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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION ON THURSDAY, 5TH MAY, 2011
AT NOMADS TRAIL REST HOUSE
CONFERENCE HALL, MARSABIT**

PRESENT

Tecla Namachanja - The Acting Chair, Kenya

Rebecca Mutuku - Leader of Evidence

(The Commission commenced at 9.45 a.m.)

(Opening Prayers)

Ms. Rebecca Mutuku: Welcome. We have our Acting Chair of the Truth, Justice and Reconciliation Commission (TJRC) who will speak to you afterwards after we have spoken and she has listened to us. As I had pleaded earlier on, let us switch off our mobile phones, so that we have a very good session. We should not go outside to speak on phone, because we have started a bit late. We want to utilize the remaining time for our session. We will hold the hearing up to around 12.30 p.m.

I would like to talk a little bit about the TJRC. This is a Commission for everybody in Kenya. This is because this Commission is out to investigate what has happened to our fellow Kenyans since independence, that is, 12th December, 1963 to February, 2008. There are those who have been tortured and violated. If they have been violated, who has committed those violations against them? The main aim of the TJRC is to investigate those issues. That is why they had sent staff to take statements from the women and men, saying how they were tortured. Very many people wrote statements. The Commission got over 30,000 statements, but if you look at those statements you will find that many of them were from men. The women did not come out to write those statements in large numbers. We understand what women go through. At times we have issues that we cannot tell everybody, is that not true? At times we do not even have that time, taking into consideration the other work that we have at home. At times, where we come from we do not have any opportunity to sit and speak about these issues and that is why the Commission said that in every location that they will go, there will be a women' session alone. I believe there are hearings going on at the Catholic Centre. That is why we have this session. We have been to Garissa and we met women. We also went to Wajir and met women. We then went to Mandera and met women. The other day we were at Moyale and we met women. Today, we are here in Marsabit, because we want to know whether women have anything to complain about. Do you have anything to complain about? Is there any way the women were violated? If there are we would like to listen to them. The Commission wants to hear those violations. At the end when the Commission will be writing a report, all the issues concerning women should be in that report. It cannot just be only the men. I would like to plead with you today to speak our issues.

Most of the time when women are asked anything we talk about children and husbands, but we do not say, as a person, what it is that we are undergoing. We just talk about the community and stop there. Today, even if we talk about our communities, please, let us talk about the way we have been violated and tortured for all those years. What is this that has made us suffer? Who is this who made us suffer? Who is this that tortured us? In the end, what would we like the Commission to do for us? What are the recommendations that the Commission should make for us? What is this that we want the Government to do for us as women? Are we together?

Because we are running short of time, I would like us to just start straight away. If you want to speak, please, raise up your hand. I will bring the microphone to you and you will tell us what you have in mind. Please, when one of us is speaking the others should keep quiet. Let us listen and respect her, because what she is going to speak out is of great importance and concerns us as the women. Are we together? Who would like to start the session for us? When you speak, it does not matter what language you use. You can use Borana or Kiswahili. The session is for women and so, do not be shy or hide anything. If there is a secret that you have had all this long, let us just speak it out, so that we can get healing. I know what you are going to speak out. Some will be of great pain to us. It is like cleaning a wound, but I would just like us to be very patient and clean the wounds so that we can heal. All these years you have been having a wound. It is better to start healing. The Commission has come out so that you can start healing. So, let us just be patient and clean the wounds, so that we can start healing.

Thank you very much. Let us start the hearing. Who will open for us the hearing? Did I explain very well about what we should talk about? You can talk about all violations, inheritance, domestic violence, any kind of violation, lack of opportunities or what you would like, as the women, that is really irritating. It could be early marriages, FGM or anything.

(Silence)

Women, does the silence mean that you did not understand or what is it? Let this woman start for us, please.

Ms. Galgalo Guyo: Good morning. Commissioners, thank you very much for being here today, so that you can hear the problems of women. My name is Galgalo Guyo from Marsabit.

I am going to speak about the problems of women groups. I am going to talk about the Township Women Group. We started the group in 1978. We were a group of 30 women. We requested for land from the Marsabit County Council and we were given eight acres. After being given those eight acres of land, those people whose plots were taken away were compensated. After that, the owner of the land then came and took away the same land that we were given by the Marsabit County Council. We have the minutes and many other documents. There is a map showing the demarcation that was put in the office of the chief. The person we were having a conflict with is Ibrahim Shalle. When they saw

that, that land had the name of Marsabit Township, they raised objection. We went to the Ministry of Lands and it was said that, that plot was to be taken away because it belonged to their father and they had stayed there for a very long time. It was said that 2.2 covered the area where there were no houses. But what was said was different from what was on the ground. So, the women appealed and said that they should be given the land as it was said in the first hearing of the court. They said that the land should be given because they had already built houses there. The area that had houses had to be given a different number from 301 to 794. Those people had stayed there for more than 12 years. The Lands Officer, who was corrupt, went to the ground and instead of giving out that land curved out a section. Those who had four acres were given land for two people, Turbi got four acres and Shalli got four acres. So, we were given eight acres by the council. When the Land Adjudication Officer went to the ground, instead of taking away what was objected, he gave out another 2.5 in another place. So, these four acres were brought back. When they repossessed the land, they compensated with another eight acres. So, we said that, that could not be possible because the Land Officer, Mr. Daniel Mutuku who was corrupt--- When he went to the ground he did all that corruption and said that the appeal of the Minister--- He said that we could not refuse 2.25 to be taken away because in that objection the homestead was in 301. The Lands Officer went and took a different place and then left out 2.2. We were not satisfied and, therefore, went to the Lands Office. When we arrived at the Lands Office as a group of five women, we stayed there for one week without getting any opportunity to enter the office. We were told to bring all the documents. At last, we decided to see a lawyer. The lawyers gave us an opportunity to go to the Lands Office. Their letter assisted us to enter the Lands Office.

There we met the Director of Land Adjudication. When we told him our problem, he wrote a letter to the surveyors so that the issue of the *shamba* could be looked into. When we went to the Director of Survey, he wrote a letter and said that the surveyor should survey the land, including looking at the homestead. That issue has never been solved to-date. We decided to sit and wait because we were unable to move forward. Thereafter, because there was nobody to listen to us, we came back to Marsabit and gave the letter to the surveyor. He said that the issue was being handled by the Land Adjudication Officer who was a corrupt person. He drew, at least, four different maps each time trying to avoid the house so that it could not be included in the map. Title Deed No. 794 was given out when the man died. That is corruption because the land should have been given to the owner. Mr. Mutuku and the Lands Officer registered the title --- When a person dies, you cannot give out a title deed in his name. That was not the end. We saw this as total suffering.

We said that we will not get tired until justice prevails. The case has been in court for 21 years, from 1992 to 2011. We will not get tired until justice prevails. As we continued cultivating the land, every season we would be chased away. Whenever we would go to the police they would chase us away. We have even taken off our clothes there so that justice can prevail, but it is all in vain. We have not gotten any justice. So, after all that, we came back and sat down and decided to cultivate the land. The corrupt officer gave out where we had built nursery school classrooms, rental houses, a hall that we hire out to a church and where we had planted Cyprus trees and avocado trees. He gave out our land

where we had done all those developments and it is really irritating. If you go to the ground, you will find that the land remains as it was. We agreed not to leave it like that.

We were taken to court and the Lands Officer said there was nothing he could have done since the case was in court. Since we had nothing as women, we decided to look for a lawyer and we got one. We tried to follow up the issue for more than five years in court. The case ended in 2008. When the case was over, it was said: "The title deed had the name of your father and you have no letter of administration and so, you are not the right owner to claim the land." The case was dismissed. The most surprising thing is that even after that, we still cannot access the land. If we do not have any justice even after the court decided that, I do not know who is above the law. I think all of us live under the law. The court said he was not the right owner and yet, the same person cultivates the same land. I do not know whether the judgment was the same or there is a different judgment. He is cultivating the land. We took our complaints to the chief and were told that it was a land case. We do not understand why the court made a decision and the person still does what he feels. When the judgment was made, we took the proceedings and everything. The judge said that he would read the costs and then tell us, but up to date it has not happened. Last week, the women were badly abused.

We went to the police who said that they could not intervene. So, the women are being violated. If the police, Lands Office or the court cannot intervene, who will help us get justice?

Just the other day a member of the group was abused by the person who cultivates that land. We do not abuse anybody but we are looking for the right channel. But when it comes to those matters there is nobody who is assisting the women. We went to the OCS to ask him what the problem was. We wanted them to take the matter to court. The OCS asked: "Why do you want to interfere with my Government?" He said that we disagreed with the Government, but we never did that. We disagreed with that person and not the police officers. Up to now they have never done anything. The women were just abused. In that statement they say that there is so much abusive language that they do not want to read it. Even if there is abusive language it has to be taken to court so that we know where the problem is and what is going on.

About the woman who was abused, she went there four times and the matter has never been taken to court. Last week, on Saturday, the same person who was told that he was not the rightful owner of the land, went to cultivate that farm, where we had built the rental houses and the people who rented those houses had nowhere to pass. They were unable even to go to the toilet because there was no space. The Government is doing nothing about our welfare. We went and wrote a statement to the Commission. The other day we went to write a statement again and I have the serial number of that statement. Justice has to be done because we have been violated for 21 years. Even if we do not have money justice has to be done. We are going to work on that so that justice for women can be done and our voices can be heard. That is why we came here to represent our women who have been violated in this area. Even in police stations there are no women; all of them are men. They just abuse and laugh at us. If we had women

representative in the police we could have been heard. We have gone even to the DC's and Lands offices and there are just men. I thank this Commission that has come today. We want to know if the court is acting according to the new Constitution. We want action to be taken against those corrupt officers like Mr. Mutuku, because they have done so many things and we are not happy. Even some women have died of heart attack and blood pressure. We cannot just leave the issue of our land to end like that. We need justice. If there is anything remaining we will fight for it. We are planning to appeal in the High Court, but we have no money. We are being tortured and violated.

Thank you all for coming. I ask you to fight for our rights. We were getting money from those funds. Even now I am taking care of one of my colleagues. For 21 years there is no development in this region because every time we have been restricted from doing anything. We have been violated in everything. We need our rights. We have registered with this Commission and I have the serial number, which I can even read. If you want any document, we have enough of them, including proceedings and judgments. If you want I can surrender them.

Thank you very much and I do believe that human rights will be looked at.

Ms. Rebecca Mutuku: Thank you very much for representing that group. If you have written a memorandum, just give us. Attach photocopies of those documents and give us.

Ms. Galgalo Guyo: The serial number of that case is 17953.

Ms. Rebecca Mutuku: Thank you very much. That person who you call Mutuku is not my husband. We just share names. I do not know him and it is my first time to be in Marsabit.

Thank you very much, women. I want us to proceed. I need another witness.

Ms. Bokayo Boru: How are you my fellow women? I am illiterate because I never went to school and so, I will just speak in Borana.

We have problems in Marsabit District. The visitors who have come should just solve our problems. I will start with my problems. I am from the Gabra tribe but married to Rendille. I got married when I was a small girl. It is 20 years now since I got married. My husband is dead and I have three children. When my husband died I was sent away. They said that I do not have any right to live with them. I was married to a policeman who had worked for 23 years. Altogether, he had worked for 25 years. He died one-and-a-half years ago. When he died my first born was in Standard Seven and he is in Form One right now. I was not able to get compensation and yet, I am the one who is working so hard to take my children to school. The second born is in Standard Seven now and the last born is in kindergarten. Since it was an injustice, I went to the OCPD, Marsabit. He sent me to the DC, Marsabit. The DC gave me a letter and sent me to the chief. However, the chief was not able to help me because I was not from his tribe. I went back to the DC and every day I go to the DO's office. For about one year I can say that I have been going there

every day to complain. Now, I have gone back to the OCPD because I have not gotten a way forward. The OCPD went to the headquarters and inquired about my husband's compensation. He took all the documents. He then asked me to bring the birth certificates of my three children so that I could take them to the headquarters. He took the original birth certificates which had not been stamped. He told me that until the court ruled I could not get the money. He said that I could not get the money, but the husband's family would get the money. Now, they are in the process of getting it. I cannot even get land and access my house because they have sent me away. His family said that he died before he married. That is the problem that I am undergoing. I can say that all the women have problems.

Thank you very much.

The Acting Chair (Commissioner Namachanja): *Mama sikusikia jina lako. Je, unaitwa nani?*

Ms. Bokayo Boru: I am Bokayo Boru.

The Acting Chair (Commissioner Namachanja): You said that you got married while still young. How did you get married; is it through the customary or religious way?

Ms. Bokayo Boru: I got married through the customary way.

The Acting Chair (Commissioner Namachanja): *Je, mahari ililipwa?*

Ms. Bokayo Boru: I eloped with the man.

The Acting Chair (Commissioner Namachanja): Did they pay the dowry?

Ms. Bokayo Boru: They have paid something but not the whole of it.

The Acting Chair (commissioner Namachanja): If it was paid was there a sitting when they were paying the dowry? Was there any record to show that the dowry was paid?

Ms. Bokayo Boru: Yes, there was a meeting. There was a meeting in the Islamic tradition. There is a document that I have.

The Acting Chair (Commissioner. Namachanja): Do the birth certificates of your children have the names of your husband?

Ms. Bokayo Boru: The first two children have but the last born does not have it, but I will take it later.

The Acting Chair (Commissioner Namachanja): Were you the only wife or you had a co-wife?

Ms. Bokayo Boru: I was the only wife.

The Acting Chair (Commissioner Namachanja): Thank you. Did you record a statement with the Commission?

Commissioner Slye: Did you record the statement with the Commission?

Ms. Bukayo Boru: Yes, I recorded the statement with the Commission.

Commissioner Slye: Did you record it where Madam Nooriya was?

Ms. Bukayo Boru: Yes.

Commissioner Slye: You will hand over the copies to the Commission if you have them, but we shall investigate. I encourage the women groups to also help you to get back your plot of land, so that you can pay school fees for your children. We shall do our investigation, but I would encourage fellow women to support each other. She should not be chased from her marital home. It is not just a common problem here. It is found all over. Families take advantage of women when they lose their husbands. However, those who suffer most are the children. Continue with your presentation.

Ms. Bukayo Buru: I do not have the document concerning the land. I have given Madam Nooriya the document, but I have not given her the birth certificates for my two children. I have one with me here. I do not have the birth certificate for the last born. I took all the documents to the Government offices. They plucked them from the files that they made for me.

Commissioner Slye: What is the name of the OCPD who has been assisting you?

Ms. Bukayo Buru: I cannot remember his name, but he is here in Marsabit even right now.

Commissioner Slye: Thank you very much for representing other women whose rights are being violated or have been violated. Is there any other woman who wants to speak?

Ms. Rabale Tache: Good morning everyone. I am representing the people of Marsabit who are living positively with HIV/AIDS. I am the chairperson of the group. I was elected by this group as the chairperson to lead them. Most of the members who are in this group are illiterate. They are on drugs. However, most of them do not have shelters. They loiter in town in search of food and other basic necessities. This group consists of 143 women and 35 men. The support group is called Thurandima. It consists of 178 adults and 120 orphaned children whose parents have all died of HIV/AIDS complications. They do not have any support in terms of education, clothing or shelter.

They do not have anybody else to take care of their health. The 20 children who are on ARVs do not have enough food to eat. The Government is supplying them with food, but

it is not enough. The food given to the people living positively with the HIV/AIDS scourge and the orphaned vulnerable children whose parents passed away is not enough. The type of food given is maize and beans. We are grateful for the little food they give us. The people are very grateful, but we are requesting to be given a balanced diet. These people living positively with the HIV/AIDS scourge require a balanced diet because they are on drugs. They cannot take drugs on an empty stomach. For us to get strength to live, we need love, care and support.

The people living positively with HIV in Marsabit are stigmatized. The stigma mostly comes from the Government. Yes, the Government provides us with drugs to treat opportunistic infections. However, it does not include us in any meeting that is held to discuss our fate. We have DST and DDC meetings which are held by the Government. However, we do not attend those meetings.

So, the people living positively with HIV in Marsabit are not included anywhere. The Government does not allow us to discuss our fate. When we are not involved in discussing our fate, people do not know the problems that we face. The pinch of a shoe is known to the shoe wearer. So, if the people living positively with HIV/AIDS are not included in their meeting, then whatever the Government is discussing on behalf of us is not in our favour.

Whenever a problem arises, perhaps, a person living positively with HIV dies in town, they do not have places to be buried. They die in small kiosks in town. They are disposed of by the county council. They are no longer taken care of by NGOs who claim to be supporting the HIV/AIDS activities and the Government at large also.

I am a teacher by profession. I am respected at my working station. However, the head teacher of my school cannot tell me to go out of the school and work for the people living positively with HIV/AIDS. At the district level, we do not have any representative who has an office to sit and talk on behalf of people living positively with HIV/AIDS.

Another thing is that a death occurred some few months ago, down here in a place called Kolboha where people go and break stones. A certain woman who was in the support group of Thurandema was going to look for some livelihood by chipping those stones. She was killed by Rendilles. She was slaughtered. When she was slaughtered, her body was skinned. While skinning her, they removed part of her hair and it was put on a stick. It was covered by her head scarf. These people never knew that she was living positively with HIV/AIDS. They forgot that the knives they used to slaughter her had lots of viruses could infect them. I reported this issue to the DC. The DC told me that this issue would be followed up. Nothing was done.

So, the people of Marsabit who are living positively with HIV/AIDS, need their own person who is living positively with HIV/AIDS to represent them. They would like also to be involved in the activities of Government discussions on the fate of people with HIV/AIDS. Why are we so grateful to the Government? There is PMCPD which is taking care of mothers and some organizations like MWADO which call for group socialization

meetings. When they come together they discuss and share different experiences. Whenever there is a problem, there is Madam Nooriya to attend to them. Most of the mothers living positively with HIV/AIDS are divorced and others are separated from their husbands just because they are HIV positive. The men claim that they will not go to the hospital to be tested for HIV/AIDS. So, the mothers take their ARVs while the men refuse to go for treatment. In several parts of Marsabit, the campaign on HIV/AIDS pandemic has not taken root.

With those few remarks, I am grateful to this Commission. At the same time, I also thank Madam Nooriya for the efforts she has made to see that today we have been visited in our own place to discuss our problems. I would like to thank the chairperson and all the commissioners of TJRC. I am so grateful, especially when I talk of HIV/AIDS, I feel encouraged. When I talk about it, I feel relieved. The people living positively with HIV/AIDS and the orphans also need you. Please, air their rights.

Thank you.

Ms. Rebecca Mutuku: Thank you.

Ms. Laki Bilala: My name is Laki Bilala. I am a teacher. I want to talk about the teachers' organization (KNUT). I want to speak in Borana, so that every woman here can listen to me and understand properly because it concerns the women and community of Marsabit.

I am a teacher in the organization of KNUT. In Marsabit for the past 15 years there was a thing called Rigabu. The Rigabu are so tribal. They chose some tribes. Rigabu stands for Gabra and Rendile. They join hands and discriminate against Borana teachers. All children are our children. When children come to school, we are teachers and we teach all of them without discrimination. As a woman and a mother, this is not good for our children. When there is a problem the first people who suffer most are children and women.

The teachers teach all the children. We people of Marsabit use the same water. We use everything together, but when it comes to the election of posts in KNUT, they always vote for one tribe alone. They always put one group and tribe aside. That is not good for the people of Marsabit. This has been going on for 15 years, but nobody has come forward to talk about it. I am standing firm as a woman to say this is not good for us, our children or the people of Saku or Marsabit.

All of us women can stand firm and say this is not good for us all. My brothers, sisters and our husbands are bringing up our children. Most of them are men. The problem mostly affects the children and women. Women and children undergo a lot of problem.

I have spoken in the Borana language, so that everybody will hear and understand me. All of us should pass this message to the people who are not here. I have this to tell this Commission. The teachers' salary is determined by the TSC. We are taxed from the

national level to the branch level. But I do not have a right to express myself. That is not right. The election is near. For the past 15 years, they have discriminated against the Borana people. This is the 20th year and this Saturday, we will hold elections. If it is possible, I would recommend that the Rigabu Group be demolished. Everybody should be given equal opportunity to vote. If you are not able to demolish that Rigabu Group, no election will take place.

If we teachers can give good advice to the children, they will not discriminate against each other. We are the ones who are causing discrimination among our people. The Rigabu Group will bring a lot of problems to this region. Today I am talking only about teachers, but this problem is affecting all of us. This problem will also affect our children in future. We should do all what we can before it is too late in the day. All of us should stand firm and say this is not good for us all.

Thank you.

Ms. Rebecca Mutuku: Thank you. I remember there was a lady who stood up earlier on and said she had not gone to school. Since Independence on 12th December, 1963, up to February, 2008, our children were not getting equal opportunities to go to school here at Marsabit? I would like a woman to speak about educational opportunities, especially for the girl-child because there was a time that you were girls. I would like to hear from that lady who said that she did not go to school. That is why I want to hear women speaking out; to tell us why the women have not gone to school like the men.

Ms. Laki Jaldesa: My name is Laki Jaldesa. I am a teacher. I would like to speak about girl child education. Do they have equal opportunities as the boys in terms of schooling? That is the question I want to address.

In early years of Independence, many girls did not go to school because their parents did not think it was important to take a girl child to school. It seems we did not have women who had gone to school and prospered to set an example to those who did not go to school. At the moment, there are Borana girls who have degrees. We can point out at them out and state how they have benefitted by going to school.

As I said, in the old days, girls did not know of the importance of education. There was the belief that if the girl child was educated, she would learn how to speak the English Language and be spoiled. Even up to date, there are parents who do not want the girl child to get education because they say that if the girls go beyond the barrier of cultural traits, they are no longer girls again. That was one reason as to why the girls were not educated.

Secondly, they did not go to school because there were a lot of household chores and they could not be given time to attend school. They were just at home doing work. So, the boys had more opportunity to go to school than the girls.

Thank you very much.

Ms. Timiro Adan: Good morning. First of all, I would like to say thanks to God for bringing all of us together to sit down, to speak out about what concerns us, as women. I would like to take this opportunity to appreciate Madam Nooriya because I have gone to her office very many times. Every now and then, when I go to her office, I feel that she deals with issues concerning women in different ways.

So, I would like the Commission to support Madam Nooriya by assisting her to carry her work forward for the benefit of all women.

I am Ms. Timiro Adan and I work at Marsabit Assessment Centre. I deal with special education which is under the Ministry of Education. I would like to inform you that our community which is Borana, Gabra, Rendile, Turkana Kolso and many others, are pastoralists. If we talk about the education of the girl child because this is a pastoral community, they move from place to place in search of pasture and water, most of the children do not get proper education. This is because the community keeps on moving from place to place.

Most of the times we are faced with drought and we are forced to go far from where the schools are. In such places, the little opportunity that is there is given to the boy child. The girl child is left at home either to go and fetch firewood, water or to do the cooking. Therefore, the girl child lags behind a lot in terms of education.

Few families among us take girl child education very seriously. That is why we have a few ladies in high offices in this country. So, I would like you to guide these mothers as you go through, to guide and advise them, showing them the importance of education to the girl child. This is because they feel that, once the girl is educated, she will be married off to another family. She will go and build up her own home and she ceases to become part of that family.

She might be the future leader of this country. So, I would like us to be alert and make sure that the Government will establish machinery to ensure the education of the girl-child in every county as we approach the new governing system so that this girl can get the same education as the boys. As I said earlier, I am working with the Special Education as a special assessment teacher. We go round looking for special children. These special children are categorized in different categories of disability. We have visually challenged children. We have the hearing impaired ones. We have the mentally challenged. We have the hearing impaired. We have others with multiple disabilities. In Marsabit District, we have one school which is a day school for girls. In fact, it is not a school but a unit which is attached to a primary school for the hearing impaired whereby the boys are accommodated within the school because the school has only boarding facilities for boys. The impaired girls do not have a boarding place and, therefore, they are forced to stay with relatives if at all they have any around or go back home. We have a unit for the mentally challenged in Saku Primary District where we are facing the same problem. We have another unit for the visually challenged. At least, they are catching up. However, what I am trying to show you generally is that we need more than that at this juncture for those special children because they can do what the others can do because we

say that disability is not inability. Therefore, if we can give hand and ensure the education of those children, we are assured that they will reach somewhere in future. So, I am saying that if they segregate the girl-child, what about those special children? Our community takes the special children as if they are cursed. If you have a special child in your home, it is said that you are cursed and they segregate you from the rest of the community, which lowers the esteem of that family. So, my dear colleague, what I am trying to say is that all that will impact on the mother. The mother who has a special child has the entire burden because maybe this child is always asleep and cannot leave the bed or might be this child is mentally challenged. She cannot leave this child to go and fetch water or attend to her other needs. She is tied up because of this child. So, she cannot attend to anything. Since I am a personnel working in that department, I have strong feelings and pity for those mothers who have such children. I do not know what the Government will do for those children, especially the bedridden ones. Last term just before we closed, we visited one of the homes. The child was bedridden and the mother does not have any other income to support this child. When we went there, we met the child lying alone in bed which is wheelchair and has punctures and he could not use it any longer. It is a pity. I do not know what we can do to help these mothers because the entire burden lies with them. So, please, I really ask you kindly to solve that issue wherever you go. When you go back, ensure something is done especially for the bedridden cases and education should be given to the mothers to ensure the education of the girl-child.

Secondly, I have something different from what we are discussing. I would like to talk about what my sister here has just talked about. That is about the election of teachers. Elections bring tensions and for such communities which have been living under tension for quite some time are known to this country. I think it is time for us to join hands and ensure that there is unity. I thank TJRC and NGOs like the one of Madam Mirio for traveling several places to bring this community together. My prayers are that this Commission will take up this unity and try to move ahead. At the moment, what is going on is the election of teachers. As madam said earlier, we teachers who are supposed to be role models--- I am talking on behalf of lady teachers and whenever chaos erupt, we are the ones who suffer. You have four to five kids and you do not know where to run to. You do not know who to pick and you are left there stranded. Most of the time, their father will not be there with you. We should be cautioned against anything that might bring chaos. It is my time to request that as we go for elections on Saturday--- Yesterday, we were in a meeting whereby we were five from the Borana community, five from Rendille, five from Gabra and five from Burji. We joined hands and asked about how we are going to run our elections. The reply we got from them was so frustrating because the answer that we got was that the Borana community and other minorities are locked outside and they told us that face to face. They told us that we have locked them out and we will not accommodate them. My dear listeners, if that proceeds, of course, it will affect the other communities which will instill hatred, ethnicity leading to most probably other things which I pray will not happen. I was there the whole afternoon until at night. I went home very sad because my dear teachers could not come to a compromise. I talked to some of them. I told them it was in March this year, where we the Gabra and the Burji went to Bobisa with our elders. We reconciled. Every one forgave the other and we said

let us forget the past and continue with the unity. Everybody agreed. Goats were slaughtered and that was what we are spreading. So, what is this I am hearing from you? Where is that peace and reconciliation that we made in March? So, I am asking whatever that will happen, it will affect the mothers and the children. It is my wish that all mechanisms should be used to make sure these elections are rescheduled because those who are locked out are *bona fide* members of that union and we contribute equally. We contribute what they contribute. So, whoever gets that post, the salary that she or he receives are the dues that are deducted from us. How can someone enjoy my money and lock me out ensuring that I make no decision in that union? Kenya National Union of Teachers (KNUT) is a big union and it has other branches. We would not like any problem to occur here. The teachers will sit down and share the posts because we are all contributors and share it fully. If they do not do that, those who are locked out will feel bad and remember that on the other hand, TJRC and other NGOs are going round to bring people together. This is killing your efforts of bringing people together. This is killing the efforts of those elders who are trying to bring the people together. This is killing the efforts of the office of Madam Murio who has always been preaching peace. So, please, I am kindly requesting you to ensure - for her sake - that the election will be rescheduled.

It will have an impact on the education of our children. Me, as a teacher who is locked out, how will I feel when I am teaching those kids? This will bring many things. With those many remarks, thank you for visiting us. Please, take up our suggestions and may God bless you.

Thank you.

The Acting Chair (Commissioner Namachanja): Madam Rebecca, let me ask a question of clarification. How are the rest of the teachers locked out in these elections? In what way are they locked out? I thought it is supposed to be fair and democratic.

Ms. Timiro Aden: Yes, Madam, it is supposed to be democratic but the Borana community and other minority communities are locked out by those who we are living together. The rest have joined hands.

The Acting Chair (Commissioner Namachanja): The rest are the majority?

Madam Timiro Aden: Yes from the other tribes.

The Acting Chair (Commissioner Namachanja): In terms of percentage, how are they shared? That is in terms of communities or clans?

Madam Timiro Aden: We have Marsabit, Rendille zone which goes down to Merille, Telbi zone. We are very many tribes here but the major tribe which is left out is the Borana community and other minor communities. But the rest big ones have joined hands and they have told us that. So, that is how we are locked out.

The Acting Chair (Commissioner Namachanja): I think I have understood.

Ms. Rebecca Mutuku: Thank you very much. We have heard how you have been marginalized and your culture has undermined. If there is any woman who has been violated, we would like to hear from her. If we look at the history since 1963 up to 2008 February, we know there have been many injustices. Even when we look at the post-election violence, I know how the communities have been hurt. I would like to know if the women were violated during the post-election violence.

Ms. Hawa Shigo: I will not talk much because many words do not make sense sometimes. I have very little to say. We have problems in Marsabit but if there is no woman, then there is no human being. There is no justice in Marsabit. Nothing is done for us. We have written about what we are saying. We have a lot of problems. We are happy but in-house, there are a lot of problems. In Marsabit we can never develop because we are not happy inside our hearts. We do not have inner peace. I do not have a lot to say.

The Acting Chair (Commissioner Namachanja): I have a question for you. Why is it that you do not have love against each other? Why do we hate ourselves here in Marsabit?

Ms. Hawa Shigo: I do not know why but I can say that it is because of tribal lines. The Burji and Boranas look alike but they are not friends. If we love each other, then development will come about. We do not have inner peace. We should leave tribalism behind. My names are Hawa Shigo.

The Acting Chair (Commissioner Namachanja): Mama, I want to ask you a question. We would like to have development and we have to live like people. What can we do so that this can happen so that you can live like sisters and brothers and undertake development?

Ms. Hawa Shigo: I said if we live as brothers and sisters and we have inner peace, we will have development. If we are true to each other, we can develop. But if there is tribalism, we cannot go ahead. Tribalism and nepotism should end.

Ms. Rebecca Mutuku: Thank you very much. I want to repeat that we should look at our history and development and then ask ourselves: Where have mistakes been done? What development have we done all these years and we are continue to suffer at this particular moment in this hearing. We have been violated. Who wants to speak?

The Acting Chair (Commissioner Namachanja): I want to be very specific. The major role of this Commission is to investigate historical injustices. Some of the injustices that we are here to investigate is the killings by the military, police, ethnic clashes or clan clashes, massacres like the ones that took place in Turbi, Bobisa, the raping of women. The reason why we had this special meeting is: Apart from the issues you have talked about, to share how such things have impacted on us as women. This is because war time

or during violence, the way women are affected. They are affected in a special way and it is very different from the men. So, I would like us to be open to share from the deepest part of our hearts how Marsabit women have been violated year after year. How has that affected development in this region? So, talk on behalf of the women who are not represented here. We would also like to share about issues of reproductive health. How is it for us? When we want to deliver, can we easily get these services? Do we have enough medicine? So, let us talk about these issues and be open. We talk as women to women. If you wish these men to go out so that you can share from the deep parts of your hearts, we shall facilitate that. Thank you very much.

Ms. Rebecca Mutuku: You have heard from the Chair. She has clarified and so who will talk?

Ms. Elena Boru Wako: I will use Borana language. I thank God for bringing us together here because most of us do not live in the same place. I will speak briefly. I can talk about myself and I will ask for some help. I am Elena Boru Wako. I will speak about how my husband was killed. He did not do anything wrong. He died in the line of duty. He died in 2006 on 16th June. He died in Bobisa. He was killed. He was an Assistant chief and the chief was called Kosi Halake. There was cattle rustling and then they were following the animals on 15th June--- He and the Bobisa chief and other police were following the cattle which were taken. The chief of Bobisa was called Mamo Wako. The chief worked for the citizens and the Government of Kenya. That day, he went to give a peace talk. He was preaching for peace but he died. I do not know who killed him but he died in Bobisa. I did not meet that person. Marsabit has a Government. I see the OCPD. OCS and the DC are here. They did not take any action to follow up the matter. When he died, they took his gun. When he died, we lost him and the gun. Even the Government did not look for the gun. If they follow and look for the gun, then they will get the person who killed my husband because the one who killed him is the one who took the gun. It is six years since he died. When he passed away, I had a little kid. It was only four weeks since I gave birth. I was so afraid and frightened by his death. I know he went to preach peace but he died. I did not know that by him going to preach peace, he will end up that way. I can say somebody is working for me. Now that he was the breadwinner of the family, I did not know who I could go to. Since he died, I have passed through so many things. I was traumatized. My first born at that time was in form one. My daughter thinks a lot about her father's death up to now. My daughter dropped out of school for two terms. We have animals and we can sell them and take her back to school. If her father was alive, he could have paid school fees for her. I do not have anything. When he died, all the animals were taken. Even the little I had perished because of famine and drought in the area. Since I do not have anything, I have to go and work for women. I wash their utensils so that I can get something to eat and feed my family. I pray so hard for her to help me and also my neighbours to help me. I say thank God since my neighbours help me so much and they counsel me so much so that I can survive. It is three years since I got some compensation from the Government. That is what I am educating my kids with. That money that I got from the Government--- When a person dies in line of duty, there is some money his family is given in terms of compensation. I have got a small amount but that should not be what we should be given. They gave me Kshs181,000. They are giving

me his pension and that is what I am living on. From what I am hearing, I have heard that one is given all the money when one dies in the line of duty. For the pension, I am wondering why they have given that small amount and I know it is not that small. That is what I have to say concerning the death of my husband. I am asking and begging you and the Government that I have five kids. The first one has finished secondary education. The second born is in Standard Eight. Two of them are in Standard Seven. I want the Government to compensate me fully so that my kids should get education fully. I am asking this again. You know that education is the key to everything. I am requesting the Government to help me educate my kids. That is all I have to say.

The Acting Chair (Commissioner Namachanja): Thank you mama for sharing your life as a widow. It is unfortunate that your husband died when he went to seek peace. I would like you to share more about how life is like for a widow in this community. Were you able to inherit totally his property that he left behind? Can women in your position own property like livestock and land?

Ms. Elena Boru Wako: Thank you very much. I was in a corporate group called “Eslu”. I can say he was giving the contribution. It is my right to get that contribution too, but I have not got that money. I am begging you that you should look deeper into that issue so that I can get that money.

You asked about if I was able to inherit everything. Yeah, he wrote my name and I inherited everything that he left behind because he used my name as the next of kin. Nobody interfered with that because he wrote my name as the next of kin. He married me in the right way; we were married in Church and we have all the documents. We married in the traditional Borana ceremony and then we married in Church. He has never married again; I am his only wife. Yeah, I inherited him fully.

The Acting Chair (Commissioner Namachanja): Thank you mama for sharing with us. There is a certain woman here who wanted to share with us.

Ms. Hawa Jarso: I am Hawa Jarso Guyo. My husband died and then they took my farm land. Whoever took the land from me was called Golicha. I am just a poor lady and I do not have any work. I am just doing business and trying to bring up my kids. I was farming and feeding everybody. I was 12 years old and, afterwards, because he is rich, he took everything from me and he was very proud. He told me: “I am working; I have everything and that is why I took the land from you.” He took the land from me because I am poor. I do not have the land and my kids are very poor. I have gone to very many places; I went to the elders and I went to the chiefs to report; I went to the office for three or four days and I reported the matter. I have that problem now for five years and there is no justice. Recently, we were called and he stood firm and said: “I am rich and I can take it.” Then, he told me: “I have money; I can buy witnesses. I will get the land. If you have funds, take me to court. If you do not, and I know you do not have it, can you stop it because you do not merit it?” I was following it; I went to the elders, the chief and then I was stopped. I was fuming. Now, he is farming the land that belongs to me and nobody is taking my grievances anywhere. The man who took my land is not here. He says the land

is his and even the elders will not approach him because they fear him. I am crying because I am not getting justice. I was sweating because nobody is following up on this issue. He tells me: "You are a woman and there is nowhere you can go." Now, because of that, I cannot educate my kids and every time the kids cry, I also I cry. I go to the chief and to the elders not because of anything, but because he buys them, I have lost my land. Even now, he has farmed it and he has some food. That is what I am going through. I need justice! My children are poor and they are orphans too. I am the one working for them and I am the one educating them. I was helping them from the farm produce but I do not have the farm right now. I have gone everywhere to report and there is no justice. I do not have food, I cannot sleep at night, I am thinking a lot and I am traumatized because of that. My heart is bleeding; my children are stressed because they do not have education like other kids. I am going through all this because of my kids.

The Acting Chair (commissioner Namachanja): Thank you mama. I have a few questions. You had mentioned the name of the person who took your farm, but I did not get it clearly.

Ms. Hawa Jarso: Golicha Tatache.

The Acting Chair (Commissioner Namachanja): And the chief?

Ms. Hawa Jarso: Wako Roba.

The Acting Chair (Commissioner Namachanja): Under what circumstances was the farm taken away? Do you have the documents to show that this was your land before it was taken away?

Ms. Hawa Jarso: I do not have any documents. When I was young, I just demarcated the area and I stayed there and farmed for many years. He just came and told me to vacate the area because that is his farm; that was five years ago. He came, fenced the area and told me to vacate.

The Acting Chair (Commissioner Namachanja): When did you say your husband passed away?

Ms. Hawa Jarso: 15 years ago.

The Acting Chair (Commissioner Namachanja): Was it land that was only taken away or did you have any livestock which were taken away?

Ms. Hawa Jarso: I do not have anything; I only had the land.

The Acting Chair (Commissioner Namachanja): Are there witnesses to show that this was your land?

Hawa Jarso: Yeah, I have. I got the land when I was 12 years old. That is when I demarcated the area. Even the elders can stand firm and say that is my land. I can call the elders who can say that I demarcated the area when I was 12 years old and that, that is my land.

The Acting Chair (commissioner Namachanja): So, this was your land and not the land of your husband?

Ms. Hawa Jarso: Yeah, it was mine. We got the land together when we got married.

The Acting Chair (Commissioner Namachanja): You got the land from whom? Was it from your parents, from his parents or from his elders?

Ms. Hawa Jarso: No, I just went and demarcated the area saying that it is mine because it was a wide and everybody was taking the land.

The Acting Chair (Commissioner Namachanja): Thank you. Did you record the statement with the Commission?

Ms. Hawa Jarso: Yes, I have written the statement.

The Acting Chair (Commissioner Namachanja): The women here hold Mama Nuria in high esteem. Is Mama Nuria among us? If she is out, can she be called in, please? We can continue the sharing; we will get to Mama Nuria later.

Thank you, Mama, for sharing with us.

Ms. Rebecca Mutuku: Thank you, Mama. We are sorry for what you underwent. Remember the Chair told us that we are talking about the pressure and the violations; the rape and the marginalization. So, let us just air out our issues without any fear.

The Acting Chair (Commissioner Namachanja): Has Mama Nuria come?

A member of the public: Yes, she has come.

The Acting Chair (Commissioner Namachanja): Mama Nuria?

Mama Nuria: Yes.

The Acting Chair (commissioner Namachanja): I appreciate that the women hold you in high esteem. You have been supporting them and you know about our process; it takes time. We shall finish the report and then we shall write the recommendations, which the Government will follow. But some of these cases that the women are sharing, we need to lobby around them; we need women who understand the law to follow them up. I have heard them mention you highly so, please, do not wait; especially these widows whose land has been taken away. Remind us when we reach Nairobi, in terms of

recommendations, that also, together with other women, find out ways of supporting them. That is why I called you, Mama Nuria. Thank you very much.

Mama Nuria: Thank you very much.

Rebecca Mutuku: Thank you, Madam Acting Chair. I know you have not spoken; I will give you an opportunity, but there is a lady who was continuing here.

Daki Jaldessa: I would like to talk about the problems that women face here in Marsabit. A woman is everything because she is the leader of the family here in Marsabit. So, I will just talk about two things that concern women and then I will finish by the special case that we had. Women in Marsabit are going through very many problems. First, in our community, we have drought which is really affecting us. When the children are at home, they cannot consult the dad and they look up to the mom for food and everything else. Even when kids lack pens or books, they just ask us, women. Even when it comes to our homes, when the children have homework, they just consult us. So, I would like to talk about the women of Marsabit who have gone through very many problems, especially one case. I will just take one example of a mother who is fetching firewood. She stays just around here. She just fetches firewood and sells it in order to cater for her kids. If you had time, I would go to look for the women who usually goes to fetch firewood.

You will find that almost 300 to 500 women are very poor and they have nothing. They just fetch firewood and there are very many issues they go through while fetching firewood. There are even some men who go to rape them and they are afraid to talk about it. They think that it is shameful and they just keep it to themselves. They know that, maybe, it is shameful for them to share out such ordeals. There is a certain woman who went to the forest to look for firewood and she had a young child the same age as my child who is here. I heard that in the morning, the baby was crying for the mother; she was even trying to prevent the mother from going to fetch firewood. But when the mother went there, she was just killed in the forest and nothing has been done. Nobody has even bothered to find out who killed her. I know that there are very many women who have been killed, but I do not have the record of the number of women who have died in Marsabit Forest. That kid misses that mother and she is just affected mentally. The child lacks maternal love and nothing has been done.

Secondly, I would like to talk about the special cases in Marsabit concerning children. In all of them, it is women who dealt with them. Last time we went to many places in Marsabit. We went to Maula and Rendile and we found many kids who were challenged. Some of them were deaf and yet their mothers and fathers died from HIV/AIDS. That child has no parents and the grandmother is the one taking care of her. Others are deaf; they are girls who are just at home because they say that even if they go to school, they will not hear what the teacher is saying. So, she is the girl who remains at home and works there.

Another case that I was involved in is that of Shauri Yako. There is even a certain family in which everybody is mentally challenged. I met one girl from that family who had

fallen on the road and I think it is just because of hunger. I took that girl, I bought her milk, and I thought the girl was dead. I asked her where her home was. She had lice in her hair; she was very dirty and I took her home. I thought she was dead, but I found out that her mother has two kids who were also challenged just in this area of Marsabit. I just told her to go and look for people who can assist her so that they can bury that girl. So, when I just went outside, I saw the girl had opened her eyes and I knew that the girl was alive. I took her to hospital and I told the people in the hospital that I just got the girl by the roadside. I told them that maybe, the girl was suffering from hunger.

When I looked at the legs, the girl was very much affected. She was hungry. She even had jiggers in her legs and she passed through so many risks as a girl. I just took her to hospital and she was admitted. I stayed with her there; I even asked for a razor blade and shaved her. I removed the jiggers from her legs and then went back home and brought her some clothes. After that, I looked for my colleagues and then that morning, I went to the Red Cross and told them about the problem affecting that family. When I came to that family, I found that the whole family was desperate. I call upon the Government to look for that family and cater for them because they are going through hardships, especially the women.

The women are going through very many problems and I think that girl should not just be left like that; we need to assist her. We need to even look for a boarding school for her so that she can get a chance to get education so that she can be relieved of the problems at home. I asked people to go to St. Theresa's and look for the chance for that girl, but she lost the chance. That girl has never been to school and up to now she is just at home. Recently, I was taking my girl to clinic and I found the same mother and the girl. Since I shaved that girl and removed jiggers from her legs, there is nobody who has bothered to assist her. Up to now, she is just at home and that woman is just there with another child. When I went to the clinic, I found that girl in the General Hospital. The girl ran to me and then I asked her: "Did you go to school and why are you in hospital?" She told me that she is with her mother, who has been tortured and some of her parts have been cut with a panga. I then went to Marsabit Charity Sisters and told them that there is a family which has kids and we need to rescue them. So, the sisters came but the mother was not ready. So, they usually go and take care of them; they usually take porridge to the children, who were in a terrible condition. I have moved away from that area but I believe that the situation is still the same. That child is not in school and yet she was supposed to be assisted to go to school.

Rebecca Mutuku: Thank you very much, Mama. But I would like to ask you what recommendation you can give this Commission about those who are disabled in Marsabit?

Daki Jaldessa: I would request you to build a boarding school because we do not have a boarding school for the deaf. We just have disabilities but there is no single school for the deaf and other special cases. So, if we could have a school for the special cases, we could have rescued those kids who are special. They just sit at home because the parents have nothing; they cannot even afford school fees to take them to school. So, we are just

praying that we even get sponsorship so that those kids can go to school. So, there is no school in this area. Even if we sponsor those kids, they do not even have fare or transport to go to those places. They are just staying like that.

The Acting Chair (Commissioner Namachanja): I just wanted to thank you, Madam for touching a life; God bless you abundantly! I know it is your burden now; you have shared the burden with the sisters, but it is the responsibility of all of us. There is a teacher who works with the special school. Please, pick up the case and find out if we can help that child so that she does not continue being abused.

Elena Boru Wako: We are working on the same---

The Acting Chair (Commissioner Namachanja): You are working on the same case?

Elena Boru Wako: Yeah. We went with her to that home and we have been visiting the children severally. We are now helping them from our own pockets, but you know that is not sustainable. Even if you tell the elder of the Manyatta about the issue, he says: "Leave that family alone; you cannot even manage to help them." They even want to take the land of that particular family. It is a terrible situation.

The Acting Chair (Commissioner Namachanja): You fall under which Ministry?

Elena Boru Wako: Ministry of Education. I am a teacher.

The Acting Chair (Commissioner Namachanja): Thank you.

Rebecca Mutuku: Nuria really wants to speak, but before she speaks, we have one question. We have talked so much but I have not heard any woman talking of water. I know we are the ones who go to fetch water; we are the ones washing clothes and utensils; we are the ones who cook for our families but I have not heard any woman talking about the issue of water in Marsabit. Do we have water in Marsabit? Do you have enough water in your homes? Why are you not talking about that issue? Who wants to talk about that issue of water? Is it Nuria? I would like to hear about where you fetch water; is it clean water or is it dirty water? How many hours do you take to go and fetch water and firewood? The time you lose going to the river and back, you lose out on other developmental issues.

Mama Nuria Gollo: My name is Nuria Gollo. I would like to talk about the problems facing women in Marsabit. But I want the women themselves to speak out about their problems because you are the ones facing those problems. It seems as if you are avoiding speaking out about your problems. I work for an organization called "Marsabit Women's Advocacy and Development Organization (MWADO)" and I am also a statement taker for the Commission.

My first issue is about the girl child. Our society is a patriarchal society where boys are favoured over girls. Girls are being isolated from the boys from all spheres of life since

time immemorial. Our community is a pastoral one and men see as if the women's job is in the kitchen only. They believe only men should work and if a woman works, she is taken as if she is not mannered and that she is a *mjuaji*. Men think that if women go to school, they will become clever and they usually say that we are prostitutes. They believe that a woman's place is just in the home to give birth and to bring up kids. But we thank the new Constitution because both men and women have equal rights to be educated. In our community, if you have two kids who have passed in their examinations, if it is a boy and a girl, it is the boy who will continue with education while the girl will remain at home maybe, because of the lack of school fees, even when the girl did better than the boy. But because they say this is a girl who will eventually be married off, she will go to build her own family with her husband. So, that wealth she might get if she is employed will not help them, but it will help her husband and kids. So, they undermine the girl child so that she does not get employment and so that the boy can get a job in order to help them.

The girl child has very many problems in our society because they are the ones who fetch water, like Madam said. We have a very big problem in Marsabit County, and there is no boy who will remain at home and miss out on his education, but girls remain at home all the time because they have to go fetch water and firewood. We usually cover a very long distance to fetch water and there are very many risks out there. In Marsabit, the place where there is water is usually the Government places, where they go to wash clothes and mop houses in order for them to get water. In that process, very many girls are sexually harassed. They cook, wash and because they must go home with a jerrican of water, they are sexually harassed. They give in to it because they want water! In the process, they get pregnant and drop out of school. They even contract sexually transmitted diseases. So, it is by the grace of God for those girls who have gone to school. That is the reason we are here standing firmly to teach our fellow women so that they can look forward to taking their daughters to school. We have diseases, as human beings, but if anybody is sick, there is no boy who can remain at home to take care for the sick. It is the girl child who will remain behind to care for the sick. Maybe, if it is the mother who is sick, so the girl child starts raising other children early in life and takes care of the old and sick in the society. This discourages most girls from continuing with their education. Girls also face peer pressure and pressure from their families. This affects them very much and they cannot take care of themselves or even concentrate in their studies. That is why I am telling you that if you walk in this town at around 7 p.m., you will see small girls in bars taking beer or working in the pubs. Maybe, their mothers died from HIV/AIDS and left small children without food and nobody to take care of them. They are forced to just roam the bars in the evening looking for food for those small kids. In the process, they are forced to be prostitutes. They even become single mothers just because of those problems. That is caused by lack of funds and parents. According to the women, the problems facing them are due to the fact that girls do not inherit. When our husbands die, we are chased away from that family and the clan members will come and inherit that family. Those are the problems we are undergoing in our community.

As a statement taker, I have faced a lot of resistance. There were very many rape cases involving women who go to fetch firewood and water. Those women do not report the

cases because they fear. Most of them are single mothers and widows and they think that if they report these cases, their lives would be in danger. So, a woman is raped maybe, by somebody who is infected, but they fear to report because they think that maybe, they have contracted HIV/AIDS. Men usually harass us and burn us with fire and they do not even come forward to report those cases to the police. Women have to come and write statements so that those people can be known! It is said that wealth is for men. Therefore, women are poor because they cannot get wealth; girls cannot get wealth!

The other problem is that women are cheated on by their husbands. A woman is left with seven kids and the man gets another younger wife. This is a woman like you and it is you who accepts the woman. If the man is making the children suffer like that, do you think you are very special? You can just be thrown out! If they could hear and they know that the woman can just be chased like any other woman--- But let us go and take care of the family first and then come back to me. But the problem here is that you know the history of a person and the way he has just abandoned his wife and children, and then you go to fetch firewood and water, and then you say that you have a husband. Then you stay with the husband as a friend. So, even you, you have problems according to that.

To finish up, the women have a good heart. No woman will leave her children in problems; we just meet them here and we are able to assist. Those who are here try to assist and contribute in a small way to help, but that is not a solution; it is a short-term solution. But there are very many women in Kenya. A large majority of voters in Kenya are women and if they can unite, they can do very good things; not just helping today and leaving it at that. If women could join together and form groups, they can get a system that they deserve so that we can help these children. There are very many children in Marsabit Town. I do not know how they get pregnant and have many children who have no fathers. Maybe, we need to talk to them that they can even do family planning because there are very many children. You can help a single kid, but it is a problem helping seven kids! We have very many problems because people are being married today and divorced tomorrow. Today, when husbands are dead, the wealth is taken by the rest of the family members. So, people should come and help us here because we have a problem with the police. If you take a case of the women to the police, you are asked for a witness. Surely, if you were raped, must there be a witness? There is a time we rioted due to such an issue. Such cases are usually dismissed from courts and that discourages women. We also have a problem with the Judiciary.

I will leave other women a chance to give their contributions on this issue. Thank you very much.

(Technical Hitch)

Ms. Hadiza Berre: We have taken them to school by fetching firewood and selling it. We do not have Kshs300 to buy books for our children. We do not have hospitals. If you do not have Kshs300, you cannot secure a job for your children. We have a lot of problems like clanism and tribalism and the poor cannot get anything. Water is sold and the poor cannot afford to buy it. When you go to the hospital, you may just die waiting

because if you do not have any money, then you will not get any treatment. If you are admitted to hospital, you are charged a lot of money which we do not have. It is only the rich who have the right to everything here and the poor have no rights at all.

When the rich people are arrested, they are allowed to go back to their homes. However, the poor have nothing and nobody would listen to our plight.

Ms. Rebecca Mutuku: There is one woman who comes from the Rendille Community. I have asked the Chair to give her two minutes to speak.

Ms. Joyce Dafardawa: My name is Joyce Dafardawa and I live in Marsabit County. I apologize for coming late. I would like to speak about women. We have many problems. There is insecurity and some of our children had an accident on the way to Nairobi and got serious injuries. One of those children has now finished school but he has not been employed because he is crippled. I have educated him and he is now a qualified engineer. He is afraid to come to Marsabit because of insecurity. I have pleaded with him to come but he does not want. However, he is not the only one who has been involved in accident. There are women and children who are crippled. They use wheel chairs and they do not get any employment.

The women struggle to educate their children, sometimes even selling their land in order to pay school fees. Once the children finish school and they try to join the military, they are not employed because they do not have money to bribe the officers despite being qualified. Are we not Kenyans as well? We are crying because we have many problems as women here in Marsabit.

In leadership, the women also have the ability to lead and speak out for their rights. We do not want to lag behind. Give us opportunities so that we can help others to also know their rights. In our tradition, women could not even stand and speak about our problems and our rights. But we are asking the Government of Kenya to give us the opportunity to talk for ourselves.

I do not want to speak much. I just want to appreciate the Commission for coming to see us. Continue coming to see us and to encourage us. Thank you and God bless you.

Ms. Rebecca Mutuku: Please let us close this hearing so that we can give our Commissioners time to attend the other hearing.

We thank you for coming here to share your problems with us. I want to give this opportunity to the Commissioner to speak to you and to bless you. After she finishes talking to us, I will tell you how we are going to continue.

The Acting Chair (Commissioner Namachanja): I greet you all. I am sorry to interfere with our hearing. However, there is another public hearing going on and I am needed there. That is why I have asked that this hearing be cut short.

I want to thank you for talking about your issues and we have heard so many issues concerning women in Marsabit. The first thing we learned is how women were given land which was later illegally taken away from them. We have asked those women to write a memorandum through this Commission so that we can know how to deal with that issue as we pursue justice.

There is another case that came up concerning the KNUT elections that was taking clan lines. We know that when they start taking the clan lines, we know that positions are being consolidated and this will continue up to the general election. As women, we do not have a clan. You marry anywhere and you have children from across clans. My call to fellow women teachers is for you to unite and find a way of stopping this election from taking place. The women from all the clans should unite and work with the District Peace Committee. If you really feel that this election is going to divide the people, our program cannot allow us to stop and deal with such an issue because we have to move on. As women teachers, you can unite and find a way of stopping this election taking place, even if it means boycotting the elections. We shall also look around and see who is the key person we can talk to while we are here so as to see how we can help each other.

The girl child education has been talked about. Coming from the pastoral community, you have to move around as you follow the clouds. That way, the education of the girl child is interrupted. What I expect from you is a memorandum from teachers focused on the girl child education. What recommendations do you want this Commission to come up with to support girl education in this area? Are we talking about boarding schools? Come out with recommendations so that they become part of our recommendations.

Alongside that, there was also a situation of special needs children. Maybe, you can also give us a memorandum together with the one of the girl child education. How can we ensure that such special families are supported and the children get education?

For the first time in these hearings, the people who are positively living with HIV have been highlighted. I also expect a memorandum from the woman who highlighted that issue and within it, could you share the challenges facing the people who are HIV positive and come up with recommendations on how their lives can be improved?

Widows have spoken out on how their property is taken away by their family members. This is something that needs concerted efforts. We have women organizations like FIDA that can deal with human rights concerning women. Women leaders among you, please, unite and see how you can help fellow women, even as this Commission writes recommendations on how such cases can be dealt with.

You have talked about your children not getting employment because of nepotism. What are your recommendations about such issues? You need to write your statements or memoranda and then come up with recommendations on how we can deal with such cases.

On issues of lack of water, we have the Ministry of Water and Irrigation. A lot of money was channeled to the Ministry to support these areas. Have we benefited from that and if not, how can we ensure that you also benefit from such funds so that women do not go for long distances looking for water and in the process, their daughters are raped?

There were also cases of women who are raped when they go to look for firewood in the forest, but I did not get recommendations. How do we deal with such a situation? It is you to guide us in terms of coming up with recommendations so that they can be incorporated and followed later.

Once again, I want to thank you for coming to share with us and as we stand to pray, I know that this region has suffered conflict. I know that some of our family members have got lost as they search for peace. A widowed mother shared how she lost her husband in search of peace but we know that we also lost our great leaders from this area as they searched for peace. As we stand to pray, can we observe a moment of silence for our leaders who perished in the plane crash as they were searching for peace and for the many lives that have been lost in unexplained circumstances or in search of peace?

Thank you so much and God bless you. The hearings are continuing and that is where I am going now.

Ms. Rebecca Mutuku: Thank you Commissioner for talking to us, and we thank God that you stayed with us and you have told us everything.

I want to remind you that statement taking is going on and if there is anybody who has not written a statement, you can go to the hearing at the Catholic Center to write it.

I would like us to stand and observe one minute of silence as the Commissioner had told us and after that, I would like one woman to close with a word of prayer.

(A minute of silence was observed)

(Closing Prayers)

(The Commission adjourned at 12.20 p.m.)

