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**ORAL SUBMISSIONS MADE TO THE TRUTH JUSTICE AND  
RECONCILIATION COMMISSION HELD ON FRIDAY 20<sup>TH</sup>  
JANUARY, 2012, AT THE WESLEY METHODIST TONONOKA  
HALL, MOMBASA**

**(Women Public Hearing)**

**PRESENT**

<b>Margaret Wambui Shava</b>	-	<b>The Presiding Chair, Kenya</b>
Gertrude Chawatama	-	Commissioner, Zambia
Sylvia Chidodo	-	Mistress of Ceremony
	-	Regional Co-ordinator
Nancy Kanyago	-	Director, Special Unit

*(The Commission commenced at 10.40 a.m.)*

*(The Presiding Chair (Commissioner Shava) introduced herself  
and the other TJRC Commissioner)*

*(Opening Prayers)*

**Agnes Mailu:** I would like to say thanks a lot for this opportunity to speak as a mother. The truth of the matter is that a woman is a vessel that is very important in a family. A mother is the backbone of the family and when the backbone is disturbed, the whole body becomes disturbed. It is our right to ensure that the backbone is taken care of. When we women sit here, a lot of things pass. So, when we say that a mother is a very important being, when the backbone is affected, so many problems assail us or happen. Generally speaking, women, especially those from the Coast Province, have seen so many things happen. If you look at our situation in life now, it is deplorable. Why is it like that? First, when we have political upheavals, women are left alone at home and we really suffer. Our husbands are taken to go to the political battles and our children are left alone to be raped or to be used in ways that are not right. In the end, when they come to me, I am also violated in different ways. So, there are a lot of things that affect our families like denial of rights as women, disrespect, being seen as people who have no rights in the community and they are supposed to be in the kitchen alone. They are not supposed to speak.

When it comes to the issues of leadership, most of the time, we do not have a voice. We are used as campaigners, but when we say we want to vie for seats, we are told "Sit down; you cannot manage." The persons who say that, perhaps, is my fellow woman and that woman is used as a vessel to oppress me by the men around us. But that is not right. When I say that I want to vie for the seat of Governor or Senator, you will start saying

“Look at that one; she cannot manage” or “That one is like this or like that.” We find that we are pulling back that woman. Are we together?

When we come to education, education is a fundamental right of a human being. We are happy in Kenya because we have free primary and secondary education, but when we look at that, for sure, before I go to secondary school, I have to go to a nursery school. If I cannot pass through a nursery school, even if I go to Standard One, I will still lag behind. Nursery school also involves money and most of the children do not go to school. As women, we do not get enough time to go to school because our finances are very little in the family. If there is a person who remains at home to do the house chores, it is the girl child while the boy goes to school. Who does that? It is I, as the mother and my husband, who is the head of the house. When we have problems, we do not have anywhere to run to, where we can be understood. When I go to the elder, the chief or to the police to present my problems as a woman, I am told that those are family issues, and that I should just sort them out within the family. When I go back to the family, the family members are the same people oppressing me. It becomes difficult and I do not have any space. Most of the time, we give up. When we give up as women, you find that some go to strangle themselves, while others start living a life that is not good and we start pointing fingers at each other. As it was said earlier on, the issues affecting women here in our place; We have seen that there is a lot of oppression in sexual matters. There is a lot of oppression, injustice and lack of access to education and health care services. Life is very difficult with these injustices for people living positively. Even on the issue of HIV/AIDS, we are told that it is the women who are spread it and that men are not involved in the spreading of HIV/AIDS. This makes it all to be a burden on us.

When we look at the financial status, we are told that we have the Women Enterprise Development Fund. But how much do they give us? It is only about Kshs50,000. But is there a business for Kshs50, 000 that can help us? So, economically, we have been oppressed and we do not have any space or opportunity. We should have equal space, not just in writing, but also in practice so as to enjoy what is written.

Those are just a few issues that I am speaking about. I know that as we are seated here today, we have a lot. Are we together? So, I have just spoken briefly what I can, but as you are seated here today, we have a lot and if we start speaking, we cannot even wind up. That is why we have been given this opportunity today to speak out the injustices that we undergo as women and then we give our recommendations that will help us so that we can be proud of this country, Kenya, as women. Are we together up to that point?

So, I think I will end there so that every person can get an opportunity to address any issue.

My name is Agnes; that is the one that is known; Agnes Maingu. When you tell another one Agnes Mailu, they say that fat woman who works with the children or women. Thank you.

**Ms. Nancy Kanyago:** Thank you very much, Agnes, for talking about the general issues that are facing women here in Mombasa. May be, as you know, the TJRC was formed through the laws so that it can look into the injustices and violations of human rights since we got Independence up to 2008 after the post-election violence of 2007. We have been looking into different issues and our first plan; we had time to record statements. When we look into the statements that we have received from women, they were not half of all the statements that we had received. We had received around 40,000 statements and women recorded only maybe around 25,000 statements. So, we decided, as a Commission, that we will have special forums for women so that you can explain your problems as women.

As I look at the television, I see that many sittings of the Commissions – even our Commission – if you look at the public, most of the people who attend are men. Is that not right? The same also applies to public *barazas* and council meetings. There are only men who come out so that they can be heard. So, as a Commission, we decided to have plans specifically for forums like this one for women so that they can be free to speak about how they are affected as women. So, we have heard different issues; issues concerning land, war and others. But it is good if we can hear women in those issues or any other issues, how are you affected? Most of the time, you will hear men talking about lack of hospitals; why? It is because women are the ones who are involved in the health issues in the community. They are the ones who give birth and raise the children. When the child is sick, it is the burden of the mother. So, those are some of the issues that if we do not have forums like this one for women, then we will not hear about the issues that affect only women in such ways. So, feel free to speak.

We have heard in general from Agnes and those who would like to speak have recorded their names and, may be, there will be a chance for others to also speak. But because we do not have much time, if you do not have a chance to speak, do not feel as if you have not presented your issues before the Commission because we still have our officers – the statement takers – outside and the ones who record the names of the women who are here. So, if you do not get a chance to speak today and you would still like your issue to be presented before the Commission, there will be a place where you can record your statement with our officers.

Today, we have Commissioner Margaret Shava, who is the Presiding Chair of this Sitting and also we have Commissioner Judge Gertrude Chawatama from Zambia, who is one of the international commissioners. Your fellow women from Kilifi have named her “Kadzo”, pretty, so may be here in Mombasa, if you would like to give her a name from Kenya, it is okay.

Welcome, commissioners. We have heard in general from Agnes, who is an activist of women and girl child rights here in the Coast Province. As we continue with those who would like to speak---

I will start with Sahali Taisir.

When you get a chance to speak, start with your names, where you are coming from and tell us the problems that you are facing or which the women are facing, but mostly give us the recommendations so that we can know the solution to the problem. Thank you.

**Ms. Sahali Taisir:** I am Mama Sahali Taisir and I come from the group of the disabled, youth and HIV/AIDS group from Bombolulu workshop. I am going to speak about three issues that are really paining me in my heart as the women who are disabled and who are getting problems. The first one is about politics. In politics, at times we are being neglected and we have been given 48 seats for women. I do not know whether among the 48 seats, there are opportunities or seats for the disabled. I say there are very few, but I really wish if we could be given our own opportunities. They should also be given theirs, like 20 or around 10 and above because in Kenya, we have many disabled persons. If we are going to be discriminated as women, we will miss these opportunities.

Secondly, if we get those seats of leadership, we should be elected amongst ourselves, the disabled. We should not be elected by other women because if they will elect us, they will not know who will manage to lead us. The person can get the post and yet that person is a disabled – yes – do not say there are no bad disabled people, but there are disabled people who are very bad persons who oppresses the others. Therefore, if she manages to get the post, she will not help anybody. We will just be the same like the rest of the years that have passed. This is a new year and we want also to be involved in politics because we can also be leaders.

Secondly, on the issue of people being elected, the Constitution says that one has to have a degree and a certain experience. For sure, there are people who have degrees, but they have no wisdom to lead people! It is better to have a person who is not educated, who does not have a degree, and he is a disabled person but he has wisdom and knowledge to lead people, and he can lead very well.

I would also like to be given those opportunities because I am not cheating you. I am also vying for one of the seats but I am told that there are disabled persons who have been elected. We, people, have struggled from the grassroots trying to cater for the disabled persons who have been neglected and we are not even identified. If they were elected, who elected them if we do not know that we elected them? Those are politics!

Thirdly, I want to comment on the issue of women living with disabilities. When disabled women are married, they undergo a lot of problems. A disabled woman can be married and the husband should identify the woman as disabled and love her. After giving birth, she is thrown away. Now, you start struggling singlehandedly as a disabled woman; you do not have a job. You struggle with your children and the husband has gone to have luxury out there and to get another wife yet you are left with problems. So, if this can be considered and taken care of so that the disabled can also be taken into consideration during marriage because I, as a person, I have issues that have affected me in marriage. I have been married by a disabled man whom we have stayed together for over 20 years. This husband decided to go and start a group of the disabled in Malindi. I really struggled until the group was established. I have been discriminated by my fellow women, who are

saying that I am not fit for that; they are staying with my husband and I am struggling. I have struggled even when my husband did not have any job. Nevertheless, let us go to the right way of the Islamic Religion so that the Kadhi can give us our divorce but still it is oppression and distress because the Kadhi is not helping me. The Kadhi has not even taken my letters since 2010 so that I can get the divorce and go away. It is really a problem and it is not only the disabled who are having this problem. The Kadhis are really disturbing Muslim women.

I really have a problem when it comes to my transport. If I go to town, using this wheelchair, I am charged Kshs80 by a bus or a *matatu*. When I go to see the Kadhi, I must give him Kshs50. At times, he can give me a letter to go to Malindi to follow up my husband. When I go there, I have also to give some money so that my letter can be taken to the Kadhi. It is really a great problem. There is need to have more judges to listen and determine divorce cases. Let the judges not oppress the Muslim women on the issues of divorce. It should be easy because when we want to marry, they quicken the process. However, the process of divorce is long and time consuming. It is very difficult.

The last issue is with regard to medical care we get from the hospital, especially when we are giving birth. After delivery, it becomes a problem for us to answer the call of nature because toilets are very dirty. Most toilets in the hospital are never cleaned. I think I should join politics so that I can fight for the rights of women with disabilities. I am appealing to the Government to build tailor-made toilets in the Government hospitals for people with disabilities.

During the referendum, we voted “yes” for the new Constitution. However, this Constitution has not addressed our needs. We only remained ten disabled persons at Bombolulu after 15 were retrenched. If this Constitution cannot protect us, who else will do?

Thank you very much.

**Ms. Nancy Kanyago:** Thank you very much, Sahali. There are questions that I would like to ask you. For example, you have said that when you enter a *matatu*, you have to pay Kshs80 because of your wheelchair. Please, explain further.

**Ms. Sahali Taisir:** Yes, I pay Kshs80 because of my wheelchair. I pay for myself and for the wheelchair. Sometimes I get agitated and ask them why they cannot charge other people extra because of their legs because the wheelchair is my “legs”. There is no conductor or driver who will assist me board a *matatu* if I will not pay double fare.

**Ms. Nancy Kanyago:** Thank you. You have also touched on an issue concerning retrenchment. Were you retrenched?

**Ms. Sahali Taisir:** First, we were rendered redundant and later retrenched. Also, the story of Bombolulu is well known. We have written proposals on how our welfare can be

improved but nobody seems to bother. We are tired of being intimidated by one white man who always tells us we can go whenever we want to go if we feel oppressed.

**Ms. Nancy Kanyago:** Thank you. You said the story of Bombolulu workshop is well known and that you have written a lot about it. Maybe you can present them to the Commission, if possible today or even the day after tomorrow. You could also give them to our officers here so that we know the story.

**Ms. Sahali Taisir:** I have already given them our proposals. Even those of us who spoke yesterday have given out our proposals, including the people who were retrenched.

**Ms. Nancy Kanyago:** Thank you very much.

Next is Janet Mirobi.

**Ms. Janet Mirobi:** How are you, ladies? First of all, as the women of Mombasa, we are grateful for this Commission to have come to our area to listen to the problems that are facing us and which have really oppressed us for a very long time.

I want to speak about women's rights as provided for in the Constitution. Most of us do not know our rights. In this region, many women are illiterate. They do not know how to read and write. We have not been given a forum where these women can be enlightened about their rights. So, they have never been given an opportunity like this one to express themselves. Today, we are very grateful because every woman who is here will talk about his problem.

I am going to speak out about women who are vying for political seats. I am a politician. My name is Janet Mirobi and I live at Ganjoni. I have been in politics for a very long time. However, women who show keen interest in politics are not taken serious. The new Constitution gives us equal rights with men. When a woman declares interest to contest a political seat, goons are hired to harass and intimidate her. I remember there was a woman who was roughed up and acid poured on her. She was very much traumatized until she abandoned her ambition of becoming a Member of Parliament. If the Government cannot provide a level playing ground for all of us, what will happen to women politicians in this country?

Secondly, I will speak about the women's groups. There are some funds that were set aside by the Government. However, very few women know about this fund. Even those who know, perhaps, the procedure of accessing this money is not well stipulated. An ordinary woman who wants to start a business cannot access these funds. There are many conditions she has to meet before she can access money from that fund. This fund has not helped many women in the rural areas. This fund has, perhaps, only helped those business ladies who are already in businesses. I am a business lady and I have benefited from this fund. However, a woman in the grassroots areas cannot access this money because of the very tough conditions.

I also want to talk about the issue of the dual citizenship. It seems as if the officers in Government are not up to the fact that we are in the new constitutional dispensation. Women who are married in foreign countries find it difficult to come back home. This is because getting visas for their children is not easy. Many Kenyan women are married by foreigners. They would like to know why their husbands cannot be given Kenyan citizenship. Why can my children not be given two passports as for the husband and wife? So, we, as women, find that our rights are violated. We are asking this Commission – my fellow women – to help us speak about that issue. During the elections, women are misused by their male counterparts. They are called upon to vote for them. However, when it comes to other things like dual citizenship, they are not considered.

That is all. Thank you.

**Ms. Nancy Kanyago:** Thank you. Before you sit down, may be the solution to such a problem, you have mentioned concerning the money that is given to women. I know that right now, it is being given from the district level, but what is the solution to this problem so that we can know?

**Ms. Janet Mirobi:** If the Government really wants to help women, there should be such kind of a forum to sensitize them on what they should do so as to access the money. They do not know about these procedures. Those who know them are very few. So, the Government should have such women forums in every location to educate women in the grassroots level instead of waiting to be told by other people like me. When they come to my group, I tell them, but they say “What will I do? I do not know what is needed. I do not have a cow” and that is when they want to start up a business. The Government should take the responsibility of ensuring that civic education is done in every location to tell them how they can access those funds.

**Ms. Nancy Kanyago:** Thank you.

**The Presiding Chair** (Commissioner Shava): I would like to greet the women of Mombasa; how are you, ladies? My name is Margaret Shava, a commissioner from Kenya and I am here with my fellow commissioner, my colleague who is a Judge in Zambia. She is called Commissioner Gertrude Chawatama. She will greet you later.

I have a question. Did you mean to apply for a passport for your children or for your husband?

**Ms. Janet Mirobi:** For now, I am speaking about the people who are in foreign countries. I have my ten sisters in foreign countries and they have children. It is not easy for them to get visas for their children to come and visit us here.

**The Presiding Chair** (Commissioner Shava): We should stop saying “the new Constitution because it is the only Constitution we have now. Dual citizenship is permitted. The Commission on the Implementation of the Constitution (CIC) led by Charles Nyachae can help here. That Commission is the one that is supposed to be



guiding the production of regulations, so that people know how to apply for this dual citizenship.

My suggestion to you would be to advise your sisters to go to the Immigration Department armed with the Constitution and say that “This is the supreme law of Kenya and it gives me the right for my children to have a Kenyan passport” and then wait and see the results. Because if they should say that they are unable to do it, then you can go to court and that will be a very useful case for very many women. I am sure that organizations such as FIDA will help you because it will point out the urgency of the matter. Sometimes people think that our matters are not very urgent, but you are saying that you have ten sisters outside and their children have to pay for visas to come to what should be their own country. That situation is not correct even according to the Constitution. So, let them apply for their passports. Let us see what the Government says because the Government is the one that is the guardian of the Constitution. Maybe, that application might open the way for a lot of other women and children who ought to have Kenyan passports, but they are being denied. So, I would encourage you to encourage your sisters to apply for those passports.

**Ms. Janet Mirobi:** I really appreciate your guidance. I will tell them to do exactly that.

**Commissioner Chawatama:** While agreeing with my dear sister and friend, Commissioner Shava, a law on paper is nothing unless it is tested. So, women will have to test the provisions in the Constitution that talk about them and their rights. That is how you make the law real and it becomes alive. I know that you have the capacity to have this provision that deals with dual citizenship. You can test it yourself. So, please, do not give up. I would like, before the Commission ends, to either hear that your sisters’ issues have been resolved or that you are in court, because you need to know that this Constitution is working for you.

**Ms. Janet Mirobi:** Thank you.

**Ms. Nancy Kanyago:** Thank you. There are many issues that women would like to speak about. So, right now, we are going into the issues concerning land, but as we said earlier, if you do not get a chance to speak because I know that we cannot listen to everyone, but still you can record a statement. That is a good way of presenting your issue in front of this Commission.

**Ms. Hadija Abdallah Mzee:** Thank you very much. I have come to this Commission to speak about a piece of land that was grabbed from us. During the Moi regime, one person approached us and told us the Government wanted to sell land to us. Every family was given a document and every month we were paying Kshs30,000 for a plot near the road. For the plots which were in the interior, we were paying Kshs15,000. We paid all the money that was required. Unfortunately, my husband died before he was shown his plot. The person who was selling us those plots disappeared sometime in the thin air. We have been trying to find him to either show us the plots or refund our money but all in vain. Every time we go to his office, we do not find him. Now he wants us to pay another

Kshs50,000, so that he can show us those plots. I cannot afford to raise that money because I am struggling to make ends meet. I have a small business where I sell juice. One bottle of juice is Kshs20. I earn my livelihood from that business. I asked my son, Omari Hafidhi Abdallah and my daughter Mwanaidi, to come. When they came, I told them to sit down. They broke my savings box and I counted my money. I found Kshs35,000 in that box and my children added Kshs15,000, so it came to Kshs50,000. I left with Omari and went to pay that money and he gave us a receipt. He told us to go to the Municipal Council. When we went to the Municipal Council the next day, we were told that we still have to pay more money and that they have not seen the agreement there. He took the money and then he left and we have not seen him again. We stayed and then we were told that the house will be demolished.

Everyone was to be given Kshs3 million. Can you build a house right now with that amount of money, or are they just chasing us away? My mother was born there and she gave birth to us there. We grew up and got married from that place. Our children were also born there. Even my grandmother has the receipts she got in return for payment of rates. We have all the documents of the land. When my mother died, I transferred the land to my name. I have the papers.

We have been threatened a lot. Right now I am using crutches. I have to hand over the land to my children. There are so many issues on that land. One cannot have good sleep. We are asking the Government to help us. When we heard that the Commission was coming over we said that we would bring our grievances here.

Thank you.

**Commissioner Chawatama:** We want the witness and her son to record the statement, so that things are clear with the supporting documents. It is an issue we would like to look into.

**Mrs. Nancy Kanyago:** Mama Hadija Abdala is one of the women leaders in Mombasa. She is the wife to the first mayor of Mombasa.

We will now have the testimony of Angela Simwenyi.

**Ms. Angela Simwenyi:** I thank the Commissioners for coming here today to listen to us. Most of the time, Nairobi is the source of conflict at the grassroots. We have been told that Mombasa would be divided twice. We were happy because Kisauni is too big. One Member of Parliament is not enough for this region. During the boundary review some tycoons ensured that part of Nyali and part of Kongowea and Shanzu, which host many people from upcountry, were put in one constituency. Kisauni has Mjambere, Kashani, Maunguja, Colorado and others. It is in Kisauni where women do farming to get food. There is no rain there. Ugali with salt is the staple food of most people there. There is a family I know which feeds on that once a day. It is all because there is no rain. There is no water for irrigation. For one to attend a meeting such as this one, one would require up to Kshs400, but people do not have that kind of money.

We have denied the people of Kisauni the beach and given it to the upcountry people. Who will be happy about that? We wanted two constituencies in Kisauni and even access to the beach. The tycoons rejected that. They said that they wanted to stay alone. I have a friend who came from Nairobi, who is residing in a hotel I cannot mention here. I was denied access to that hotel. In fact, they called me a prostitute. I had to call my friend out to be allowed in. Why are we denied a chance to relax on our beaches?

With regard to title deeds, we have had a lot of meetings. We have cried to the Provincial Administration, but in vain. We cannot access loans and so we cannot develop. Officers from the Ministry of Agriculture gave us seeds, so that we plant them in a project that they started. My input is supposed to be Kshs48, 000, but where will I get it from? I have to go to the bank, but I do not have a title deed! Why are we not given title deeds we people of Kisauni? It is painful. Most of the plots belonged to our grandfathers. They stayed there for so long. We know the history of our land. We even have maps. Instead of the land being given to the indigenous people, it has been given out to strangers. A good example is the Kwang'ombe area. We have been told to move away or else our structures will be demolished. These are the issues that stir conflict. People have now decided to defend themselves.

We are now crying about the Mombasa Republican Council (MRC). Why are our children joining such groups? It is because they have no recourse. The Government is calling them disgruntled people who have no direction. They have a direction and they have reasons. In 2008 at Mwembelegeza I saw them. They were still a small group. They have now grown to large numbers. At one time their meeting was disrupted by the GSU. We need to solve this problem before it gets out of control.

Here in Mwembelegeza there is a place where women would sit to sell their wares. There was an order that the small shops belonging to the women be demolished. It was alleged that the kiosks were hideouts for thieves. They were demolished. A tycoon set up a big container, which is now used as business premises at the place. The DO's office is just a few meters from the place. Were they not seeing what was happening there? In a previous meeting it was decided that some land be set aside at Mwembelegeza for women to set up their small businesses that would enable them get some income, and also assist people who would go all the way to Kongowea to buy things. We are not being told that Mwembelegeza should go to the tycoons. I am appealing to the Government to come down to the people here and listen to them. The Government should not listen to the rich people only.

**The Presiding Chair** (Commissioner Shava): Thank you for your testimony. I hope that you have written a statement which you will leave with us.

**Ms. Nancy Kanyago:** She is called Angela Simwenyi. She is the Assistant Secretary of the Kisauni District Peace Committee. We will now have the testimony of another witness. I urge that you be brief because time is not on our side.

**Ms. Fatuma Sikukuu Juma:** How are you my fellow women? I am Fatuma Juma. I am a victim of the 1992 and 1997 clashes in Likoni. I am a bitter woman because we victims have not been recognized. In 1997 during the Kaya Bombo conflict I was burnt in a house. I was taken to Makadara General Hospital, where I was admitted for seven months. I got well and went back to Likoni. The Government has never bothered about us. A lot of heinous things happened. One could not even use the ferry. People's fingers were cut. Women's breasts too were cut. Men were castrated. Things were tough even for the police. Likoni Police Station was burnt down. You could not report anywhere.

We have appealed to the Government to come to the aid of victims of the Likoni conflict, but that has not borne any fruit. We are very many of us who were affected. Had this forum been held in Likoni, this hall would have been full of the victims.

**The Presiding Chair** (Commissioner Shava): Thank you, Mama Fatuma Juma. How many are you?

**Ms. Fatuma Sikukuu Juma:** We are many of us. I think we could be more than 600 people. Yesterday, some of us were in the public hall, but we were not given a chance to speak. We do not know what to say. How can you help us? We have written to the Red Cross requesting for food.

**The Presiding Chair** (Commissioner Shava): Is there any person from your group who is present here? I would like them to stand up so that we recognize them.

**Ms. Fatuma Sikukuu Juma:** I was locked up in a house and burnt. My fingers were burnt completely and they had to be cut off in hospital. The Government has not recognized the victims of 1992 and 1997 Likoni conflict.

**Ms. Monica Ndulu Mbithi:** We formed this group because we had a common problem. We are victims of the Likoni conflict. My property was lost. There are women who have died because of hunger. We have their death certificates. Children in our area have not been educated. We heard that the Government was giving out Kshs10, 000 to displaced persons, but none of us got that money.

**Ms. Mwanamgeni Ali Rashid:** I am thankful to be here to state the problems we faced during the Kaya Bombo conflict. Our husbands and children were arrested. We were beaten up and thrown out of our houses. We were asked to reveal where guns were, yet we did not know anything about the guns. They would ask us where our boys were. I told them that I had only one son and the rest were girls. They told me that was impossible; so they ransacked my house. They stepped on me and hit me with their guns. My children were kneeling down in the house. They had already taken my husband. Nobody could help us. They beat us up for two days. All Muslims ran to the mosque. They even attempted to go and remove people from the mosque. The beatings affected me. I could not even urinate. The people who were doing these things were young people. I later ran away from the mosque to a safer place and then went back home. Everything in the house had been destroyed.

We were told that the MUHURI organization was seeking to help the victims of the Likoni conflict. We formed our own group in order to assist each other. We are from different tribes but now we are one thing. We have approached the media, the DO and the DC to seek help, but nothing has been forthcoming. There are many orphans and the old who are suffering. Today we are here, so that you can look into the issues affecting us. You can come and meet them.

**The Presiding Chair** (Commissioner Shava): Thank you very much, *Mama*. We have understood what you have said. This group is a very good one; give us your statement if you have not done that because this is a different Commission. We can do what we can within the powers accorded to us by the TJRC Act in order to assist you.

I have one question. When you were saying that these people beat you, ransacked your house and took away your husbands, which people were these? We want to be clear in the record.

**Ms Mwanamgeni Ali Rashid:** They were the General Service Unit (GSU). They came to the houses and beat people. Some died while others became crippled; some were arrested and they are in prisons; we do not know what will happen to them.

**The Presiding Chair** (Commissioner Shava): We are very sorry and thank you for coming.

**Ms Mwanamgeni Ali Rashid:** We are happy to present our issues so that you can look into them because we are tired. We have tried everywhere and we are tired. Some of us do not have homes. My names are Mwanamgeni Ali Rashid.

**The Presiding Chair** (Commissioner Shava): Thank you very much *Mama* Mwanamgeni Ali Rashid for your testimony. I think that you will be able to give your statement and particulars later, together with your group. Let us listen to somebody else because the time is short; we want to be fair and give as many people as possible the opportunity to speak. We thank you.

**Ms. Nancy Kanyago:** Is there a statement taker here for the TJRC? Thank you. I know there are many people who were affected during the violence that happened in 1992 and 1997 and because time is short, everyone will not get a chance to speak; we are looking into many issues. We would like to hear from other people concerning other issues. Kadzo Kazungu!

**Ms. Kadzo Kazungu:** My names are Kadzo Kazungu. I have come here because my two children died in 2007 in Buxton. I went with them home and they were buried. A wall fell on them and to date, I have not been helped. I have come here so that you can help me and so that I get compensation. They were a boy and a girl. The wall fell on them. They were passing by a shop and the wall fell on them and they died both at the same place. One of them was called Ray and the other Naomi. Ray was four years and

Naomi was three years. The police came there and said that the wall was to blame. I have not been helped in any way.

**Commissioner Chawatama:** What was the name of the person who built the wall?

**Ms. Kadzo Kazungu:** I do not know the name of the owner of the wall but it is at Buxton where the church was built. He had rented the place to the church. He ran away and I do not know his name.

**Commissioner Chawatama:** When did this event take place?

**Ms. Kadzo Kazungu:** 3<sup>rd</sup> June, 2007.

**Commissioner Chawatama:** Do you know the name of the police post where this incident was reported?

**Ms. Kadzo Kazungu:** Makupa Police Station.

**Commissioner Chawatama:** Are there any papers from the hospital?

**Ms. Kadzo Kazungu:** They were healthy. It was just the wall that fell on them. Yes, I have the documents from the hospital, of the postmortem. I have not given anyone a copy.

**Ms. Nancy Kanyago:** She has a death certificate for the children but she says she has not read it to know the reason for the death of the children.

**Commissioner Chawatama:** Now that we have noted the names of the children and the police station where she reported the incident, what was the name of the hospital where the children were taken and does she have the postmortem reports with her?

**Ms. Kadzo Kazungu:** Yes, the postmortem was done. The certificates are at home. It was the Coast General Hospital.

**Commissioner Chawatama:** I think we have to find ways and means of trying to get the postmortem reports from her and then know how to proceed from there. Thank you very much and sorry for what you have gone through. Leader of Evidence, follow up so that we can get the necessary documents.

**The Presiding Chair** (Commissioner Shava): We are conscious that we need to conclude at 12.30 p.m. We will be guided by our Director of our Special Support Unit on how many speakers we need to listen to.

**Ms. Nancy Kanyago:** Because we are going to wind up at around 12.30 p.m., we are not going to get a lot of people speaking. We want to touch on issues which have not

been introduced. We have the issues of unemployment at KPA and that of drugs and also domestic violence.

**Ms. Asha Mwakio:** My name is Asha J. Mwakio. The issue that I have come to talk about is the KPA. I was an athlete in this community. I was a star. There was a certain play that we staged in Mombasa Showground for five years. We could stand on stage for more than 45 minutes. We acted even before the former President Moi and other senior Government officials and every time we performed I starred. Normally we would act after every six months. The Managing Director then was Mr. Phillip Okundi. In the play, I was called Bibi Taabu and my husband was Abdallah Salim Kido. I was known all over Mombasa since during public holidays we entertained the public. The KPA drama club performed very well. I can remember I joined the drama club in 1988.

There are many violations in the port; you bribe senior officers in order to get promoted. I was not happy to do what was not right because I was acting for the company and it became known because of me. Drama is my talent. During Moi's regime, we acted at the stadium. The PC then was Mr. Limo. I won and I was given this award. I am an Officer of the Burning Spear (OBS). I have acted in Kenya and there was an injustice that happened to us since we were not employed, yet Mr. Phillip Okundi had ordered that all the drama members should be employed. He used to call me Mama Taabu and my "husband" Baba Kido at the Glory Guest House. He works there as a money changer. When we were told that the three of us should be employed, they only employed Mr. Abdallah Said Kido. I have the pictures to show the evidence. I was given that presidential award at the PC's office. I have the other pictures of my family. This is an issue which has troubled me to the extent that I do not sleep well because I see that Kido has been employed and not me, yet Mr. Phillip Okundi said that we should all be employed. The Kenya Ports Authority practices injustice. Tribalism is rife during recruitment of employees. I am asking the TJRC to help us because I have lost ten years. However, God has helped me because I was given a presidential award. I also went to college and studied secretarial duties at the British Tutorial College. This was one injustice. It is not right for Kenyans to be tortured like that.

I was not separated from my husband because of anything wrong. He was working with the Ministry of Defence. He just changed the house and started doing weird things and neighbours told me to move out since he would kill me. He was not a bad person but I moved out in order to look after my children. I have never been married again and I have never aborted. I expected the KPA to employ me. I was helped by my sisters. I am suing the KPA and I have sufficient evidence. If you want the names I will produce them. Other witnesses can come out and we also have pictures. Thank you very much. That is my cry. I am praying very much to be helped because I have lost ten years. When I see my Kido, I and Ayubu become really stressed. The KPA does not want to employ us. The former Managing Director, Mr. Phillip Okundi, said that the three of us should be employed; these were Mama Taabu, Abdallah Salim Kido and Ayubu Mshefa, but only Kido was employed. That is our cry.

**Ms. Nancy Kanyago:** You have talked about tribalism as an issue which prevented you from being employed. Did the others who were employed come from your tribe?

**Ms. Asha J. Mwakio:** They are not of my tribe. I am a Taita. Kido is a Digo and Ayub is also a Digo. Tribalism was there during the Moi regime and I saw it with my own eyes.

**Ms. Nancy Kanyago:** Okay. There is Angeline Grace Achiro.

**Ms. Angeline Grace Achiro:** My names are Angeline Grace Achiro. I thank God for being given this particular community by the TJRC. I am going to speak about the suffering of the women married to different tribes and also about mixed religions. I was married at 22 years through a wedding. I am a Christian and my husband was a Muslim. I stayed with my husband for 25 years and we got five children. All this time I persevered in my marriage. First of all, he accepted that I should remain a Christian since my father had to be paid dowry first and everything that our culture demanded was to be done. He said that he did not have money at that time but he could pay later on. We have stayed well. He was working. I am a professional secretary and I am doing marketing and sales. I am employed. My husband is also educated and he was also working. Most of the time, he would abuse me and the children. He would come to the house and my children would go out of the house. There was a time he tried to kill me at night at around 3.00 a.m. I really like praying. It was in 2003. I was sleeping and he got hold of me in the neck. The door was opened. When I discovered that he had held me, I made noise. My son called Rama and also said, "Father, leave my mother alone". He said that he was an adult and his father would not beat his mother anymore. He then left. He dropped the knife when he heard the voice of my son. After that, the next week during daytime, my son called Mwanajuma who was in Form Two. I did not do anything wrong. I do everything. I even used my own money to bring up my children. He came from outside and started abusing me. He got hold of my neck and wanted to strangle me before my children. Mwanajuma came and beat him with a piece of wood. Neighbours saw it but since they feared him, they could not save me. He did allow my child to live with us. This forced me to transfer my child to stay with my brother in town. He stayed there until he finished Form Four. I thank God because he passed. He graduated last year in October.

In 2004, my mother fell sick. My husband was called to see her by the elders but he refused. I went alone. I came back and I was told that my mother had died the previous night and I was needed at home. I told him that I had money and we should go. At that time, he was not working but I was working. I told him that I would take money from my workplace but he told me to go and bury my mother alone. I went and buried my mother. I am the first born in our family. When I came back, he did not give me an opportunity to go back to work. He did not work yet I washed and ironed his clothes. I even gave him money. I also used to buy clothes for him because I loved him, yet he abused me during the day and at night. Even the children feared him. He would come and say that he could slaughter all of us with a *panga*. Even our neighbours feared him. It became too much. I tried to persevere but I could not. I went to the girls' bedroom and stayed there. I tried to persevere and I thank God for that.



In April 2005, he wrote a note and said that from then on Angeline Grace Achiro would not be his wife. We divorced and I did not see the reason for that. I was traumatized. I stopped going to work. I do not know what to do with my children. He told me that if I came out of the house he would kill me. I stayed up to September and I said it was enough. My older children Mwanajuma and Mose called their brothers Rama and Rafael and also their father and told him that they were moving away in search of peace. I did not want to get out of the house because I was the one who had built it, although he had bought the land. Now, he wanted to send me away, yet I was educating children. We moved out and slept outside on the first day. God is great. At dawn, an old man who knew me asked me why I was outside. I told him that I had had some disagreements with his brother. He looked for a house. Fortunately, we got two rooms and I called my sister in Nairobi who sent me money for rent. To date, I still rent the house and I have educated all of my five children. I reported my husband to the children's office, chief and DO but I did not succeed. I prayed to God. Mercy graduated from Kenyatta University and she is even married. July also graduated last year and he has already got a job. My son is attending a parallel course in Nairobi. I am unemployed right now. I called on my estranged husband to try to speak to him about the plight of my one son in order for him to get education. When I arrived, the wife to my husband did not allow me to speak to him. He started abusing me; he called me a prostitute. He used a lot of derogatory terms against me. I reported him to the village head. I sued him but it was said that I was the one who was to blame.

The issue of tribalism has made us to be like slaves. On the issue of religion, all of us are the children of God. We are next to God when we have faith. The church has assisted me and I thank that lady there. Agnes is the one who educated my girl who is called Eunice Sali. She helped me when I had a problem and that girl is very bright. She is going to complete university studies in April this year. I thank God that today I am here before you; it is really painful but God is great. I am struggling and the children now assist me. Women, before we get married we should ask ourselves how we should go.

**The Presiding Chair** (Commissioner Shava): Thank you so much for sharing your story with us. Your story is very painful and you have managed to tell it very honestly; we salute your courage and for coming out here and saying things which are affecting many of us; you have had the courage to talk about them. You ended by saying that tribalism is making us slaves, and that we need to be very clear in our minds when we are getting married. Do you have any other recommendations?

**Ms. Angeline Grace Achiro:** I even go to Government officers like the District Officer (DO) and the village elders at the grassroots. Why are they not taking action? Why are they unfair because of tribalism? My children are citizens. They will work and render services. Most of you are suffering but you are not speaking out. I am appealing to the Government to look at the upbringing of their children. Are they being catered for by their fathers and mothers? How will they help their mothers who are single like me? All our children should be educated. In the Kenya of today, Form Four is not enough. If you do not have a job and are not educated, what will you do? The Government should try and assist families, especially the women. I also pray to women not to throw away their

children. Stick to your children because if they lack your love, they will not be successful. They will lack both maternal and paternal love and they will not be good citizens. They will suffer more than you.

**The Presiding Chair** (Commissioner Shava): Angeline, I am sorry I have already heard this but I did not get it at the beginning. Are you a Christian and your husband a Muslim? You have also talked of different ethnic communities. Are you and your husband from different ethnic communities?

**Ms. Angeline Grace Achiro:** We come from different tribes. My husband is a Digo from Kideche in Kwale District. I met my husband in Nairobi when I was doing secretarial training at Kianda College; I come from Uganda. I became a citizen here because my parents were teachers here and I have grown up here; I have been married here. I registered and I have been given Kenyan citizenship.

**The Presiding Chair** (Commissioner Shava): Did I misunderstand it? Who is a Kisii?

**Ms. Angeline Grace Achiro:** No. My husband is a Digo from Kwale District and we have a house in Likoni.

**The Presiding Chair** (Commissioner Shava): Angeline, you got married in a Christian way and you have a marriage certificate from a Christian church?

**Ms. Angeline Grace Achiro:** There was a problem, my parents told me that they did not want me to become a Muslim, because my husband had not paid dowry. They said that they could not allow me to be a Muslim. I am a prayerful lady and I like God. However, my husband and I went to the Kadhi's office and he accepted that we should be married. I went to the late Bishop Njenga where I was blessed in Likoni Catholic Church.

**The Presiding Chair** (Commissioner Shava): So, when you went to Likoni Catholic Church, you were given a marriage certificate?

**Ms. Angeline Grace Achiro:** Yes. In fact, I have it at home.

**The Presiding Chair** (Commissioner Shava): What is the legal status of your marriage? This is because depending on the legal status of your marriage, there is a particular way in which that marriage can be dissolved; if that way has not been followed, then it means that your marriage is still in subsistence. So, if you would like us to help you, you can speak later with our director, who is seated next to you so that we can follow up on that issue.

You said that you bought the plot and built the house. Is that correct?

**Ms. Angeline Grace Achiro:** No! I did not buy the land; it was bought by my husband but I am the one who built the house. My salary was bigger but we loved each other and so I built it.

**The Presiding Chair** (Commissioner Shava): With regard to that house, do you feel that you ought to have a share or do you feel that you have no right at all? What are your views?

**Ms. Angeline Grace Achiro:** I have gone up to the Chief Kadhi; my husband does not know how to divorce. There are no witnesses but they gave me a form to fill. I went to the church, he was called several times but he has refused to go. I married in church and we do not divorce until death does us apart but because he does not want me, I cannot force him to live with me. But I want my right; the house. I am not employed and cannot build a house. I rent a house yet he lives with his wife in a house that I built. I need my rights!

**The Presiding Chair** (Commissioner Shava): What would be justice as far as you are concerned?

**Ms. Angeline Grace Achiro:** First of all, I need freedom. I do not want to be intimidated; he tells me to go away. His people should not threaten me and my house is my right. They should build their own house with his wife and my children and I should go back to our house.

**The Presiding Chair** (Commissioner Shava): That is now clear to me. I am very sorry for all the things that you have gone through and you still remain focused on trying to maintain a family unit. You have raised and educated your children to the point that some of them are independent and that is a great achievement. Thank you for speaking to us today.

**Commissioner Chawatama:** Thank you for sharing your very painful experience with us. What troubles me is that I sit as a judge and when a witness is speaking about very painful experiences, the women in this section have continued to talk and laugh. I do not know what is so funny because as women, we all go through the same pain and experiences. From the time that the young lady walked in, all you have done is talk and laugh. I do not think that there is anything funny at all. This lady was sharing a very painful experience and you are sitting amongst Muslim women; some of the challenges in marriage are no respecter of religion; they are no respecter of tribe and this is a place where we come and strengthen each other and encourage one another. It is not a place for jokes! So, I am disturbed by your behavior and I hope and pray for your sake that this does not repeat itself again. We are grateful that you came but this witness deserved your respect.

As Commissioners, we sat and we listened to her and empathized with her and we are so grateful that you are still alive and able to share your testimony. You have strength that you did not know of but God has sustained you. Continue to live and should you end up in court, fight for all your property, do not give up. You deserve to be given what is yours.

**Ms. Nancy Kanyago:** Thank you very much all of you. Our time is up; even if we had a whole week, we cannot listen to every person who is affected in different ways. But like I said, we have people recording statements and you can record your statements anytime so that every person who wants to do so can get an opportunity to do so. Our Commission has received more than 40,000 statements and so not every person can get an opportunity to speak in such a forum but we are very grateful for those who have spoken. If you did not get a chance to speak, please record your statement because you can give any documents that you have.

I will, therefore, hand over to the Presiding Chair and then we will wind up.

**The Presiding Chair** (Commissioner Shava): Thank you very much. I would like to thank all the women who have come and spoken in this meeting. Whatever affects one woman is the same thing that affects another one. These injustices are no respecter of religions, ethnic community or education. In a public hearing in Kisumu, we heard from a respected woman activist and politician of how she was forced by the Provincial Administration to walk practically naked through the street at night because they were trying to terrorize her not to stand up for her political rights. So, whether you are a powerful woman or not, the thing that binds us together is that we are all women and our strength lies in our unity. We want to assure you that what you have said to us today is going to enrich our report. We have understood the issues. We have statement takers here willing to take further details. This is your opportunity to change the way in which women are treated in Kenya by giving your own personal input. We have a new Constitution but it remains just a piece of paper unless we make it come alive; or when we see a change in the way that we are treated. So, thank you so much for coming here today and I want to give the opportunity to the two young ladies who came today.

**Ms. Rael Orucho:** (*Deaf*)

I am happy as a deaf woman but I am not comfortable to talk. So, I will go and record my statement.

**The Presiding Officer** (Commissioner Shava): Thank you very much Rael and I look forward to reading your statement.

**Commissioner Chawatama:** I do not have much to say except to thank the ladies for having turned and spoken to us. As a non Kenyan, I have heard the women of Kenya and some of the things they have gone through and experiences have reduced me to tears. I do not know and I cannot imagine how I would have survived if I had been in their place. You are good and strong women because despite all that you have gone through, you are still alive today. I urge you to not only continue to fight for your rights, but to take an interest in knowing what those rights are so that your struggles may reduce. Let them know that the women of Kenya know their rights and they are willing to go to court to fight for those rights; not only for themselves but also for their children. We say that when a woman is healed, the family, the community and the nation is healed. I wish you blessings and all the best that life has for you.

Thank you!

*(Closing Prayers)*

*(The Commission adjourned at 1.00 p.m.)*