



Centre for
Human Rights and
Restorative Justice

HISTORY REFERENCES

Kenya Truth Commission

Abstract

Notes on discussions of history, as well as a list of coding themes and references to history in the Kenya Truth Commission.

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Researcher Notes

Report details:

- published in 2013
- pdf has 598 pages
- section on historical context
 - section is 3 pages
- according to NVivo's text search, the word history (using stems) is referenced 90 times, representing 0.21% coverage
- after deleting references from the bibliography, notes or headers, there are **70 broad references** to history in the content of the report
- history usually mentioned in terms of historical context

History is referenced in the report in the following ways:

- Kenya commission noted that they believed they had the largest number of statements of any truth commission
- goal of compiling a complete and accurate history of events
- this is not a definitive history but a collective understanding of the past and voices of those who experienced it
- examining the actions of state security agencies
- stories of vulnerable populations
- people of Kenya still view police and military as rogue institutions that are to be feared
- noted that no government official has been held account for atrocities
- long history of human rights violations and violent stories/past in a country that had no time or space for it
- some wondered if there was a point to the commission since the information was already public knowledge
- lot of information, myths, and bias and the commission needed to determine fact from fiction
- learn from history to prevent it repeating / can no longer deny the past
- local communities upset that outsiders occupy their land and rename locations
- historical clashes and instability of land, ethnicity, and politics
- legacy of inter community distrust

History and truth are discussed in the following ways:

- goal of the commissions is to compile complete and accurate history of events
- commission wants to understand the past and the voices of those who experienced it
- need to determine the fact from the fiction
- learn from the past so that it does not repeat itself

*References of history and truth appear under the highlighted coding theme/section **True or Accurate** starting on page

Links to Data Visualization

This section contains links to all data visualization for the Kenya report.

Word Frequency Cloud

- [word frequency cloud](#)
- [excel sheet of word frequency cloud findings](#)

Word Trees

- [history](#)
- [women](#)
- [children](#)
- [youth](#)
- [forgive](#)
- [victim](#)
- [truth](#)
- [reconciliation](#)
- [land](#)

*NVivo software can only edit word trees by changing the central search term and branch sizes. Word trees includes references from bibliography, headers, and notes that cannot be edited out using NVivo software. Researchers will need to manually remove unsightly branches using editing software (e.g., paint, photoshop, etc.)

History Hierarchy Coding Chart

- [history hierarchy coding chart](#)
- [excel sheet of history hierarchy coding chart results](#)

History Coding for the Kenya Report

The following chart breakdowns the child nodes used for coding history references based on themes and discussions surrounding history in the Kenya report.

History	All references or discussions of history in the Kenya report
Accountability	References or discussions of accountability or who is responsible for past crimes
Colonialism	References or discussions of colonialism
Corruption	References or discussions of corruption
Discrimination	References or discussions of discrimination or oppression
Ethnicity	References or discussions of ethnicity, ethnic lines, or ethnic violence
Human Rights	References or discussions of human rights or human rights violations
Institutions	References or discussions of institutions (e.g., government, police, military etc.)
Legacy	References or discussions of legacy, impacts and effects of past events or violent actions
Nation	References or discussions to nation, nations, nationalism and national
Politics	References or discussions of politics, politicians and governments
Reconciliation	References or discussions of reconciliation
True and Accurate	References or discussions of true, accurate, or genuine history or including missing voices
Violence	References or discussions of violence and violent acts
Vulnerable populations	References or discussions of vulnerable populations (e.g., women, children, Indigenous etc.) and their stories

History References

This section contains all references to history from the Kenya report.

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC_Volume_1-4> - § 70 references coded [1.45% Coverage]

Reference 1 - 0.03% Coverage

This Commission collected the largest number of statements of any truth commission in history. With the tireless help of the over 300 statement takers we hired, and the more than a hundred that were seconded to us by civil society organizations, we collected over 40,000 statements. It is difficult to discern the significance of this singular achievement. While the statement taking form was pronounced by international experts in the field as one of the best they had ever seen, we acknowledge that there is a wide variety of detail and accuracy in the statements we collected. We also acknowledge that, as far as we are aware, we deployed by far the largest number of statement takers of any other truth commission, thus perhaps contributing to the large numbers of statements we collected.

Reference 2 - 0.01% Coverage

In the best of circumstances, compiling a complete and accurate history

Reference 3 - 0.01% Coverage

was not to provide the definitive history of the broad range of violations committed and suffered during that forty-five year period. Rather, we took our task to be making a significant contribution to our collective understanding of that past, particularly through the experiences and voices of those who experienced it first-hand. hope that this Report, and the other work of the Commission, has at least done that.

Reference 4 - 0.01% Coverage

Introduction The Report of the Truth, Justice and Reconciliation Commission (the Commission) has been produced at a critical moment in Kenya's history. Just two months earlier in March 2013, Kenyans concluded a largely peaceful General Election, adding impetus to the need for solutions that will entrench a lasting spirit of peace, national unity, dignity, healing, justice and reconciliation.

Reference 5 - 0.03% Coverage

The volume starts with a general overview of the political history of Kenya. This chapter provides the overall political context for understanding not only the other specific violations in this chapter, but also the violations and other materials in the rest of the Report. This general political overview is then supplemented by a description of the history of the state security agencies. While other agencies of the state were responsible for historical injustices and gross

violations of human rights during the mandate period, the security agencies were both primarily responsible for many of the acts of commission discussed in this volume, as well as the acts of omission (the failure to provide security) that allowed many of the violations committed by non-state actors to occur.

Reference 6 - 0.02% Coverage

Volume IIC focuses on the stories and narratives of groups of people that are provided special protection under domestic and international law because of a history of discrimination and oppression. These are: women, children and minority and indigenous people. Historically members of these groups were not recognized as having the same rights as others. The drafters of the TJR Act clearly had such history in mind, and empowered the Commission to put in place special arrangements and adopt specific mechanisms for addressing the experience of historically vulnerable populations. The Commission thus established a Special Support Unit that focused

Reference 7 - 0.02% Coverage

Political History: A general overview In order to contextualize gross violations of human rights and historical injustices that occurred during the mandate period, the Commission divided the political history of Kenya into four distinct epochs. These epochs correspond with the four political administrations that governed the country prior to and during the Commission's mandate period: □ British colonial era (1895 to 1963); □ President Jomo Kenyatta's era (1963 to 1978); □ President Daniel arap Moi's era (1978 to 2002); and □ President Mwai Kibaki's era (2002 to 2008).

Reference 8 - 0.01% Coverage

The scale of the post-election violence (PEV) was unprecedented. It lasted for a period of two months and substantially affected all but two provinces in the country. It is estimated that 1,133 people were killed, thousands assaulted and raped, hundreds of thousands more displaced from their homes, and property worth billions of shillings destroyed. It was one of the darkest episodes in Kenya's post-independence history

Reference 9 - 0.05% Coverage

The police and the military forces are at the centre of Kenya's history of gross violations of human rights. While other agencies of the state were responsible for historical injustices and gross violations of human rights during the mandate period, security agencies were both primarily responsible for many of the acts of commission documented in this Report, as well as the acts of omission (the failure to provide security) that allowed many of the violations committed by non-state actors to occur.

Across the country, the Commission heard horrendous accounts of atrocities committed against innocent citizens by the police and the military. The history of security operations conducted by these two institutions, either jointly or severally, is dominated by tales of brutal use of force, unlawful killings (sometimes on a large scale), rape and sexual violence, and burning and looting of property. In security operations, the police and the military often employed collective

punishment: the indiscriminate rounding up of individuals in a specific area, then brutally punishing them, all with the expectation that this would yield the desired results of increased security. Thus, since independence, the police and the military in Kenya have been viewed and invariably described as rogue institutions; they are still feared and seen as perennial violators of human rights rather than protectors of the same.

Reference 10 - 0.02% Coverage

The history of the military paints a similarly grim picture. During the colonial period, and especially during the emergency period, the military was engaged in the screening and interrogating of people in order to extract information from them concerning Mau Mau. It is from these twin processes of screening and interrogation that the most astonishing evidence of widespread and institutionalized torture has emerged. The military would continue to use similar brutal tactics way into the post-independence era and as recently as March 2008 during Operation Okoa Maisha in Mt. Elgon.

Reference 11 - 0.04% Coverage

The Shifta War, waged between 1964 to 1967, represents a period in Kenya's history during which systematic and widespread violation of human rights (including mass killings) of Kenyan citizens occurred. Officially, the death toll stands at 2,000. Unofficial estimates place the death toll at 7,000. The Shifta War acts as a bridge from the violations committed by the colonial power prior to independence and the violations committed by the newly independent government. The War arose out of a long history of political unrest in Northern Kenya where ethnic groups resisted centralised colonial rule. After independence state security agents alongside military personnel were deployed in what was called the Northern Frontier District to quell the continuing resistance. Witness testimonies before the Commission brought to the surface the long history of violation of human rights and related activities in Northern Kenya. From the colonial days, Northern Kenya had been administered differently from the rest of the country. Travel and movement restrictions were imposed and administrators were given extraordinary powers to arrest and detain members of what the state referred to as 'hostile tribes'.

Reference 12 - 0.01% Coverage

The history of massacres in Kenya predates colonialism in Kenya. There were inter and intra-ethnic killings, as illustrated by the Maasai wars of the 1800s. This was the context in which the colonialists entered the scene and opened fresh horizons for mass violence.

Reference 13 - 0.05% Coverage

The Commission studied the history of massacres in Kenya to identify broad trends and patterns of mass violence that have recurred throughout Kenya's history. The first properly documented massacre in Kenya's colonial past was the Kedong Massacre of 26 November 1895. Other massacres include those committed in the context of the Giriama Rebellion of 1912-1914, and the Kollowa Massacre of 24 April 1950. Other massacres were committed during the Mau Mau

uprising between 1952 and 1959. In this regard, the Lari and Hola Massacres stand out. In all these massacres, the colonial state was present and was always unapologetic. Indeed, the colonial state always tried to minimise, cover up or flatly deny the occurrence of such mass killings. At independence, the country was blood-drenched with a history of massacres and entered its future with historical baggage that was to affect future events. The Commission's research, investigations and hearings revealed that most massacres in Kenya have occurred in Northern Kenya and have always occurred in the context of what the state refers to security operations. The Commission has documented the following massacres committed by state security agents: Bulla Karatasi Massacre; Wagalla Massacre; Malka Mari Massacre; Lotirir Massacre; and Murkutwa Massacre. To date, no government official has been prosecuted or otherwise publicly held to account for these atrocities. The Commission also focused on a few massacres committed by non-state actors: Turbi Massacre and Loteteleit Massacre.

Reference 14 - 0.02% Coverage

Kenya's post-independence history has been marred by successive cases of huge scandals. In order to appreciate the magnitude and scale of grand corruption in Kenya, the Commission resorted to documented cases of grand corruption from as early as the KenRen scandal in the 1970s up to the IEBC's procurement of biometric voter registration kits in 2013. In the last two decades, the media and civil society exposed numerous multimillion dollar financial scams in Kenya including the following: Ken Ren Scandal; Goldenberg Scandal; Charter House Bank Scandal; and Anglo Leasing Scandal.

Reference 15 - 0.01% Coverage

To demonstrate the complicated mix of land, ethnicity, politics and violence, the Commission includes an analysis of ethnic violence in the Mt. Elgon region. While the history of violence in Mt. Elgon is unique, many aspects of the causes of violence and its impact are typical in many other parts of the country.

Reference 16 - 0.02% Coverage

Few events in Kenya's history are as memorable as the Independence Day celebrations across the country on 12 December 1963 when British colonial rule came to an end. The joy, pride, excitement and euphoria witnessed that Thursday morning was unprecedented. Independence was made possible by the gallant Kenyan men and women who risked and sacrificed their lives and limbs fighting for freedom from colonial rule. With relentless courage they fought and died, not only for their own freedom, but also for the freedom of their children and their children's children – the generations not yet born.

Reference 17 - 0.01% Coverage

7. What followed this moment of renewal and optimism was a history of political repression, blatant injustices and widespread, systematic violation of human rights.

Reference 18 - 0.02% Coverage

14. By 2002, when KANU was dislodged from power by the National Rainbow Coalition (NARC), Kenya was a ravaged state with a history burdened by ghastly accounts of gross violations of human rights and historical injustices. In effect, the KANU government had created an authoritarian, oppressive and corrupt state. It created a traumatised nation of thousands of individuals living with physical and psychological wounds in a country that had no time or space for their experiences and stories. It

Reference 19 - 0.01% Coverage

other forms of attacks. It was the darkest episode in Kenya's post-independence history.

Reference 20 - 0.03% Coverage

In the debates that preceded the creation of the Commission and indeed for the larger part of its tenure, critics argued that everyone knows the truth about historical injustices and violations. Some wondered whether it was at all important to invest both time and resources in establishing what they considered to be matters of public knowledge. While the Commission can see that there is some basis for this position, ultimately the value of the Commission and its work goes far beyond what is currently in the public record. In the first place there is much of Kenya's past that is not a matter of public knowledge. The Commission was tasked with investigating matters buried deep in Kenya's history and providing answers to numerous questions. Secondly, some of what was considered public knowledge was often based on rumour, innuendo and bias. It was an important mission of the Commission to separate fact from fiction and to debunk myths.

Reference 21 - 0.03% Coverage

22. One of the most important contributions the Commission hopes to make towards justice in Kenya is the establishment of an authoritative record of past abuses. Justice will be furthered in this Report through the identification of individuals and institutions found to be responsible for human rights violations and historical injustices. Even where there is no prospect of criminal justice the conduct of rights violators will be held up for close scrutiny. They will be held to public account and their roles forever recorded in history.

23. History will be guided by this Report in judging and assessing the conduct of perpetrators. In publicly identifying those it found to be responsible for human rights violations and historical injustices, the Commission invites Kenyans and the world to hold these individuals to account for their actions.

Reference 22 - 0.01% Coverage

Former UN Special Rapporteur Louis Joinet refers to the 'inalienable right to truth', which he defines as a 'collective right, drawing upon history, to prevent violations from recurring'.²⁰

Reference 23 - 0.03% Coverage

Second, truth-telling offers an opportunity to uncover historical truths and interrogate the past. Periods of transition offer a unique opportunity to redraft social understandings of a country's history and rectify past narratives imposed by the state in furtherance of the interests of a powerful few or an intolerant majority. A member of the Chile Truth and Reconciliation Commission expressed the relationship between truth telling and reconciliation thus: Society cannot simply block out a chapter of its history; it cannot deny the facts of its past, however differently these may be interpreted. Inevitably the void would be filled with lies or with conflicting, confusing versions of the past. A nation's unity depends on a shared identity, which in turn depends largely on a shared memory.²³

Reference 24 - 0.01% Coverage

This is not to say that all Kenyans need to agree on a new historical account; rather, the Commission aims to generate constructive debate and discussion by bringing to light information and facts that were previously unknown or little known to Kenyans. Reconciliation, like history, is the result of a process of engagement with the past by the present in order to secure a more just and peaceful future.

Reference 25 - 0.02% Coverage

Section 5 of the TJR Act provides that 'the objectives of the Commission shall be to promote peace, justice, national unity, healing and reconciliation among the people of Kenya'. These objectives must be understood from a historical perspective, and particularly, in relation to both historical and immediate reasons leading to the formation of the Commission. Chapter one of this Report recounted that history, but it must be emphasised here that central to establishing the Commission was the stark and painful realisation that Kenya's past and history could no longer be ignored or 'swept under the carpet'. The past had to be confronted.

Reference 26 - 0.02% Coverage

It ignores a crucial and critical part of the Kenyan history. It starts from 1963, yet some of the root causes of the issues that date back to the colonial era are not covered in the Act. Kenyans need to know why the period before independence is being left out of the TJRC and why some Kenyans have been left out of the process, yet they have the living testimonies and memories of the history and real life experiences; not allegations. To us, the scope on the search for justice through TJRC should cover the history of our country as a whole.

Reference 27 - 0.01% Coverage

The TJRC Act of 2008 excludes the colonial period. Hence our members ranging from 3,500 are being left out in the truth-telling process of our country; being left out of this process leads to suffocation of Kenyan history and what haunt[s] us as a nation up to date.

Reference 28 - 0.03% Coverage

109. As can be gleaned from the foregoing discussion, the Commission's mandate was both materially vast and complex. Truth commissions are ordinarily mandated to focus only on gross violations of human rights. In addition to being mandated to investigate gross violations of human rights, the Commission was also mandated to investigate historical injustices and other issues that are rarely the focus of a truth commission. The enormity of the task handed to the Commission is well illustrated by the testimony of a witness who, speaking of only a single event, the Wagalla Massacre, observed that: If all the water is turned into ink with which to write, all the trees are turned into pens with which to write, and all the land is turned into paper on which to write, the history of Wagalla cannot be covered.⁵³

Reference 29 - 0.01% Coverage

The process sought statements from victims and witnesses of various forms of human rights violations. It provided victims, their families and witnesses the opportunity to tell their stories. The process gave voice to a multitude of stories and perspectives about violations that had occurred in Kenya's history.

Reference 30 - 0.02% Coverage

Statements recorded by individual victims or witnesses provided the bulk of raw information for the Commission. In addition, memoranda were also collected by the Commission. Generally, memoranda were submitted by representatives of affected communities or groups, but in some instances also by individuals. Memoranda provided information beyond the limits of the Statement Form. Groups and individuals could include longer narrations of the history, context and causes of violations.

Reference 31 - 0.04% Coverage

Let me also take this opportunity to thank those who recorded statements with the Commission. In total, the Commission received over 30,000 statements and 300 memoranda. Because of time limitation and the nature of Truth Commissions, we shall not be able to conduct hearings for all the statements recorded. The Commission has, therefore, selected a few statements to conduct the hearings on what would give a global picture of the violations suffered by people from this region. In the next three days, for example, we shall hear testimonies on the history of events and violations in Mandera; violations suffered by women, testimonies on torture, marginalization, massacres, extrajudicial killings, detentions, loss of property, serious injuries suffered during postelection violence and police brutality. Although a few people will be giving testimonies concerning violations suffered in Mandera, most of you will relate with the testimonies shared because most of you have suffered similar violations. However, I want to assure you that every statement recorded will be part of the report when the Commission finishes its work.⁸

Reference 32 - 0.01% Coverage

neutrality of the venue, especially in regions or areas where groups or communities with a history of conflict or tension reside;

Reference 33 - 0.02% Coverage

Lessons of history show that far too often governments unfortunately do massacre their own people. By stating a conclusion concerning government responsibility for the Wagalla Massacre Ambassador Kiplagat was engaging in just the sort of activity that had led to the original concerns about the conflict of interest his inclusion in the Commission presented. As the official spokesperson of the Commission his statements suggested that the Commission had already prejudged an issue that it was in fact still investigating. Even more, he was making such a statement about an incident in which he himself had been implicated and was under investigation.

Reference 34 - 0.01% Coverage

between the Commissioners and Ambassador Kiplagat. The Advisory Opinion correctly set out the history of the various legal processes initiated by and against Ambassador Kiplagat and the Commission and concluded, among other things, that:

Reference 35 - 0.01% Coverage

Following up on the agreement between Ambassador Kiplagat and the other Commissioners facilitated by the Minister of Justice, the Commissioners drafted an Aide Memoire that set out the history of the events surrounding Ambassador Kiplagat's conflicts of interest and the many different attempts to address those conflicts.⁸

Reference 36 - 0.01% Coverage

Probe to establish who in their view they think is the most responsible for their economic marginalisation considering different periods in history.

Reference 37 - 0.02% Coverage

It is clear from this rather sad and unfortunate history of the TJRC that the allegations levelled against Amb. Kiplagat were never determined upon their merits. Indeed Justice Warsame after castigating TJRC Commissioners for filing the Application which he considered frivolous nonetheless observed at Page 32 of his ruling that "none of the allegations have been considered, investigated and determined". But it is equally clear that those allegations, insofar as they relate to alleged conduct before appointment, cannot be legally used to bar Amb. Kiplagat from occupying the office of chair to the Commission.

Reference 38 - 0.01% Coverage

Ambassador Kiplagat rejected the appeal of his fellow Commissioners and insisted, contrary to the history of the court proceedings, that he had been cleared by the courts.

Reference 39 - 0.03% Coverage

Ethnic tensions, particularly the tendency to view people who are different as ‘the other’ and thus not identify with, and either fear or scapegoat them, is unfortunately as old as human history. Tracing the origins of ethnic tension in Kenya to the beginning of history was beyond the scope of the Commission’s work. To understand the continued presence of ethnic tension today, and its evolution during our mandate period, we started with the colonial period, for it was under the colonial power that the political entity today known as Kenya was formed. In discussing ethnic tension since independence, we look at state and non-state actors, including the role of culture and stereotypes. Any discussion of ethnic tension in present-day Kenya would be incomplete without a discussion of the relationship between ethnicity and politics. It is an unfortunate fact that who joins a political party, and which politicians or parties form alliances, can be more often explained by ethnicity over any other factor.

Reference 40 - 0.04% Coverage

ethnicity and politics that has unfortunately spiralled into ethnic violence far too many times in our history.

While ethnicity and ethnic tension are discussed throughout the Report, we include here a case study on Mt. Elgon to provide a deeper analysis of the history of ethnicity in Kenya and its relationship to politics, land, and violence. The Mt. Elgon case study is unique because of the peculiar mix of ethnicity in the region, and the fact that ethnic tensions gave rise to a well-organized militia that terrorized the local population, which in turn led the state to engage in a military operation to stop the militia, but which also resulted in additional violations of the local population. Yet, the story of Mt. Elgon is typical in that it combines aspects of historical injustices that the Commission had seen in many other parts of the country. Firstly, the use of ethnicity to divide a local community and the combining of ethnic tension with disputes over land. Secondly, ethnic tension over land and identity spilling over into overt violence. Thirdly, the creation of organized militia groups to harden tensions based upon land and ethnicity. Fourthly, the influence of all of these forces on the political dynamics of the region, underscored by the role that

Reference 41 - 0.02% Coverage

Ethnicity may be used as a vehicle for positive group identification, or for negative exclusion including discrimination and, in extreme cases, ethnically-motivated violence. Kenya’s history is replete with examples of ethnicity used for both positive and negative purposes. While this chapter focuses on the negative side of ethnicity as required by the Commission’s mandate, it is important to acknowledge that ethnic affiliation is not, in and of itself, a bad thing. In fact, ethnicity is often at the core of an individual’s sense of identity and belonging. In an environment of tolerance and celebration of diversity, ethnicity can strengthen national identity and purpose.

Reference 42 - 0.03% Coverage

25. During the Commission’s hearings, a leading political science scholar, Professor Walter Oyugi, succinctly summarised this history: Before the British settled in this country, [various ethnic] groups existed. They existed as neighbours and they interacted out of need because there

were certain resources which were only available in certain areas. They accessed them through the exchange mechanism. There were also conflicting relationships depending on the culture of the neighbouring groups like cattle rustling especially between the Maasai and the Akamba, the Luo and the Nandis and so on. There was interaction and, therefore occasional rivalry over land, particularly over pasture and water, was common. Later on, this extended to agricultural

Reference 43 - 0.02% Coverage

28. Related to the colonial origins of ethnic tensions discussed above is the phenomenon of 'insiders' and 'outsiders'. Ethnic tension and violence occur when communities assert a superior claim over a territory at the expense of or to the exclusion of others. Such superior claims are based on the assumption that ownership or occupation at some point in the past created an exclusive claim for such ownership or occupation in the present. Often such claims are based on a selective reading of history or oral tradition and myths handed down from generation to generation.

Reference 44 - 0.03% Coverage

In Coast and Rift Valley alike, a thorny issue that is intricately tied to the notion of insiders and outsiders relates to names of places. In particular, local communities in these two regions are aggrieved that places occupied by those they consider outsiders have been given 'outside names'. In Lamu, a witness lamented before the Commission that a lake that was previously called Mkunguya had its names changed to Kenyatta: There is a lake there [Mpeketoni] called Lake Kenyatta. How did it get to be called Lake Kenyatta in this area? How did the name Kenyatta find its way in this area? If we go back into our history and our culture, the lake was called the Mkunguya Lake. But now it has become Lake Kenyatta. There are names that have been brought in from central [...] Why is there this plot to even change the names of places that hold our history and our origin in this place?²⁵

Reference 45 - 0.01% Coverage

54. Reuben Kendagor testified before the Commission about cattle rustling between the Tugen Community of Baringo North and the Pokot. His testimony highlights the long history of such clashes, the intersection of ethnicity and resource-based conflicts, the escalation of violence with the introduction of high powered weapons, and the inability or unwillingness of the Government to provide security to these communities:

Reference 46 - 0.07% Coverage

[W]e are a community that has been offended for a long time. History tells us that the first offence was committed in 1918 when our community was invited for a meeting in a place called Chepkesin in Ng'orora. During this incident, the meeting was expected to be a peace meeting but we are told that everyone in the meeting had a weapon. Our men were told to untie their bows. This is what happened and our people were massively killed. Down the line in 1977 to 1979, our neighbour community invaded our land causing a number of injuries and a large number of livestock were taken away. Most of us moved away. Up to date, I can tell you most of our people

are living as far away as Nakuru, Eldoret, Trans Nzoia and so on because of the harsh raids by our neighbour. After 1987, the same problem emerged. That is when the sophisticated weapons were used. The AK47 was used and we began losing lives. This was serious because people were killed even on the wayside. People moved massively. It became more serious when we lost one of our great athletes, a standard six boy, in 2006 in a place called Sitegi in Kaptura Sub-Location, Ng'orora Location. This time round, it made so many families to leave their homes and so many children leave school. During the post-election violence of 2007, this became very serious. We identified one of the raids as a massacre because in a village called Kamwoty we lost seven people at one time. A lot of animals were taken away. There were gunshots all over. Our people moved towards Kerio Valley. Today, we have people who are settled along River Kerio as IDPs. [...] We lament because ours is a community that will never counter-attack anybody at all. This community has been very bitter. Most of our people call upon the Government to come to their rescue when these incidents happen to them. Unfortunately, the Government has never shown any commitment let alone disarming our dangerous neighbours.³⁶

Reference 47 - 0.01% Coverage

and north eastern regions of the country also have a long history of ethnically based resource conflicts, including cattle rustling.³⁸ The practice, however, has become more dangerous due to proliferation of firearms and ammunition into the region from neighbouring Ethiopia and Somalia, leading to banditry and general insecurity.³⁹

Reference 48 - 0.03% Coverage

same time the colonial government began to impose restrictions access to land by the existing Kenyan residents. The NCIC recently summarized this restrictive and discriminatory history: During the colonial era, there was extensive land expropriation and resettlement by the colonialists from the indigenous communities. Land expropriation was extensive, from 2 million hectares in 1914 to 3 million hectares on the eve of independence. The expropriation was achieved through various laws, ordinances and promulgations, including the Native Trust Bill of 1926 which restricted indigenous groups to the Native Reserves. These realities raised the profile of land ownership and required extensive attention into independence to reduce their adverse impact on national cohesion and integration in Kenya. Land-related issues continue to be a lingering source of conflict to date.⁵⁹

Reference 49 - 0.01% Coverage

Throughout Kenya's post-independence history the ethnicity of the president has influenced the composition of the cabinet. According to a study by KIPPRA "The tenure of first government of independent Kenya reflects the disproportionate presence of the president's ethnic Kikuyu group in the cabinet".⁷⁹

Reference 50 - 0.01% Coverage

The history of displacement in Kenya has been recounted elsewhere in this Report.⁸³

Reference 51 - 0.04% Coverage

Ethnic tension, particularly the tendency to view people who are different as ‘the other’ and thus not identify with, and either fear or scapegoat them, is unfortunately as old as human history. To understand the continued presence of ethnic tension today, and its evolution during the mandate period, the Commission traced the roots of ethnic tension to the colonial period, for it was under the colonial power that the political entity today known as Kenya was formed. Any discussion of ethnic tension in present-day Kenya would be incomplete without a discussion of the relationship between ethnicity and politics. It is an unfortunate fact that who joins a political party, and which politicians or parties form alliances, can be more often explained by ethnicity over any other factor. It is this potent, and at times volatile, combination of ethnicity and politics that has unfortunately spiralled into ethnic violence far too many times in our history. In the end, it must be appreciated that tackling ethnic tension requires a multifaceted approach aimed at addressing the root causes, including long standing land grievances and economic and political marginalisation.

Reference 52 - 0.02% Coverage

group that—obviously—the Sabaot Land Defence Force takes its name from. The Sabaot are best understood as a collection made up of four sub-groups known as the Sabiny (or the Sebei in Uganda), the Bongomek, the Kony and the Bok. The name Sabaot has a very specific, recent and traceable history. It emerged in 1949 as name that these four groups assigned to themselves as, it has been argued, to the creation of another supra-ethnic group in the region, the Luhya.⁴

Reference 53 - 0.01% Coverage

similar notions of longevity. Notwithstanding these very long histories, current settlement patterns in Mount Elgon are actually a very recent, colonial phenomenon.

Reference 54 - 0.03% Coverage

The residents of Mount Elgon are incredibly conversant with this history. They speak eloquently about events that took place nearly eight decades ago and add their own personal and pained feelings about the fate that befell them as a result of the Carter Commission: I can summarize the problems of Mount Elgon in a very short manner. It is based on the arrival of the colonial government. Before that the Sabaot were able to look after themselves successfully. Unfortunately when the Europeans came, they removed them from their ancestral land which is currently known as Trans Nzoia and Bungoma including Mount Elgon itself. The Europeans removed Sabaot because they wanted to use their land to settle their own Europeans. To do that, they physically removed them. They were taken in Uganda as shown in our records. The Sabaots have been living under a lot of humiliation. They have been marginalized and persecuted. They were prosecuted and dispersed.¹⁵

Reference 55 - 0.01% Coverage

It was, as the Commission discovered, an ominous start to the post-colonial history of Mount Elgon.

Reference 56 - 0.01% Coverage

Identity and land provided the structural underpinnings to the SLDF. The actual catalyst, however, was the Chebyuk Settlement Scheme. Chebyuk has a long, complicated and ultimately unavoidable history that holds the keys to understanding the emergence of a complicated militia.

Reference 57 - 0.04% Coverage

57. Unlike Mr. Serut, Mr. Kapondi was neatly placed with the triumph of the Orange/No vote against the proposed constitution. Two fortuitous trends seemed to combine. The first concerned the fall-out from the re-drawing of Chebyuk. There was a large group of Soy malcontents who had either been locked out of the scheme altogether or stood to lose huge swathes of land on account of the 2.5 hectares cap. Soy elders who were shell-shocked and disappointed in Mr. Serut's betrayal of their cause began to look around for someone else to represent them in the upcoming elections. This group of elders included Patrick Komon (Wilfred Matakwei's father) and Jason Psongoywo Manyiror who was one of the largest land owners in region. In Mr. Kapondi they found an ideal candidate. Quite apart from his recent break with the hated Serut, Mr. Kapondi had a long and documented history of working for Sabaot and particularly Soy land rights. The elders and those with long memories remembered that as KANU chairman, he had been part of a Sabaot delegation that had visited President Moi in 1989 and 1993 to present their claims for additional land.

Reference 58 - 0.01% Coverage

89. Research emphasizes the prominent role that laibons—spiritual and ritual experts-- have played in war throughout the history of the Sabaot and other Kalenjin-speaking peoples.⁹²

Reference 59 - 0.03% Coverage

127. The Mount Elgon conflict is at once unique and typical. For the Commission its uniqueness comes from the fact that the region is home to a very particular mix of ethnicities, historical and contemporary experiences that cannot be reproduced. It is this unique combination that in turn gave rise to the Sabaot Land Defence Force (SLDF). The militia and the state's attempts to quash it are unprecedented. For all its uniqueness, however, Mount Elgon sits within an identifiable trend in modern Kenyan history: the inherent instability and disruptive potential of issues surrounding ethnicity, land and politics. The forces that eventually pulled Elgon are by no means limited to the mountain. They feature throughout the country and carry with them the capacity to manifest with similar violence and chaos.

Reference 60 - 0.04% Coverage

Kenya's history has been characterised by tragic episodes of gross violations of human rights. Most of these atrocities were committed between 1963 and 2002 during which Kenya African

National Union (KANU) was at the helm of power. KANU, the independence party, and under the leadership of President Jomo Kenyatta and later President Daniel Arap Moi, created an authoritarian, oppressive and corrupt state. It created a traumatised nation of thousands of individuals living with physical and psychological wounds in a country that had no time or space for their experiences and stories. Indeed, for decades, Kenya has remained a nation in which communities stand divided along ethnic and regional lines suspicious and distrustful of one another. Over the decades feelings of intercommunities distrust, even hatred, have festered mainly because a myriad of issues which are at the core of nation building have largely remained unresolved. These issues include land problems, inequality and regional imbalances, and impunity combined with a lack of transparency and accountability. These issues have eroded a sense of belonging, nationhood, and public trust in political and governance institutions.

Reference 61 - 0.02% Coverage

their forefathers and mothers. Until now, the scale and impact of human rights violations and historical injustices have neither been fully acknowledged nor sufficiently addressed. This has in turn nurtured an atmosphere of latent tension, hatred and suspicion among individuals and communities. This tension flared up in December 2007 following the declaration of the results of the Presidential Election. The outcome was an unprecedented tragedy in Kenya's history: a violent conflict in which an estimated 1,133 people died while approximately 650,000 were displaced from their homes and property worth billions of shillings destroyed through arson and other forms of attacks.

Reference 62 - 0.02% Coverage

The hearings also served as an opportunity for some of the victims to not only speak out about their experiences but also a chance to tell the younger generation, which were mostly unborn at the time of the violation, what the victims went through at the hand of government agencies. It was a chance to write/rewrite history. In his testimony, Mr. Samuel Nyang'au Nyanchiengo stated: I am very grateful because today I have been given a chance to speak the truth on how we were tortured in 1982. Most of you had not yet been born but it is good for you to know what happened.¹⁰

Reference 63 - 0.03% Coverage

Some also asked about the role of the Commission with respect to the 2007 PEV. As noted earlier, it was the 2007 PEV that provided the immediate impetus for the creation of the Commission, and that period of Kenya's history is clearly within the temporal mandate of the Commission. Consequently the Commission heard a good deal of testimony concerning the PEV. The Commission, however, limited the amount of resources that it devoted to that period for three reasons. First, the period of post-election violence was a very small part of the time period in which the Commission was to examine historical injustices and gross violations of human rights. Second, a previous commission of inquiry – the Commission of Inquiry on the Post-Election Violence, also known as the Waki Commission – had focused specifically and narrowly on violations during this period. Third, through its focus on initially six, and now three, individuals, the ICC was and is investigating this period of Kenya's history.

Reference 64 - 0.02% Coverage

21. However, the prevalence of impunity throughout the history of Kenya compelled the Commission to consider lustration for past abuses committed by individuals while acting in an official capacity. The Commission considered that tackling impunity is a necessary and urgent step in the full restoration of the rule of law in Kenya, in establishing lasting peace and stability, and in fostering reconciliation. For this reason, the Commission has recommended that specific individuals should not hold public office in Kenya's constitutional order on account of their past conduct and/or decisions which resulted in gross violations of human rights.

Reference 65 - 0.02% Coverage

54. Massacres have occurred throughout the history of Kenya. While they increased during and as a result of colonialism, massacres predate the colonial period. The Commission has documented the following massacres which occurred during the colonial period: □ Kedong Massacre □ Massacres committed in the context of the Giriama Rebellion □ Kollowa Massacre □ Massacres committed in the context of Mau Mau War including Lari Massacre and Hola Massacre

Reference 66 - 0.02% Coverage

The Commission recommends that within six months of the issuance of this Report, the Government shall release to the Implementation Committee all of the minutes of the relevant DSC, PSC, KIC, and NSC meetings with respect to each and every one of the massacres referred to above. The Commission recommends that the Government take into account the history of such massacres and other violations, including the related economic marginalization of the region, in formulating relevant development policies, including in prioritizing crucial infrastructure development. An explicit goal of such development policies must be addressing the historic economic marginalization of this and other similar areas.

Reference 67 - 0.01% Coverage

129. The Commission finds that throughout the mandate period there was a common trend pattern and state-sanctioned killings and disappearances. Indeed, the use of excessive and disproportionate force by the police has been a common theme running through Kenya's history.

Reference 68 - 0.02% Coverage

183. The Commission finds that throughout the history of Kenya, women have had limited access to education opportunities. During the colonial period, when formal schooling was introduced, it is boys rather than girls who were encouraged to join. When girls were allowed to go to school, it was not without resistance from communities, which invariably perceived the new education offered by missionaries as informed by the bad intentions of 'spoiling' good girls. The education offered to girls by colonial schools and later by schools in independent Kenya was

not completely progressive either. The syllabus was designed to nurture girls' domestic roles as wives and mothers

Reference 69 - 0.01% Coverage

224. The Commission finds that residents of regions that were not identified as economically marginalized also consider themselves to have been marginalised at one point or another in history. The Commission acknowledges and affirms these perceptions.

Reference 70 - 0.02% Coverage

242. Western has often been ignored in classification of marginalized regions in Kenya, yet its historical evolution and political fortunes are closely tied with that of Nyanza province, which is acknowledged in formal accounts as a marginalized region. Backed up with a history that lacks political favour with successive governments and the high level of poverty, it is evident that Western Kenya is marginalized. Recent trends reveal that the region has been forgotten in the development agenda.

History Child Node References

The following section contains history references from the Kenya report organized by the child nodes outlined in History Coding for the Kenya Report. Some references appear under several subheadings since they contained discussions of multiple themes.

Accountability

References or discussions of accountability or who is responsible for past crimes

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC_Volume_1-4> - § 3 references coded [0.06% Coverage]

Reference 1 - 0.03% Coverage

The volume starts with a general overview of the political history of Kenya. This chapter provides the overall political context for understanding not only the other specific violations in this chapter, but also the violations and other materials in the rest of the Report. This general political overview is then supplemented by a description of the history of the state security agencies. While other agencies of the state were responsible for historical injustices and gross violations of human rights during the mandate period, the security agencies were both primarily responsible for many of the acts of commission discussed in this volume, as well as the acts of omission (the failure to provide security) that allowed many of the violations committed by non-state actors to occur.

Reference 2 - 0.03% Coverage

22. One of the most important contributions the Commission hopes to make towards justice in Kenya is the establishment of an authoritative record of past abuses. Justice will be furthered in this Report through the identification of individuals and institutions found to be responsible for human rights violations and historical injustices. Even where there is no prospect of criminal justice the conduct of rights violators will be held up for close scrutiny. They will be held to public account and their roles forever recorded in history.

23. History will be guided by this Report in judging and assessing the conduct of perpetrators. In publicly identifying those it found to be responsible for human rights violations and historical injustices, the Commission invites Kenyans and the world to hold these individuals to account for their actions.

Reference 3 - 0.01% Coverage

Probe to establish who in their view they think is the most responsible for their economic marginalisation considering different periods in history.

Colonialism

References or discussions of colonialism

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC_Volume_1-4> - § 18 references coded [0.41% Coverage]

Reference 1 - 0.02% Coverage

Political History: A general overview In order to contextualize gross violations of human rights and historical injustices that occurred during the mandate period, the Commission divided the political history of Kenya into four distinct epochs. These epochs correspond with the four political administrations that governed the country prior to and during the Commission's mandate period: □ British colonial era (1895 to 1963); □ President Jomo Kenyatta's era (1963 to 1978); □ President Daniel arap Moi's era (1978 to 2002); and □ President Mwai Kibaki's era (2002 to 2008).

Reference 2 - 0.02% Coverage

The history of the military paints a similarly grim picture. During the colonial period, and especially during the emergency period, the military was engaged in the screening and interrogating of people in order to extract information from them concerning Mau Mau. It is from these twin processes of screening and interrogation that the most astonishing evidence of widespread and institutionalized torture has emerged. The military would continue to use similar brutal tactics way into the post-independence era and as recently as March 2008 during Operation Okoa Maisha in Mt. Elgon.

Reference 3 - 0.04% Coverage

The Shifta War, waged between 1964 to 1967, represents a period in Kenya's history during which systematic and widespread violation of human rights (including mass killings) of Kenyan citizens occurred. Officially, the death toll stands at 2,000. Unofficial estimates place the death toll at 7,000. The Shifta War acts as a bridge from the violations committed by the colonial power prior to independence and the violations committed by the newly independent government. The War arose out of a long history of political unrest in Northern Kenya where ethnic groups resisted centralised colonial rule. After independence state security agents alongside military personnel were deployed in what was called the Northern Frontier District to quell the continuing resistance. Witness testimonies before the Commission brought to the surface the long history of violation of human rights and related activities in Northern Kenya. From the colonial days, Northern Kenya had been administered differently from the rest of the country. Travel and movement restrictions were imposed and administrators were given extraordinary powers to arrest and detain members of what the state referred to as 'hostile tribes'.

Reference 4 - 0.01% Coverage

The history of massacres in Kenya predates colonialism in Kenya. There were inter and intra-ethnic killings, as illustrated by the Maasai wars of the 1800s. This was the context in which the colonialists entered the scene and opened fresh horizons for mass violence.

Reference 5 - 0.05% Coverage

The Commission studied the history of massacres in Kenya to identify broad trends and patterns of mass violence that have recurred throughout Kenya's history. The first properly documented massacre in Kenya's colonial past was the Kedong Massacre of 26 November 1895. Other massacres include those committed in the context of the Giriama Rebellion of 1912-1914, and the Kollowa Massacre of 24 April 1950. Other massacres were committed during the Mau Mau uprising between 1952 and 1959. In this regard, the Lari and Hola Massacres stand out. In all these massacres, the colonial state was present and was always unapologetic. Indeed, the colonial state always tried to minimise, cover up or flatly deny the occurrence of such mass killings. At independence, the country was blood-drenched with a history of massacres and entered its future with historical baggage that was to affect future events. The Commission's research, investigations and hearings revealed that most massacres in Kenya have occurred in Northern Kenya and have always occurred in the context of what the state refers to security operations. The Commission has documented the following massacres committed by state security agents: Bulla Karatasi Massacre; Wagalla Massacre; Malka Mari Massacre; Lotirir Massacre; and Murkutwa Massacre. To date, no government official has been prosecuted or otherwise publicly held to account for these atrocities. The Commission also focused on a few massacres committed by non-state actors: Turbi Massacre and Loteteleit Massacre.

Reference 6 - 0.02% Coverage

Few events in Kenya's history are as memorable as the Independence Day celebrations across the country on 12 December 1963 when British colonial rule came to an end. The joy, pride, excitement and euphoria witnessed that Thursday morning was unprecedented. Independence was made possible by the gallant Kenyan men and women who risked and sacrificed their lives and limbs fighting for freedom from colonial rule. With relentless courage they fought and died, not only for their own freedom, but also for the freedom of their children and their children's children – the generations not yet born.

Reference 7 - 0.02% Coverage

It ignores a crucial and critical part of the Kenyan history. It starts from 1963, yet some of the root causes of the issues that date back to the colonial era are not covered in the Act. Kenyans need to know why the period before independence is being left out of the TJRC and why some Kenyans have been left out of the process, yet they have the living testimonies and memories of the history and real life experiences; not allegations. To us, the scope on the search for justice through TJRC should cover the history of our country as a whole.

Reference 8 - 0.01% Coverage

The TJRC Act of 2008 excludes the colonial period. Hence our members ranging from 3,500 are being left out in the truth-telling process of our country; being left out of this process leads to suffocation of Kenyan history and what haunt[s] us as a nation up to date.

Reference 9 - 0.04% Coverage

Ethnic tensions, particularly the tendency to view people who are different as ‘the other’ and thus not identify with, and either fear or scapegoat them, is unfortunately as old as human history. Tracing the origins of ethnic tension in Kenya to the beginning of history was beyond the scope of the Commission’s work. To understand the continued presence of ethnic tension today, and its evolution during our mandate period, we started with the colonial period, for it was under the colonial power that the political entity today known as Kenya was formed. In discussing ethnic tension since independence, we look at state and non-state actors, including the role of culture and stereotypes. Any discussion of ethnic tension in present-day Kenya would be incomplete without a discussion of the relationship between ethnicity and politics. It is an unfortunate fact that who joins a political party, and which politicians or parties form alliances, can be more often explained by ethnicity over any other factor. It is this potent, and

Reference 10 - 0.03% Coverage

25. During the Commission’s hearings, a leading political science scholar, Professor Walter Oyugi, succinctly summarised this history: Before the British settled in this country, [various ethnic] groups existed. They existed as neighbours and they interacted out of need because there were certain resources which were only available in certain areas. They accessed them through the exchange mechanism. There were also conflicting relationships depending on the culture of the neighbouring groups like cattle rustling especially between the Maasai and the Akamba, the Luo and the Nandis and so on. There was interaction and, therefore occasional rivalry over land, particularly over pasture and water, was common. Later on, this extended to agricultural

Reference 11 - 0.02% Coverage

28. Related to the colonial origins of ethnic tensions discussed above is the phenomenon of ‘insiders’ and ‘outsiders’. Ethnic tension and violence occur when communities assert a superior claim over a territory at the expense of or to the exclusion of others. Such superior claims are based on the assumption that ownership or occupation at some point in the past created an exclusive claim for such ownership or occupation in the present. Often such claims are based on a selective reading of history or oral tradition and myths handed down from generation to generation.

Reference 12 - 0.03% Coverage

In Coast and Rift Valley alike, a thorny issue that is intricately tied to the notion of insiders and outsiders relates to names of places. In particular, local communities in these two regions are aggrieved that places occupied by those they consider outsiders have been given ‘outside names’. In Lamu, a witness lamented before the Commission that a lake that was previously called

Mkunguya had its names changed to Kenyatta: There is a lake there [Mpeketoni] called Lake Kenyatta. How did it get to be called Lake Kenyatta in this area? How did the name Kenyatta find its way in this area? If we go back into our history and our culture, the lake was called the Mkunguya Lake. But now it has become Lake Kenyatta. There are names that have been brought in from central [...] Why is there this plot to even change the names of places that hold our history and our origin in this place?²⁵

Reference 13 - 0.03% Coverage

same time the colonial government began to impose restrictions access to land by the existing Kenyan residents. The NCIC recently summarized this restrictive and discriminatory history: During the colonial era, there was extensive land expropriation and resettlement by the colonialists from the indigenous communities. Land expropriation was extensive, from 2 million hectares in 1914 to 3 million hectares on the eve of independence. The expropriation was achieved through various laws, ordinances and promulgations, including the Native Trust Bill of 1926 which restricted indigenous groups to the Native Reserves. These realities raised the profile of land ownership and required extensive attention into independence to reduce their adverse impact on national cohesion and integration in Kenya. Land-related issues continue to be a lingering source of conflict to date.⁵⁹

Reference 14 - 0.01% Coverage

similar notions of longevity. Notwithstanding these very long histories, current settlement patterns in Mount Elgon are actually a very recent, colonial phenomenon.

Reference 15 - 0.03% Coverage

The residents of Mount Elgon are incredibly conversant with this history. They speak eloquently about events that took place nearly eight decades ago and add their own personal and pained feelings about the fate that befell them as a result of the Carter Commission: I can summarize the problems of Mount Elgon in a very short manner. It is based on the arrival of the colonial government. Before that the Sabaot were able to look after themselves successfully. Unfortunately when the Europeans came, they removed them from their ancestral land which is currently known as Trans Nzoia and Bungoma including Mount Elgon itself. The Europeans removed Sabaot because they wanted to use their land to settle their own Europeans. To do that, they physically removed them. They were taken in Uganda as shown in our records. The Sabaots have been living under a lot of humiliation. They have been marginalized and persecuted. They were prosecuted and dispersed.¹⁵

Reference 16 - 0.01% Coverage

It was, as the Commission discovered, an ominous start to the post-colonial history of Mount Elgon.

Reference 17 - 0.02% Coverage

54. Massacres have occurred throughout the history of Kenya. While they increased during and as a result of colonialism, massacres predate the colonial period. The Commission has documented the following massacres which occurred during the colonial period: □ Kedong Massacre □ Massacres committed in the context of the Giriama Rebellion □ Kollowa Massacre □ Massacres committed in the context of Mau Mau War including Lari Massacre and Hola Massacre

Reference 18 - 0.02% Coverage

difficult to access employment opportunities.

183. The Commission finds that throughout the history of Kenya, women have had limited access to education opportunities. During the colonial period, when formal schooling was introduced, it is boys rather than girls who were encouraged to join. When girls were allowed to go to school, it was not without resistance from communities, which invariably perceived the new education offered by missionaries as informed by the bad intentions of ‘spoiling’ good girls. The education offered to girls by colonial schools and later by schools in independent Kenya was not completely progressive either. The syllabus was designed to nurture girls’ domestic roles as wives and mothers

Corruption

References or discussions of corruption

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC_Volume_1-4> - § 5 references coded [0.11% Coverage]

Reference 1 - 0.05% Coverage

Volume I EXECUTIVE SUMMARY

The Commission studied the history of massacres in Kenya to identify broad trends and patterns of mass violence that have recurred throughout Kenya's history. The first properly documented massacre in Kenya's colonial past was the Kedong Massacre of 26 November 1895. Other massacres include those committed in the context of the Giriama Rebellion of 1912-1914, and the Kollowa Massacre of 24 April 1950. Other massacres were committed during the Mau Mau uprising between 1952 and 1959. In this regard, the Lari and Hola Massacres stand out. In all these massacres, the colonial state was present and was always unapologetic. Indeed, the colonial state always tried to minimise, cover up or flatly deny the occurrence of such mass killings. At independence, the country was blood-drenched with a history of massacres and entered its future with historical baggage that was to affect future events. The Commission's research, investigations and hearings revealed that most massacres in Kenya have occurred in Northern Kenya and have always occurred in the context of what the state refers to security operations. The Commission has documented the following massacres committed by state security agents: Bulla Karatasi Massacre; Wagalla Massacre; Malka Mari Massacre; Lotirir Massacre; and Murkutwa Massacre. To date, no government official has been prosecuted or otherwise publicly held to account for these atrocities. The Commission also focused on a few massacres committed by non-state actors: Turbi Massacre and Loteteleit Massacre.

Reference 2 - 0.02% Coverage

Kenya's post- independence history has been marred by successive cases of huge scandals. In order to appreciate the magnitude and scale of grand corruption in Kenya, the Commission resorted to documented cases of grand corruption from as early as the KenRen scandal in the 1970s up to the IEBC's procurement of biometric voter registration kits in 2013. In the last two decades, the media and civil society exposed numerous multimillion dollar financial scams in Kenya including the following: Ken Ren Scandal; Goldenberg Scandal; Charter House Bank Scandal; and Anglo Leasing Scandal.

Reference 3 - 0.01% Coverage

7. What followed this moment of renewal and optimism was a history of political repression, blatant injustices and widespread, systematic violation of human rights.

Reference 4 - 0.01% Coverage

Following up on the agreement between Ambassador Kiplagat and the other Commissioners facilitated by the Minister of Justice, the Commissioners drafted an Aide Memoire that set out

the history of the events surrounding Ambassador Kiplagat's conflicts of interest and the many different attempts to address those conflicts.⁸

Reference 5 - 0.02% Coverage

It is clear from this rather sad and unfortunate history of the TJRC that the allegations levelled against Amb. Kiplagat were never determined upon their merits. Indeed Justice Warsame after castigating TJRC Commissioners for filing the Application which he considered frivolous nonetheless observed at Page 32 of his ruling that "none of the allegations have been considered, investigated and determined". But it is equally clear that those allegations, insofar as they relate to alleged conduct before appointment, cannot be legally used to bar Amb. Kiplagat from occupying the office of chair to the Commission.

Discrimination

References or discussions of discrimination or oppression

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC_Volume_1-4> - § 6 references coded [0.15% Coverage]

Reference 1 - 0.02% Coverage

Volume IIC focuses on the stories and narratives of groups of people that are provided special protection under domestic and international law because of a history of discrimination and oppression. These are: women, children and minority and indigenous people. Historically members of these groups were not recognized as having the same rights as others. The drafters of the TJR Act clearly had such history in mind, and empowered the Commission to put in place special arrangements and adopt specific mechanisms for addressing the experience of historically vulnerable populations. The Commission thus established a Special Support Unit that focused

Reference 2 - 0.02% Coverage

Ethnicity may be used as a vehicle for positive group identification, or for negative exclusion including discrimination and, in extreme cases, ethnically-motivated violence. Kenya's history is replete with examples of ethnicity used for both positive and negative purposes. While this chapter focuses on the negative side of ethnicity as required by the Commission's mandate, it is important to acknowledge that ethnic affiliation is not, in and of itself, a bad thing. In fact, ethnicity is often at the core of an individual's sense of identity and belonging. In an environment of tolerance and celebration of diversity, ethnicity can strengthen national identity and purpose.

Reference 3 - 0.03% Coverage

same time the colonial government began to impose restrictions access to land by the existing Kenyan residents. The NCIC recently summarized this restrictive and discriminatory history: During the colonial era, there was extensive land expropriation and resettlement by the colonialists from the indigenous communities. Land expropriation was extensive, from 2 million hectares in 1914 to 3 million hectares on the eve of independence. The expropriation was achieved through various laws, ordinances and promulgations, including the Native Trust Bill of 1926 which restricted indigenous groups to the Native Reserves. These realities raised the profile of land ownership and required extensive attention into independence to reduce their adverse impact on national cohesion and integration in Kenya. Land-related issues continue to be a lingering source of conflict to date.⁵⁹

Reference 4 - 0.03% Coverage

The residents of Mount Elgon are incredibly conversant with this history. They speak eloquently about events that took place nearly eight decades ago and add their own personal and pained feelings about the fate that befell them as a result of the Carter Commission: I can summarize the problems of Mount Elgon in a very short manner. It is based on the arrival of the colonial

government. Before that the Sabaot were able to look after themselves successfully. Unfortunately when the Europeans came, they removed them from their ancestral land which is currently known as Trans Nzoia and Bungoma including Mount Elgon itself. The Europeans removed Sabaot because they wanted to use their land to settle their own Europeans. To do that, they physically removed them. They were taken in Uganda as shown in our records. The Sabaots have been living under a lot of humiliation. They have been marginalized and persecuted. They were prosecuted and dispersed.¹⁵

Reference 5 - 0.02% Coverage

their forefathers and mothers. Until now, the scale and impact of human rights violations and historical injustices have neither been fully acknowledged nor sufficiently addressed. This has in turn nurtured an atmosphere of latent tension, hatred and suspicion among individuals and communities. This tension flared up in December 2007 following the declaration of the results of the Presidential Election. The outcome was an unprecedented tragedy in Kenya's history: a violent conflict in which an estimated 1,133 people died while approximately 650,000 were displaced from their homes and property worth billions of shillings destroyed through arson and other forms of attacks.

3.

Reference 6 - 0.02% Coverage

242. Western has often been ignored in classification of marginalized regions in Kenya, yet its historical evolution and political fortunes are closely tied with that of Nyanza province, which is acknowledged in formal accounts as a marginalized region. Backed up with a history that lacks political favour with successive governments and the high level of poverty, it is evident that Western Kenya is marginalized. Recent trends reveal that the region has been forgotten in the development agenda.

Ethnicity

References or discussions of ethnicity, ethnic lines, or ethnic violence

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC_Volume_1-4> - § 15 references coded [0.36% Coverage]

Reference 1 - 0.04% Coverage

The Shifta War, waged between 1964 to 1967, represents a period in Kenya's history during which systematic and widespread violation of human rights (including mass killings) of Kenyan citizens occurred. Officially, the death toll stands at 2,000. Unofficial estimates place the death toll at 7,000. The Shifta War acts as a bridge from the violations committed by the colonial power prior to independence and the violations committed by the newly independent government. The War arose out of a long history of political unrest in Northern Kenya where ethnic groups resisted centralised colonial rule. After independence state security agents alongside military personnel were deployed in what was called the Northern Frontier District to quell the continuing resistance.

Witness testimonies before the Commission brought to the surface the long history of violation of human rights and related activities in Northern Kenya. From the colonial days, Northern Kenya had been administered differently from the rest of the country. Travel and movement restrictions were imposed and administrators were given extraordinary powers to arrest and detain members of what the state referred to as 'hostile tribes'.

Reference 2 - 0.01% Coverage

To demonstrate the complicated mix of land, ethnicity, politics and violence, the Commission includes an analysis of ethnic violence in the Mt. Elgon region. While the history of violence in Mt. Elgon is unique, many aspects of the causes of violence and its impact are typical in many other parts of the country.

Reference 3 - 0.04% Coverage

Ethnic tensions, particularly the tendency to view people who are different as 'the other' and thus not identify with, and either fear or scapegoat them, is unfortunately as old as human history. Tracing the origins of ethnic tension in Kenya to the beginning of history was beyond the scope of the Commission's work. To understand the continued presence of ethnic tension today, and its evolution during our mandate period, we started with the colonial period, for it was under the colonial power that the political entity today known as Kenya was formed. In discussing ethnic tension since independence, we look at state and non-state actors, including the role of culture and stereotypes. Any discussion of ethnic tension in present-day Kenya would be incomplete without a discussion of the relationship between ethnicity and politics. It is an unfortunate fact that who joins a political party, and which politicians or parties form alliances, can be more often explained by ethnicity over any other factor.

It is this potent, and

Reference 4 - 0.02% Coverage

Ethnicity may be used as a vehicle for positive group identification, or for negative exclusion including discrimination and, in extreme cases, ethnically-motivated violence. Kenya's history is replete with examples of ethnicity used for both positive and negative purposes. While this chapter focuses on the negative side of ethnicity as required by the Commission's mandate, it is important to acknowledge that ethnic affiliation is not, in and of itself, a bad thing. In fact, ethnicity is often at the core of an individual's sense of identity and belonging. In an environment of tolerance and celebration of diversity, ethnicity can strengthen national identity and purpose.

Reference 5 - 0.03% Coverage

25. During the Commission's hearings, a leading political science scholar, Professor Walter Oyugi, succinctly summarised this history: Before the British settled in this country, [various ethnic] groups existed. They existed as neighbours and they interacted out of need because there were certain resources which were only available in certain areas. They accessed them through the exchange mechanism. There were also conflicting relationships depending on the culture of the neighbouring groups like cattle rustling especially between the Maasai and the Akamba, the Luo and the Nandis and so on. There was interaction and, therefore occasional rivalry over land, particularly over pasture and water, was common. Later on, this extended to agricultural

Reference 6 - 0.02% Coverage

28. Related to the colonial origins of ethnic tensions discussed above is the phenomenon of 'insiders' and 'outsiders'. Ethnic tension and violence occur when communities assert a superior claim over a territory at the expense of or to the exclusion of others. Such superior claims are based on the assumption that ownership or occupation at some point in the past created an exclusive claim for such ownership or occupation in the present. Often such claims are based on a selective reading of history or oral tradition and myths handed down from generation to generation.

Reference 7 - 0.01% Coverage

and north eastern regions of the country also have a long history of ethnically based resource conflicts, including cattle rustling.³⁸ The practice, however, has become more dangerous due to proliferation of firearms and ammunition into the region from neighbouring Ethiopia and Somalia, leading to banditry and general insecurity.³⁹

Reference 8 - 0.01% Coverage

82.

Throughout Kenya's post-independence history the ethnicity of the president has influenced the composition of the cabinet. According to a study by KIPPRA "The tenure of first government of independent Kenya reflects the disproportionate presence of the president's ethnic Kikuyu group in the cabinet".⁷⁹

Reference 9 - 0.04% Coverage

Ethnic tension, particularly the tendency to view people who are different as ‘the other’ and thus not identify with, and either fear or scapegoat them, is unfortunately as old as human history. To understand the continued presence of ethnic tension today, and its evolution during the mandate period, the Commission traced the roots of ethnic tension to the colonial period, for it was under the colonial power that the political entity today known as Kenya was formed. Any discussion of ethnic tension in present-day Kenya would be incomplete without a discussion of the relationship between ethnicity and politics. It is an unfortunate fact that who joins a political party, and which politicians or parties form alliances, can be more often explained by ethnicity over any other factor. It is this potent, and at times volatile, combination of ethnicity and politics that has unfortunately spiralled into ethnic violence far too many times in our history. In the end, it must be appreciated that tackling ethnic tension requires a multifaceted approach aimed at addressing the root causes, including long standing land grievances and economic and political marginalisation.

Reference 10 - 0.02% Coverage

group that—obviously—the Sabaot Land Defence Force takes its name from. The Sabaot are best understood as a collection made up of four sub-groups known as the Sabiny (or the Sebei in Uganda), the Bongomek, the Kony and the Bok. The name Sabaot has a very specific, recent and traceable history. It emerged in 1949 as name that these four groups assigned to themselves as, it has been argued, to the creation of another supra-ethnic group in the region, the Luhya.⁴

Reference 11 - 0.04% Coverage

57. Unlike Mr. Serut, Mr. Kapondi was neatly placed with the triumph of the Orange/No vote against the proposed constitution. Two fortuitous trends seemed to combine. The first concerned the fall-out from the re-drawing of Chebyuk. There was a large group of Soy malcontents who had either been locked out of the scheme altogether or stood to lose huge swathes of land on account of the 2.5 hectares cap. Soy elders who were shell-shocked and disappointed in Mr. Serut’s betrayal of their cause began to look around for someone else to represent them in the upcoming elections. This group of elders included Patrick Komon (Wilfred Matakwei’s father) and Jason Psongoywo Manyiror who was one of the largest land owners in region. In Mr. Kapondi they found an ideal candidate. Quite apart from his recent break with the hated Serut, Mr. Kapondi had a long and documented history of working for Sabaot and particularly Soy land rights. The elders and those with long memories remembered that as KANU chairman, he had been part of a Sabaot delegation that had visited President Moi in 1989 and 1993 to present their claims for additional land.

Reference 12 - 0.01% Coverage

89. Research emphasizes the prominent role that laibons—spiritual and ritual experts-- have played in war throughout the history of the Sabaot and other Kalenjin-speaking peoples.⁹²

Reference 13 - 0.03% Coverage

127. The Mount Elgon conflict is at once unique and typical. For the Commission its uniqueness comes from the fact that the region is home to a very particular mix of ethnicities, historical and contemporary experiences that cannot be reproduced. It is this unique combination that in turn gave rise to the Sabaot Land Defence Force (SLDF). The militia and the state's attempts to quash it are unprecedented. For all its uniqueness, however, Mount Elgon sits within an identifiable trend in modern Kenyan history: the inherent instability and disruptive potential of issues surrounding ethnicity, land and politics. The forces that eventually pulled Elgon are by no means limited to the mountain. They feature throughout the country and carry with them the capacity to manifest with similar violence and chaos.

Reference 14 - 0.04% Coverage

Kenya's history has been characterised by tragic episodes of gross violations of human rights. Most of these atrocities were committed between 1963 and 2002 during which Kenya African National Union (KANU) was at the helm of power. KANU, the independence party, and under the leadership of President Jomo Kenyatta and later President Daniel Arap Moi, created an authoritarian, oppressive and corrupt state. It created a traumatised nation of thousands of individuals living with physical and psychological wounds in a country that had no time or space for their experiences and stories. Indeed, for decades, Kenya has remained a nation in which communities stand divided along ethnic and regional lines suspicious and distrustful of one another. Over the decades feelings of intercommunities distrust, even hatred, have festered mainly because a myriad of issues which are at the core of nation building have largely remained unresolved. These issues include land problems, inequality and regional imbalances, and impunity combined with a lack of transparency and accountability. These issues have eroded a sense of belonging, nationhood, and public trust in political and governance institutions.

Reference 15 - 0.02% Coverage

242. Western has often been ignored in classification of marginalized regions in Kenya, yet its historical evolution and political fortunes are closely tied with that of Nyanza province, which is acknowledged in formal accounts as a marginalized region. Backed up with a history that lacks political favour with successive governments and the high level of poverty, it is evident that Western Kenya is marginalized. Recent trends reveal that the region has been forgotten in the development agenda.

Human Rights

References or discussions of human rights or human rights violations

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC_Volume_1-4> - § 18 references coded [0.47% Coverage]

Reference 1 - 0.03% Coverage

The volume starts with a general overview of the political history of Kenya. This chapter provides the overall political context for understanding not only the other specific violations in this chapter, but also the violations and other materials in the rest of the Report. This general political overview is then supplemented by a description of the history of the state security agencies. While other agencies of the state were responsible for historical injustices and gross violations of human rights during the mandate period, the security agencies were both primarily responsible for many of the acts of commission discussed in this volume, as well as the acts of omission (the failure to provide security) that allowed many of the violations committed by non-state actors to occur.

Reference 2 - 0.05% Coverage

The police and the military forces are at the centre of Kenya's history of gross violations of human rights. While other agencies of the state were responsible for historical injustices and gross violations of human rights during the mandate period, security agencies were both primarily responsible for many of the acts of commission documented in this Report, as well as the acts of omission (the failure to provide security) that allowed many of the violations committed by non-state actors to occur.

Across the country, the Commission heard horrendous accounts of atrocities committed against innocent citizens by the police and the military. The history of security operations conducted by these two institutions, either jointly or severally, is dominated by tales of brutal use of force, unlawful killings (sometimes on a large scale), rape and sexual violence, and burning and looting of property. In security operations, the police and the military often employed collective punishment: the indiscriminate rounding up of individuals in a specific area, then brutally punishing them, all with the expectation that this would yield the desired results of increased security. Thus, since independence, the police and the military in Kenya have been viewed and invariably described as rogue institutions; they are still feared and seen as perennial violators of human rights rather than protectors of the same.

Reference 3 - 0.04% Coverage

The Shifta War, waged between 1964 to 1967, represents a period in Kenya's history during which systematic and widespread violation of human rights (including mass killings) of Kenyan citizens occurred. Officially, the death toll stands at 2,000. Unofficial estimates place the death toll at 7,000. The Shifta War acts as a bridge from the violations committed by the colonial power prior to independence and the violations committed by the newly independent government. The War arose out of a long history of political unrest in Northern Kenya where ethnic groups resisted centralised colonial rule. After

independence state security agents alongside military personnel were deployed in what was called the Northern Frontier District to quell the continuing resistance.

Witness testimonies before the Commission brought to the surface the long history of violation of human rights and related activities in Northern Kenya. From the colonial days, Northern Kenya had been administered differently from the rest of the country. Travel and movement restrictions were imposed and administrators were given extraordinary powers to arrest and detain members of what the state referred to as 'hostile tribes'.

Reference 4 - 0.01% Coverage

7. What followed this moment of renewal and optimism was a history of political repression, blatant injustices and widespread, systematic violation of human rights.

Reference 5 - 0.02% Coverage

14. By 2002, when KANU was dislodged from power by the National Rainbow Coalition (NARC), Kenya was a ravaged state with a history burdened by ghastly accounts of gross violations of human rights and historical injustices. In effect, the KANU government had created an authoritarian, oppressive and corrupt state. It created a traumatised nation of thousands of individuals living with physical and psychological wounds in a country that had no time or space for their experiences and stories. It

Reference 6 - 0.03% Coverage

In the debates that preceded the creation of the Commission and indeed for the larger part of its tenure, critics argued that everyone knows the truth about historical injustices and violations. Some wondered whether it was at all important to invest both time and resources in establishing what they considered to be matters of public knowledge. While the Commission can see that there is some basis for this position, ultimately the value of the Commission and its work goes far beyond what is currently in the public record. In the first place there is much of Kenya's past that is not a matter of public knowledge. The Commission was tasked with investigating matters buried deep in Kenya's history and providing answers to numerous questions. Secondly, some of what was considered public knowledge was often based on rumour, innuendo and bias. It was an important mission of the Commission to separate fact from fiction and to debunk myths.

Reference 7 - 0.03% Coverage

22. One of the most important contributions the Commission hopes to make towards justice in Kenya is the establishment of an authoritative record of past abuses. Justice will be furthered in this Report through the identification of individuals and institutions found to be responsible for human rights violations and historical injustices. Even where there is no prospect of criminal justice the conduct of rights violators will be held up for close scrutiny. They will be held to public account and their roles forever recorded in history.

23. History will be guided by this Report in judging and assessing the conduct of perpetrators. In publicly identifying those it found to be responsible for human rights violations and historical

injustices, the Commission invites Kenyans and the world to hold these individuals to account for their actions.

Reference 8 - 0.01% Coverage

Former UN Special Rapporteur Louis Joinet refers to the ‘inalienable right to truth’, which he defines as a ‘collective right, drawing upon history, to prevent violations from recurring’.²⁰ Justice thus looks to the

Reference 9 - 0.03% Coverage

109. As can be gleaned from the foregoing discussion, the Commission’s mandate was both materially vast and complex. Truth commissions are ordinarily mandated to focus only on gross violations of human rights. In addition to being mandated to investigate gross violations of human rights, the Commission was also mandated to investigate historical injustices and other issues that are rarely the focus of a truth commission. The enormity of the task handed to the Commission is well illustrated by the testimony of a witness who, speaking of only a single event, the Wagalla Massacre, observed that: If all the water is turned into ink with which to write, all the trees are turned into pens with which to write, and all the land is turned into paper on which to write, the history of Wagalla cannot be covered.⁵³

Reference 10 - 0.01% Coverage

The process sought statements from victims and witnesses of various forms of human rights violations. It provided victims, their families and witnesses the opportunity to tell their stories. The process gave voice to a multitude of stories and perspectives about violations that had occurred in Kenya’s history.

Reference 11 - 0.02% Coverage

Statements recorded by individual victims or witnesses provided the bulk of raw information for the Commission. In addition, memoranda were also collected by the Commission. Generally, memoranda were submitted by representatives of affected communities or groups, but in some instances also by individuals. Memoranda provided information beyond the limits of the Statement Form. Groups and individuals could include longer narrations of the history, context and causes of violations.

Reference 12 - 0.04% Coverage

Let me also take this opportunity to thank those who recorded statements with the Commission. In total, the Commission received over 30,000 statements and 300 memoranda. Because of time limitation and the nature of Truth Commissions, we shall not be able to conduct hearings for all the statements recorded. The Commission has, therefore, selected a few statements to conduct the hearings on what would give a global picture of the violations suffered by people from this region. In the next three days, for example, we shall hear testimonies on the history of events and violations in Mandera; violations suffered by women, testimonies on torture, marginalization,

massacres, extrajudicial killings, detentions, loss of property, serious injuries suffered during postelection violence and police brutality. Although a few people will be giving testimonies concerning violations suffered in Mandera, most of you will relate with the testimonies shared because most of you have suffered similar violations. However, I want to assure you that every statement recorded will be part of the report when the Commission finishes its work.⁸

Reference 13 - 0.04% Coverage

Kenya's history has been characterised by tragic episodes of gross violations of human rights. Most of these atrocities were committed between 1963 and 2002 during which Kenya African National Union (KANU) was at the helm of power. KANU, the independence party, and under the leadership of President Jomo Kenyatta and later President Daniel Arap Moi, created an authoritarian, oppressive and corrupt state. It created a traumatised nation of thousands of individuals living with physical and psychological wounds in a country that had no time or space for their experiences and stories. Indeed, for decades, Kenya has remained a nation in which communities stand divided along ethnic and regional lines suspicious and distrustful of one another. Over the decades feelings of intercommunities distrust, even hatred, have festered mainly because a myriad of issues which are at the core of nation building have largely remained unresolved. These issues include land problems, inequality and regional imbalances, and impunity combined with a lack of transparency and accountability. These issues have eroded a sense of belonging, nationhood, and public trust in political and governance institutions.

Reference 14 - 0.02% Coverage

their forefathers and mothers. Until now, the scale and impact of human rights violations and historical injustices have neither been fully acknowledged nor sufficiently addressed. This has in turn nurtured an atmosphere of latent tension, hatred and suspicion among individuals and communities. This tension flared up in December 2007 following the declaration of the results of the Presidential Election. The outcome was an unprecedented tragedy in Kenya's history: a violent conflict in which an estimated 1,133 people died while approximately 650,000 were displaced from their homes and property worth billions of shillings destroyed through arson and other forms of attacks.

3.

Reference 15 - 0.02% Coverage

The hearings also served as an opportunity for some of the victims to not only speak out about their experiences but also a chance to tell the younger generation, which were mostly unborn at the time of the violation, what the victims went through at the hand of government agencies. It was a chance to write/rewrite history. In his testimony, Mr. Samuel Nyang'au Nyanchiengo stated: I am very grateful because today I have been given a chance to speak the truth on how we were tortured in 1982. Most of you had not yet been born but it is good for you to know what happened.¹⁰

Reference 16 - 0.03% Coverage

Some also asked about the role of the Commission with respect to the 2007 PEV. As noted earlier, it was the 2007 PEV that provided the immediate impetus for the creation of the Commission, and that period of Kenya's history is clearly within the temporal mandate of the Commission. Consequently the Commission heard a good deal of testimony concerning the PEV. The Commission, however, limited the amount of resources that it devoted to that period for three reasons. First, the period of post-election violence was a very small part of the time period in which the Commission was to examine historical injustices and gross violations of human rights. Second, a previous commission of inquiry – the Commission of Inquiry on the Post-Election Violence, also known as the Waki Commission – had focused specifically and narrowly on violations during this period. Third, through its focus on initially six, and now three, individuals, the ICC was and is investigating this period of Kenya's history. In other words, it was

Reference 17 - 0.02% Coverage

21. However, the prevalence of impunity throughout the history of Kenya compelled the Commission to consider lustration for past abuses committed by individuals while acting in an official capacity. The Commission considered that tackling impunity is a necessary and urgent step in the full restoration of the rule of law in Kenya, in establishing lasting peace and stability, and in fostering reconciliation. For this reason, the Commission has recommended that specific individuals should not hold public office in Kenya's constitutional order on account of their past conduct and/or decisions which resulted in gross violations of human rights.

Reference 18 - 0.02% Coverage

The Commission recommends that within six months of the issuance of this Report, the Government shall release to the Implementation Committee all of the minutes of the relevant DSC, PSC, KIC, and NSC meetings with respect to each and every one of the massacres referred to above. The Commission recommends that the Government take into account the history of such massacres and other violations, including the related economic marginalization of the region, in formulating relevant development policies, including in prioritizing crucial infrastructure development. An explicit goal of such development policies must be addressing the historic economic marginalization of this and other similar areas.

Institutions

References or discussions of institutions (e.g., government, police, military etc.)

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC_Volume_1-4> - § 18 references coded [0.45% Coverage]

Reference 1 - 0.03% Coverage

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Across the country, the Commission heard horrendous accounts of atrocities committed against innocent citizens by the police and the military. The history of security operations conducted by these two institutions, either jointly or severally, is dominated by tales of brutal use of force, unlawful killings (sometimes on a large scale), rape and sexual violence, and burning and looting of property. In security operations, the police and the military often employed collective punishment: the indiscriminate rounding up of individuals in a specific area, then brutally punishing them, all with the expectation that this would yield the desired results of increased security. Thus, since independence, the police and the military in Kenya have been viewed and invariably described as rogue institutions; they are still feared and seen as perennial violators of human rights rather than protectors of the same.

Reference 3 - 0.02% Coverage

The history of the military paints a similarly grim picture. During the colonial period, and especially during the emergency period, the military was engaged in the screening and interrogating of people in order to extract information from them concerning Mau Mau. It is from these twin processes of screening and interrogation that the most astonishing evidence of widespread and institutionalized torture has emerged. The military would continue to use similar brutal tactics way into the post-independence era and as recently as March 2008 during Operation Okoa Maisha in Mt. Elgon.

Reference 4 - 0.05% Coverage

The Commission studied the history of massacres in Kenya to identify broad trends and patterns of mass violence that have recurred throughout Kenya's history. The first properly documented massacre in Kenya's colonial past was the Kedong Massacre of 26 November 1895. Other massacres include those committed in the context of the Giriama Rebellion of 1912-1914, and the Kollowa Massacre of 24 April 1950. Other massacres were committed during the Mau Mau uprising between 1952 and 1959. In this regard, the Lari and Hola Massacres stand out. In all these massacres, the colonial state was present and was always unapologetic. Indeed, the colonial state always tried to minimise, cover up or flatly deny the occurrence of such mass killings. At independence, the country was blood-drenched with a history of massacres and entered its future with historical baggage that was to affect future events. The Commission's research, investigations and hearings revealed that most massacres in Kenya have occurred in Northern Kenya and have always occurred in the context of what the state refers to security operations. The Commission has documented the following massacres committed by state security agents: Bulla Karatasi Massacre; Wagalla Massacre; Malka Mari Massacre; Lotirir Massacre; and Murkutwa Massacre. To date, no government official has been prosecuted or otherwise publicly held to account for these atrocities. The Commission also focused on a few massacres committed by non-state actors: Turbi Massacre and Loteteleit Massacre.

Reference 5 - 0.02% Coverage

Lessons of history show that far too often governments unfortunately do massacre their own people. By stating a conclusion concerning government responsibility for the Wagalla Massacre Ambassador Kiplagat was engaging in just the sort of activity that had led to the original concerns about the conflict of interest his inclusion in the Commission presented. As the official spokesperson of the Commission his statements suggested that the Commission had already prejudged an issue that it was in fact still investigating. Even more, he was making such a statement about an incident in which he himself had been implicated and was under investigation.

Reference 6 - 0.01% Coverage

between the Commissioners and Ambassador Kiplagat. The Advisory Opinion correctly set out the history of the various legal processes initiated by and against Ambassador Kiplagat and the Commission and concluded, among other things, that:

Reference 7 - 0.01% Coverage

Ambassador Kiplagat rejected the appeal of his fellow Commissioners and insisted, contrary to the history of the court proceedings, that he had been cleared by the courts.

Reference 8 - 0.01% Coverage

54. Reuben Kendagor testified before the Commission about cattle rustling between the Tugen Community of Baringo North and the Pokot. His testimony highlights the long history of such clashes, the intersection of ethnicity and resource-based conflicts, the escalation of violence with the introduction of high powered weapons, and the inability or unwillingness of the Government to provide security to these communities:

Reference 9 - 0.07% Coverage

[W]e are a community that has been offended for a long time. History tells us that the first offence was committed in 1918 when our community was invited for a meeting in a place called Chepkesin in Ng'orora. During this incident, the meeting was expected to be a peace meeting but we are told that everyone in the meeting had a weapon. Our men were told to untie their bows. This is what happened and our people were massively killed. Down the line in 1977 to 1979, our neighbour community invaded our land causing a number of injuries and a large number of livestock were taken away. Most of us moved away. Up to date, I can tell you most of our people are living as far away as Nakuru, Eldoret, Trans Nzoia and so on because of the harsh raids by our neighbour. After 1987, the same problem emerged. That is when the sophisticated weapons were used. The AK47 was used and we began losing lives. This was serious because people were killed even on the wayside. People moved massively. It became more serious when we lost one of our great athletes, a standard six boy, in 2006 in a place called Sitegi in Kaptura Sub-Location, Ng'orora Location. This time round, it made so many families to leave their homes and so many children leave school. During the post-election violence of 2007, this became very serious. We identified one of the raids as a massacre because in a village called Kamwotyo we lost seven people at one time. A lot of animals were taken away. There were gunshots all over. Our people moved towards Kerio Valley. Today, we have people who are settled along River Kerio as IDPs. [...] We lament because ours is a community that will never counter-attack anybody at all. This community has been very bitter. Most of our people call upon the Government to come to their rescue when these incidents happen to them. Unfortunately, the Government has never shown any commitment let alone disarming our dangerous neighbours.³⁶

Reference 10 - 0.01% Coverage

82.

Throughout Kenya's post-independence history the ethnicity of the president has influenced the composition of the cabinet. According to a study by KIPPRA "The tenure of first government of independent Kenya reflects the disproportionate presence of the president's ethnic Kikuyu group in the cabinet".⁷⁹

Reference 11 - 0.01% Coverage

Identity and land provided the structural underpinnings to the SLDF. The actual catalyst, however, was the Chebyuk Settlement Scheme. Chebyuk has a long, complicated and ultimately unavoidable history that holds the keys to understanding the emergence of a complicated militia.

Reference 12 - 0.01% Coverage

89. Research emphasizes the prominent role that laibons—spiritual and ritual experts-- have played in war throughout the history of the Sabaot and other Kalenjin-speaking peoples.⁹²

Reference 13 - 0.03% Coverage

127. The Mount Elgon conflict is at once unique and typical. For the Commission its uniqueness comes from the fact that the region is home to a very particular mix of ethnicities, historical and contemporary experiences that cannot be reproduced. It is this unique combination that in turn gave rise to the Sabaot Land Defence Force (SLDF). The militia and the state's attempts to quash it are unprecedented. For all its uniqueness, however, Mount Elgon sits within an identifiable trend in modern Kenyan history: the inherent instability and disruptive potential of issues surrounding ethnicity, land and politics. The forces that eventually pulled Elgon are by no means limited to the mountain. They feature throughout the country and carry with them the capacity to manifest with similar violence and chaos.

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Reference 17 - 0.02% Coverage

difficult to access employment opportunities.

183. The Commission finds that throughout the history of Kenya, women have had limited access to education opportunities. During the colonial period, when formal schooling was introduced, it is boys rather than girls who were encouraged to join. When girls were allowed to go to school, it was not without resistance from communities, which invariably perceived the new education offered by missionaries as informed by the bad intentions of ‘spoiling’ good girls. The education offered to girls by colonial schools and later by schools in independent Kenya was not completely progressive either. The syllabus was designed to nurture girls’ domestic roles as wives and mothers

Reference 18 - 0.01% Coverage

224. The Commission finds that residents of regions that were not identified as economically marginalized also consider themselves to have been marginalised at one point or another in history. The Commission acknowledges and affirms these perceptions.

Legacy

References or discussions of legacy, impacts and effects of past events or violent actions

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC_Volume_1-4> - § 11 references coded [0.28% Coverage]

Reference 1 - 0.05% Coverage

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Reference 2 - 0.02% Coverage

Few events in Kenya's history are as memorable as the Independence Day celebrations across the country on 12 December 1963 when British colonial rule came to an end. The joy, pride, excitement and euphoria witnessed that Thursday morning was unprecedented. Independence was made possible by the gallant Kenyan men and women who risked and sacrificed their lives and limbs fighting for freedom from colonial rule. With relentless courage they fought and died, not only for their own freedom, but also for the freedom of their children and their children's children – the generations not yet born.

Reference 3 - 0.02% Coverage

14. By 2002, when KANU was dislodged from power by the National Rainbow Coalition (NARC), Kenya was a ravaged state with a history burdened by ghastly accounts of gross violations of human rights and historical injustices. In effect, the KANU government had created an authoritarian, oppressive and corrupt state. It created a traumatised nation of thousands of individuals living with physical and psychological wounds in a country that had no time or space for their experiences and stories. It

Reference 4 - 0.01% Coverage

Probe to establish who in their view they think is the most responsible for their economic marginalisation considering different periods in history.

Reference 5 - 0.04% Coverage

Ethnic tensions, particularly the tendency to view people who are different as ‘the other’ and thus not identify with, and either fear or scapegoat them, is unfortunately as old as human history. Tracing the origins of ethnic tension in Kenya to the beginning of history was beyond the scope of the Commission’s work. To understand the continued presence of ethnic tension today, and its evolution during our mandate period, we started with the colonial period, for it was under the colonial power that the political entity today known as Kenya was formed. In discussing ethnic tension since independence, we look at state and non-state actors, including the role of culture and stereotypes. Any discussion of ethnic tension in present-day Kenya would be incomplete without a discussion of the relationship between ethnicity and politics. It is an unfortunate fact that who joins a political party, and which politicians or parties form alliances, can be more often explained by ethnicity over any other factor. It is this potent, and

Reference 6 - 0.02% Coverage

Ethnicity may be used as a vehicle for positive group identification, or for negative exclusion including discrimination and, in extreme cases, ethnically-motivated violence. Kenya’s history is replete with examples of ethnicity used for both positive and negative purposes. While this chapter focuses on the negative side of ethnicity as required by the Commission’s mandate, it is important to acknowledge that ethnic affiliation is not, in and of itself, a bad thing. In fact, ethnicity is often at the core of an individual’s sense of identity and belonging. In an environment of tolerance and celebration of diversity, ethnicity can strengthen national identity and purpose.

Reference 7 - 0.04% Coverage

Ethnic tension, particularly the tendency to view people who are different as ‘the other’ and thus not identify with, and either fear or scapegoat them, is unfortunately as old as human history. To understand the continued presence of ethnic tension today, and its evolution during the mandate period, the Commission traced the roots of ethnic tension to the colonial period, for it was under the colonial power that the political entity today known as Kenya was formed. Any discussion of ethnic tension in present-day Kenya would be incomplete without a discussion of the relationship between ethnicity and politics. It is an unfortunate fact that who joins a political party, and which politicians or parties form alliances, can be more often explained by ethnicity over any other factor. It is this potent, and at times volatile, combination of ethnicity and politics that has unfortunately spiralled into ethnic violence far too many times in our history. In the end, it must be appreciated that tackling ethnic tension requires a multifaceted approach aimed at addressing the root causes, including long standing land grievances and economic and political marginalisation.

Reference 8 - 0.04% Coverage

Kenya's history has been characterised by tragic episodes of gross violations of human rights. Most of these atrocities were committed between 1963 and 2002 during which Kenya African National Union (KANU) was at the helm of power. KANU, the independence party, and under the leadership of President Jomo Kenyatta and later President Daniel Arap Moi, created an authoritarian, oppressive and corrupt state. It created a traumatised nation of thousands of individuals living with physical and psychological wounds in a country that had no time or space for their experiences and stories. Indeed, for decades, Kenya has remained a nation in which communities stand divided along ethnic and regional lines suspicious and distrustful of one another. Over the decades feelings of intercommunities distrust, even hatred, have festered mainly because a myriad of issues which are at the core of nation building have largely remained unresolved. These issues include land problems, inequality and regional imbalances, and impunity combined with a lack of transparency and accountability. These issues have eroded a sense of belonging, nationhood, and public trust in political and governance institutions.

Reference 9 - 0.02% Coverage

The Commission recommends that within six months of the issuance of this Report, the Government shall release to the Implementation Committee all of the minutes of the relevant DSC, PSC, KIC, and NSC meetings with respect to each and every one of the massacres referred to above. The Commission recommends that the Government take into account the history of such massacres and other violations, including the related economic marginalization of the region, in formulating relevant development policies, including in prioritizing crucial infrastructure development. An explicit goal of such development policies must be addressing the historic economic marginalization of this and other similar areas.

Reference 10 - 0.01% Coverage

224. The Commission finds that residents of regions that were not identified as economically marginalized also consider themselves to have been marginalised at one point or another in history. The Commission acknowledges and affirms these perceptions.

Reference 11 - 0.02% Coverage

242. Western has often been ignored in classification of marginalized regions in Kenya, yet its historical evolution and political fortunes are closely tied with that of Nyanza province, which is acknowledged in formal accounts as a marginalized region. Backed up with a history that lacks political favour with successive governments and the high level of poverty, it is evident that Western Kenya is marginalized. Recent trends reveal that the region has been forgotten in the development agenda.

Nation

References or discussions to nation, nations, nationalism and national

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC_Volume_1-4> - § 6 references coded [0.15% Coverage]

Reference 1 - 0.02% Coverage

14. By 2002, when KANU was dislodged from power by the National Rainbow Coalition (NARC), Kenya was a ravaged state with a history burdened by ghastly accounts of gross violations of human rights and historical injustices. In effect, the KANU government had created an authoritarian, oppressive and corrupt state. It created a traumatised nation of thousands of individuals living with physical and psychological wounds in a country that had no time or space for their experiences and stories. It

Reference 2 - 0.03% Coverage

Second, truth-telling offers an opportunity to uncover historical truths and interrogate the past. Periods of transition offer a unique opportunity to redraft social understandings of a country's history and rectify past narratives imposed by the state in furtherance of the interests of a powerful few or an intolerant majority. A member of the Chile Truth and Reconciliation Commission expressed the relationship between truth telling and reconciliation thus: Society cannot simply block out a chapter of its history; it cannot deny the facts of its past, however differently these may be interpreted. Inevitably the void would be filled with lies or with conflicting, confusing versions of the past. A nation's unity depends on a shared identity, which in turn depends largely on a shared memory.²³

Reference 3 - 0.01% Coverage

The TJRC Act of 2008 excludes the colonial period. Hence our members ranging from 3,500 are being left out in the truth-telling process of our country; being left out of this process leads to suffocation of Kenyan history and what haunt[s] us as a nation up to date.

Reference 4 - 0.02% Coverage

Ethnicity may be used as a vehicle for positive group identification, or for negative exclusion including discrimination and, in extreme cases, ethnically-motivated violence. Kenya's history is replete with examples of ethnicity used for both positive and negative purposes. While this chapter focuses on the negative side of ethnicity as required by the Commission's mandate, it is important to acknowledge that ethnic affiliation is not, in and of itself, a bad thing. In fact, ethnicity is often at the core of an individual's sense of identity and belonging. In an environment of tolerance and celebration of diversity, ethnicity can strengthen national identity and purpose.

Reference 5 - 0.03% Coverage

same time the colonial government began to impose restrictions access to land by the existing Kenyan residents. The NCIC recently summarized this restrictive and discriminatory history: During the colonial era, there was extensive land expropriation and resettlement by the colonialists from the indigenous communities. Land expropriation was extensive, from 2 million hectares in 1914 to 3 million hectares on the eve of independence. The expropriation was achieved through various laws, ordinances and promulgations, including the Native Trust Bill of 1926 which restricted indigenous groups to the Native Reserves. These realities raised the profile of land ownership and required extensive attention into independence to reduce their adverse impact on national cohesion and integration in Kenya. Land-related issues continue to be a lingering source of conflict to date.⁵⁹

Reference 6 - 0.04% Coverage

Kenya's history has been characterised by tragic episodes of gross violations of human rights. Most of these atrocities were committed between 1963 and 2002 during which Kenya African National Union (KANU) was at the helm of power. KANU, the independence party, and under the leadership of President Jomo Kenyatta and later President Daniel Arap Moi, created an authoritarian, oppressive and corrupt state. It created a traumatised nation of thousands of individuals living with physical and psychological wounds in a country that had no time or space for their experiences and stories. Indeed, for decades, Kenya has remained a nation in which communities stand divided along ethnic and regional lines suspicious and distrustful of one another. Over the decades feelings of intercommunities distrust, even hatred, have festered mainly because a myriad of issues which are at the core of nation building have largely remained unresolved. These issues include land problems, inequality and regional imbalances, and impunity combined with a lack of transparency and accountability. These issues have eroded a sense of belonging, nationhood, and public trust in political and governance institutions.

Politics

References or discussions of politics, politicians and governments

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC_Volume_1-4> - § 10 references coded [0.26% Coverage]

Reference 1 - 0.01% Coverage

Introduction The Report of the Truth, Justice and Reconciliation Commission (the Commission) has been produced at a critical moment in Kenya's history. Just two months earlier in March 2013, Kenyans concluded a largely peaceful General Election, adding impetus to the need for solutions that will entrench a lasting spirit of peace, national unity, dignity, healing, justice and reconciliation.

Reference 2 - 0.03% Coverage

The volume starts with a general overview of the political history of Kenya. This chapter provides the overall political context for understanding not only the other specific violations in this chapter, but also the violations and other materials in the rest of the Report. This general political overview is then supplemented by a description of the history of the state security agencies. While other agencies of the state were responsible for historical injustices and gross violations of human rights during the mandate period, the security agencies were both primarily responsible for many of the acts of commission discussed in this volume, as well as the acts of omission (the failure to provide security) that allowed many of the violations committed by non-state actors to occur.

Reference 3 - 0.02% Coverage

Political History: A general overview In order to contextualize gross violations of human rights and historical injustices that occurred during the mandate period, the Commission divided the political history of Kenya into four distinct epochs. These epochs correspond with the four political administrations that governed the country prior to and during the Commission's mandate period: □ British colonial era (1895 to 1963); □ President Jomo Kenyatta's era (1963 to 1978); □ President Daniel arap Moi's era (1978 to 2002); and □ President Mwai Kibaki's era (2002 to 2008).

Reference 4 - 0.04% Coverage

The Shifta War, waged between 1964 to 1967, represents a period in Kenya's history during which systematic and widespread violation of human rights (including mass killings) of Kenyan citizens occurred. Officially, the death toll stands at 2,000. Unofficial estimates place the death toll at 7,000. The Shifta War acts as a bridge from the violations committed by the colonial power prior to independence and the violations committed by the newly independent government. The War arose out of a long history of political unrest in Northern Kenya where ethnic groups resisted centralised colonial rule. After

independence state security agents alongside military personnel were deployed in what was called the Northern Frontier District to quell the continuing resistance.

Witness testimonies before the Commission brought to the surface the long history of violation of human rights and related activities in Northern Kenya. From the colonial days, Northern Kenya had been administered differently from the rest of the country. Travel and movement restrictions were imposed and administrators were given extraordinary powers to arrest and detain members of what the state referred to as ‘hostile tribes’.

Reference 5 - 0.01% Coverage

To demonstrate the complicated mix of land, ethnicity, politics and violence, the Commission includes an analysis of ethnic violence in the Mt. Elgon region. While the history of violence in Mt. Elgon is unique, many aspects of the causes of violence and its impact are typical in many other parts of the country.

Reference 6 - 0.01% Coverage

7. What followed this moment of renewal and optimism was a history of political repression, blatant injustices and widespread, systematic violation of human rights.

Reference 7 - 0.04% Coverage

Ethnic tensions, particularly the tendency to view people who are different as ‘the other’ and thus not identify with, and either fear or scapegoat them, is unfortunately as old as human history. Tracing the origins of ethnic tension in Kenya to the beginning of history was beyond the scope of the Commission’s work. To understand the continued presence of ethnic tension today, and its evolution during our mandate period, we started with the colonial period, for it was under the colonial power that the political entity today known as Kenya was formed. In discussing ethnic tension since independence, we look at state and non-state actors, including the role of culture and stereotypes. Any discussion of ethnic tension in present-day Kenya would be incomplete without a discussion of the relationship between ethnicity and politics. It is an unfortunate fact that who joins a political party, and which politicians or parties form alliances, can be more often explained by ethnicity over any other factor. It is this potent, and

Reference 8 - 0.04% Coverage

Ethnic tension, particularly the tendency to view people who are different as ‘the other’ and thus not identify with, and either fear or scapegoat them, is unfortunately as old as human history. To understand the continued presence of ethnic tension today, and its evolution during the mandate period, the Commission traced the roots of ethnic tension to the colonial period, for it was under the colonial power that the political entity today known as Kenya was formed. Any discussion of ethnic tension in present-day Kenya would be incomplete without a discussion of the relationship between ethnicity and politics. It is an unfortunate fact that who joins a political party, and which politicians or parties form alliances, can be more often explained by ethnicity over any other factor. It is this potent, and at times volatile, combination of ethnicity and politics that has

unfortunately spiralled into ethnic violence far too many times in our history. In the end, it must be appreciated that tackling ethnic tension requires a multifaceted approach aimed at addressing the root causes, including long standing land grievances and economic and political marginalisation.

Reference 9 - 0.03% Coverage

127. The Mount Elgon conflict is at once unique and typical. For the Commission its uniqueness comes from the fact that the region is home to a very particular mix of ethnicities, historical and contemporary experiences that cannot be reproduced. It is this unique combination that in turn gave rise to the Sabaot Land Defence Force (SLDF). The militia and the state's attempts to quash it are unprecedented. For all its uniqueness, however, Mount Elgon sits within an identifiable trend in modern Kenyan history: the inherent instability and disruptive potential of issues surrounding ethnicity, land and politics. The forces that eventually pulled Elgon are by no means limited to the mountain. They feature throughout the country and carry with them the capacity to manifest with similar violence and chaos.

Reference 10 - 0.04% Coverage

Kenya's history has been characterised by tragic episodes of gross violations of human rights. Most of these atrocities were committed between 1963 and 2002 during which Kenya African National Union (KANU) was at the helm of power. KANU, the independence party, and under the leadership of President Jomo Kenyatta and later President Daniel Arap Moi, created an authoritarian, oppressive and corrupt state. It created a traumatised nation of thousands of individuals living with physical and psychological wounds in a country that had no time or space for their experiences and stories. Indeed, for decades, Kenya has remained a nation in which communities stand divided along ethnic and regional lines suspicious and distrustful of one another. Over the decades feelings of intercommunities distrust, even hatred, have festered mainly because a myriad of issues which are at the core of nation building have largely remained unresolved. These issues include land problems, inequality and regional imbalances, and impunity combined with a lack of transparency and accountability. These issues have eroded a sense of belonging, nationhood, and public trust in political and governance institutions.

Reconciliation

References or discussions of reconciliation

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC_Volume_1-4> - § 5 references coded [0.09% Coverage]

Reference 1 - 0.03% Coverage

Second, truth-telling offers an opportunity to uncover historical truths and interrogate the past. Periods of transition offer a unique opportunity to redraft social understandings of a country's history and rectify past narratives imposed by the state in furtherance of the interests of a powerful few or an intolerant majority. A member of the Chile Truth and Reconciliation Commission expressed the relationship between truth telling and reconciliation thus: Society cannot simply block out a chapter of its history; it cannot deny the facts of its past, however differently these may be interpreted. Inevitably the void would be filled with lies or with conflicting, confusing versions of the past. A nation's unity depends on a shared identity, which in turn depends largely on a shared memory.²³

Reference 2 - 0.01% Coverage

This is not to say that all Kenyans need to agree on a new historical account; rather, the Commission aims to generate constructive debate and discussion by bringing to light information and facts that were previously unknown or little known to Kenyans. Reconciliation, like history, is the result of a process of engagement with the past by the present in order to secure a more just and peaceful future.

Reference 3 - 0.02% Coverage

Section 5 of the TJR Act provides that 'the objectives of the Commission shall be to promote peace, justice, national unity, healing and reconciliation among the people of Kenya'. These objectives must be understood from a historical perspective, and particularly, in relation to both historical and immediate reasons leading to the formation of the Commission. Chapter one of this Report recounted that history, but it must be emphasised here that central to establishing the Commission was the stark and painful realisation that Kenya's past and history could no longer be ignored or 'swept under the carpet'. The past had to be confronted.

Reference 4 - 0.01% Coverage

□ neutrality of the venue, especially in regions or areas where groups or communities with a history of conflict or tension reside;

Reference 5 - 0.02% Coverage

21. However, the prevalence of impunity throughout the history of Kenya compelled the Commission to consider lustration for past abuses committed by individuals while acting in an

official capacity. The Commission considered that tackling impunity is a necessary and urgent step in the full restoration of the rule of law in Kenya, in establishing lasting peace and stability, and in fostering reconciliation. For this reason, the Commission has recommended that specific individuals should not hold public office in Kenya's constitutional order on account of their past conduct and/or decisions which resulted in gross violations of human rights.

True and Accurate

References or discussions of true, accurate, or genuine history or including missing voices

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC_Volume_1-4> - § 11 references coded [0.21% Coverage]

Reference 1 - 0.03% Coverage

This Commission collected the largest number of statements of any truth commission in history. With the tireless help of the over 300 statement takers we hired, and the more than a hundred that were seconded to us by civil society organizations, we collected over 40,000 statements. It is difficult to discern the significance of this singular achievement. While the statement taking form was pronounced by international experts in the field as one of the best they had ever seen, we acknowledge that there is a wide variety of detail and accuracy in the statements we collected. We also acknowledge that, as far as we are aware, we deployed by far the largest number of statement takers of any other truth commission, thus perhaps contributing to the large numbers of statements we collected.

What we can say with confid

Reference 2 - 0.01% Coverage

At times it frustrated us.

In the best of circumstances, compiling a complete and accurate history

Reference 3 - 0.01% Coverage

was not to provide the definitive history of the broad range of violations committed and suffered during that forty-five year period. Rather, we took our task to be making a significant contribution to our collective understanding of that past, particularly through the experiences and voices of those who experienced it first-hand. hope that this Report, and the other work of the Commission, has at least done that.

Reference 4 - 0.03% Coverage

In the debates that preceded the creation of the Commission and indeed for the larger part of its tenure, critics argued that everyone knows the truth about historical injustices and violations. Some wondered whether it was at all important to invest both time and resources in establishing what they considered to be matters of public knowledge. While the Commission can see that there is some basis for this position, ultimately the value of the Commission and its work goes far beyond what is currently in the public record. In the first place there is much of Kenya's past that is not a matter of public knowledge. The Commission was tasked with investigating matters buried deep in Kenya's history and providing answers to numerous questions. Secondly, some of what was considered public knowledge was often based on rumour, innuendo and bias. It was an important mission of the Commission to separate fact from fiction and to debunk myths.

Reference 5 - 0.03% Coverage

22. One of the most important contributions the Commission hopes to make towards justice in Kenya is the establishment of an authoritative record of past abuses. Justice will be furthered in this Report through the identification of individuals and institutions found to be responsible for human rights violations and historical injustices. Even where there is no prospect of criminal justice the conduct of rights violators will be held up for close scrutiny. They will be held to public account and their roles forever recorded in history.

23. History will be guided by this Report in judging and assessing the conduct of perpetrators. In publicly identifying those it found to be responsible for human rights violations and historical injustices, the Commission invites Kenyans and the world to hold these individuals to account for their actions.

Reference 6 - 0.01% Coverage

Former UN Special Rapporteur Louis Joinet refers to the ‘inalienable right to truth’, which he defines as a ‘collective right, drawing upon history, to prevent violations from recurring’.²⁰ Justice thus looks to the

Reference 7 - 0.03% Coverage

Second, truth-telling offers an opportunity to uncover historical truths and interrogate the past. Periods of transition offer a unique opportunity to redraft social understandings of a country’s history and rectify past narratives imposed by the state in furtherance of the interests of a powerful few or an intolerant majority. A member of the Chile Truth and Reconciliation Commission expressed the relationship between truth telling and reconciliation thus: Society cannot simply block out a chapter of its history; it cannot deny the facts of its past, however differently these may be interpreted. Inevitably the void would be filled with lies or with conflicting, confusing versions of the past. A nation’s unity depends on a shared identity, which in turn depends largely on a shared memory.²³

Reference 8 - 0.02% Coverage

It ignores a crucial and critical part of the Kenyan history. It starts from 1963, yet some of the root causes of the issues that date back to the colonial era are not covered in the Act. Kenyans need to know why the period before independence is being left out of the TJRC and why some Kenyans have been left out of the process, yet they have the living testimonies and memories of the history and real life experiences; not allegations. To us, the scope on the search for justice through TJRC should cover the history of our country as a whole.

Reference 9 - 0.01% Coverage

The TJRC Act of 2008 excludes the colonial period. Hence our members ranging from 3,500 are being left out in the truth-telling process of our country; being left out of this process leads to suffocation of Kenyan history and what haunt[s] us as a nation up to date.

Reference 10 - 0.02% Coverage

28. Related to the colonial origins of ethnic tensions discussed above is the phenomenon of 'insiders' and 'outsiders'. Ethnic tension and violence occur when communities assert a superior claim over a territory at the expense of or to the exclusion of others. Such superior claims are based on the assumption that ownership or occupation at some point in the past created an exclusive claim for such ownership or occupation in the present. Often such claims are based on a selective reading of history or oral tradition and myths handed down from generation to generation.

Reference 11 - 0.02% Coverage

The hearings also served as an opportunity for some of the victims to not only speak out about their experiences but also a chance to tell the younger generation, which were mostly unborn at the time of the violation, what the victims went through at the hand of government agencies. It was a chance to write/rewrite history. In his testimony, Mr. Samuel Nyang'au Nyanchiengo stated: I am very grateful because today I have been given a chance to speak the truth on how we were tortured in 1982. Most of you had not yet been born but it is good for you to know what happened.¹⁰

Violence

References or discussions of violence and violent acts

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC_Volume_1-4> - § 20 references coded [0.55% Coverage]

Reference 1 - 0.01% Coverage

The scale of the post-election violence (PEV) was unprecedented. It lasted for a period of two months and substantially affected all but two provinces in the country. It is estimated that 1,133 people were killed, thousands assaulted and raped, hundreds of thousands more displaced from their homes, and property worth billions of shillings destroyed. It was one of the darkest episodes in Kenya's post-independence history

Reference 2 - 0.05% Coverage

The police and the military forces are at the centre of Kenya's history of gross violations of human rights. While other agencies of the state were responsible for historical injustices and gross violations of human rights during the mandate period, security agencies were both primarily responsible for many of the acts of commission documented in this Report, as well as the acts of omission (the failure to provide security) that allowed many of the violations committed by non-state actors to occur.

Across the country, the Commission heard horrendous accounts of atrocities committed against innocent citizens by the police and the military. The history of security operations conducted by these two institutions, either jointly or severally, is dominated by tales of brutal use of force, unlawful killings (sometimes on a large scale), rape and sexual violence, and burning and looting of property. In security operations, the police and the military often employed collective punishment: the indiscriminate rounding up of individuals in a specific area, then brutally punishing them, all with the expectation that this would yield the desired results of increased security. Thus, since independence, the police and the military in Kenya have been viewed and invariably described as rogue institutions; they are still feared and seen as perennial violators of human rights rather than protectors of the same.

Reference 3 - 0.04% Coverage

The Shifta War, waged between 1964 to 1967, represents a period in Kenya's history during which systematic and widespread violation of human rights (including mass killings) of Kenyan citizens occurred. Officially, the death toll stands at 2,000. Unofficial estimates place the death toll at 7,000. The Shifta War acts as a bridge from the violations committed by the colonial power prior to independence and the violations committed by the newly independent government. The War arose out of a long history of political unrest in Northern Kenya where ethnic groups resisted centralised colonial rule. After independence state security agents alongside military personnel were deployed in what was called the Northern Frontier District to quell the continuing resistance.

Witness testimonies before the Commission brought to the surface the long history of violation of human rights and related activities in Northern Kenya. From the colonial days, Northern

Kenya had been administered differently from the rest of the country. Travel and movement restrictions were imposed and administrators were given extraordinary powers to arrest and detain members of what the state referred to as 'hostile tribes'.

Reference 4 - 0.01% Coverage

The history of massacres in Kenya predates colonialism in Kenya. There were inter and intra-ethnic killings, as illustrated by the Maasai wars of the 1800s. This was the context in which the colonialists entered the scene and opened fresh horizons for mass violence.

Reference 5 - 0.05% Coverage

The Commission studied the history of massacres in Kenya to identify broad trends and patterns of mass violence that have recurred throughout Kenya's history. The first properly documented massacre in Kenya's colonial past was the Kedong Massacre of 26 November 1895. Other massacres include those committed in the context of the Giriama Rebellion of 1912-1914, and the Kollowa Massacre of 24 April 1950. Other massacres were committed during the Mau Mau uprising between 1952 and 1959. In this regard, the Lari and Hola Massacres stand out. In all these massacres, the colonial state was present and was always unapologetic. Indeed, the colonial state always tried to minimise, cover up or flatly deny the occurrence of such mass killings. At independence, the country was blood-drenched with a history of massacres and entered its future with historical baggage that was to affect future events. The Commission's research, investigations and hearings revealed that most massacres in Kenya have occurred in Northern Kenya and have always occurred in the context of what the state refers to security operations. The Commission has documented the following massacres committed by state security agents: Bulla Karatasi Massacre; Wagalla Massacre; Malka Mari Massacre; Lotirir Massacre; and Murkutwa Massacre. To date, no government official has been prosecuted or otherwise publicly held to account for these atrocities. The Commission also focused on a few massacres committed by non-state actors: Turbi Massacre and Loteteleit Massacre.

Reference 6 - 0.01% Coverage

To demonstrate the complicated mix of land, ethnicity, politics and violence, the Commission includes an analysis of ethnic violence in the Mt. Elgon region. While the history of violence in Mt. Elgon is unique, many aspects of the causes of violence and its impact are typical in many other parts of the country.

Reference 7 - 0.01% Coverage

other forms of attacks. It was the darkest episode in Kenya's post-independence history.

Reference 8 - 0.03% Coverage

109. As can be gleaned from the foregoing discussion, the Commission's mandate was both materially vast and complex. Truth commissions are ordinarily mandated to focus only on gross violations of human rights. In addition to being mandated to investigate gross violations of

human rights, the Commission was also mandated to investigate historical injustices and other issues that are rarely the focus of a truth commission. The enormity of the task handed to the Commission is well illustrated by the testimony of a witness who, speaking of only a single event, the Wagalla Massacre, observed that: If all the water is turned into ink with which to write, all the trees are turned into pens with which to write, and all the land is turned into paper on which to write, the history of Wagalla cannot be covered.⁵³

Reference 9 - 0.04% Coverage

Let me also take this opportunity to thank those who recorded statements with the Commission. In total, the Commission received over 30,000 statements and 300 memoranda. Because of time limitation and the nature of Truth Commissions, we shall not be able to conduct hearings for all the statements recorded. The Commission has, therefore, selected a few statements to conduct the hearings on what would give a global picture of the violations suffered by people from this region. In the next three days, for example, we shall hear testimonies on the history of events and violations in Mandera; violations suffered by women, testimonies on torture, marginalization, massacres, extrajudicial killings, detentions, loss of property, serious injuries suffered during postelection violence and police brutality. Although a few people will be giving testimonies concerning violations suffered in Mandera, most of you will relate with the testimonies shared because most of you have suffered similar violations. However, I want to assure you that every statement recorded will be part of the report when the Commission finishes its work.⁸

Reference 10 - 0.02% Coverage

Lessons of history show that far too often governments unfortunately do massacre their own people. By stating a conclusion concerning government responsibility for the Wagalla Massacre Ambassador Kiplagat was engaging in just the sort of activity that had led to the original concerns about the conflict of interest his inclusion in the Commission presented. As the official spokesperson of the Commission his statements suggested that the Commission had already prejudged an issue that it was in fact still investigating. Even more, he was making such a statement about an incident in which he himself had been implicated and was under investigation.

Reference 11 - 0.02% Coverage

Ethnicity may be used as a vehicle for positive group identification, or for negative exclusion including discrimination and, in extreme cases, ethnically-motivated violence. Kenya's history is replete with examples of ethnicity used for both positive and negative purposes. While this chapter focuses on the negative side of ethnicity as required by the Commission's mandate, it is important to acknowledge that ethnic affiliation is not, in and of itself, a bad thing. In fact, ethnicity is often at the core of an individual's sense of identity and belonging. In an environment of tolerance and celebration of diversity, ethnicity can strengthen national identity and purpose.

Reference 12 - 0.01% Coverage

54. Reuben Kendagor testified before the Commission about cattle rustling between the Tugen Community of Baringo North and the Pokot. His testimony highlights the long history of such clashes, the intersection of ethnicity and resource-based conflicts, the escalation of violence with the introduction of high powered weapons, and the inability or unwillingness of the Government to provide security to these communities:

Reference 13 - 0.07% Coverage

[W]e are a community that has been offended for a long time. History tells us that the first offence was committed in 1918 when our community was invited for a meeting in a place called Chepkesin in Ng'orora. During this incident, the meeting was expected to be a peace meeting but we are told that everyone in the meeting had a weapon. Our men were told to untie their bows. This is what happened and our people were massively killed. Down the line in 1977 to 1979, our neighbour community invaded our land causing a number of injuries and a large number of livestock were taken away. Most of us moved away. Up to date, I can tell you most of our people are living as far away as Nakuru, Eldoret, Trans Nzoia and so on because of the harsh raids by our neighbour. After 1987, the same problem emerged. That is when the sophisticated weapons were used. The AK47 was used and we began losing lives. This was serious because people were killed even on the wayside. People moved massively. It became more serious when we lost one of our great athletes, a standard six boy, in 2006 in a place called Sitegi in Kaptura Sub-Location, Ng'orora Location. This time round, it made so many families to leave their homes and so many children leave school. During the post-election violence of 2007, this became very serious. We identified one of the raids as a massacre because in a village called Kamwoty we lost seven people at one time. A lot of animals were taken away. There were gunshots all over. Our people moved towards Kerio Valley. Today, we have people who are settled along River Kerio as IDPs. [...] We lament because ours is a community that will never counter-attack anybody at all. This community has been very bitter. Most of our people call upon the Government to come to their rescue when these incidents happen to them. Unfortunately, the Government has never shown any commitment let alone disarming our dangerous neighbours.³⁶

Reference 14 - 0.03% Coverage

127. The Mount Elgon conflict is at once unique and typical. For the Commission its uniqueness comes from the fact that the region is home to a very particular mix of ethnicities, historical and contemporary experiences that cannot be reproduced. It is this unique combination that in turn gave rise to the Sabaot Land Defence Force (SLDF). The militia and the state's attempts to quash it are unprecedented. For all its uniqueness, however, Mount Elgon sits within an identifiable trend in modern Kenyan history: the inherent instability and disruptive potential of issues surrounding ethnicity, land and politics. The forces that eventually pulled Elgon are by no means limited to the mountain. They feature throughout the country and carry with them the capacity to manifest with similar violence and chaos.

Reference 15 - 0.04% Coverage

Kenya's history has been characterised by tragic episodes of gross violations of human rights. Most of these atrocities were committed between 1963 and 2002 during which Kenya African

National Union (KANU) was at the helm of power. KANU, the independence party, and under the leadership of President Jomo Kenyatta and later President Daniel Arap Moi, created an authoritarian, oppressive and corrupt state. It created a traumatised nation of thousands of individuals living with physical and psychological wounds in a country that had no time or space for their experiences and stories. Indeed, for decades, Kenya has remained a nation in which communities stand divided along ethnic and regional lines suspicious and distrustful of one another. Over the decades feelings of intercommunities distrust, even hatred, have festered mainly because a myriad of issues which are at the core of nation building have largely remained unresolved. These issues include land problems, inequality and regional imbalances, and impunity combined with a lack of transparency and accountability. These issues have eroded a sense of belonging, nationhood, and public trust in political and governance institutions.

Reference 16 - 0.02% Coverage

their forefathers and mothers. Until now, the scale and impact of human rights violations and historical injustices have neither been fully acknowledged nor sufficiently addressed. This has in turn nurtured an atmosphere of latent tension, hatred and suspicion among individuals and communities. This tension flared up in December 2007 following the declaration of the results of the Presidential Election. The outcome was an unprecedented tragedy in Kenya's history: a violent conflict in which an estimated 1,133 people died while approximately 650,000 were displaced from their homes and property worth billions of shillings destroyed through arson and other forms of attacks.

3.

Reference 17 - 0.03% Coverage

Some also asked about the role of the Commission with respect to the 2007 PEV. As noted earlier, it was the 2007 PEV that provided the immediate impetus for the creation of the Commission, and that period of Kenya's history is clearly within the temporal mandate of the Commission. Consequently the Commission heard a good deal of testimony concerning the PEV. The Commission, however, limited the amount of resources that it devoted to that period for three reasons. First, the period of post-election violence was a very small part of the time period in which the Commission was to examine historical injustices and gross violations of human rights. Second, a previous commission of inquiry – the Commission of Inquiry on the Post-Election Violence, also known as the Waki Commission – had focused specifically and narrowly on violations during this period. Third, through its focus on initially six, and now three, individuals, the ICC was and is investigating this period of Kenya's history.

In other words, it was

Reference 18 - 0.02% Coverage

54. Massacres have occurred throughout the history of Kenya. While they increased during and as a result of colonialism, massacres predate the colonial period. The Commission has documented the following massacres which occurred during the colonial period: Kedong Massacre Massacres committed in the context of the Giriama Rebellion Kollowa Massacre

□ Massacres committed in the context of Mau Mau War including Lari Massacre and Hola Massacre

Reference 19 - 0.02% Coverage

The Commission recommends that within six months of the issuance of this Report, the Government shall release to the Implementation Committee all of the minutes of the relevant DSC, PSC, KIC, and NSC meetings with respect to each and every one of the massacres referred to above. The Commission recommends that the Government take into account the history of such massacres and other violations, including the related economic marginalization of the region, in formulating relevant development policies, including in prioritizing crucial infrastructure development. An explicit goal of such development policies must be addressing the historic economic marginalization of this and other similar areas.

Reference 20 - 0.01% Coverage

129. The Commission finds that throughout the mandate period there was a common trend pattern and state-sanctioned killings and disappearances. Indeed, the use of excessive and disproportionate force by the police has been a common theme running through Kenya's history.

Vulnerable Populations

References or discussions of vulnerable populations (e.g., women, children, Indigenous etc.) and their stories

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC_Volume_1-4> - § 16 references coded [0.44% Coverage]

Reference 1 - 0.02% Coverage

Volume IIC focuses on the stories and narratives of groups of people that are provided special protection under domestic and international law because of a history of discrimination and oppression. These are: women, children and minority and indigenous people. Historically members of these groups were not recognized as having the same rights as others. The drafters of the TJR Act clearly had such history in mind, and empowered the Commission to put in place special arrangements and adopt specific mechanisms for addressing the experience of historically vulnerable populations. The Commission thus established a Special Support Unit that focused

Reference 2 - 0.05% Coverage

The police and the military forces are at the centre of Kenya's history of gross violations of human rights. While other agencies of the state were responsible for historical injustices and gross violations of human rights during the mandate period, security agencies were both primarily responsible for many of the acts of commission documented in this Report, as well as the acts of omission (the failure to provide security) that allowed many of the violations committed by non-state actors to occur.

Across the country, the Commission heard horrendous accounts of atrocities committed against innocent citizens by the police and the military. The history of security operations conducted by these two institutions, either jointly or severally, is dominated by tales of brutal use of force, unlawful killings (sometimes on a large scale), rape and sexual violence, and burning and looting of property. In security operations, the police and the military often employed collective punishment: the indiscriminate rounding up of individuals in a specific area, then brutally punishing them, all with the expectation that this would yield the desired results of increased security. Thus, since independence, the police and the military in Kenya have been viewed and invariably described as rogue institutions; they are still feared and seen as perennial violators of human rights rather than protectors of the same.

Reference 3 - 0.04% Coverage

The Shifta War, waged between 1964 to 1967, represents a period in Kenya's history during which systematic and widespread violation of human rights (including mass killings) of Kenyan citizens occurred. Officially, the death toll stands at 2,000. Unofficial estimates place the death toll at 7,000. The Shifta War acts as a bridge from the violations committed by the colonial power prior to independence and the violations committed by the newly independent government. The War arose out of a long history of political unrest in Northern Kenya where ethnic groups resisted centralised colonial rule. After

independence state security agents alongside military personnel were deployed in what was called the Northern Frontier District to quell the continuing resistance.

Witness testimonies before the Commission brought to the surface the long history of violation of human rights and related activities in Northern Kenya. From the colonial days, Northern Kenya had been administered differently from the rest of the country. Travel and movement restrictions were imposed and administrators were given extraordinary powers to arrest and detain members of what the state referred to as 'hostile tribes'.

Reference 4 - 0.02% Coverage

It ignores a crucial and critical part of the Kenyan history. It starts from 1963, yet some of the root causes of the issues that date back to the colonial era are not covered in the Act. Kenyans need to know why the period before independence is being left out of the TJRC and why some Kenyans have been left out of the process, yet they have the living testimonies and memories of the history and real life experiences; not allegations. To us, the scope on the search for justice through TJRC should cover the history of our country as a whole.

Reference 5 - 0.01% Coverage

The process sought statements from victims and witnesses of various forms of human rights violations. It provided victims, their families and witnesses the opportunity to tell their stories. The process gave voice to a multitude of stories and perspectives about violations that had occurred in Kenya's history.

Reference 6 - 0.02% Coverage

Statements recorded by individual victims or witnesses provided the bulk of raw information for the Commission. In addition, memoranda were also collected by the Commission. Generally, memoranda were submitted by representatives of affected communities or groups, but in some instances also by individuals. Memoranda provided information beyond the limits of the Statement Form. Groups and individuals could include longer narrations of the history, context and causes of violations.

Reference 7 - 0.04% Coverage

Let me also take this opportunity to thank those who recorded statements with the Commission. In total, the Commission received over 30,000 statements and 300 memoranda. Because of time limitation and the nature of Truth Commissions, we shall not be able to conduct hearings for all the statements recorded. The Commission has, therefore, selected a few statements to conduct the hearings on what would give a global picture of the violations suffered by people from this region. In the next three days, for example, we shall hear testimonies on the history of events and violations in Mandera; violations suffered by women, testimonies on torture, marginalization, massacres, extrajudicial killings, detentions, loss of property, serious injuries suffered during postelection violence and police brutality. Although a few people will be giving testimonies concerning violations suffered in Mandera, most of you will relate with the testimonies shared

because most of you have suffered similar violations. However, I want to assure you that every statement recorded will be part of the report when the Commission finishes its work.⁸

Reference 8 - 0.03% Coverage

In Coast and Rift Valley alike, a thorny issue that is intricately tied to the notion of insiders and outsiders relates to names of places. In particular, local communities in these two regions are aggrieved that places occupied by those they consider outsiders have been given ‘outside names’. In Lamu, a witness lamented before the Commission that a lake that was previously called Mkunguya had its names changed to Kenyatta: There is a lake there [Mpeketoni] called Lake Kenyatta. How did it get to be called Lake Kenyatta in this area? How did the name Kenyatta find its way in this area? If we go back into our history and our culture, the lake was called the Mkunguya Lake. But now it has become Lake Kenyatta. There are names that have been brought in from central [...] Why is there this plot to even change the names of places that hold our history and our origin in this place?²⁵

Reference 9 - 0.07% Coverage

[W]e are a community that has been offended for a long time. History tells us that the first offence was committed in 1918 when our community was invited for a meeting in a place called Chepkesin in Ng’orora. During this incident, the meeting was expected to be a peace meeting but we are told that everyone in the meeting had a weapon. Our men were told to untie their bows. This is what happened and our people were massively killed. Down the line in 1977 to 1979, our neighbour community invaded our land causing a number of injuries and a large number of livestock were taken away. Most of us moved away. Up to date, I can tell you most of our people are living as far away as Nakuru, Eldoret, Trans Nzoia and so on because of the harsh raids by our neighbour. After 1987, the same problem emerged. That is when the sophisticated weapons were used. The AK47 was used and we began losing lives. This was serious because people were killed even on the wayside. People moved massively. It became more serious when we lost one of our great athletes, a standard six boy, in 2006 in a place called Sitegi in Kaptura Sub-Location, Ng’orora Location. This time round, it made so many families to leave their homes and so many children leave school. During the post-election violence of 2007, this became very serious. We identified one of the raids as a massacre because in a village called Kamwotywo we lost seven people at one time. A lot of animals were taken away. There were gunshots all over. Our people moved towards Kerio Valley. Today, we have people who are settled along River Kerio as IDPs. [...] We lament because ours is a community that will never counter-attack anybody at all. This community has been very bitter. Most of our people call upon the Government to come to their rescue when these incidents happen to them. Unfortunately, the Government has never shown any commitment let alone disarming our dangerous neighbours.³⁶

Reference 10 - 0.03% Coverage

The residents of Mount Elgon are incredibly conversant with this history. They speak eloquently about events that took place nearly eight decades ago and add their own personal and pained feelings about the fate that befell them as a result of the Carter Commission: I can summarize the problems of Mount Elgon in a very short manner. It is based on the arrival of the colonial

government. Before that the Sabaot were able to look after themselves successfully. Unfortunately when the Europeans came, they removed them from their ancestral land which is currently known as Trans Nzoia and Bungoma including Mount Elgon itself. The Europeans removed Sabaot because they wanted to use their land to settle their own Europeans. To do that, they physically removed them. They were taken in Uganda as shown in our records. The Sabaots have been living under a lot of humiliation. They have been marginalized and persecuted. They were prosecuted and dispersed.¹⁵
11.

Reference 11 - 0.04% Coverage

57. Unlike Mr. Serut, Mr. Kapondi was neatly placed with the triumph of the Orange/No vote against the proposed constitution. Two fortuitous trends seemed to combine. The first concerned the fall-out from the re-drawing of Chebyuk. There was a large group of Soy malcontents who had either been locked out of the scheme altogether or stood to lose huge swathes of land on account of the 2.5 hectares cap. Soy elders who were shell-shocked and disappointed in Mr. Serut's betrayal of their cause began to look around for someone else to represent them in the upcoming elections. This group of elders included Patrick Komon (Wilfred Matakwei's father) and Jason Psongoywo Manyiror who was one of the largest land owners in region. In Mr. Kapondi they found an ideal candidate. Quite apart from his recent break with the hated Serut, Mr. Kapondi had a long and documented history of working for Sabaot and particularly Soy land rights. The elders and those with long memories remembered that as KANU chairman, he had been part of a Sabaot delegation that had visited President Moi in 1989 and 1993 to present their claims for additional land.

Reference 12 - 0.01% Coverage

89. Research emphasizes the prominent role that laibons—spiritual and ritual experts-- have played in war throughout the history of the Sabaot and other Kalenjin-speaking peoples.⁹²

Reference 13 - 0.03% Coverage

127. The Mount Elgon conflict is at once unique and typical. For the Commission its uniqueness comes from the fact that the region is home to a very particular mix of ethnicities, historical and contemporary experiences that cannot be reproduced. It is this unique combination that in turn gave rise to the Sabaot Land Defence Force (SLDF). The militia and the state's attempts to quash it are unprecedented. For all its uniqueness, however, Mount Elgon sits within an identifiable trend in modern Kenyan history: the inherent instability and disruptive potential of issues surrounding ethnicity, land and politics. The forces that eventually pulled Elgon are by no means limited to the mountain. They feature throughout the country and carry with them the capacity to manifest with similar violence and chaos.

Reference 14 - 0.02% Coverage

The hearings also served as an opportunity for some of the victims to not only speak out about their experiences but also a chance to tell the younger generation, which were mostly unborn at

the time of the violation, what the victims went through at the hand of government agencies. It was a chance to write/rewrite history. In his testimony, Mr. Samuel Nyang'au Nyanchiengo stated: I am very grateful because today I have been given a chance to speak the truth on how we were tortured in 1982. Most of you had not yet been born but it is good for you to know what happened.¹⁰

Reference 15 - 0.01% Coverage

224. The Commission finds that residents of regions that were not identified as economically marginalized also consider themselves to have been marginalised at one point or another in history. The Commission acknowledges and affirms these perceptions.

Reference 16 - 0.02% Coverage

242. Western Kenya has often been ignored in classification of marginalized regions in Kenya, yet its historical evolution and political fortunes are closely tied with that of Nyanza province, which is acknowledged in formal accounts as a marginalized region. Backed up with a history that lacks political favour with successive governments and the high level of poverty, it is evident that Western Kenya is marginalized. Recent trends reveal that the region has been forgotten in the development agenda.