



*Addressing the economic, social and cultural root causes of torture*

OMCT ACTION FILE: KEN060608.ESCR

**KENYA: MILITARY ACTION AGAINST THE SABAOT LAND DEFENCE  
FORCE IN MOUNT ELGON INVOLVES SERIOUS HUMAN RIGHTS  
VIOLATIONS AGAINST CIVILIANS**

**The Kenyan army is responsible severe violations of human rights in the District of  
Mount Elgon**

The International Secretariat of the World Organisation Against Torture (OMCT) has received information from the Kenyan Independent Medico-Legal Unit (IMLU) and the International Commission of Jurists (ICJ), Kenya, members of the SOS Torture Network, concerning ongoing torture and extrajudicial killings by the Kenyan Army and Police in the Mount Elgon District in the Western Province of the country.<sup>1</sup>

It is reported that since the start of operations in March 2008, the military has been responsible for the execution of thousands of men and boys from the Sabaot community in Mount Elgon District. It is believed that many have died while undergoing torture, and that others have subsequently died in prison due to injuries received during their interrogation. To date the Government of Kenya has taken no steps to halt this situation.

The human rights abuses by the police and army are carried out in the context of operations against the Sabaot Land Defence Force (SLDF), an organization that has itself been responsible for grave human rights abuses in the Mount Elgon area. At the root of this conflict lies the question of land ownership and competing claims over land title, particularly in the Chebyuk settlement area of Mount Elgon. The deaths, injuries and displacement that are a direct result of the military operations also have a serious impact on the socio-economic wellbeing of the population of the affected areas.

OMCT joins with IMLU and ICJ Kenya in calling on the *Government of Kenya* to order an immediate suspension of the military operation in the Mount Elgon area and to establish an independent commission to ensure that all those responsible for human rights violations are brought to trial and that victims of torture and their families receive just and adequate reparation. OMCT, IMLU and ICJ Kenya also call on the Government to take concerted steps to reach fair and just resolutions to land disputes in Mount Elgon and elsewhere, independent of political and ethnic interests.

---

<sup>1</sup> Important additional information was provided by the Centre for Minority Rights Development (CEMIRIDE), Kenya.

### **The situation**

The Mount Elgon District in the Western Province of Kenya is the scene of an extended violent conflict over land allocation involving the Sabaot Land Defence Force (SLDF), a guerrilla militia. The SLDF was formed in 2005 to resist government attempts to evict population in the Chebyuk area of Mount Elgon as part of a resettlement programme. It has since been accused of killing more than 600 people, terrorizing local populations through physical assaults and threats and committing a variety of atrocities including torture, rape, and the theft and destruction of property. It is estimated that more than 66,000 people were displaced in an 18 month period due to the activities of the SLDF. In March 2008, the Kenyan Army was deployed in the Mount Elgon area to clamp down on the activities of the SLDF in an action called "Operation Okoa Maisha". This military operation has been conducted under a veil of secrecy. Since early March of this year, it has resulted in mass arrests and the subsequent prosecution of over 1200 persons.

IMLU and ICJ report that most of the persons arraigned in court as a result of Operation Okoa Maisha have complained that they were tortured by the Kenyan military and exhibited injuries that remain to be accounted for by the State. There have been several reports in the media accusing army officers of using torture and excessive force against civilians in a bid to recover illegal weapons used by the SLDF. According to media reports, army officers have also assaulted journalists who attempted to cover the operation. According to IMLU, "the Government is undertaking massive infringements of fundamental rights on the civilian population in the Mount Elgon District and its surroundings" in its efforts to identify SLDF members. IMLU also indicates that there are reports of minors who have been interrogated and subjected to torture.

IMLU's preliminary findings from a medico-legal investigation into torture by the military in the Mount Elgon District released on 27 April 2008 indicate that police officers have carried out mass arrests – often at dawn - accompanied by acts of physical violence in Sabaot communities. On arriving in a village, officers typically separate the men and boys from the women and children, informing the former that they are being taken away in order to determine whether they have guns in their possession or if they are associated with the SLDF. They are then transported to bases set up by the military in the Kapkota, Saandet and Kaptama areas of Mount Elgon where they are stripped and subjected to systematic torture. Subsequently individuals suspected of being SLDF members are taken to police stations and arraigned in court on charges of promoting warlike activities. The high number of arrests and the consistent denial of bail have, in addition, led to the serious overcrowding of prisons around Mount Elgon District.

According to the Kenya National Commission on Human Rights report '*The Mountain of Terror*'<sup>2</sup>, the military is responsible for the execution of thousands of men and boys from the Sabaot community in Mount Elgon District. It is believed that many have died while undergoing torture, and that others have subsequently died in prison due to injuries received during their interrogation. The bodies of those who die in the military camps are reportedly taken to Kamarang, a hill in a forest area in Mount Elgon District, where they

---

<sup>2</sup> Released 15 May, 2008

are buried in unmarked graves. Other bodies are dumped on farmland, with attendant risks to public health.

The SLDF activities and the police and military operations that have followed in their wake not only violate the civil and political rights of the inhabitants of the area, but also compromise their enjoyment of a range of economic, social and cultural rights. Military action is leading to further population displacement, the abandonment of farms, impeding food supply and access to markets and thus contributing to food insecurity. In addition, the mass arrest, torture and killing of Sabaot men and youth in itself threatens the economic and social wellbeing of local communities. The government sponsored operation is also causing women and children severe psychological distress as they have no way of learning of the fate of their male family members.

For its part, the Government has termed allegations of torture as “propaganda” and argued that no complaints have been lodged with relevant agencies.

### **The Root Causes of the Violence in Mount Elgon District**

The extreme violence currently being carried out in Mount Elgon, together with the violence perpetuated by the SLDF, has its roots in the issue of land allocation and forced evictions and their consequent impact on the livelihood of local communities. The Mount Elgon District, with an estimated population of 135 033, is predominantly occupied by the Sabaot, Iteso and Bukusu communities. The Sabaot, who are indigenous to Mount Elgon, are divided into the Soy and Mosop<sup>3</sup> clans.

Various communities have laid claim to land in Mount Elgon and have lobbied political representative to have their claims recognized. IMLU reports that the contested land was first occupied by the Mosop community: in 1971 some 109 Mosop families were moved off their land to the Chebyuk settlement scheme, however the scheme was never degazetted from its status as forest land, effectively rendering the community landless. In 1979, proposals were made for the formalization of the scheme, however by this time the number of Mosop families had increased to over 2000 and they had been joined by members of the Soy community and the exercise was abandoned. In 1989 the government again tried to complete the resettlement but the process was marred by political interference, nepotism and corruption.

Further efforts initiated in 1990 were abandoned in 1992 due to the land clashes that affected large parts of the Rift Valley. These clashes resulted in an influx of displaced persons to Mount Elgon, most of whom were not original inhabitants of the area. There was also an attempt at resettlement in 1997 but this too was abandoned due to a lack of political will.

The most recent attempt at resettlement was started in 2000 and, despite tensions between the Soy and Mosop clans over allocation and the political instrumentalisation of the issue during the 2002 elections, the land survey for phases I and II began in 2003 and identified

---

<sup>3</sup> The Mosop are the Ogiek people of Mount Elgon. They are also referred to as the “Ndorobo”, a derogatory term meaning “the poor ones” in Maasai.

a total of 2166 5-acre plots. To date a total of 2157 plots have been allocated to the registered beneficiaries. The third phase of the resettlement has, however, been particularly contentious, and both the Soy and Mosop clans lay claim to the land in question. In particular, the Soy clan expresses its dissatisfaction at having been allocated only 40% of land in the first two phases of resettlement. It was during the contentious discussions on land allocation under Phase III that the SLDF, founded in 2005, began its violent campaign, ostensibly to defend Soy land under the Chebyuk allocation scheme. It engaged in executions of civilians, rape, mutilation, theft and a range of criminal activities including extortion. Interventions by the police, the Kenyan Rapid Deployment Unit and the provincial administration all proved ineffective in preventing this violence. Initially, the arrival of the military in March 2008 was widely welcomed by the population of Mount Elgon, however military atrocities soon replaced those of the SLDF.

### **Requested Actions**

While unconditionally condemning the strategy of violence employed by the SLDF, OMCT, IMLU and ICJ Kenya join in stating that torture is a wholly unacceptable response to the human rights violations perpetuated by groups such as this.

*Please write to the **Government of Kenya** asking it to:*

- **Respect** its obligations under the international human rights instruments it has ratified, including the Convention Against Torture;
- **Suspend** forthwith Operation Okoa Maisha in Mount Elgon District;
- **Establish** an independent commission to ensure that all those responsible for human rights violations, including army officials, are brought to trial;
- **Take** all necessary steps to ensure that victims of torture and their families receive just and adequate reparation and are given all necessary support for their reintegration into their communities;
- **Begin** immediate documentation of all those who have died or been injured as a result of the Okoa Maisha Operation and notify family members regarding the whereabouts and status of their next of kin;
- **Use** non-violent investigative methods to identify members of the SLDF responsible for human rights abuses and other crimes.

*Please also call on the **Government of Kenya** to:*

- **Finalise and adopt** the National Policy on Peacebuilding and Conflict Management of 2005-6, which will provide a framework for addressing security issues in Mount Elgon and elsewhere and end the reactive and crisis-driven approach to conflict management and resolution;
- **Recognize** that land issues are often the root cause of community violence in Kenya and take concerted steps to reach fair and just resolutions to land disputes in Mount Elgon and elsewhere, independent of political and ethnic interests;
- **Properly implement** section 75 of the Constitution dealing with property and land rights;
- **Initiate** a process of land reform aimed at resolving the land issue in Kenya. The process should involve the consultation of representatives of all groups concerned and affected by land conflict. This reform should also foresee the possibility of

- establishing an independent inspectorate to monitor land use under the provisions included in the reform;
- **Implement** without delay the recommendations included in the Report issued by the Ndungu Commission, set up in 2003 to investigate the irregular allocation of public land; in particular, implement the recommendation highlighting the urgent need for a Land Titles Tribunal that deals with the rectification of the illegal allocation of lands on a case by case basis;
  - **Establish** a transparent system of registration of land titles in order to avoid further episodes of conflict deriving from uncertainty over land allocation.

## Addresses

Hon. Mwai Kibaki  
The President, Republic of Kenya  
P.O. Box 30050 00100 - Harambee Avenue  
Nairobi, Kenya  
Fax: +254-020-243620  
Email: [president@statehousekenya.go.ke](mailto:president@statehousekenya.go.ke)

Right Hon. Raila Odinga  
Prime Minister, Republic of Kenya  
P.O. Box 30050 00100  
Nairobi, Kenya  
Email: [contact@statehousekenya.go.ke](mailto:contact@statehousekenya.go.ke)

Hon. Yusuf Hadji  
Minister of state for Defence  
Ulinzi House  
Lenana Road  
P.O. Box 40668 – 00100  
Nairobi, Kenya  
Tel: +254-020-2721100  
Fax: +254-020-2737322  
Email: [info@mod.go.ke](mailto:info@mod.go.ke)

Hon. George Saitoti  
Minister for Internal Security  
Harambee Avenue  
P.O. Box 30510,  
Nairobi 00200, Kenya  
Tel: +254-020-227411

Major General Hussein Ali  
Commissioner of Police,  
Kenya Police Headquarters,  
Vigilance House, Harambee Avenue,

P.O. Box 30083,  
Nairobi, Kenya.  
Tel: +254-020-341411/6/8  
Email: [commissioner@police.go.ke](mailto:commissioner@police.go.ke)  
[complaints@police.go.ke](mailto:complaints@police.go.ke)

Hon. Aggrey James Orengo, M.P.  
Minister for Lands,  
Ardhi house, Ngong Road,  
P.O. Box 30450 - 00100,  
Nairobi, Kenya  
Tel. +254-020-2718050  
Fax: +254-020-2724470  
Email: [pslands@wananchi.com](mailto:pslands@wananchi.com)

Hon S. Amos Wako  
Attorney General,  
State Law Office, Harambee Avenue,  
P.O. Box 40112,  
Nairobi, Kenya  
Tel.: +254-020-227461

Gen. J. M. Kianga  
Chief of General Staff,  
Kenya Armed Forces,  
Ulinzi House, Lenana Road,  
P.O. Box 40668 – 00100,  
Nairobi, Kenya  
Tel: +254-020-2721100 / 2712054  
Tel/Fax no: +254-020-2722270  
Email: [info@mod.go.ke](mailto:info@mod.go.ke)

Hon. Martha W. Karua, E.G.H., M.P.  
Ministry of Justice,  
Haile Selassie Avenue,  
P.O. Box 56057,  
Nairobi, Kenya  
Tel.: 254-20-224029  
Email: [ps-justice@justice.go.ke](mailto:ps-justice@justice.go.ke)

Major General Hussein Ali  
Commissioner of Police  
P. O Box 30510  
Nairobi 00200,  
Kenya

H.E. Ms. Maria Nzomo,  
Ambassador Extraordinary and Plenipotentiary,  
Permanent Mission of the Republic of Kenya to the United Nations (Geneva),  
Avenue de la Paix, 1-3,  
1202 Geneva,  
Switzerland  
Tel.: +41 22 906 4050/4073  
Fax: +41 22 731 2903  
Email: mission.kenya@ties.itu.int

**Information on action taken and follow-up**

OMCT would appreciate receiving information on any action taken in relation to the matters dealt with in this Action File so that it might be shared with OMCT's network and others interested in this issue. Please quote the code of this appeal on the cover page in contacting us (KEN060608.ESCR).

\*\*\*

Geneva, 6 June, 2008

**World Organisation Against Torture**

P.O. Box 21 - 1211 Geneva 8

Switzerland

Tel.: 0041/22 809 49 39 / Fax: 0041/22 809 49 29

E-mail: [omct@omct.org](mailto:omct@omct.org) / Web: [www.omct.org](http://www.omct.org)