

When the Police are the Perpetrators

An Investigation of Human Rights Violations by Police
in Samburu East and Isiolo Districts, Kenya



Human Rights Research Delegation and Authors:
Paula Palmer and Chris Allan

Cultural  Survival

When the Police are the Perpetrators

An Investigation of Human Rights Violations by Police
in Samburu East and Isiolo Districts, Kenya

February 2009 - January 2010

A Report by Cultural Survival

Human Rights Research Delegation and Authors:
Paula Palmer and Chris Allan

© Copyright 2010 by Cultural Survival, Inc.
Publication date: April 20, 2010

Special thanks to Samburu Watch for permission to use their photos.

For the past 37 years, Cultural Survival has been a global leader in protecting Indigenous Peoples' lands, languages, and cultures around the world. In partnership with Indigenous Peoples, we advocate for Native communities that are under threat. The organization is based in Cambridge, Massachusetts; its board of directors includes some of the world's pre-eminent Indigenous leaders, as well as lawyers, anthropologists, business leaders, and philanthropists. In addition to advocacy and empowerment activities, Cultural Survival is a comprehensive source of information on Indigenous Peoples and their issues through its award-winning magazine and website. All of Cultural Survival's work is based on the UN Declaration on the Rights of Indigenous Peoples.

Cultural Survival
215 Prospect Street
Cambridge, MA 20139 USA
617.441.5400
www.cs.org

Contents

Dedication

1. Overview

2. Research Methods

3. Maps

4. Context

4.1 Samburu Life and Culture

4.2 Prejudice and Discrimination

4.3 Police Impunity

4.4 Cattle Raiding

4.5 Previous Efforts to Control Arms and Security

4.6 Insecurity and Conflict in the Samburu/Isiolo Area

4.7 Political Parties and Pressures

4.8 Tourism and Economic Development

4.9 Kenya's Obligations Under International Law

5. Testimonies of Survivors and Witnesses of Police Attacks

5.1 Lerata, February 23, 2009

5.2 Naishamunye, February 24, 2009

5.3 Laresoro, February 24, 2009

5.4 Loruko, November 21, 2009

5.5 Lerata, January 10, 2010

5.6 Kiltamany, January 12, 2010

6. Conclusions and Recommendations

6.1 General Conclusions

6.2 Recommendations

Appendix 1: Cultural Survival's Letter to Kenyan Government Officials,
February 12, 2010

Dedication

“We pray to Ngai that everything we have said is true. We are in pain about what the government has done. Bless this writing and this work.”

— Samburu elder from Kirish

1. Overview

Beginning in February 2009, Cultural Survival received disturbing reports and photographs of widespread and systematic police violence against Indigenous Samburu communities in the Samburu East and Isiolo districts of Northern Kenya. In January 2010, a Cultural Survival research delegation spent two weeks in Kenya investigating those allegations. We recorded testimony from scores of Samburu survivors and witnesses from five villages (Lerata, Laresoro, Naishamunye, Loruko, and Kiltamany) that were attacked by police during 2009 and in January 2010. We also interviewed respected leaders of local and national NGOs, clergy, health workers, county councilors, the Samburu East Member of Parliament, and staff of the governmental Kenyan National Commission on Human Rights and the nongovernmental Kenyan Human Rights Commission.

Our research revealed a consistent and ongoing pattern of police brutality, extrajudicial killings, and gross human rights violations principally targeting the Samburu ethnic minority.

The Samburu are one of Kenya's seven main pastoralist tribes. Since the 15th century, they have raised and herded their cattle, camels, and goats on the high semi-arid northern plains. Periodically assailed by droughts and famine, they and their neighboring pastoralist tribes—the Turkana, Borana, Somali, Rendille, and Pokot—rotate their herds among the region's known water sources and pasturelands. Under pressure from the Kenyan government, the pastoralist peoples have settled into more or less permanent village sites, but they still move their cattle across the wide plains in search of water and pasture. Kenyan human rights workers report that pastoralists are generally held in low esteem by their fellow Kenyans who have assimilated and conformed to western development patterns, while the pastoralists maintain their traditional economy and cultures. In the popular media and common discourse, pastoralists routinely are portrayed as being primitive, backward, and violent.

Between January 17 and 24, 2010, the Cultural Survival research team interviewed survivors and witnesses of police attacks on five Samburu villages with populations between 150 and 1,500. The informants described very similar scenarios in each village. Around dawn, hundreds of police ground troops surrounded the village and fired into it with guns and mortars. Police helicopters swooped down on both cattle and people, terrifying them and preventing their escape. The ground troops then swarmed into the villages, brutally beating women, children, elders, and morans (young men) with heavy sticks and the butts of their rifles. In two of the five villages, police shot and killed Samburu men and women. In three villages, police raped women. In all of the villages, police ransacked the people's homes, emptying their stores of rice and maize flour and gourds of milk. They pried open the people's metal safe-boxes and stole cash, cell phones, watches, identification cards, and school papers. In one village they burned a *boma* (house) to the ground and set another on fire. Dozens of Samburu men and women were hospitalized for days, weeks, or months following the police attacks, and some are no longer able to provide for their families.

In these attacks, the police carried no arrest warrants. They assaulted young and old, men and women at random. They punished entire communities of innocent people who were charged with no offences and whose right to legal representation in a court of law was ignored. The police attacks violated both Kenyan law and international treaties to which Kenya is a party. Yet the police who participated in these attacks have not been charged, nor are they under investigation. In this atmosphere of impunity, there is no protection for the Samburu people who remain vulnerable and terrified. Every rumor of an impending police attack sends women fleeing to the bush with their children. Many women told us they prefer to take their chances with wild animals rather than face the Kenyan police who have inflicted death, injury, terror, severe economic and property loss, and vulnerability to famine and disease upon them.

Kenyan police attacked at least ten Samburu villages between February 2009 and January 2010. Police had been sent to the north to guard the borders, quell inter-tribal violence, resolve inter-tribal conflicts over stolen cattle, and recover illegal guns. The Kenyan government is justifiably concerned about these issues, all of which are contributing to increased violence and insecurity in the region. Kenya's neighbors—Somalia, Ethiopia, Sudan, and Uganda—are plagued with civil wars and unrest that can easily spill across unprotected borders. Small arms traders bring guns across those borders into Kenya, increasing the deadliness of inter-tribal conflicts. Bandits make roads so unsafe that last year the Catholic diocese of Maralal threatened to pull all the church's teachers, health workers, aid workers, and mission staff out of the region unless better security could be provided. Terrorists have already carried out devastating strikes in Nairobi and Mombasa, and they are most likely to enter Kenya from the vulnerable northern and eastern borders.

Our informants in Samburu East and Isiolo districts agreed that insecurity is a serious problem in north-central Kenya. Indeed, all the pastoralist communities are suffering from accelerating violence. For centuries, the Samburu, Turkana, Pokot, Borana, and Somali tribes of northern Kenya have competed for scarce water resources and pasture for their cattle, camels, and goats. Traditionally, they have raided each other's cattle to replenish their stocks after droughts and to exert dominance over prized water sources and grazing lands. When the raiding parties carried spears, few people were hurt or killed in these cattle raids. But since the mid-1990s, when arms traders from Somalia and Ethiopia made guns available, the raids have taken a greater toll in human lives.

The Kenyan government has contributed to the arms proliferation in the north by distributing arms to police reservists in the tribal communities and to wildlife conservancies for their anti-poaching programs. In February 2009, Isiolo's Member of Parliament, who also serves as Minister of Livestock, arranged for 300 guns to be distributed to his Borana, Somali, and Meru political allies in the region. These tribes are traditional cattle-raiding enemies of the Samburu and Turkana. The two camps are also split along political party lines. The Borana, Somali, and Meru generally support the Party of National Unity, which is the party of President Kibaki and the Isiolo Member of Parliament. The Samburu and Turkana, on the other hand, generally ally themselves with the Orange Democratic Movement, the party of Prime Minister Odinga. By arming the Borana, Somali, and Meru groups, the Isiolo Member of Parliament set off protests of reckless partisanship even from within his own political party. His gift of guns was widely interpreted as a

green light for "his" tribes to attack the Samburu and Turkana. Indeed, the first police attacks on Samburu villages took place within two weeks of the gun delivery.

In the police attacks of late February 2009, police not only assaulted Samburu villages, they also rounded up all the villagers' cattle—over 4,000 head—and redistributed the cattle among the Samburu's rival tribes, the Meru, Somali, and Borana. These tribes had clamored for the police to recover cattle that the Samburu had allegedly stolen from them. But the brutality of the police attacks shocked them, and they denounced the police for their excessive use of force against the Samburu. They also pointed out that the police had made no attempt to identify cows that had actually been stolen. Instead, the police confiscated all the cattle they could gather in these raids at random. The February 2009 attacks deprived Samburu communities of their only wealth and their primary source of food, rendering them vulnerable to famine at a time of severe drought.

Police remained camped out in Samburu East during the rest of 2009. Samburu women told Cultural Survival's researchers that throughout the year, individual police officers raped many women and accosted and robbed people at random. They said that the police presence kept the population in a constant state of fear.

In November 2009, President Kibaki ordered more police forces into the northern region to conduct a disarmament operation. Police attacks on the Samburu villages of Loruko in November and Lerata and Kiltimany in January 2010 took place during an official amnesty period when the pastoralist people were asked to voluntarily turn in any illegal weapons. Elders in the Samburu communities were cooperating with the voluntary disarmament program. The unprovoked and brutal police attacks during the amnesty period made people terrified of what might happen at the end of the amnesty period, which was scheduled for February 20, 2010.

While all our informants in Samburu East and Isiolo districts said they and their communities would cooperate with a program of universal, impartial disarmament, they also said that they had no confidence in the police's ability to carry out such a program. Certainly the police, given their brutal and criminal behavior, cannot effectively carry out disarmament and peace building among communities they have terrorized.

Everyone, from community mothers to elected county councilors to local NGOs to national human rights organizations, agreed to disarmament in principle and expressed faith that disarmament can succeed if it is

carried out under the guidance of the pastoralist tribes' traditional elders, the district peace committees, and human rights organizations. Furthermore, such a collaborative process of disarmament can lay a positive foundation for further peace-building processes among communities with histories of conflict. A prerequisite for such a process is the removal of the police from the process.

Gross violations of Kenyan citizens' human rights by Kenyan police in recent years have been documented by other investigators, including the Commission of Inquiry into Post-Election Violence (known as the Waki Commission), the report of the United Nations Special Rapporteur on Extrajudicial, Arbitrary or Summary Executions (known as the Alston Report), and the Kenyan National Commission on Human Rights. The police abuses against the Samburu communities may be seen as yet another instance that reflects a wider, well-documented pattern. It stands out, however, as a case where the police are targeting a specific minority for collective abuse in violation of their rights as an Indigenous People.

In sum, Cultural Survival's researchers documented a pattern of continuous gross human rights violations and crimes committed by Kenyan police forces against the Samburu as a whole, in an atmosphere of impunity and in violation of Kenyan and international law. The Kenyan government frames the police assaults on Samburu communities as legitimate efforts to stop inter-tribal cattle raiding, to disarm the pastoralist groups, and to restore security in northern Kenya. Our delegation, however, found that the police actions are creating greater insecurity and inciting increased violence throughout the region. Police brutality in Kenya dates back to colonial rule, but in this case widespread racial prejudice and discrimination against the Indigenous pastoralists creates a permissive atmosphere for extra-judicial killing, rape, assault, theft, and arson against the Samburu people as a whole. The Kenyan government contributes to this permissive atmosphere by shielding police from accountability, and the political parties manipulate and aggravate the inter-tribal conflicts for their own political ends. As a consequence, the Samburu people in Samburu East and Isiolo districts have suffered death, injury, economic loss, displacement, and increased vulnerability to disease and famine.

Cultural Survival's recommendations to the Kenya government are detailed in Section 6 of this report. We urge the Kenyan government to immediately withdraw police forces from Samburu East and Isiolo districts; authorize a universal disarmament process in northern Kenya to be carried out under the leadership and guidance of traditional community elders; recognize the right of

citizens to monitor human rights violations in their own communities and take immediate action to address any reported violations; implement the recommendations for police reform given in the Waki Commission Inquiry into Post-Election Violence and the report of the UN Special Rapporteur on Extrajudicial, Arbitrary and Summary Executions; and implement the United Nations Declaration on the Rights of Indigenous Peoples.

2. Research Methods

Between January 17 and 24, 2010, two Cultural Survival researchers conducted a series of interviews in Nairobi with representatives of the government's Kenyan National Commission on Human Rights, the Kenyan Human Rights Commission, the United States Embassy, the Samburu East Member of Parliament, a former Isiolo North Member of Parliament, and the Umoja Women's Group. The purpose of these interviews was to gain understanding of the historical and social context for the police assaults on Samburu communities; learn what roles each entity has played and intends to play in the effort to investigate human rights abuses in the North as well as to address the problems; and establish collaborative relationships in order to more effectively defend the human rights of Indigenous Kenyan communities.

The Cultural Survival research team also interviewed local government officials, organizations, and Samburu people in Samburu East and Isiolo districts. We drove to five villages—Lerata, Laresoro, Kiltamany, Loruko and Kirish—and asked residents to recount the police attacks they had suffered during 2009 and 2010. In Lerata we heard testimony about two separate police attacks, one in February 2009 and the other in January 2010. Except in the case of Laresoro, our interviews were conducted communally, with people volunteering to speak to us in the company of all the other villagers who were gathered together for the interview. Speakers frequently asked for and received confirmation or additional information from the other people. Both men and women were present, making the interview a collective experience. This collective re-telling underscored the fact that the police attacks had been unleashed on the communities as a whole, not on specific individuals.

Through a Samburu interpreter in each community, we explained our mission and told the residents how we would use the information we received to report human rights abuses to the Kenyan government, other governments, agencies of the United Nations, and the media. We assured them that their participation was completely voluntary, and we asked for and received permission to write down their testimonies in our notebooks and take photographs.

In Kiltamany, Kirish, and Loruko, men and women gathered with us just outside the *manyattas* (villages surrounded by a circular barrier made of thornbush branches). They sat on the ground in the shade of acacia trees, men grouped together and women sitting slightly



Villagers gathered under acacia trees to offer their collective testimonies.

apart with their children. Male elders were usually, but not always, the first to reply to our questions. As each person spoke, others offered additional details. Women brought physical evidence of the attacks for us to see and photograph. Injured people showed us their bandages and scars. In Kiltamany and Loruko, where villagers had carefully documented their injuries and property losses, they gave us copies of their reports.

In Lerata, we met first with the women at their manyattav and then drove to another location to meet with the male elders who were having a meeting to discuss the problems with the police. In the case of Laresoro, some witnesses, who were in Archer's Post for market day, were interviewed there in family groups.

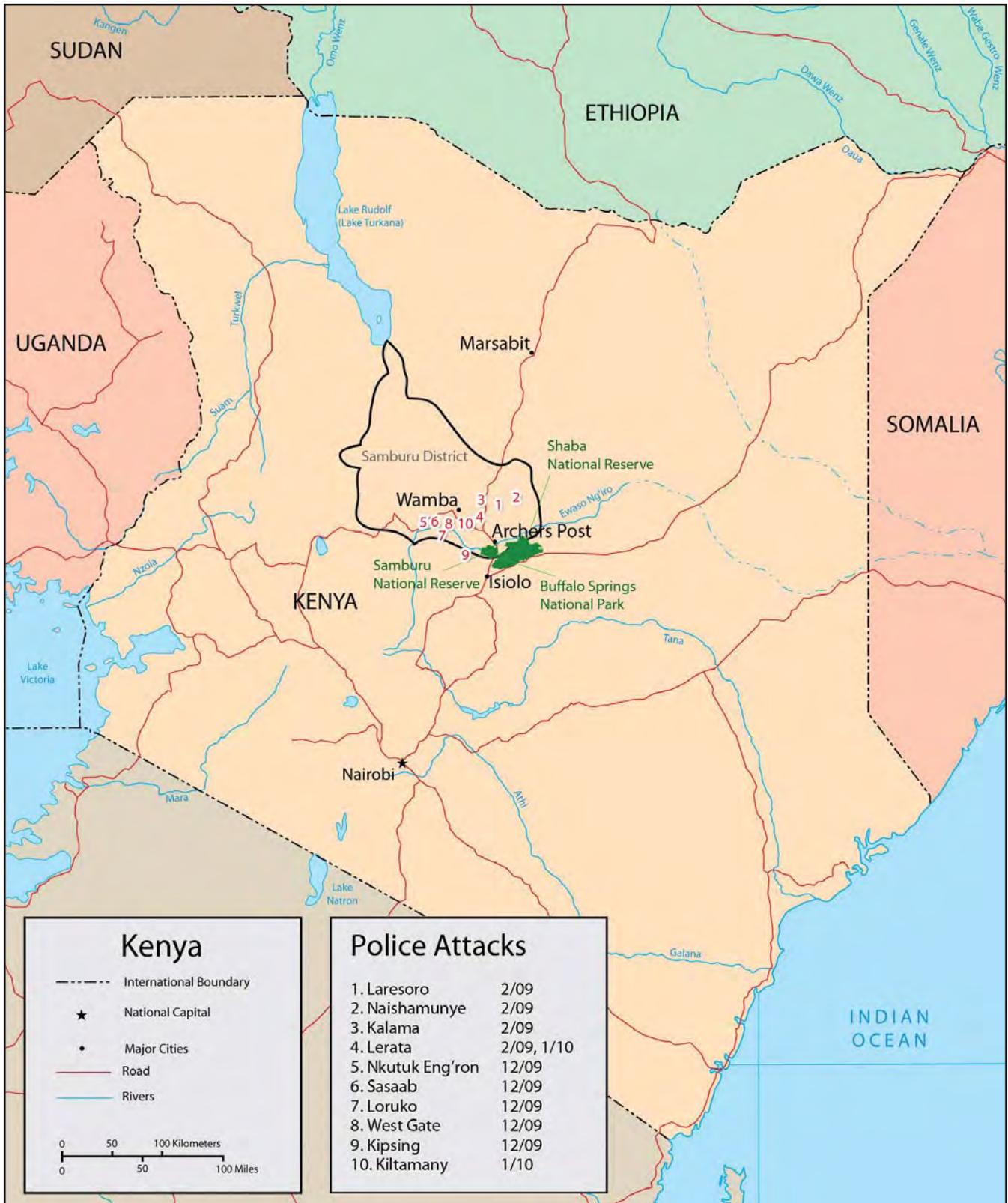
Given the danger of possible police retaliation against individuals, we chose not to name our informants in this report (details about individual informants are on file with Cultural Survival). It is worrisome enough that retaliation could be carried out against entire villages for their

testimonies. In the spirit of the communal nature of the testimonies, we report the collective experience of each village rather than human rights violations against specific individuals. The collective rights of the Samburu People are recognized by the United Nations Declaration on the Rights of Indigenous Peoples.

To supplement our interviews with the affected Samburu communities, we also interviewed a Catholic parish priest, two members of the district peace committee, two members of the regional human rights network, executive secretaries of the Catholic Justice and Peace Commissions of the Dioceses of Maralal and Isiolo, the director of the Archer's Post health clinic, staff of the Wamba hospital, the director of the Lerata health dispensary, the executive director of the Pastoralist Resource Exploitation, Management & Advocacy Programme, and four elected county councilors. We attended one public meeting with government officials including the District Officer, the District Commissioner, the Minister of Livestock, the District Police Chief, and seven county councilors. We chose not to interview police officers because of security concerns.

In preparing this report, we also closely reviewed Kenya's laws and constitution, recent relevant human rights reports, academic papers and books, press reports, and websites and blogs where accounts of police assaults on Samburu communities are posted.

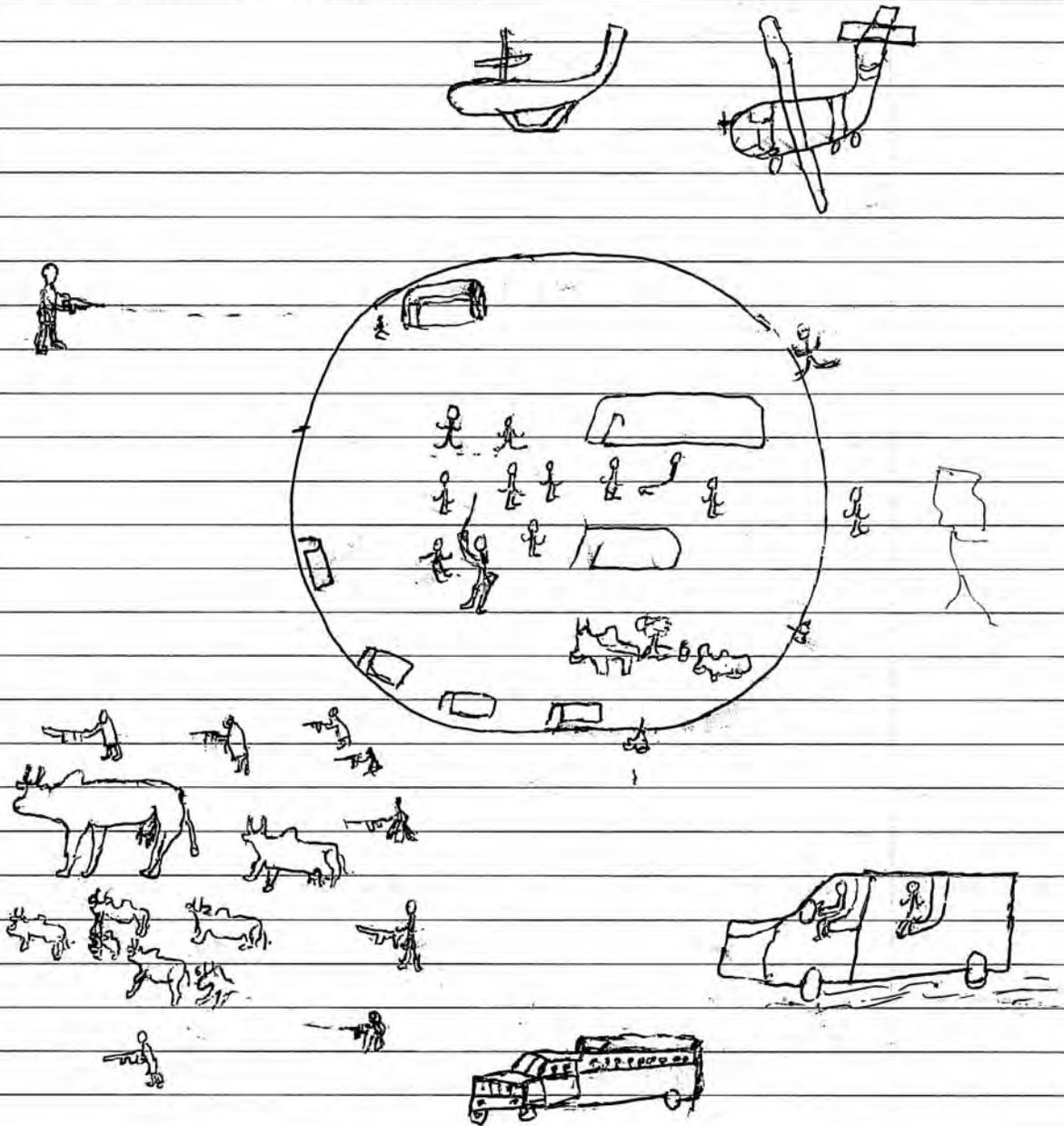
3. Maps



23 January 2010

Dear President Obama,

~~Etepi~~



A ten-year old boy in Lerata made this drawing of the February 23, 2009 attack on his village. He sent it to US President Obama, asking him to help stop the police attacks on the Samburu people.

4. Context

4.1 Samburu Life and Culture

The Samburu migrated to modern-day north-central Kenya from Sudan in the 16th century. They are Maa speakers, sharing a mutually intelligible language with the Maasai who live farther south in Kenya and Tanzania. The Samburu have defended the key elements of their culture in the face of rapid Westernization that has swept across other parts of the country. Traditional forms of authority are still respected, traditional dress is the norm, and the age group system remains the principal means of social organization.

A number of changes have impacted this system: the creation of district borders has reduced the ability of communities to migrate in search of water and pasture, the creation of large commercial estates and national parks has reduced access to land, and the availability of outside employment has expanded opportunities, especially for younger people. Yet while many other ethnic groups to the south have transformed their cultures drastically in the last century, the Samburu and other pastoralists in northern Kenya continue to adapt their traditional values and practices to the current context without giving up its essential elements.

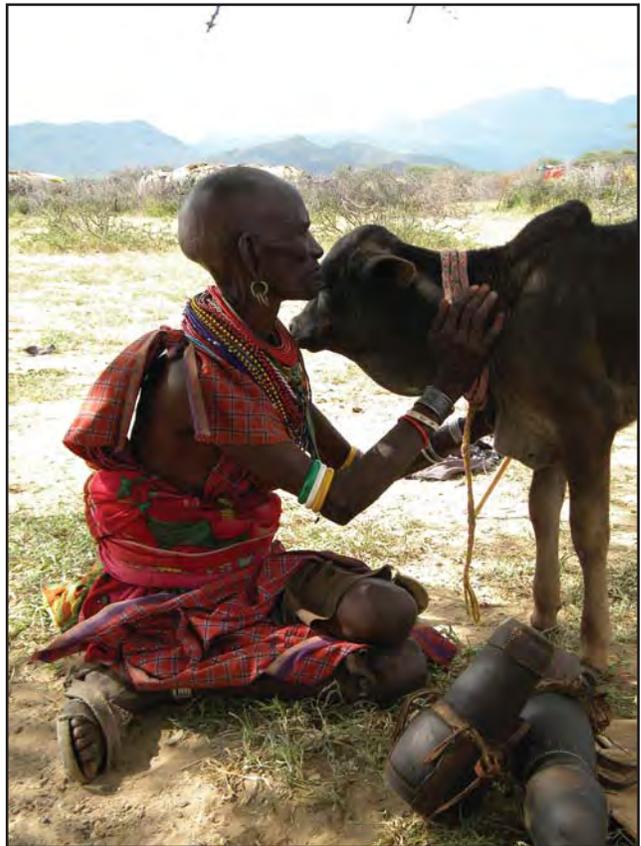


Samburu bomas at the foot of the sacred Sabache Mountain.

The Samburu rely on cattle, sheep, goats, and camels as their main means of livelihood in this arid and semi-arid area. People live in small settlements which vary from one family to 1,500 people. Families live in bomas, which are low, rounded houses of mud, sticks, and (in more recent times) cardboard and plastic roofing. Several bomas are

grouped together into manyattas, which are surrounded by acacia thorn fences to keep livestock in and wildlife out. Houses are built by women, and their husbands share them with them. Several manyattas may be grouped together into larger communities.

There are well-defined gender roles, with women responsible for raising the children and feeding them and the elders, as well as the domestic tasks of hauling water and collecting firewood. Men are responsible for the livestock and security. Within these definitions, however, families find a variety of ways to make a living: children and women often tend to the livestock, and women increasingly earn income by producing intricate beadwork for sale to tourists. Milk and blood are an important part of the diet, but people increasingly eat maize and rice purchased in the market. Meat is rarely eaten, and hunting is viewed with scorn.



A Lerata mother with her calf.

All Samburu are organized into age groups from the teenage years. Boys between the ages of 15 and 20 are

initiated into manhood through circumcision. They will remain in this age group for life. People keep track of history by the names of these age groups. At initiation boys become *morans*, or warriors. Morans are responsible for the security of the community, and strict restrictions ensure their loyalty to each other and their separation from their childhood relationships. Morans must eat with at least one other age mate, and are prohibited from eating certain foods seen by women. Given prohibitions on eating in their families' manyattas, morans rely on the entire community for food. Morans wear a variety of headdresses with feathers, beads, and other types of jewelry, and often grow their hair long and color it with ochre. Morans do not marry until about age 30 or later, at which point their age group moves on to the next stage, junior elders. Junior elders eventually become senior elders. Elders wield considerable power over the community, reinforced by their ability to curse community members who violate community decisions. While colonial and independence governments introduced the office of chief, the council of elders for each community is the ultimate traditional authority.



Beginning at an early age, Samburu children care for their animals.

Women usually marry in their teen years. Since the Samburu practice polygyny, a woman may have several co-wives. A woman's status rises through her life as she is

initiated, married, bears children, when her son becomes a moran, and when her son marries. Samburu women are known for their intricate beadwork, especially the colorful bands of beads worn around the neck.

The Samburu are surrounded by other pastoral groups: the Pokot to the West, Turkana to the north, Rendille to the North and East, and Borana and Somalis to the East and South. These groups also rely on livestock for a living, and are often in competition for pasture and water. Alliances have shifted over the years, but currently the most prominent alliances are between the Samburu and Turkana on the one hand the Borana and Somalis on the other. Religious differences tend to underline these ethnic differences, as the Samburu tend to practice either their own Indigenous religion or Catholicism, while the Borana and Somalis are more often Muslim. There are many subgroups of the Borana and Somalis, whose lands include a vast amount of territory in Kenya and Ethiopia (for the Borana) and Kenya and Somalia (for the Somalis). Two subgroups of Somalis prevalent in the Isiolo region are the Garre and Ajuran clans.

4.2 Prejudice and Discrimination

Kenyans often speak of two Kenyas: north and south. Colonial and post-colonial governments have consistently invested more in development of the south than the north. In many parts of northern Kenya, government presence is minimal, and communities continue to rely on traditional means of making a living, resolving disputes, and dealing with education and health care. In fact, for 25 years, until 1991, parts of northern Kenya were governed by separate emergency laws, that suspended many civil rights enjoyed in the rest of the country. In parts of the region people rely on churches to provide the only schools, clinics, and hospitals. Roads are few and in poor repair, clean water is hard to come by, and electricity and cell-phone access are scarce. Kenyan civil servants often consider it a punishment to be posted to northern Kenya, and few stay longer than necessary.

Cultural prejudice is common as well. Throughout the country, the pastoralist tribes of northern Kenya are widely viewed as primitive, violent, and lawless. Colonial and independence governments have devalued pastoralism as a means of livelihood, and provide little support for it in terms of water, pasture development, and veterinary or marketing services. In fact, alienation of historic pastoral areas by farmers, commercial ranchers, and wildlife reserves threatens the viability of pastoralism in this semi-arid and arid region.

4.3 Police Impunity

While ethnic prejudice and discrimination feed the criminal behavior of police toward the Samburu, police violence and impunity are national problems in Kenya. In February 2009, a United Nations report documented "systematic, widespread and carefully planned" extrajudicial killings by Kenya's police forces. This report, written by Philip Alston, the UN Special Rapporteur on Extrajudicial, Arbitrary or Summary Executions, was prepared at the request of the Government of Kenya to investigate allegations of unlawful killings by the police, violence in the western Mount Elgon district, and murders during the post-election violence. The report found widespread abuses by the police and military in combating rebels in the Mount Elgon area in 2008, and extrajudicial killings of dozens of suspected members of the Mungiki sect. While recognizing the legitimacy of police action against groups that commit acts of violence, Professor Alston emphasized that "A democratic Government operating under the rule of law does not respond to terror with more terror." He noted that there is "zero internal accountability." He concluded that "the Kenyan police are a law unto themselves and they kill often and with impunity, except in those rare instances where their actions are caught on film or otherwise recorded by outsiders in ways that cannot be dismissed."¹

In 2008, the police responded in similar fashion during a disarmament operation in the Mandera Triangle near the Somali border. Human Rights Watch documented beatings, rapes, and theft in the police operation in October 2008 to reduce the number of arms in the area. The result was 1,200 people were injured, one was killed, and at least a dozen women were raped. Since the police insisted the operation would continue until people surrendered weapons, and because local leaders had no more guns to turn in, they actually crossed the border to Somalia to purchase guns so they could hand them over.²

The Kenyan National Commission on Human Rights documented approximately 500 people killed or

disappeared by police between June and October 2007. One witness in the police service witnessed 58 killings of subjects under arrest. That witness was murdered in October 2008.³

On March 6, 2009, after reporting on police brutality and police killings in Kenya, two human rights workers were shot and killed in broad daylight on the streets of Nairobi. During the protests that followed, police shot and killed a student. A coalition of civil society organizations released a statement blaming the police for the murders of the human rights workers. However, no arrests have been made in the case.

Inadequate police training and accountability were also a major theme of the Waki Commission (Commission of Inquiry into Post-Election Violence). The Commission found that during the period of post-election violence 2007-2008, the police response was "inconsistent in its application, jeopardized the lives of citizens, and was in many cases a grossly unjustified use of deadly force. Their actions resulted in the senseless death of scores of innocent citizens, which is in direct contravention of the Constitution of Kenya and the mandate of the Police Service, both of which clearly requires the police to preserve the peace and protect life."⁴

The Commission recommended "comprehensive reform of the Kenya Police Service and Administration Police,"⁵ including its doctrines around the use of force, some of which date to colonial days. It also recommended that an Independent Police Conduct Authority be established with the legislative powers and authority to investigate police conduct and provide civilian oversight. The Commission went on to recommend the creation of a Special Tribunal to investigate post-election violence crimes and bring those responsible to justice.⁶ The Commission said that if the government failed to create this Special Tribunal within 60 days, then the investigation should be turned over to the International Criminal Court in the Hague. Since no Special Tribunal was established, on March 30, the International Criminal Court's judges authorized the court's Chief Prosecutor to open a formal investigation of

¹ Press Statement by Professor Philip Alston, UN Special Rapporteur on extrajudicial, arbitrary or summary executions, Mission to Kenya 16-25 February 2009, http://www.extrajudicialexecutions.org/application/media/PRESS_STATEMENT_Kenya.pdf

² Human Rights Watch, "Bring the Gun or You'll Die": Torture, Rape and Other Serious Human Rights Violations by Kenyan Security Forces in the Mandera Triangle, 2009.

³ Press Statement by Professor Philip Alston.

⁴ Commission of Inquiry into Post-Election Violence, <http://www.communication.go.ke/media.asp?id=738>, October 16, 2008 p. 417.

⁵ Ibid, p. 478.

⁶ Ibid, pp. 472-473.

Kenya's post-election violence, raising the prospect that some of Kenya's top political leaders may face prosecution.

On the issue of police reform, there has been some movement. For example, Police Commissioner Major General Hussein Ali was removed in September 2009, as recommended in the Alston report. In January 2010 the government created a Police Reform Task Force, which recommended removal of more top police officials and the creation of a permanent civilian body to oversee reforms.



Samburu elders with their cattle

4.4 Cattle Raiding

The recent police abuses in Samburu East and Isiolo districts were ostensibly committed in an attempt to curb cattle raiding in the region. There is a long history of cattle raiding throughout northern Kenya and neighboring Uganda, Sudan, Ethiopia, and Somalia. Cattle raiding was traditionally a means to a) restock herds after a drought, b) generate the bride price to allow a man to marry, c) increase the number of wives a man might have, and d) show courage of young men as part of a long rite of passage into manhood. While these factors are still important, the nature of cattle raiding has changed in recent years.

Today, cattle raiding has become commercialized. Instead of keeping the cattle captured in a raid, many are sold off to traders, and moved out of the region for slaughter elsewhere.⁷

Another change is that women and children are more frequently the victims of violence during raids. Traditionally raiding was an issue between men, and women and children were spared. Sometimes children tending cattle were carried off with raiders so that they could not sound the alarm, but they were eventually released. Increasingly, children are being killed in the raids. In one particularly disturbing incident in February 2009, two Samburu children abducted during a raid were later found skinned and hanging from a tree with their throats cut.

Moreover, since the mid-1990s, more and better arms are being used in raids. With civil wars taking place in every country bordering northern Kenya, the region is awash in small arms. In the Samburu/Isiolo area, weapons enter through Somalia and southern Ethiopia. The arms trade is dominated by Borana traders. The Government of Kenya has also distributed arms at various times in the region, for example by appointing and arming local Kenya police reservists. The reservists, also known as Home Guards, are supposed to help the police provide security in a sparsely populated region with little communication or transportation infrastructure. But the guns are also used in cattle raids. In February 2009, the government permitted the Isiolo Member of Parliament, Mohamed Kuti, to distribute 300 guns to tribes that support his political party (the party of the president). These tribes are traditional enemies of the Samburu and Turkana, who generally support the opposition party. Arming them was widely viewed as inciting violence against the Samburu and Turkana. Leaders of all ethnic groups in the area issued statements condemning this biased and provocative action.⁸

In addition to cattle raiding, battles over pasture and water can mean the difference between having a healthy herd of cattle and a landscape strewn with livestock corpses. Thousands of livestock across northern Kenya died in the 2009 drought. Climate change is expected to increase the frequency and severity of droughts in northern Kenya, intensifying the pastoralist groups' struggles for water and pasture in a parched landscape.

⁷ Kennedy Agade Mkutu, *Guns and Governance in Rift Valley: Pastoral Conflict and Small Arms*, African Issues, James Curry, Oxford, 2008.

⁸ "A Community Leaders' Memorandum to Hon. Prof. George Saitoti, The Minister, Internal Security and Provincial Administration, Arming of Civilians in Isiolo by the Government," February 16, 2009; "Petition by Turkana and Samburu Leaders to the Minister of Internal Security and Provincial Administration on the Security Situation in Isiolo," no date.

4.5 Previous Efforts to Control Arms and Security

The government has made several attempts to disarm people in northern Kenya over the past decades. These exercises targeted the Pokot in 1984, 1986, and 2005, the Samburu in 1997 and 2005, and most recently Somalis near Mandera in 2008. The Pokot operation in 1984 included cooperation with the Ugandan and Kenyan militaries, with helicopters used on both sides of the border.⁹ Some operations have collected more guns than others, but none solved the problem of violence and use of small arms in the region. According to Kenyan researcher Kennedy Agade Mkutu,

“The first problem inherent in the government's approach is that the root cause of the demand for arms has not been addressed....Small arms have become an economic asset and, unless alternatives are provided, disarmament will not work. Second, the reinforcement of border security has been inadequate, and arms still flow in from Ethiopia, Somalia, and Uganda. Third, [men] will take their arms and hide..., which means the government drive will achieve nothing. Fourth, disarming select communities exposes them to terrorization and threats from the other armed groups, thereby escalating communal resource conflicts, death, and loss of property, while also creating a localized arms race. Fifth, the government must address the marginalization of the [people]: with no police stations and no security, if the Home Guards and community are disarmed, [people] will be at the mercy of their enemies.”¹⁰

He goes on to argue that:

“Plans for any future disarmament effort need to involve community-based organizations, women's groups, faith-based organizations, and local leaders. They need to incorporate provisions for 'giving something back' to the

communities, as well as compensation for individuals who surrender weapons. Disarmament should start with public awareness-raising programmes, but the cooperation with local people that is so vital to a positive outcome must be constructed carefully and creatively....The modern state should not ignore the potential contribution offered by customary governance systems. Clearly policies of forceful disarmament, amnesties, and peace meetings have failed, yet they continue to guide current national and international debates on the management of small arms.”¹¹

4.6 Insecurity and Conflict in the Samburu/Isiolo Region

In the Samburu East and Isiolo Districts, insecurity increased in 2008-2009. Many inter-tribal murders, shootings, thefts, and kidnappings occurred during this period. From September 2008 through December 2009, over 50 people were killed in cattle raids, police raids, highway banditry, and kidnapping. Included in this total are two Samburu children who were kidnapped, had their throats cut, and were hung from trees. The actual death toll total is no doubt much higher since many crimes are not reported, but these 50 killings are documented by press reports and eyewitness accounts. Perpetrators were warriors from all the ethnic groups in the area, the police, and unknown assailants. Each act of violence made the overall situation worse, as people were increasingly polarized due to fear and anger. The only question on which all ethnic groups agreed was that the police completely failed to protect anyone. Moreover, in the case of attacks on the Samburu, the police were the perpetrators of some of the attacks.¹²

Adding to the atmosphere of fear and violence were inflammatory comments and actions from politicians. For example, on January 26, 2009, the Member of Parliament

⁹ Mkutu, p. 119.

¹⁰ Ibid., p. 124.

¹¹ Ibid., pp.144-45.

¹² Integrated Regional Information Networks (IRIN), “Kenya: Hundreds displaced in ‘drought’ clashes,” 18 September 2008, available at: <http://www.unhcr.org/refworld/docid/48d74b6c1e.html> [accessed 9 February 2010]; “Petition by Turkana and Samburu Leaders to the Minister of Internal Security and Provincial Administration on the Security Situation in Isiolo,” undated; Integrated Regional Information Networks (IRIN), “Kenya: Drought exacerbating conflict among pastoralists,” 2 February 2009, available at: <http://www.unhcr.org/refworld/docid/498703a9c.html> [accessed 9 February 2010]; “Petition by Turkana and Samburu Leaders to the Minister of Internal Security and Provincial Administration on the Security Situation in Isiolo,” undated; Integrated Regional Information Networks (IRIN), “Kenya: Clashes leave nine dead, several injured,” 5 June 2009, available at: <http://www.unhcr.org/refworld/docid/4a2e1018c.html> [accessed 9 February 2010]; Mosuku Geoffrey, “The Dawn Attack That Left an Isiolo Village Mourning,” Nairobi Star, November 19, 2009; Hassan Huka, “11 Killed as Raiders Attack Village,” Daily Nation, November

for Isiolo North, Hon. Mohamed Abdi Kuti, led a delegation of Somali, Borana, and Meru residents to the Office of the President to request that he issue arms to Kenya Police Reserves in the district to deal with the rising violence. Three hundred guns were issued to members of the Somali, Borana, and Meru ethnic groups only. This move was condemned by local political, business, and religious leaders as a partisan move to favor the Member of Parliament's political supporters. A press statement from local leaders from a variety of parties and ethnic groups protested that the "arming of civilians allied to the said MP is arming one political camp against the opposing sides."¹³

Government efforts to rein in the violence were limited primarily to their punitive raids against three Samburu villages in February 2009, where police confiscated over 4,000 cows without making any attempt to ascertain whether the animals, in fact, had been stolen, or whether their owners had participated in any raiding. As the prevalence of raiding and banditry shows, the police actions against the Samburu were entirely ineffective in reducing the violence or reconciling the feuding communities. In fact, Samburu, Borana, Somali, and Meru people all lamented that it only increased the divisions among them. Samburu informants regularly mentioned the bitterness that the police confiscation of their cattle engendered, and members of the Borana, Somali, and Meru community pointed to its random and excessive nature. They feared that it would only force Samburu communities to initiate more raids in order to rebuild their police-depleted herds.

A statement issued by members of the Meru community of Isiolo, including members of the Meru council of elders, the Njuri Ncheke, said that, "We strongly support the position of the Catholic dioceses of Isiolo and Maralal in condemning the excessive use of force on unarmed Samburu pastoralists during the ongoing operation to

recover the stolen livestock." They went on to say that the police exercise created "hatred and suspicion among the pastoralist neighbors.... The political leaders'... inflammatory remarks for the purpose of gaining political mileage were equally damaging." They urged the provincial administration and political leaders to "dissolve the tension that has been created by the ongoing exercise."¹⁴

But the sense of fear and resentment in Samburu communities only increased in the following months when undisciplined police who were camped in the Archer's Post area routinely ransacked local shops, drank beer and refused to pay, coerced sex from local women, and in general terrorized the local community.

During this period, violence in the area also caused a huge drop in tourism, which is a major revenue producer. Sarova Shaba Hotel, for example, reported that it incurred losses amounting to \$70,000 US over six months due to cancellation of bookings and refunds to travel agencies at the height of insecurity in 2009.¹⁵

4.7 Political Parties and Pressures

Most people in the area attribute the increase in violence to interference by politicians. According to many informants and a Parliamentary Select Committee, many of the violent incidents noted above cannot be attributed to "normal" cattle raiding alone, but instead have been encouraged by local politicians. On the one hand, the current Member of Parliament for Isiolo North, Hon. Mohamed Kuti, who is also the current Minister for Livestock, is accused by many of fomenting violence to drive Samburu and Turkana populations out of his constituency in order to solidify his seat for the next elections in 2012. That he is Borana (the strongest

16, 2009; Letter from Fr. Marko Prastaro, Vicar General, Catholic Diocese of Maralal, and Evans Onyiego, Executive Secretary, Catholic Justice and Peace Commission, Diocese of Maralal, November 23, 2009; "Where Every Man Uses a Gun as 'Walking Stick,'" East African Standard, January 7, 2010; Njuri Ncheke Elders, Meru Business Community of Isiolo, Professionals, Religious Leaders, "Livestock Rustling Crisis among Communities in Isiolo District and its Environs," no date; Muchiri Gitonga and Hassan Huka, "Morans turn from cattle rustling to spearhead peace initiatives," Daily Nation, January 18, 2010, <http://www.nation.co.ke/magazines/smartcompany/-/1226/844806/-/r56b4xz/-/index.html>; Ramadhan Rajab and Ali Abdi, "10 Killed, Six Injured As Raiders Attack Village," East African Standard, November 16, 2009; Hassan Huka and Kibiwott Koross, "Isiolo unrest blamed on MPs," *Daily Nation*, November 19, 2009.

13 "Press Statement: Security Concerns by the Leaders of Isiolo," undated.

14 Njuri Ncheke Elders, Meru Business Community of Isiolo, Professionals, Religious Leaders, "Livestock Rustling Crisis among Communities in Isiolo District and its Environs," no date

15 Muchiri Gitonga and Hassan Huka, "Morans turn from cattle rustling to spearhead peace initiatives," *Daily Nation*, January 18, 2010, <http://www.nation.co.ke/magazines/smartcompany/-/1226/844806/-/r56b4xz/-/index.html>

traditional enemy of the Samburu) and a member of the ruling Party of National Unity (PNU) only underlines the division between him and the majority of the Samburu and Turkana who support the opposition Orange Democratic Movement (ODM). Minister Kuti, for his part, accuses other unnamed politicians of doing the same thing, and accused the Minister of Internal Security of protecting Samburu raiders through inaction.¹⁶

The press reported that The Parliamentary Committee on Administration and National Security, chaired by Member of Parliament Fred Kapondi, concluded that "some sitting MPs eyeing the 2012 polls fear the growing number of members of communities that do not support them." Mr. Kapondi went on to criticize "one of the leading politicians in the area, Livestock Development Minister Mohamed Kuti, for doing little to resolve the clashes."¹⁷

In the 2007 elections, Samburu and Turkana communities voted for ODP candidates, while Borana and Somali voters in Isiolo supported Kuti, who ran under the PNU umbrella. The 2007 election was ethnically polarized, and killings and thefts since then have only served to reinforce ethnic divisions.

4.8 Tourism and Economic Development

Through decades of government neglect, most of northern Kenya has lagged behind the rest of the country in economic development. Yet there are important signs that this is changing. First is the development of wildlife conservancies in Samburu East, which generate tourist income and employment in the tourist business. The Samburu, known for their protection of wildlife, especially elephants, enthusiastically participate in the conservancies' anti-poaching operations. Rival tribes say the Samburu are favored by the conservancies for employment and accuse Samburu employees of using the conservancies' guns, vehicles, and radios to assist in their cattle raids. Samburu speculate that the rival tribes are trying to destabilize the conservancies by returning to poaching, which, until recently, had been under control for several years. Samburu people also assert that while the conservancies offer employment, they are not managed by the Samburu themselves and outsiders take most of the profits. They

insist they should be permitted to run their own eco-tourism operations.

Another major development initiative is the paving of a road that extends north from Isiolo all the way to Moyale on the Ethiopian border. At the same time, oil exploration in northern Isiolo district near Merti began in September 2009 (after an unsuccessful exploration by a French company a few years before). Chinese contractors are managing both these projects. Borana communities, the first pastoralists to be directly affected by the oil project, are demanding their right to benefit from oil development on their land. If the Chinese explorations are promising, other communities will face off against oil companies, too.

All this comes in the context of the government's development plan, which calls for Isiolo to become a tourist center complete with casinos, hotels, upscale retail outlets, a modern airport and transport facilities. There is much speculation in the Samburu/Isiolo area that these developments are raising the stakes for political and economic control of the area. Many fear that the rights of pastoralist groups will be ignored and that they will be pushed aside to make way for development schemes that will benefit others at their expense.

4.9 Kenya's Obligations Under International Law

At the international level, Kenya has ratified numerous international and regional treaties that categorically prohibit the conduct described in this report. These include the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Discrimination (CERD), and the African Charter on Human and Peoples' Rights. The Kenyan police actions documented by Cultural Survival violate these instruments including the right to life, the right to security of persons, the right to equality, and the right to equal protection of the law without any form of discrimination. In particular, they violate Article 5 of CERD which provides:

¹⁶ "Prof Saitoti's focus is on 2012 and not to protect lives of citizens under his docket. He should be ejected from the office to save lives,' Kuti said in news briefing....'This is politically motivated ethnic cleansing, I won't mince my words. Saitoti is squarely to blame for all this,' an angry Kuti said." Ramadhan Rajab and Ali Abdi, "10 Killed, Six Injured As Raiders Attack Village," East African Standard, November 16, 2009

¹⁷ Hassan Huka and Kibiwott Koross, "Isiolo unrest blamed on MPs", Daily Nation, November 19, 2009.

“...Parties undertake to eliminate racial discrimination in all its forms and to guarantee to everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably the enjoyment of the following rights....

b. The right to security of the person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group, or institution.”

In addition, Kenya is party to the African Charter on Human and Peoples' Rights which contains provisions relating to the protection of individual rights, including the rights to life and integrity of the person, and equality before the law. This treaty goes farther than most international conventions in that it specifically protects the rights of minority peoples to equal protection before the law, as well as their right to self-determination.

Furthermore, Kenya's treatment of the Samburu violates the recently adopted United Nations Declaration on the Rights of Indigenous Peoples. In his seminal report on Indigenous Peoples in 1984, José Martínez Cobo, UN Special Rapporteur on Discrimination against Indigenous Populations, offered this definition which was accepted by the Working Group on Indigenous Populations: “Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems.”

Although no comprehensive universal definition of Indigenous Peoples has emerged, these characteristics well describe the Samburu, who self-identify as Indigenous.

More recently, in September 2007, the United Nations General Assembly adopted a new declaration: The United Nations Declaration on the Rights of Indigenous Peoples. This is the most comprehensive declarative statement from the United Nations on Indigenous Peoples' rights. It not only affirms that Indigenous Peoples have the same human rights recognized in the numerous international conventions as all other people, but they also have special collective rights by virtue of their status as Indigenous Peoples. In particular, the declaration provides that Indigenous Peoples “have the right to be free from any

kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.”

The police assaults against the Samburu, and the Kenyan government's unwillingness to discipline or prosecute those police and their commanders, political leaders, and senior government officials charged with taking action against rogue police officers, but who in fact do nothing, are clear violations of all of these treaties and declarations, which are binding on Kenya.

Moreover, Kenya's police, and the government officials who are responsible for overseeing them, are violating Kenya's Constitution, including articles 70(1) (right to life), 71(4) (rights against inhumane treatment), and 75(1) (right to property). The government's failure to respect the rule of law has previously been denounced in the Alston and Waki reports. The police rampages against the Samburu East communities suggest that rather than take action to strengthen the rule of law, the government of Kenya has adopted a policy of tolerance for excessive use of force against its pastoralist peoples living in the north of the country.

5. Testimonies of Survivors and Witnesses of Police Attacks

We recount these attacks in chronological order. They are in three groups: February 2009 attacks on Lerata, Laresoro, and Naishamunye; November/December 2009 attacks on Loruko, Daaba, Kawalash, Sasaab, Nkutuk Engron, and Westgate; and January 2010 attacks on Lerata and Kiltamany.

5.1 Lerata, February 23, 2009

The police attack on Lerata has been investigated and reported by members of the Kenyan press, the Kenyan National Commission on Human Rights, the Kenya Human Rights Commission, and the United States Embassy in Nairobi. We therefore did not ask witnesses to recount their personal experiences of this attack in detail. But during the interviews, people constantly referred to the Lerata attack because it was the first full-scale police attack on an entire Samburu community.

This operation was carried out by an estimated 600 police officers including Administrative Police, the General Service Unit, and regular police, who were dispatched to Lerata from Archer's Post on February 23, 2009, in an estimated 20 lorries (trucks) and three helicopters.

The helicopters swooped down over the cattle herds



Police attack Lerata from the air.

grazing in the Lerata region, firing as they circled to keep the animals together. Samburu herders, including children, were among the cows, and they were terrified. Armed police ground troops arrived in lorries. Some of the police set out on foot to help herd the cattle. Others forced their way into the Samburu bomas and ransacked them, stole

cell phones and cash, and brutally beat anyone in sight, including elders, women, and children, with sticks, clubs and even firewood. Severely injured and traumatized villagers were taken to the Archer's Post clinic for treatment of their wounds.

“My mother was walking to the bore hole with my four-year-old sister and my ten-month-old brother who was wrapped on her back to water our goats and calves. She turned around to take my sister's hand and then the police came and told her to give him the calves and goats. When she pleaded with him that it was our only source of food, he began beating her with his club. When the baby started crying, he pushed my mother to the ground and began hitting her over and over again on her back until the baby stopped crying. My sister screamed and then he began beating her, too.”

— A 15-year old survivor in Lerata

Once the police had rounded up the cows, they herded them toward Archer's Post and impounded them.

During the next several days, the police mounted similar attacks on Laresoro and Naishamunye (reported below). They confiscated cattle from each of these areas and herded them into Archer's Post. There, the Samburu East Member of Parliament and the elected county councilors witnessed the District Commissioner divide the confiscated cattle into three groups to be distributed among the Samburu's rival tribes: the Meru, Borana, and Somali communities. The cattle were loaded into lorries and sent to Isiolo, where they were distributed.

Samburu elders made lists of the cattle lost by families in each manyatta. In all, 86 families lost a total of 4,115 cows—their primary source of nourishment, identity, pride, and wealth.

The February 2009 police raids on Lerata, Laresoro, and Naishamunye ostensibly sought to recover cattle that had been stolen by the Samburu over the previous years, and return them to their rightful owners, the Meru, Borana and Somali communities. But the police made no attempt to identify the cows by owner; they just took them all. Many people pointed out that the elders in all the tribes are quite efficient in identifying cows; in one instance elders from different tribes were asked to determine ownership of 400 cows under dispute, and they arrived at agreement on all but ten. Nevertheless, the police gave the elders no opportunity to resolve ownership of the confiscated cattle.

The arbitrary and punitive police operation in Lerata was criticized as excessive even by the rival tribal groups that benefited, but the cattle were not returned. Public statements from leaders in the Meru and Borana communities pointed out that this action only made it more likely that the Samburu would be pushed into further cattle rustling to attempt to restock, and that the severity of the operation destroyed any willingness to build peace. Many people told us that until the cattle were returned or compensation was delivered, the Samburu people would continue to feel the bitterness of injustice, and their anger might drive young warriors to acts of revenge. Drought followed the police attack, so with their herds greatly reduced the Samburu became vulnerable to famine.

“The police are criminalizing entire Samburu communities and punishing all the people even though they have done nothing wrong. If there are thieves, the police should look for them, but they are not doing that. The thieves are not being punished so they can continue their thieving. This is bad for the community and bad for law and order.”

— Samburu East Member of Parliament
Raphael Letimalo

Throughout the region, people see the Lerata attack as the first in what became a year-long series of well-planned and brutally executed police assaults on Samburu communities. The Lerata attack haunts people's minds because it was a complete surprise that—was shocking in its brutality—and devastating in its impact on the Samburu people's livelihoods and health.

Samburu East Member of Parliament Raphael Letimalo said he filed complaints with the Permanent Secretary of Internal Security and met with the Prime Minister three times, demanding compensation for the confiscated cattle. In October 2009, the Minister of Internal Security promised to provide compensation, but this has not happened. The MP also engaged a lawyer who filed an injunction while the confiscated cattle were still in Isiolo, but the courts did not stop the operation. “I don't know how this conflict is going to end,” Letimalo said. “Kenya is turning into a police state.”

The Lerata police assault, followed in the next two days by similar assaults on Naishamunye and Laresoro, were also protested by the Bishops of the Catholic Dioceses of Isiolo and Marala, The Catholic Justice and Peace Commission, the Kenyan National Commission on Human Rights, the Meru Traditional Elders (Njuri Ncheke), and the Meru business community.

“The government seems not to be conscious of the aftermath of this operation for they leave the communities around this region more divided than before.”

— Statement of the Bishops of Isiolo and
Maralal Dioceses, March 8, 2009

“We strongly ...condemn the excessive use of force on un-armed Samburu pastoralists...The indiscriminate manner in which the deployed personnel confiscated the 'stolen' livestock leaves a lot to be desired because innocent families suffered the ordeal of not only losing their only source of livelihood, but were also subjected to both physical and psychological torture.”

— Concerned Meru Community of Isiolo
March 13, 2009

5.2 Naishamunye, February 24, 2009

The Samburu people living in the village of Naishamunye abandoned it out of fear and despair after a police attack there during the week of February 23, 2009. Our interview with this community was conducted on January 20, 2010, in Kirish, a new manyatta near Lerata, where many of the people of Naishamunye relocated after the Naishamunye police assault. Ironically, the Kirish region had just been abandoned by people who were so frightened after the police attack on nearby Lerata that they fled the Kirish region. Many walked as far as Wamba (approximately 40 km) to resettle. Some of these earlier residents of Kirish are now returning, which is likely to strain the area's scarce water resources.

Testimony in the village of Kirish was offered by two male elders, a young mother, and an elderly mother, in the company of several other women and their children. Most members of this community were absent on the day of the interview because they had been invited to Lerata to register to receive food supplements for underweight children under five years of age. This food aid is critical because almost all the people's cattle—some 800—were taken away during the February 2009 police raid, and the remaining cows died in the ensuing drought. Today they have only a few goats and sheep.

Collective Testimony of Elders and Women:

We migrated here from Naishamunye and Chopulo because we were attacked first by Borana and Somalis, and then by police security forces. Our small boys were looking for their animals along the border . The

Somalis and Borana attacked the small boys and took the cows. No one was seriously injured. Mr.Kuti, the Borana Member of Parliament, falsely reported to the media that Samburu had crossed the border to steal Borana cattle. About 1,000 police came in with choppers and lorries. The choppers flew real low over our grazing area. They circled and fired guns into the cows to herd them all together.

Then hundreds of police came into the manyatta while the others went to take the cattle. In the manyatta, the police rushed into the houses and broke everything inside. They broke into the metal boxes and they took cell phones, swords, money, and *pangas* (small knives). The choppers were flying over the village to keep people from running away. The police beat everyone, even small kids. They beat us with anything, including heavy sticks and even firewood. They asked, “Where are the Borana and Somali cattle?” But they didn't find a single cow that belonged to the Boranas or Somalis. They took all our cattle and marched them to Archers Post, and from there they sent them away in lorries. None of those cows have been returned to us. We lost about 800 cows that day, almost every cow we had.

Some of our morans followed the police and their cattle into Archers Post to try to get them back. But the police turned around and told the morans to go home. Then they shot their guns and one moran named Loitu Lenaiyasa was killed right there.



A police helicopter lands in Naishamunye.

“The man they killed was my best friend. I grew up with him in the same household. When the people told me I went to see for myself, and there he was lying in the road, dead. It is so sad for me; I don't want to remember it. He was just 18 years old, but he was the breadwinner for his mother and the smaller children. His poor mother lost him and she lost all her wealth - about 50 cows. She had to find a place to live in Archers Post.”

— A 19-year-old moran from Naishamunye,
interviewed in Kirish

When the attack started, we had five boys out in the grazing area taking care of the cattle. Those boys are missing and we think they must be dead. We don't know if the police shot them or took them away, or if they ran away to the bush and wild animals killed them. The police have never told us anything about them. We phoned to the Member of Parliament and the area councilor, but they couldn't find out anything either.

The police left a few young cows behind without their mothers, and a few older cows were able to escape the choppers and get away. Afterward, because of the drought, they all died. Now we only have some goats.

After the attack, we stayed there one night to collect the cattle that had survived, and then we left that place. No one is living there now. It is abandoned. Some people came here, and others went to different places.

“We are refugees now in our own country, so we are crying to you from our hearts because our government is against us.”

— Elder in Kirish

When the disarmament operation starts, we don't know what will happen to us. There are no guns in this community. We had one assigned gun from the government, but we gave it back voluntarily. This is not our home, but we would like to stay here if there can be peace. Still we would take our cattle for grazing in Naishamunye, because the pasture is better there.

“I have nothing now. I lost everything. I only have what you see here and a few goats. Now we eat the roots and leaves of trees. We cook them with blood and milk from the goats. That is all we have to eat.”

— Elderly woman in Kirish



Displacement, drought, and despair affect both the young and the old.

5.3 Laresoro, February 24, 2009

On January 23, 2010, the Cultural Survival team interviewed 29 witnesses in Laresoro and in Archer's Post, where many from Laresoro were gathered that day for the market. Witnesses were consistent in their accounts of police operations of February 24, 2009.

Testimonies:

About 8 A.M. we saw police trucks, Land Cruisers, and helicopters headed from Archer's Post toward Naishamunye and Laresoro. Many did not think anything was amiss when the helicopters flew, since they were common sights at the nearby British Army training ground. However, those of us tending the cattle were surprised by the helicopters and police on foot as they started to round up the cattle. The police shot at anyone who attempted to control their cattle or approach the police to ask what was happening. The helicopters herded the cattle so they could be driven by the police on foot and the vehicles.

One woman recounted the following: "We were all in the manyatta in Laresoro. At about 8 A.M., we saw

vehicles passing to go to Naishamunye, and saw helicopters following. Then we saw the dust of cattle coming. We followed the cattle to town. On reaching town, we hid to see what was happening. We saw the cattle taken to the police station. In the evening someone told me my son had been killed. His name was Loyitu Lainayasa, He was just 18. Two children caring for the cattle disappeared, and have never been found."

One moran gave this account: "I let the cows out of the manyatta to go for water, and divided up the herd. Some morans returned to the manyatta, others stayed with the cattle. I saw one helicopter, and then I saw the police on the other side of a hill. The helicopter circled around, pushing the cattle toward the police on foot. I tried to prevent the cows from going, but I was fired on, and so I ran away. The children ran too. I saw police by the road, driving the cows. There were five morans who went on ahead to try to drive the cattle back, but police shot at them so they fled. None was hurt. The cattle slept on the road with the police."

Another man described the following: "My brother and I were taking care of the cattle when three helicopters, five trucks, and six Land Cruisers arrived at 1 P.M. The police grabbed my brother who is a moran, while I ran to hide. They beat my brother with heavy sticks and kicked him, asking him no questions. I ran home. The police left with the cattle, leaving my brother beaten on the ground, unable to move."

One man in Laresoro inquired if he could at least keep three cows to feed his family, and the police replied, "The cattle were yours this morning, but not now. Leave. If you don't leave, we will shoot you and you will sleep here."

Those who resisted were beaten or shot at. In total three morans were shot and killed by the police, and two children disappeared during the round-up.

The police then herded the cattle to Archer's Post. Many people followed the cattle to town, and many inquired of police what was happening and how they could get their cattle back. The police often responded with threats. One man looked for the operation commander, but was prevented by police officers who pointed guns at him. He tried to force his way in, but his friends held him back. He said, "I was a Senior Sergeant in the Kenya Army, and I have never stolen any cattle. I retired from the army, and have always been a 100 percent government person. I bought my cattle with my pension when I retired. The police took all 170 of my cattle. After 32 years of government service I feel bitter."

A group of women held a peaceful march to the police station, holding branches to show their peaceful intentions. As the police were loading the cattle onto trucks, the women asked them what they had done and how were they going to feed their children. Their appeals went unanswered.

Police gathered the cattle near the police station, letting the calves go without caring for them. The police slaughtered two bulls and ate them that evening. The next day they loaded some of the cattle onto trucks and drove away with them. They herded the rest of the cattle on foot toward Isiolo.

5.4 Loruko, November 21, 2009

In Loruko, about 40 male elders between the ages of 30 and 90 gathered in the shade of a large tree on the banks of the Ewaso Ng'iro River. Six elders spoke, frequently consulting others to confirm details. Later, about 35 women with their young children gathered and gave their own testimony. One man and two women showed us their injuries: the man had been shot in the foot and was hospitalized for one month; his foot is still bandaged and he walked with difficulty. A mother of five had been shot in the arm; after two months in the hospital, her arm still was in a sling. We met the father, sister, and children of

Ndanait Lemantile, who was shot and killed by police in the attack on Loruko.



The Ewaso Ng'iro River is Loruko's precious water source.

The county councilor, Paul Mero, documented injuries and thefts in the Loruko attack, and gave us papers listing the names of 15 people who sustained injuries from “boot kicks, rifle butts, and gunshots;” 110 people from whom police stole a total of 1,014,700 Kenya shillings (approximately \$14,000) in cash; and 62 people from whom police stole ID cards, cell phones, food, and other items.

Testimony of the elders:

At about 5 A.M., the police arrived in about 14 lorries. They parked the lorries some distance from the manyatta and walked toward the village. They surrounded the village and started shooting into the bomas. They were Administrative Police, and there were hundreds of them. They threw hand grenades and shot mortars into the village from hand-held launchers. Some of these burst and some didn't. Later the police came back to the village and picked up the ones that didn't detonate.

At about 7 A.M., a chopper appeared over the village. The police didn't shoot from the chopper, they just flew around outside the village very close to the ground to keep us from running away and escaping. They used the choppers to herd people like cattle.

The police told us to come out of our houses and they took everyone out into a field, and then they looted the houses. There were hundreds of people out in the field, and the police told us to lie down and they stepped on us, kicked us, and caned us. They beat people with anything they had—sticks, knives, guns. There were pregnant ladies, children, and elders, and the police beat them all.

The other police went into the village and started looting. They pried open our metal boxes and took anything they wanted. They took cell phones, ID cards, clothes, everything the people had.

Then someone cried that a woman had been shot in her boma and was dead. The police ran inside and saw her, and then they ran to their lorries and left. That was about 10 A.M. They left the dead woman in her house.

Everyone rushed back to the village and found the dead woman and all the wounded. We took four wounded people to the Serena Lodge to get transportation to the hospital. A man was shot in the foot while he was sleeping in his house. Two toes were broken. He was in the Isiolo hospital for about a month, but he still can't walk properly. Seven children depend on him.

One man is still in Kenyatta National Hospital in Nairobi. His name is Lopeyok Lenkupae. He was running away from the manyatta carrying his two babies, trying to escape, when he was shot in the chest and in the hip. He was shot from the back. He has two children and he also takes care of his younger brothers and sisters because they are orphans. After he was shot, his wife ran away with the two children because she is afraid. She is staying in her family's home now in Archer's Post.

"I heard bullets, so I rushed out of my house. I was only about five meters outside when a bullet hit me in the arm, just below the elbow. My children were screaming. I saw the police kicking and beating them. Everyone was running and crying. They took me to Isiolo Hospital and I had to stay there for two months. I just came home last week, but my arm still hurts and it is hard to take care of my children. I have five. When they see the police they run away; they are very frightened."

—Wounded mother in Loruko

The local government, the county councilors, the chairman in Isiolo, and the park rangers always tell us to leave this place. Back in 1993 they told us to move away, but the people refused. Now they are telling us to move again, but this is our land and we will not



A victim of the November 21, 2009 police attack on Loruko, with her five children.

agree. We think that is why the police attacked us. The Samburu are a small ethnic minority in Isiolo district and the government doesn't help us.

Now the police have the disarmament operation and we worry that they will come to beat us again, but we have surrendered all our guns already.

Testimony from Loruko women

Three women spoke in the presence of about 35 other women:

The police came like enemies or thieves. It was very early and we were asleep with our children. When we heard bullets we had to lie down over our children to protect them. We heard the sound of the bullets ("piew! piew!") and we thought we would die. We were just waiting for death. The old men ran away, but we women cannot leave our children behind. The woman who was shot and killed was nursing her baby when she died. Nothing can make us leave our children behind. When the police made us leave the bomas, all the children followed us out and the police kicked and beat them.

The children of the lady who was killed came out of the house with blood on them. The biggest boy took the hand of the police and said, "You have killed my



Authors' Note: At a public meeting in Loruko on January 21, 2010, which Cultural Survival researcher Paula Palmer attended, Isiolo Member of Parliament and Minister of Livestock, Mohamed Kuti, acknowledged the excessive use of force in the November 2009 police attack on Loruko. He said he would pay the cost of recovering the deceased woman's body from the mortuary, where it has been since the attack, so that the people can bury her.

mother." When the police saw the children covered with blood, they blew their whistles and went away. We phoned to the councilor, Paul Mero, and he came. When he saw the dead mother and her children he called human rights organizations and they came and took photos. The dead woman's body stayed there until the police came back the next day and took it to Isiolo. We haven't seen her since. Now the old father of the woman is doing his best to take care of her children, and her sisters also help care for them.

"This is the pain that women feel when we see our children beaten, when we hear them cry. Till now we are still afraid that the police will come again. We have heard about the rapes in other places. We can't sleep because of what we saw."

— A mother in Loruko

Following the attack on Loruko, similar police attacks were reported in the Samburu villages of Sasaab, Nkutuk Engron, and Westgate. The director of a local NGO who witnessed the aftermath of the police attack on Loruko gave this testimony about subsequent attacks on two additional Samburu villages:

After the attack on Loruko, the police went to Daaba village, Ngaramara location, where they ambushed the village and beat a very old man. He was about 80 years old and he died from the beating. I went with the district police officer to Daaba afterward. He recorded the victims' statements, but nothing happened. The police never apologized or returned the money they stole from the people, and they didn't issue a public report.

Next, the police went to Kawalash, Kipsing location, where they beat women, young men and elders, and they stole money. Afterward, the area councilor appealed to the General Service Unit in Kipsing to make the police give back the people's money, and they did.

The police attacks are done by a combined force of General Service Unit, Administrative Police, and Anti-Stock Theft forces. These are not local police. They are far from home, staying in dusty tents. They are bored and tired of camp food, and they are far from their families. They don't get paid very well, either, so they are not very happy about being here. This is not an excuse for their aggression, but it is a good reason for the government to rely on local police and stop bringing in these men from far away who are so miserable here.

5.5 Lerata, January 10, 2010

On January 18, 2010, we interviewed seven Samburu women and two junior elders from one manyatta which is part of the larger Lerata community. Later, at a separate Lerata location where about 40 male elders were meeting to discuss the problems with police, five elders gave testimony in the presence of all the others.



Morans who were beaten unconscious by police on January 10, view the mass of hair that a policeman chopped off one of them.

Testimony of the women and two junior elders:

About 200 uniformed police arrived from the west around 7:30 A.M. They came in two lorries and two Land Cruisers. They fanned out on foot and surrounded the manyatta. Some of the women and young boys were outside with their goats. Police picked up sticks and beat three of the women and a school girl. They came into the manyatta and pushed us women into our bomas. They came inside and broke into our metal boxes and took our money, beads, ID cards, watches, cell phones, legal gun certificates, and even personal mail like letters from Christian Childrens Fund sponsors. They destroyed our food by

mixing maize flour with rice and sand. They broke gourds of milk and poured the milk on the ground. They insulted and humiliated one woman who told them she was a widow; they taunted her about why she had a young baby if she was a widow. The police were mean and crude and they threatened us, but in this manyatta they didn't rape us. Since most of us don't speak Kiswahili we couldn't understand them.

The police beat up 11 moran and two junior elders. Five moran were beaten unconscious with their own sticks (rungus). One had a broken jaw, one had a broken hand, one was cut in the thigh with a knife. They had deep cuts on the tops of their heads. The police grabbed and pulled one moran's long ocher-died hair and cut it off with a machete. When the police finally left, they took three morans to jail and kept them there for three days without ever charging them. They left two morans on the ground, unconscious, and at first we thought they were dead. People improvised stretchers and carried the two morans to the clinic in Archer's Post. The other injured men could walk.

“After the police attack, we women could not eat for three days, we just trembled. My children cried out in their sleep, and I couldn't sleep at all. We heard a rumor that the police would come again, so we took our children out to the bush at night, hiding. I am more afraid of the police than of the wild animals. If they come again, I will run away with my children.”

— Mother of five in Lerata

The elders here asked the District Administrator to come and receive two guns from this manyatta in December 2009. When he came, he issued certificates for the weapons, and now the morans carry these certificates with them at all times in case the police question them. We agree to disarmament, but all the tribes must be disarmed equally and the government should provide impartial security for all.

Testimony of six Lerata elders:

“We are busy people. We have many things to do. But now we have to spend our time at meetings like this, worrying and discussing what to do because the police are beating us.”

“We are fighting two wars now - one against drought and famine, and one against the police. We have no government anymore. We have no country. The government is biased against us. Now our people are

frightened and they are leaving their homes and going as far away as they can to hide from the police.”



Lerata elder

“We are old elders and we have never seen anything like this before. It feels like our life is coming to an end. This is government discrimination against a minority tribe. Our own government is punishing us. That is why we are calling out for international help.”

“Seventy-five percent of people in Lerata and Archers Post have voluntarily surrendered any arms they had. There has been a good response to the disarmament order from the community. This brutal police repression is totally inhuman. No information was requested through the elders, which is the normal procedure. The police aren't attacking other communities, just here in Samburu. That is why we need international help to defend our rights.”

“If the police are looking for stolen cows, all they have to do is come and speak to the elders. The elders have always solved these problems because all the young warriors respect them. But now the police come and

attack the whole village and take away all the cattle. I am 82 years old, and in all my life I have never seen anything as bad as this. The police say they want to collect illegal guns. The elders have a list of everyone here who has a gun, so all the police have to do is ask them. But instead they come and beat the women and the children, and steal their things. Women and children don't have guns, so why are they being raped and beaten?"

Authors' Note: The director of the Lerata dispensary (Ministry of Public Health and Sanitation), told us he treated 26 people on January 10 for injuries and sent two of them on to the Archer's Post clinic for further treatment. Sister Elisa, director of the Catholic mission health clinic in Archer's Post confirmed to us that six people from Lerata were treated at the clinic after the January 10, 2010, police attack.

In an independent investigation, the Kenyan National Commission on Human Rights documented five rapes of women in Lerata by police forces during the January 10 attack. Cultural Survival interviewed women from only one of the Lerata manyattas, where no rapes were reported.

5.6 Kiltamany, January 12, 2010

On January 19, 2010, we interviewed a mixed group of approximately 60 men and women in Kiltamany. Both men and women gave testimonies about the January 12 police attack. Later, Paula Palmer privately interviewed three women who had been raped by police during the attack. We also walked to a boma that had been set on fire and partially burned by the police; they burned another boma to the ground. Elders showed us broken rungas (heavy staffs carried by the elders) that police used to beat men and women. They also showed us metal safe boxes that had been pried open by police. Residents provided a list of items stolen by police from 46 different families in Kiltamany.

Testimony of men and women together:

The police came around 9 A.M. They parked their four lorries and a Land Cruiser down the road and then came on foot toward the village. They herded all the camels and took them a little ways away from the village, along with some of the elders. In the village, they were beating the women and the elders and stealing whatever they could find in the bomas. They

poured the milk and tea on the ground. They mixed the maize flour with tobacco and sand and poured it on the ground so we have nothing to eat.

"We don't understand what the police came to do. They surrounded the place. They went into people's houses and took things out of the boxes, broke into closed houses, threw everything around. I was slapped three times. The police used their gun to hit me. Now we cannot sleep. We are too worried. We don't know why the government is using this force against us. This is the first time since I was born that I have seen anything like this."

—Elder in Kiltamany

There is no bank nearby so we keep all our money and valuable things in locked metal boxes. The police forced open the boxes and took everything. Here we have a self-help women's group. They took all that group's money—38,000 shillings (approximately US\$550)—and some of this money was a loan to the group. They destroyed everything in the shops, too, so the shop owners lost all their stock.

"Is this our real government attacking us, or are they terrorists from somewhere else? Why are they attacking us? Some of our elders are still in



Police stole cash, cell phones, and other possessions from these metal safe-boxes in Kiltamany.

the hospital with their wounds. We have nothing left; the police took our cattle and our money and they poured our maize flour on the ground. They raped three mothers here in front of their children, and now will those mothers get sick? The government has taken everything from us."

—Samburu woman in Kiltamany



They raped three mothers right in their bomas. They burned one house down to the ground, and they partly burned another house, but the women were able to put the fire out. They burned people's clothes. They took away four camels, two from the Langupai family and two from the Lakaleili family. One camel was nursing a one-month-old calf. They took the mother camel and left the calf to die. We fed the calf, but it died anyway.

Fifteen men from here were seriously injured, and two of them are still in the hospital.

Authors' Note: Sister Elisa at the Archer's Post Clinic confirmed that seven wounded people from Kiltamany were treated on January 12, 2010. The most seriously injured people were transferred to the hospital in Wamba for further treatment. The elders told us they don't like to stay in the clinic or hospital because it is easy for the police to find them there.

Statements of three women who were raped by police January 12, 2010:

"I am 48 years old and I have seven children. Now I am a widow. I was alone in the house when the policeman came. He pushed me and came on top of me and pulled my skirt. He said, 'I want to rape you.'

He had a knife. After he raped me he took my cell phone and 1,000 shillings and went away."

"I am 32 years old and I have five children. My husband was away working at the Lodge. I was alone in the house. A car came about 2 P.M., and someone shouted to me, 'Mother, mother, a car is here.' The policeman forced himself in. He said, 'Give me your snuff.' I said, 'I don't have any.' He said, 'Give me some sex, I want to rape you.' Another policeman was shouting, 'Catch the woman, catch her!' Then he raped me. Now I am worried, did that policeman have AIDS?"

"I am 30 years old and I have three children. I was inside the house. The police said, 'Come out of your house.' One policeman went in and found my cell phone and took it. Another one told me to go into the house and threw me on the mattress. He grabbed my skirt, where I had a belt with money. He took 10,000 shillings (US\$135) from the pouch, and raped me. He took my money and all my food. My three children were in school. Now my husband doesn't know if I am sick."

6. Conclusions and Recommendations

6.1 General Conclusions

During 2009 and 2010, Kenyan police forces conducted armed assaults on at least ten Samburu communities in Samburu East and Isiolo Districts. Police officers have committed extra-judicial killings, rapes, beatings, thefts, arson, and intimidation multiple times. Their actions have caused the Samburu people to suffer death, injury, terror, displacement, economic hardship, property loss, and vulnerability to disease and famine. These crimes have been reported and protested, but no action has been taken by the government of Kenya to investigate or prosecute the offending officers or their superiors. This lack of action is the very definition of impunity.

If the police operations in Isiolo and Samburu East were intended to bring greater security to the region, their effect has been the opposite. They have served to increase insecurity, hostility, and suffering.

The proliferation of small arms and the associated increase in violence among the pastoralist communities in the North are serious problems, and the communities are eager to resolve them and build peace. Resources for peace building are present within the communities and the region in the form of the traditional council of elders, government-appointed chiefs, district peace committees, and human rights organizations. These are the most promising resources for building lasting peace.

6.2 Recommendations

Based on our findings, Cultural Survival urges the Kenyan government to take the following actions:

In the Isiolo/Samburu region of northern Kenya, the government should:

- immediately withdraw those national police forces from Samburu East and Isiolo districts that are deployed to forcefully disarm the pastoralist communities, leaving locally-based police in place to perform ordinary police duties;
- authorize a universal disarmament process in northern Kenya to be carried out under the guidance of the pastoralist communities' traditional elders, government-appointed chiefs, district peace committees, and human rights organizations;

- authorize the development and implementation of a community-based process for resolving disputes over cattle raids and cattle ownership in northern Kenya;
- negotiate with all pastoralist community elders a fair and final resolution, including appropriate compensation, for police confiscation of cattle during 2009 and 2010;
- with the assistance of NGOs, explore ways to improve cattle ID systems, such as branding, ear tags, electronic chips, etc.;
- instruct local police officers to investigate and arrest individuals suspected of committing cattle theft and raids, and to cease conducting punitive assaults on entire communities and individuals at random;
- investigate and prosecute police officers suspected of authorizing and participating in the large-scale police attacks on Samburu communities during 2009 and 2010, as well as individual police officers suspected of injuring or violating the rights of Samburu individuals;
- recognize the right of citizens to monitor human rights violations in their own communities, guarantee their safety, and take immediate action to address any reports of human rights violations that they submit to the Minister of Internal Security.

At the national level, the Kenyan government should:

- implement the recommendations for police reform spelled out in the report of the Waki Commission of Inquiry into Post-Election Violence (CIPEV) and the report of the United Nations Special Rapporteur for Extrajudicial, Arbitrary or Summary Executions;
- implement the United Nations Declaration on the Rights of Indigenous Peoples;

- recognize the Indigenous pastoralist tribes' right to free, prior, and informed consent regarding any infrastructure or development project that would affect their lands, natural resources, property, cultural expression, and sacred sites;
- require all development projects, including the road construction, oil exploration and exploitation, and tourism development projects underway or planned in Samburu East and Isiolo districts, to meet the highest international standards and best practices in regard to their environmental and social impacts;
- support the Kenyan National Commission on Human Rights, the Kenyan Human Rights Commission, and other NGOs in their efforts to educate all Kenyans about human rights and to combat racial prejudice and discrimination against pastoralist tribes.

Appendix I: Cultural Survival's letter to Kenyan government officials, February 12, 2010

February 12, 2010

PRESIDENT AND
CHAIR OF THE BOARD
Sarah Fuller

VICE CHAIR
Richard A. Grounds

TREASURER
Jeff Wallace

CLERK
Jean Jackson

BOARD OF
DIRECTORS

Suzanne Benally
Marcus Briggs-Cloud
Elizabeth Cabot
Westy Egmont
Laura Graham
James Howe
Cecilia Lenk
Pia Maybury-Lewis
Les Malezer
P. Ranganath Nayak
Vincent Nmehielle
Ramona L. Peters
Stella Tamang
Martha Claire Tompkins
Roy Young

EXECUTIVE DIRECTOR
Ellen L. Lutz

DIRECTOR OF
OPERATIONS
Mark Camp

Rt. Hon. Mwai Kibaki, CGH, MP, President
Rt. Hon. Raila Odinga, EGH, MP, Prime Minister
Republic of Kenya

Re: Please Cancel Police Disarmament Operations and Institute Community-Based Disarmament Process in Northern Kenya

Your Excellencies:

For the past twelve months, Cultural Survival has received reports of widespread and systematic police violence against Samburu communities in Samburu East and Isiolo districts. Last month we sent a research delegation to investigate those allegations. We recorded testimony from scores of Samburu survivors and witnesses from five villages (Lerata, Laresoro, Naishamunyi, Loruko, and Kiltamany) that were attacked by police during 2009 and January 2010. Our researchers also interviewed respected leaders of local and national NGOs, clergy, health workers, county councilors, the Samburu East Member of Parliament, and staff of the Kenyan National Commission on Human Rights and the Kenyan Human Rights Commission.

Our research reveals a consistent and ongoing pattern of police brutality, human rights violations, and impunity. We appeal to you to correct this situation immediately by withdrawing all police forces and authorizing a community-based disarmament process.

Cultural Survival's full report (forthcoming) includes many detailed accounts of acts of violence committed by the Administrative Police, the Regular Police, the Anti-Stock Theft Unit, and the General Services Unit. These acts include extra-judicial killings, rapes, beatings, disappearances, theft, arson, and intimidation of unarmed Samburu men, women, and children. As a direct result of these attacks, the Samburu people suffered death, injury, terror, severe economic and property loss, and vulnerability to famine and disease.

For example, witnesses described how police helicopters and ground forces approached the sleeping village of Loruko on November 21, 2009. Ground forces fired their guns and mortars into the bomas, killing a woman as she nursed her infant.

Four villagers were hospitalized with serious gunshot wounds. Police forced women, men and children into an open area outside the village, where they kicked and beat them while other police looted their bomas.

In Lerata on January 10, 2010, some 200 police arrived in lorries and Land Cruisers and started beating women and young boys who were outside tending goats. The police then forced their way into the village where they stole everything of value in the bomas. They attacked nine young warriors and two junior elders, beating five of them unconscious. Injuries included broken bones and knife wounds to the thigh and head. Afterwards, fearing another attack, some villagers took their children to hide in the bush every night, saying, "We would rather take our chances with the wild animals than face the police again." (Independently, the Kenya National Commission on Human Rights reported that five Lerata women were raped in this police attack and afterward fled the region.)

In Kiltamany on January 12, 2010, similar attacks occurred, with police stealing everything of value,

beating elders, and raping three terrified women who now fear infection with HIV or other sexually transmitted diseases. The police burned one boma to the ground and set another on fire. Fifteen men and one woman were seriously injured and two were admitted to the clinic in Archers Post. The police gave no reason for the attack.

All of these attacks happened during a period of so-called amnesty, prior to a disarmament deadline, and they followed months of similar police attacks in the area. In addition, they exacerbated cattle-rustling and inter-ethnic tensions that are already high in the region at a time of very severe drought. In short, police actions are reducing rather than increasing security in the region. The attacks are crimes that have been widely reported by the Samburu East Member of Parliament, human rights organizations, and the press, but no criminal investigations or prosecutions against police officers alleged to have committed them have been initiated.

Now your government has announced that police disarmament operations will begin on February 20. Having already committed criminal behavior and gross human rights violations, the police forces that have been terrorizing Samburu people are incapable of carrying out effective, impartial, and orderly disarmament operations. Instead, they should be immediately withdrawn.

The people of Samburu East and Isiolo districts want to participate in a universal, effective, impartial, and lasting disarmament process. This process should be led by community elders, district peace committees, human rights network members, clergy, and NGOs such as Catholic Justice and Peace Commission and the National Muslim Leadership Forum. Based on our investigation, a community-based cooperative process is the only means by which disarmament can occur peacefully and remain permanent in the region.

In addition, the government should recognize the right of Kenyan citizens to monitor police behavior, and the Minister of Public Administration and Internal Security should take immediate action when human rights violations by police forces are reported.

We implore you to immediately withdraw all national police forces stationed in Samburu East and Isiolo districts and instead work with community leaders to establish a community-based process for disarmament throughout the North. Based on our investigation, this is the only means to achieve the security and disarmament goals desired by both your government and the local Samburu people.

We respectfully await your reply and prompt action.

Sincerely yours,

Ellen L. Lutz
Executive Director

CC:

Hon. Prof. George Saitoti, MP, Minister of Public Administration and Internal Security
Francis T. Kimemia, CBS, Permanent Secretary of Public Administration and Internal Security
Matthew Kirai Iteere CBS, EBS, OGW, Police Commissioner
Hon. S. Amos Wako, EGH, EBS, CS, MP, Attorney General
Ambassador Michael E. Ranneberger, United States Ambassador to Kenya
Ms. Navanethem Pillay, UN High Commissioner on Human Rights

