents of Riketa village, predominantly dominated by the Orma community informed the team that despite the directive, security officers were not deployed in their division.31 Coincidentally, a few days later, Riketa village was attacked and at least 52 members of the Orma community were killed.

114. Given the vastness of the Tana Delta region, KPR’s play a crucial role in complementing the police’s role in maintaining law and order. The KPRs in the region are drawn from the Ormas and the Pokomos, as well as the other smaller communities. KNCHR nevertheless received alarming reports of the involvement of some KPR’s who took sides in the violence32 prompting government to disarm them. This fact was corroborated during interviews with witnesses and the police who confirmed the confiscation of guns that had just been used in attacks.

115. Government’s response in the conflict must however be measured against various challenges faced by internal security structures in the region. Tana River County is quite a vast hardship area covering over 38,000km². Some parts of the county are inaccessible owing to poor road network and communication network and some areas such as Riketa and parts of Ozi are marshy and only accessible by boat hampering

29 Information from Witness no. 2 during an interview with KNCHR on 26/9/12.
30 Interview by the KNCHR with Witness no. 6 held on 25/9/12.
31 KNCHR first fact-finding team were present during the said meeting.
32 Witness statements on the role of KPR’s in the violence
police response. In Ozi where numerous reports of militia training were received police response was hampered by lack of speed boats. The Tana Delta area is also sparsely populated and severely underdeveloped. Consequently, it is an area that would require adequate deployment and facilitation of police in terms of equipment. However this is not usually the case. For instance, Oda Police Post covers three large locations, namely, Konemansa, Chara and Wachu-Oda. The Post is staffed with five poorly equipped officers, two of whom are usually deployed to man the borders.

116. The other challenge facing internal security organs in the region is that of porous borders which enable the proliferation of small arms and light weapons. The inability of the government to adequately protect the people living in the region has resulted in distrust in formal security institutions and promoted reliance on self defense mechanisms.

117. Finally, the community in the Tana Delta region does not seem to appreciate their role as stakeholders in the maintenance of law and order in that area. Subsequently, many times they provide biased reports to security agencies and where they are co-opted into security structures such as peace committees they perceive their role to be protection of the interests of their ethnic communities.

118. The beefing up of security in Tana Delta region stopped the bloodshed and there was a sense of restoration of law and order. Witness accounts revealed that residents were largely appreciative of the reinforcement of security in the region and the intervention of the government. The disarmament exercise conducted by the government led to the recovery of several firearms and crude weapons.

119. However, the government’s security operation was not without its difficulties. KNCHR was informed about imbalance in the application of force during the exercise. For instance in Witu and Odole villages it was alleged that excessive force was used during the operation. KNCHR recorded statements from at least 4 witnesses and received reports relating to several other individuals who suffered bodily injuries during the exercise. In contrast, there were no allegations of excessive force in the operation undertaken in Garsen town as well as Moa and Lailoni villages. In that regard, residents were first informed about the exercise and asked to cooperate with the officers following which the police peacefully recovered several weapons. There were no reported violations in that case.

120. It is possible that the violations and excesses by the police were bolstered by among other things the utterances of the Commissioner of Police while deploying the contingent that “mulitaka kuona mkono wa serikali, sasa mutakiona…. (you wanted to see
the arm of the government and now you will see it). This statement could have been interpreted to mean that excessive use of force was sanctioned.

121. The police are alleged to have inflicted various physical injuries on some residents of the villages where excessive force was applied during the security operations. These injuries were inflicted through a number of methods including kicks, beatings and breaking of limbs. Other violations allegedly attributed to the police included destruction of property, looting of business premises and theft. Witness accounts revealed that some officers invaded a mosque with shoes, threw copies of the Holy Quran and stole around Kshs. 150,000 from the mosque.

Some of the victims of alleged police brutality in Odole

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33 Excerpt obtained from Daily Nation newspaper, Saturday, September 22, 2012.
34 KNCHR interview with witness/victim of police brutality on 27/9/12, at Odole village, Kipini division, Tana Delta.
122. KNCHR spoke with a 9-month expectant lady who alleged to have been kicked and hit by the GSU officers, causing her severe pain and injury to the back. She confirmed that the Red Cross Society gave her a pain killer injection to suppress the pain. Some residents also alleged cases of sexual harassment and indecent assault by the said officers, which include inappropriate touching of the women at their breasts and thighs.

123. Further, on 23rd September 2012, an unconfirmed number of patients sought treatment at the Witu Health Center and the following day, on 24th September 2012, the health center received at least 15 persons who sustained injuries due to police beatings. One victim of the police brutality narrated his ordeal in the hands of the GSU officers in Witu. The victim reported the matter to the police. He said:

Suddenly and without any provocation, they (GSU officers) started beating me and my friend [...] One of the officers also robbed me of a sum of Ksh. 9,100 which was in my pocket, which I had intended to pay school fees [...] As a result of the police beatings, I sustained injury to the right side cheek, fractured my right hand and dislocated my left hand.

124. It is probably due to the constant harassment that the residents of Witu location resorted to protesting against the GSU presence. The residents barricaded the road and a GSU truck was stoned during the demonstrations on the 24th September 2012. This incident was confirmed by the area police boss.

125. The Provincial Administration (specifically the chiefs and their deputies, district officers) played a key role in mitigating the conflict in the region. KNCHR was able to establish that these offices were instrumental in convening peace meetings in certain regions. For instance on 13 August 2012, a peace meeting between the residents of Odole and Chamwanamuma was held at Odole Primary School when the officials realized that tension was quickly simmering in the region. They also facilitated the brokering of deals between the warring communities following the commission of various offences including theft.

126. However, peace efforts faced some challenges. Reports from some residents indicate that some of the provincial administration officers were not co-operating with peace building initiatives. In Shirikisho, for example, the team received reports that after threats were issued by members of the Orma community to the Pokomos, increasing tension in the region, village elders from the two communities called for peace meetings

35 KNCHR Interview with victims, held on 27/9/12.
36 Interviews by KNCHR on two victims at Odole village on 27/9/12 and one witness who got information from a victim of indecent assault at Dide Waride Location, Witu Division, held on 25/9/12.
37 KNCHR Interview with the OCS, Witu Police Station, James Ademba
38 Witness accounts
in August 2012. However, the assistant chief of Shirikisho allegedly refused to attend the said meetings. This was reported to other officials in the provincial administration but no action was taken. The same complaint was received by the team regarding the Chief of Ozi, who when called upon to hold peace meetings after the Riketa attack, refused to co-operate with other officials. The team also received reports that some chiefs and their assistants were partisan and they only sought to protect the interests of their communities.

127. It is also alleged that chiefs and sub-chiefs failed to inform the authorities and/ or warn communities on the incidents of mass exodus of villagers39.

128. An observation made by the KNCHR was the coincidence of the absence of some chiefs and sub-chiefs before the occurrence of attacks. Some of them explained their absence as a consequence of illness. For example a day prior to the Chamwanamuma attack the chief of Konemansa who hails from Kikomo village was absent as he was allegedly ill and admitted at the Garsen hospital. Further before the Chamwanamuma attack, the area chief was also absent while the acting chief of Semikaro had been taken ill.

129. It is worth noting that some chiefs and sub-chiefs were suspended from duty following these failures.

39 Witness accounts
Chapter 6: Findings

Findings on Conflict Factors

A. Structural

130. **Land tenure systems** - Most of the land in the County is registered as trust land and farmers have neither title deeds nor clear boundaries for the land parcels held. This poses a challenge to the two communities since pastoralists in the area do not appreciate the concept of boundaries. There is also a perception that land laws are applied in such a manner as to favour multi-national companies who have declared interests in the land in the region. KNCHR learnt that in the recent past, several national and multi-national companies have applied for land allocation in the region, namely the Kondeltu Private Ranch Limited in Chara, Coastal Aqua Culture, Qatar International Limited, Mumias Sugar Company and Malta International limited were reportedly working towards getting allocations and subsequent registration of their parcels. This has occasioned anxiety among the residents.

131. **Minimal presence of security** – from the KNCHR’s findings, there is the possibility that the number of security personnel deployed might not be adequate vis a vis the vastness of the Tana Delta region. Security personnel are not adequately resourced hampering their ability to respond effectively to crisis or distress calls. KPR’s complement the police in their efforts to maintain law and order in the region but there is evidence of ethnicization of their role in conflict mitigation. The region suffers from cyclic violence which might be a strong indicator of the need to beef up security in the area.

132. **Divergent land use needs** - The Pokomos consider themselves as the indigenous inhabitants of Tana Delta. Their main source of income is crop farming along the Tana River. They also practice animal rearing but on a small scale. On the other hand, Ormas are predominantly pastoralists and practice large scale livestock rearing for livelihood. KNCHR established that the present conflict was occasioned by pastoralists’ (Ormas) movement across the Tana Delta in search of grazing fields and watering points with undue regard to demarcated farmlands.

B. Proximate

133. **Negative ethnicity** – it is documented that the two communities in the Tana Delta region have deep seated animosity towards each other emanating from their distinct livelihoods and competing political interests. KNCHR established this fact in this conflict.
134. **Armed communities** – due to the security gaps identified above, communities in the region have over time resorted to protecting themselves as well as their economic interests. Various disarmament exercises have been undertaken in the region and in the current conflict, the government recovered several weapons.

135. **Clash for water resources (farmers and pastoralists)** – Tana Delta region is an ASAL region whose supply is mainly drawn from the Tana River. There exists an agreement between the Ormas and the Pokomos relating to allocation of land for farming to the Pokomos and demarcation of malkas (livestock paths) to facilitate access by the Ormas. In some instances however, Pokomos have infringed on the malkas denying Orma pastoralists access. In other cases, Orma pastoralists trespass onto Pokomo farmlands as they access the river.

136. **Unemployment** – Tana River County is one of the poorest in the country ranking 43 out of 47 in the poverty index. Literacy levels are very low and the county ranks last in secondary school enrolment\(^4\). Poverty coupled with low literacy levels makes the youth susceptible to criminal activity and manipulation by the elite and local leaders. KNCHR established the involvement of the youth in the conflict.

137. **Proliferation of small arms and light weapons**– Tana River County borders Garissa county to the East and Isiolo County to the North. These two counties are associated with the proliferation of small arms and light weapons emanating from the porous borders of Somalia. By extension, by virtue of limited security presence on the ground, and similar lifestyles in the three counties, Tana River County is vulnerable to infiltration and proliferation of small arms and light weapons.

138. **Historical injustices** – Tana River County has over the years been severely and systematically marginalized characterized by high levels of poverty and under-development\(^4\). There are indications of government efforts to reverse the effects of this marginalization at policy level as well as various agricultural initiatives, as espoused on the Vision 2030 Flagship project on ASALs. As at June 2012, 4,400 Ha in Lower Tana had been put under irrigation.\(^4\)

139. **Existence of organized gangs** – KNCHR established the mobilization of youth to participate in the violence prior to and during the attacks. It was alleged that 10 youth were recruited from each Orma village to attack Kau and Kilelengwani. Among the Pokomos, it is alleged that youth from Kilelengwani and Ozi were being recruited into

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\(^4\) CRA 2012. Tana River County Profile.
\(^4\) Mboya, T. Sessional Paper No. 10 of 1965 on African Socialism and its Application to Planning and Development in Kenya where the so called low agricultural potential areas were officially marginalized.
the MRC and there were unconfirmed reports relating to the training of youth in Ozi forest.

C. Trigger

140. Migration in search of pasture and water during dry spells – the current conflict was triggered by an uncharacteristically high influx of cattle in the region. The migration was occasioned by a dry spell in the neighbouring regions specifically North Eastern area. The influx contributed to a further strain on the already scarce water resource. This posed a challenge to the implementation of the existing community agreement on use of land and compensation for breach of the same. The government needs to regulate migration of livestock to make it sustainable so that only numbers that can be supported by a given area are allowed. The government should also assess the carrying capacity of each area.

Findings on the Impact of the Violence on Human Rights

141. The State has the primary obligation under domestic, regional and international law to protect, promote, respect and fulfill human rights. Every person is, on the other hand, obligated to observe human rights. Massive and egregious human rights violations were committed primarily by citizens. The warring communities perpetrated violence that resulted in the deaths of over 116 individuals, bodily injuries that led to the hospitalization of about 50 people, displacement of over 3,302 households with a total of 19,970 persons, burning of about 668 homes, inadequate access to medical care and loss of livelihoods. The conflict also resulted in the closure of 9 primary schools and 1 secondary school in the areas affected by the violence thus impeding access to education for close to 3,000 children. The State in those circumstances failed in its primary duty to protect citizens from attacks through acts of omission and commission.

142. During the security operation, the government violated human rights. The reported human rights and crimes include torture, beatings resulting in grievous bodily harm, theft, looting of property and indecent assault. This was however on a limited scale compared with similar instances in the past. Citizens and the government were thus responsible for violation of the rights to life, accessible and adequate housing and reasonable standards of sanitation, property, security of the person, highest attainable standards of health, food security, clean and safe water, and education, among others.
Findings on Planning and Organization

143. The conflict witnessed in the region had some level of organization, planning and possible financing during the attacks. The investigations revealed that there was a reasonable degree of organization and coordination prior and during the attacks. For instance, in each of the places that were attacked, the attackers were divided into squads with specific roles (some carried out the attack, others burnt houses, some hacked animals to death\textsuperscript{43}, while the other members of the group took care of the injured and carried away the dead). A whistle would be blown signaling the beginning and the end of the attacks. The attacking squads were also believed to have some level of coordination that made the attacks swift and efficient. This was compounded by their numbers that were in rough estimates of over 300 raiders per attack.

144. Further, some of the attackers wore green combat uniform during the attacks ensuring that their faces were covered to conceal their identity. Other attackers strapped their heads with red ribbons for ease of identification during the attacks.

145. Another element of planning and organization relates to the alleged training of recruited youths in the forest in Ozi. The area is attractive for perpetration of criminal activities since it is not easily accessible which fact was confirmed by the police.

146. Allegations were made about three fundraisings\textsuperscript{44} and unusual meetings that were carried out by the Orma community. These were subsequently perceived by the Pokomos as a means of equipping the Ormas with money to purchase firearms, in preparation for war. KNCHR did not establish the truth of this allegation and would recommend further investigations to establish the veracity.

Findings on the role of State actors

147. The State’s response to the conflict was inadequate in the circumstances. As was outlined in the chapter on the analysis of the role of various actors to the conflict, the State ought to have played a more prominent role in detection and prevention of crime, investigation of reported cases and prosecution of known offenders.

\textsuperscript{43} Witness statement at Kilelengwani
\textsuperscript{44} The three fundraisings involved two for the local women groups and one for the Orma community.
Findings on the humanitarian assessment

148. The response of humanitarian actors to the conflict mainly the Ministry of State for Special Programs, Kenya Red Cross and Faith Based Organizations was quite commendable. Their interventions were timely and IDP’s received appropriate assistance. There were however gaps in the assistance issued to integrated IDP’s. Other immediate gaps that need to be addressed are on education, shelter and sustained relief assistance.

Findings on Criminal responsibility

149. The State is criminally responsible on account of omission and commission for the following offences: common assault\footnote{Penal Code S 250}, assault causing actual bodily harm\footnote{Penal Code S 251} and theft\footnote{Penal Code Section 268}. The perpetrators of the foregoing offences are criminally liable in their individual capacity. State security agencies are culpable of criminal negligence\footnote{National Police Service Act, S 62 as read with International Crimes Act} for failing to detect, prevent, investigate and prosecute offences. In the latter case, criminal responsibility lies with the commanders of the police force under the principle of command responsibility.

150. Civilian attackers committed various offences including murder\footnote{Penal Code S 203}, assault causing grievous harm, forcible displacement\footnote{Under the International Crimes Act}, arson\footnote{Penal Code, S 332}, destruction to crops\footnote{Penal Code, S 334}, being in possession of firearms\footnote{Firearms Act, S 4}, injury to animals\footnote{Penal Code, S 338}, are criminally culpable and should be promptly and effectively investigated and prosecuted.

151. KNCHR will work closely with the office of the Director of Public Prosecutions to ensure suspects of the above offences are effectively investigated and prosecuted to the full extent of the law.
Findings on peace building and conflict management

152. The conflict between the Ormas and Pokomos has gone on for a number of years and it is apparent that peace building and reconciliation efforts have not borne any fruit. KNCHR established that some of the peace structures created to respond to the conflict were not effective before and during the conflict. In some case there were reports of partisanship in the interventions of these structures. The structures did not also have the full support of the communities.
Chapter 7: Recommendations and Conclusions

Short-Term Recommendations

The Judicial Commission of Inquiry into the Ethnic Violence in Tana River, Tana North and Tana Delta Districts

i. To undertake further investigations in relation to the allegations raised against state and non-state actors in this report, making recommendations thereon.

To the National Police Service and the National Police Service Commission

ii. The NPS should undertake prompt and effective criminal investigations for low and high profile perpetrators.

iii. The National Police Service Commission should adequately facilitate Police officers by providing necessary and appropriate equipment such as speed boats to enable them to promptly and effectively undertake their duties.

iv. The Government should honour and provide adequate compensation to the families of Police Officers who were brutally murdered or suffered injuries in the line of duty.

v. The NPS should ensure that its officers are well trained and equipped to exercise restraint in the use of force in situations of conflict. The KNCHR should expand its programmes to support the police in integrating human rights principles in their work. Further, officers deployed in the clash-torn areas need constant de-briefing and counseling services.

vi. The NPS should enhance community policing strategies and be responsive to reports received by civilian informers.

vii. To investigate circumstances under which the nine police officers were killed with a view to taking remedial actions to prevent a similar occurrence in future.

To the Independent Policing Oversight Authority (IPOA)

viii. To promptly and effectively investigate allegations of omission and commission against the police, especially the failure by the police to detect the impending violence and cases where civilians claimed they were tortured by police.
To the Ministry of State for Special Programs

ix. Comprehensive profiling of IDPs should be done by the Ministry of State for Special Programmes. The Government should facilitate the return or resettlement of IDPs, rebuild their livelihood, facilitate the immediate replacement of lost documents (such as national identity cards, voters’ cards and birth certificates) and support them to reconstruct their shelter.

x. The Government should facilitate the compensation and restitution of the affected persons, including the use of local community-based compensation mechanisms.

To the Independent Electoral and Boundaries Commission

xi. The Independent Elections and Boundaries Commission, the office of the Registrar of Persons and other relevant departments should urgently embark on the process of vetting and registration of persons who lost their identification documents as they are likely to be disenfranchised.

To the Ministry of Education

xii. The Ministry of Education should immediately facilitate KCSE and KCPE candidates displaced from their regions to sit for their exams from where they are currently living. If this is not possible, considering the KCSE examinations are underway, special arrangement consideration should be made to enable them sit for their final exams in the shortest time possible, for example through provision of special examinations.

xiii. The Ministry to adopt affirmative action measures with respect to candidates who are sitting and scheduled to sit for their examinations.

To the Ministry of State for Provincial Administration and Internal Security

xiv. The Ministry of Provincial Administration through the National Secretariat for Peace Building and Conflict Resolution should establish effective peace building and reconciliation initiatives. It should undertake an urgent review of the existing peace building mechanisms in the region. This can be further facilitated by the National Cohesion and Integration Commission.
xv. The Ministry of Internal Security should continue beefing up security in the region until normalcy resumes. Further, the Ministry should effectively deal with the criminal militia groups/illegal gangs firmly in all regions and enhance security particularly prior to elections.

To the Ministry of Medical Services

xiv. The government should urgently re-equip the affected health facilities.

General recommendation to the Government

xvi. Urgent measures should be put in place by the relevant Government departments to facilitate enjoyment of the following rights:
   • Right to property
   • Right to Health (including psychological health)
   • Right to life and personal security
   • Right to adequate housing
   • Right to food
   • Rights of IDPs
   • All other rights under the Bill of Rights

Mid-Term

To the Ministry of State for Provincial Administration and Internal Security and related agencies

i. There is need to expand and equip the existing Police Stations/Posts in the entire Tana River county, and deploy extra personnel.

ii. The provincial administration should also be adequately facilitated with necessary equipment, resources and personnel.

iii. The government through its agency the National Steering Committee on Peace Building and Conflict Management should review the membership of the various peace structures in the region with a view to ensuring their acceptance by the communities. Adequate technical and financial support should also be accorded to the peace committees to facilitate their work.

iv. The government needs to engage the communities living in the Tana Delta region in order to ensure a more structured disarmament exercise. This exercise should be well coordinated and must adhere to human rights principles and must be
undertaken in a holistic manner taking into consideration the conflict dynamics of the region.

v. Isolated incidences of loss of lives or property should be addressed comprehensively under the Criminal Justice System as such incidences were key triggers to the current violence.

**To the Ministries responsible for Agriculture, Water and Livestock**

vi. The government through these ministries should design an effective livelihoods strategy geared at mitigating the cyclic conflict.

vii. The ministries should determine the livestock carrying capacity of each location and regulate the number of livestock allowed in each area.

**To the Independent Policing Oversight Authority (IPOA)**

viii. IPOA should prioritise the institutionalization of accountability mechanisms at the grassroot level.

**Long-Term**

**The Ministry of Justice, National Cohesion and Constitutional Affairs and the Office of Attorney General**

i. The government must put in place structures aimed at resolving historical injustices suffered by this region over time. Key among these injustices are issues relating to land tenure and systematic marginalization of the region. The relevant agencies mandated to address these specific issues should develop strategies and programmes that are responsive to this fact.

**Ministry of Lands**

ii. The Ministry of Lands The Government should address the land ownership system in the region and demarcate grazing areas.

**The Ministry of State for Provincial Administration and Internal Security, the Ministry of State for Immigration and Registration of Persons and Ministry of Defence**

iii. The Government must resolve the problem of Kenya’s porous borders in order to prevent the proliferation of firearms.
iv. Continuous disarmament of civilians should be enhanced.

In conclusion, the Kenyan Government has continued to portray inability or negligence in protecting its citizens’ rights in situations of conflicts. Despite the existence of conflict early warning mechanisms, the Government did not prevent loss of lives and property. Consequently, the enjoy of human rights and fundamental freedoms enshrined in Chapter Four of the Constitution remains a mirage to the residents of Tana Delta and a very large section of the Kenyan society.
ANNEX 1: PICTORIALS

1. A public forum at Mtangani-Malindi District where most of the Pokomo IDP’s have integrated with their family members. They gave a brief account of the ordeal and how the conflict has affected them on a socio-economic basis.
2. Panga cuts sustained in the Chamwanamuma raid.
3. Bullet wounds sustained after attacks on Chamwanamuma.
4. A bullet grazed the head of one of the investigation’s key witnesses.
1. IDP’s of Orma origin settled in Malindi District. Desperate faces of women and children, a clear indication of pain and suffering. What has the government done (what is the government doing) to protect these IDP’s? They live in make-shift houses not knowing when help will come.
2. An IDP with a two week old baby pleading for government assistance and an end to the endless bloodletting.
3. A burn victim at the Malindi District Hospital.
1. The notice board at Tarassa Divisional headquarters highlighting all the administrators and their telephone contacts.
2. IDP’s of Pokomo origin camping at the Tarassa Divisional headquarters ground.
3. The Kenya Red Cross providing food aid at the Tarasaa camp.
4. GSU officers who have set up camp at the Tarasaa Divisional Headquarters.
1. Tarasaa division is an entire ghost town. People have fled for fear of retaliatory attacks. The heavy GSU presence on the ground serves as both helpful and detrimental. The heavy disarmament is often associated with an excessive use of force.

2. A letter from the Chief’s office-Wachu Oda dated 1st of September, 2012 inviting village headmen for a peace forum. This was way before the conflict began. On the face of it, the government was wary of a looming conflict but what did it do to avert the situation?

3. Semikaro Dispensary one of health facilities that are temporarily use as camps by security officers.

4. Defensive trenches dug by the security officers around the dispensary.
FROM LEFT
1. A pack of dogs from the neighbouring abandoned villages. They sought refuge at the dispensary after being abandoned by their masters.
2. Remnants of a burnt house at Chamwanamuma.
3. A victim of police brutality.
4. A discharge summary to one of the victims beaten up by security officers. It indicates that the victim suffered pelvic and chest pains due to assault and cuts due to an assault using a blunt object. If at all the process was procedural, how will the GSU officers justify their actions?
FROM LEFT

1. The KNCHR team reviewing evidence gathered by the security officers as a result of the heavy disarmament exercise carried out in the region. The crude weapons include poisoned arrows, machetes, short stabbing knives and very long spears. The red ribbons were used by the assailants for identification purposes. They would tie them on their heads to identify the Pokomo from the Orma. This further asserts that the attacks might have been planned.
2. The deputy head of operations displaying a G3 rifle recovered during the disarmament.
3. An IDP camp set up at Witu accommodating IDP’s of the Orma community.
4. A razed down house at Kilelengwani village.
FROM LEFT

2. Blood smears at the mosque’s door. Those who did not make it were slain in cold blood at the Mosque’s waiting bay.
3. More blood smears on the wall of the mosque.
4. An overview of a deserted Kilelengwani. A few residents horrified by what they one time called a home and a safe haven for their families.
FROM LEFT
1. A mass grave at Kilelengwani.
2. The classroom at Kilelengwani Primary School where the security officers were attacked. Four were killed while the three who managed to escape were eventually overpowered and hacked to death.
3. The bloodbath that was. An interior look at the classroom.
4. A closer look at some personal items belonging to an officer killed in the attack.
FROM LEFT

1. Remnants of the Land Rover-GK vehicle razed in the Kilelengwani attack.
2. Offices of the Kenya Red Cross wading through the mud in order to supply medical aid to the Riketa massacre victims. It is important to note that Riketa village is 10 kilometres away from Dide Waridde. The terrain is very marshy and you have to cross a Tana River tributary to get to the village.