

Annex A  
*Public*

Twelfth Periodic Report on the general situation of victims in the case of *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang* and the activities of the VPRS and the Common Legal Representative in the field

## **Introduction**

1. During the reporting period the CLR reported that he met personally for the first time with 129 victims,<sup>1</sup> 113 of whom were registered to participate in the case of *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang Case* (the “Case”). According to the information available to the Registry, the total number of victims verified as within the scope of the Case by the CLR now stands at 799.
2. During the same period, staff from the VPRS accompanied the CLR on a registration mission and met with the victims who did not fall within the scope of the case to inform them of their status.
3. The present report will cover the following topics:
  - A. Information concerning the activities of the CLR in the field;
  - B. Information concerning the activities of the VPRS.

### **A. Information concerning the activities of the CLR in the field**

4. In accordance with the 3 October 2012 Decision, the CLR provided the VPRS with detailed information relating to his activities.<sup>2</sup> During the reporting period, the CLR reported that he and his team met with four groups consisting of 129 victims in various locations throughout Kisii and Nakuru Counties. The detailed statistics and general situation of the victims are presented by group in the tables below.

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<sup>1</sup> Some of these victims had been previously registered by the LRV’s field team in his absence.

<sup>2</sup> All data in relation to the activities of the CLR in the field are derived from the meeting forms submitted to the VPRS on a bi-monthly basis for the purposes of the periodic report.

Meeting 1	
<b>Location:</b> Nakuru County	<b>Category:</b> Previously and Newly Registered Victims
Detailed Statistics	
<p>The CLR met with 39 victims, including 29 who were met for the first time from the Kikuyu community in Nakuru County. The group consisted of 14 men and 15 women. The newly registered victims were all allegedly displaced from their homes and all reported having property looted or destroyed during the Post-Election Violence (the “PEV”). Some examples of the property lost include: homes; businesses; stored cereals; business stock; and agricultural produce. None of the victims in this group have returned to their homes citing either fear of renewed persecution or painful memories as the reason.</p> <p>Three members of the group reported the death of a loved one during the violence period:</p> <ul style="list-style-type: none"> <li>• One victim reported that his father had sought refuge at the KAG Church in Kiambaa and due to his advanced age and health condition was unable to escape the fire and died;</li> <li>• One victim reported that his mother was murdered in her home in Huruma by armed Kalenjin youths;</li> <li>• One victim reported that her husband died from the injuries sustained after being attacked during the PEV.</li> </ul> <p>Before being displaced, one victim reported having been attacked and raped by a gang of Kalenjin youths in her house in Turbo. She recalled that the attackers told her that they were punishing her for supporting President Kibaki.</p>	
General Situation	
<p>The CLR reported that the victims from Nakuru County had been resettled by the Government of Kenya (the “GoK”) but that life remains very difficult because the areas where they were resettled have poor soil and are lacking in clean water. One of the members of the group informed the CLR that the victims are forced to draw water from the same reservoir as the farm animals for drinking and sanitary purposes.</p>	

Meeting 2	
<b>Location:</b> Kisii County	<b>Category:</b> Previously and Newly Registered Victims
Detailed Statistics	

The CLR met with 35 victims, including 29 victims who were registered from the Kisii, Kikuyu and Luhya communities. The group consisted of 20 women and 19 men. The newly registered victims were reportedly all displaced from their homes in Nandi Hills, Langas, Kiambaa and Kapsabet during the PEV. Twenty five members of the group reported having their property either looted or destroyed, including houses, businesses and cattle.

Three of the victims in this group reported acts of sexual violence during the PEV and the details of the attacks are provided below:

- One victim reported being raped in the presence of her two children and her husband, who was tied to the bed with a rope. She contracted the HIV virus as a result of the attack and her husband separated from her following the diagnosis.
- Two other victims in this group were reportedly raped before their displacement, and both contracted the HIV virus.

Three members of the group reported the death of a loved one during the violence period and the details are provided below:

- One victim reported that her husband was dragged from his home in Nandi Hills, severely beaten and then hacked to death with *pangas* (machetes).
- One victim reported that ten men, armed with *pangas*, *rungus* (clubs) and bows and arrows, came to his home in Nandi Hills and took his father, whom they referred to as a "*madoadoa*" (stain). The victim reports that his father's body was found the next day, dumped near a public toilet.
- One victim reported that her husband disappeared during the PEV and that he never showed up in any of the Internally Displaced Persons ( "IDP") camps that were set up for the people from her area and that she has not seen or heard from him since.

#### General Situation

The CLR reported that the victims in this group expressed concern over the length of proceedings and that many victims would have died before ever having received assistance. Many of the victims explained that they have been unable to re-establish themselves economically after having lost everything during the PEV. Some victims were reportedly concerned that they could not afford to pay school fees for their children. Certain members of the group pointed out that not all victims in attendance are destitute and that a priority should be placed on assisting those most in need.

Meeting 3	
<b>Location:</b> Kisii County	<b>Category:</b> Newly Registered Victims
Detailed Statistics	
<p>The CLR registered 23 victims from the Kisii community who were met for the first time. The group consisted of 10 men and 13 women. The newly registered victims all alleged that they were victims of forced displacement and that they lost property through destruction (by fire) and looting during the PEV. Some victims explained that they heard people saying “<i>hawwa watu wako mbaya</i>” (they are bad people) and “<i>madoadoa</i>” (stains) and that it was not until they were personally attacked that the victims realised that it was also the Kisii ethnic community that they were referring to.</p> <p>Three of the victims in this group reported having been physically attacked during the PEV and the details of the attack are provided below:</p> <ul style="list-style-type: none"> <li>• One victim reported that her husband had gone into town during the violence and was severely beaten. She found him five days later in the hospital with severe head wounds. The victim reports that her husband is no longer able to hold a coherent conversation or retain employment due to his injuries.</li> <li>• One victim reported that a gang of seven men entered her house and beat her husband severely, breaking both his legs and causing brain injuries. The victim reported that her husband is no longer able to walk and now has to use sign language to communicate due to the trauma to his brain.</li> <li>• One victim reported that he found his wife and son at the Nandi Hills police station after they had been severely beaten by a mob. His wife died a few days later from her injuries and his son’s leg was broken and he continues to walk with a crutch today.</li> </ul> <p>Three members of the group reported the death of a loved one during the violence period and the details are provided below:</p> <ul style="list-style-type: none"> <li>• One victim reported that her husband was attacked by a gang of men who hacked him to death and set his body on fire. The victim’s son reportedly tried to come to the aid of his father and was also hacked to death by the gang. The victim reported that two of her other children witnessed the violence and that they remain traumatised.</li> <li>• One victim reported that both his son and his wife were killed during the violence.</li> <li>• One victim reported that her three day old baby died due to exposure to the cold after she had been displaced from her home and made to take refuge at the local police station.</li> </ul>	

Four of the victims in this group reported acts of sexual violence during the PEV and the details of the attacks are provided below:

- One victim reported having been raped during the violence period and subsequently contracting a sexually transmitted disease.
- One victim was attacked as she was fleeing from the violence and was struck on the head. The victim reported that the assailants then raped her and left her psychologically traumatised.
- One victim reported that she was attacked and gang-raped. She reported that she lost consciousness during the attack and later woke up in Eldoret hospital. She contracted HIV from the attack.
- One victim reported being displaced and then later being raped during her time in the IDP camp.

### General Situation

The CLR reported that the victims in this group continue to live in poverty and struggle to provide for their children's education. The victims reported that they are unwilling to return to the areas from where they were displaced due to their traumatic experiences, not even to resume employment or search for new jobs. The CLR reported that the victims expressed frustration over the selective assistance of victims by the GoK and that the victims in this group, characterised as "integrated IDPs" because they are no longer in camps, have not benefitted from any government assistance despite their needs. Members of the group reported that when they raise these issues domestically, their leaders are threatened with violence and told to drop the claim.

### Meeting 4

**Location:** Kisii County

**Category:** Newly Registered Victims

### Detailed Statistics

The CLR registered 32 victims from the Kisii, Luhya and Luo communities who were met for the first time. The group consisted of 14 men and 18 women. The newly registered victims all alleged being forcibly displaced from either Lanas, Kiambaa, Huruma, Nandi Hills or Kapsabet and that all but one reported the loss of property either through pillage or destruction.

Four members of the group reported the death of a loved one during the violence period and the details are provided below:

- One victim reported that attackers came to her home with machetes and killed her first born son and her husband. She was also hacked with machetes during the attack and bears the scars from the incident to this

day.

- One victim reported that she hid her husband from attackers in a boiler room in their place of business and that she tried to lie to the attackers about his whereabouts. She reported that the attackers beat her unconscious and found her husband and killed him.
- One victim reported that her husband “disappeared” on 30 December 2007 and that he has never been seen since.
- One victim reported that both of her parents went missing during the PEV and that she assumes that they were killed.

Four of the victims in this group reported acts of sexual violence during the PEV and the details of the attacks are provided below:

- One victim reported that her two daughters were raped during the violence period and that one subsequently died as a result of the trauma.
- One victim reported that her daughter was raped during the PEV and contracted the HIV virus. Her daughter later died of AIDS and left three young children behind.

#### **General Situation**

The CLR reported that the victims feel stigmatised by the local community due to their economic situation. Many reported being threatened by the host community and others cited examples of carrying out casual labour tasks without just reimbursement. The victims reported that even their children are not accepted by local children and that they are routinely sent home from school because their parents are unable to afford the fees.

The CLR reported that the victims feel that they cannot get justice in Kenya and that no one cares about them in society because they have been reduced to poverty.

#### **B. Information concerning the activities of the VPRS**

5. During the reporting period, staff from the VPRS accompanied the CLR and his team and assisted in the registration process. VPRS staff also met separately with victims who were assessed as outside the scope of the case in order to inform them of their status and to provide updates on the activities of the Court in Kenya.