

A Report by

Eng'ape E Maa Association

&

IMPACT (*Indigenous Movement for Peace
advancement and Conflict Transformation*)

***Segera: A report of Abuse, Torture
and land grabbing in Laikipia, Kenya***



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Introduction

In October 2014, a man, Simon Muthee approached a representative (Peter Kunini Kaparo) of the Maasai community in Segera, Laikipia County, over ownership of 2300 acre piece of land. He claimed that land on which the community has lived for over 30 years has been sold to North Tetu Cooperative Society. It is hereby noted that there is an ongoing court battle between the Maasai community and the same cooperative society on a different piece of land in the same area since 2013.

Mr. Muthee was introduced to elected representatives who referred him back to the community over the land issue. The community declined to negotiate with him claiming that they own the land.

Mr. Muthee issued them with a notice to leave the land, started putting up a fence and a house. A deep trench was dug to deny the community on the land access to the river.

The Maasai community was enraged and stopped the activity and destroyed the fence.

The matter escalated into a story of violence, abuse and torture as the police and employees of the land claimant (mostly Turkana) descended on the Maasai community.

One person, Joel Ole Ntayia was killed by drowning while his 10 year old child watched, six hauled to the courts and dozens arrested and tortured. One person is currently being held by authorities in Nanyuki on a trespass charge.

The police have for weeks been patrolling the disputed land, attack local residents including women and children. The community has made claims of looting of livestock, solar panels and building materials by the police.

There is a climate of anxiety and fear among the Maasai in the area due to the continued harassment and beatings by the police.

This report is an account of those who have been arrested, beaten and tortured by the police in Segera and recommendations on how to reduce the conflict.

Community voices from Segera on the land dispute, police harassment and torture.

Peter Kaparo: “We live in fear. My life is in Danger”

I was arrested twice and tortured. Many other people here have been arrested and beaten up by the police and employees of the land grabber.

We have become a people that live in the wild because of fear of police harassment.

Ole Ntaya was killed recently. He was drowned by employees of the land grabber while the police watched. His ten year old son who was hiding in the bush witnessed his father being beaten up and drowned. It was later claimed that he drowned while fleeing.



This is a long drawn conflict with people that have come to put claim on our land.

We have dozens of police cars patrolling this area, beating up anyone and instilling fear. That tells you that we have no government support.

Last night the chief telephoned everyone and warned that the community cannot meet to discuss this matter. A Landcruiser full of police came here in the morning to make sure we do not meet. People are now so scared that they ran away at the sight of the police.

Personally my life is in danger. I was arrested and released bail. I do not know when they will come for me again.

Mbarlai ole Ntaya: “We want the police to stop this torture”



We have become equivalent to gazelles. I have been on the run for the last two days. We live in the wild not in our homes. Police are harassing the Maasai whether you are an adult or child. When they hurt someone, they just

leave them to die without caring if they treatment.

The chief called last night warning me not to attend this meeting. He said we do not have permission to meet. They do not want the world to know what is happening to us.

Whenever they hear that we are organising, they come with the police to harass us. That's why you do not see a lot of people here – they are hiding in the bush.

We need help. We need support. We want the police to stop this torture by government in support of someone that is grabbing our ancestral land.

The government is fighting us.”

Loirrusha Meshami: “This is our land, the land of our forefathers”

“Enyeito entukut yiook nkumeishin!”

The Maasai have less value than wild animals in this land. We are called squatters in our own land. We are beaten up and robbed and there is nothing that we can do about it.



The land grabber has dug a deep trench to deny us access to the river. We now have no source of water.

I have never seen a government behaving this way. It made promises to solve the matter but instead sent us the police.

Ole Ntayia was drowned by the police and Turkana workers employed by the land grabber. His ten year old son ran and hid in the bushes and saw his father being killed.

In many other incidences Turkana workers beat up the Maasai in the presence of the police.

Police have been invading homes at night beating up and arresting women and men.

I was arrested during the operation on July 14 2015 with 8 others. They had invaded my home claiming that we had destroyed the land grabber's fence. My sick son was arrested too and even in jail they denied him treatment.

They lied. How can government officials lie? Even without evidence I was arrested and my motorcycle taken away and that is the source of my income.

The cash bail amount for our release from prison was unaffordable but the community and supporters came to our help.

This is our land, the land of our forefathers but the government is working with others to make us squatters. How do we become squatters?

Semerian Kaparo: “We are a worthless people without defenders”

“We are a sad people. We live in sadness. We have no rights over our land or property. Our livestock is taken and slaughtered by the police. We are a worthless people without defence and defenders.

What have we done to deserve this? Why is the government fighting us?”



Leyiarkes ole Mooli: “Tell Nkaiserry his people are hurting us.”

“There is a government list that takes care of people who speak up on how we are being treated.

If there was anywhere else to go we would have gone because this torture is too much for us. When I speak up they will come for me tonight.

This is the world of the rich versus the poor.



If wild animals in this country have rights from being killed and abused, how come that we human beings do not have the right to live in peace?

If the police could watch goons drown Ole Ntayia to death, where are we supposed to go for protection?

We have resolved to fight and die here this disrespect is unacceptable.

Go tell Ole Nkaiserry (Cabinet Secretary for Internal Security) that his people are hurting us.”

Harrison Ng'otiek: Their lies is the evidence and out crime

“We do not understand how this land changed hands but we have been here for over 30 years.



Our case in court is difficult because lawyers are being bribed and threatened then they abandon us.

There was no one on this land before we settled. Who have we displaced?

We still have one of us in Jail. Joseph Lesuuda is being held and was denied bail. He has

been tortured police come with pliers and wires and trump up charges on us claiming that we have destroyed and stolen property. Whatever they bring with them becomes our crime and their evidence against and very sick as we speak.”

Ntisi Kaparo: “Men no longer come home in fear of being arrested”

“We no longer live in peace. Every woman worries every day the arrests and beatings. We worry that our children, young men and husbands will not come home by end of the day. We are hungry because men no longer come home in fear of being arrested.

We have left the disputed land yet we are still being tormented by the police.

Go forth and do whatever you can for us.”



Lerantoi Parkusa: "Those who speak up are followed and tortured"



“Laikipia is called Laikipia because of us, its people. How come that we are now homeless and landless?”

I keep wondering what government means. They say government belongs to the people. Which people? I do not feel this government belongs to me because of its actions. We are children of a lesser wife. We are illegitimate.

Talking to you is a risk because those who speak up will be followed and tortured. Let the world know that we will not leave this land. It is not that we are weak but that we have no support but we will fight back.”

Cases of Death, Assault and Torture by police

Joel Partalala Ole Ntaiya



An old man with poor eye sight was confronted by the police while grazing his sheep. His ten year old son ran and hid in the bush. Ole Ntaiya was beaten up by the police as well as employees of the land claimant. The workers pushed Ole Ntaiya into the river holding him under water until he died while the police watched. His son witnessed the ordeal.

The police continued harassing Ole Ntaiya's family and surrounded their home the night before the funeral forcing family members to flee for safety.



Lorrumbu Seketetia

A ten year old schoolboy (Left).

He was ambushed by policemen while grazing; his clothes removed and was assaulted using cane. See photo as evidence of the assault.

Silange Mayor

A man aged 20. Herding his sheep around 2:00pm, a group of about G.S.U personnel caught him and beat him up. They put him in their car, drove him around, harassing him on allegations of incitement, loitering and stealing.

Karisa Lesakut

A man in his late 40s. On the 27th August 2015, while at home, patrolling police arrested him, roughed him up and took him to the cell. He was brutally beaten and given cash bail of Ksh 50,000 the following day (28th august 2015). He has since been treated at his own cost. See evidence of the brutal assault, the receipt of the cash bail and hospital bill.



Julius Kaparo

A man of his mid-20s. He was an employee in one of the farms owned by Simon Muthee, the alleged owner of two pieces of land in the dispute. He left the job on the grounds of him being perceived as not loyal his employer. He was arrested by seven G.S.U brutally roughed up and sustained leg injury. He was being coerced the G.S.U to give them information on the alleged stealing at his previous work place.

Karite Lenkarai

A boy of about 19 years of age. Assaulted by the police on allegations of incitements and stealing.

Historical Issues on Land in Laikipia

The Laikipia Maasai and Samburu communities have lived the land in dispute for years uninterrupted. This is their generational and ancestral lands and

The testimonies given here is strong evidence that their claim to the land need to be given considerations as any other disputed land.

Laikipia is home to many emerging land owners or absentee land owners. Individuals, or group of people (land buying companies or cooperatives) who do not live or have never lived in Laikipia but are now emerging and claiming huge chunks of lands without due consideration the fact that the Laikipia Maasai and Samburu have lived, utilized the land for pasture and natural resources for year. Laikipia is renowned for beef production and wild life conservation- it is leading and a pioneer in community wildlife management.

Recently, there is has been high demand for land for holiday homes, horticultural production and high end private homes. This has led to increased land and natural resources conflicts.

This can be linked to increased demand for more land triggered by the LAPSET project. It is now evident that more of the northern rangelands that have been exclusively used by pastoralists and wildlife conservation is now being opened for other development that is not compatible with traditional pastoralist's livelihoods systems and as such a considerable proportion of pastoralists livelihoods threatened and being pushed beyond the limits of survival.

The constitutional of Kenya guarantees everyone the right to life. Forceful and violent evictions of pastoralists from the lands that are a source their livelihoods infringes on their rights as legitimate citizen

Summary of claims by Maasai community in Segera

1. There are two parcels of land they live on but being claimed by Simon Muthee or whoever he represents. How the land ownership changed hands is not clear.
2. The said two parcel of land has been fenced off without consideration of the community's access to water points/River.
3. The community retaliated by removing the fencing.
4. The security forces have taken sides in the conflict and have meted severe assault, harassments and torture on the Maasai community.
5. The Maasai community have been deprived the right of social gathering by the authorities. They cannot hold their meetings to deliberate on issues affecting them.
5. Their right of movement has been infringed by police patrols. The members of the community cannot move around, either for social visits and/or with their animals.
6. Lives of Maasai community have been placed in danger. As the police patrol around, holding some in custody for not well defined reasons, inflicting fear among them, therefore leading to them fleeing their homes and spending nights in the forests.
7. That they are being treated unfairly, unequally, inhuman and not being given fair trial in court.
8. That their livestock is forcefully being taken away by the patrolling police.
9. That the police patrolling around carrying pre-set "evidence or exhibits ", meaning they make arrests and place "evidence" on the victims claiming of stealing and/or vandalism (fencing wires, pliers, and posts).
10. That their area chief (Mr Karori) does not represent the people, their grievances, pleas or any other issue touching on them.

Recommendations:

1. The killers of the Joe Ole Ntaiya must be brought to account, including the policemen who watched as he was killed.
2. That the Maasai in Segera be given the rights of speech, social gathering and movement.
3. Joint investigation by The Independent Police Oversight Board, National Commission on Human Rights, Civil Society and the Kenya Media Council to establish the extent of torture and human rights abuses and loss of property with view to prosecute the culpable parties.
4. The Maasai community in Segera and the land claimant must abide by the law and adhere to due process through legal instruments in their claim for ownership of the disputed property.
5. Need of further investigations on the extend of harassment, torture and imprisonment of pastoralists in the larger Laikipia County by police and private ranchers.
6. Police must stop the harassment and intimidation of the Maasai community.
7. The National Land Commission needs to give clear guidelines and history on how the land changed hands over time.
8. Elected representatives from the area need to get involved in order to reduce the tension in the area.
9. Eng'ape E Maa Association and IMPACT need to identify other areas where communities are sitting on time bombs without title deeds to the land they live on and sensitize them on how to formalise ownership.

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