

Seattle University School of Law

## Seattle University School of Law Digital Commons

---

I. Core TJRC Related Documents

The Truth, Justice and Reconciliation  
Commission of Kenya

---

11-18-2011

### Public Hearing Transcripts - Eastern - Meru - RTJRC18.11 (Meru Municipal Council Hall) (Women's Hearing)

Truth, Justice, and Reconciliation Commission

Follow this and additional works at: <https://digitalcommons.law.seattleu.edu/tjrc-core>

---

#### Recommended Citation

Truth, Justice, and Reconciliation Commission, "Public Hearing Transcripts - Eastern - Meru - RTJRC18.11 (Meru Municipal Council Hall) (Women's Hearing)" (2011). *I. Core TJRC Related Documents*. 29. <https://digitalcommons.law.seattleu.edu/tjrc-core/29>

This Report is brought to you for free and open access by the The Truth, Justice and Reconciliation Commission of Kenya at Seattle University School of Law Digital Commons. It has been accepted for inclusion in I. Core TJRC Related Documents by an authorized administrator of Seattle University School of Law Digital Commons.

**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND  
RECONCILIATION COMMISSION HELD ON FRIDAY, 18<sup>TH</sup>  
NOVEMBER, 2011 AT MERU MUNICIPAL HALL**  
**(Women Public Meeting)**

**PRESENT**

**Tecla Wanjala Namachanja** - **The Acting Chair, Kenya**

**Rebecca Mutuku** - **Gender Officer**

*(The Commission commenced at 10.20 a.m.)*

*(Opening Prayers)*

**Ms. Rebecca Mutuku:** I welcome our Commissioners. I would like them to greet you before we can continue with our meeting.

**The Acting Chair** (Commissioner Namachanja): How are you, women? We came in while you were singing a very nice song. Tell us its meaning so that my sister, Commissioner Chawatama, from Zambia, can understand it.

**Ms. Joyce Muriuki:** The meaning of the song is that the meeting is here and it is good.

**Ms. Rebecca Mutuku:** This session of women is for them to say whatever they have to say. Do not hide anything because those who were coming to help you have come.

**Commissioner Chawatama:** I greet you all, women! My name is Gertrude Chawatama. I am a Zambian. I consider it a privilege to be here with you today to discuss your issues and children's issues. I love justice. I am committed to hear your experiences and to ensure that the voice of the women is heard. So, please, share with us all those things that have hurt you and you have been unhappy about. This is an opportunity to for you to offload them because as we say, when a woman is ill, the community is ill. Having spent over two years in Kenya, I am fully persuaded that it is the voice of women that will play a very important role in bringing this nation to a stage where it will experience peace and reconciliation. So, please, do your part and we shall do our part.

Thank you.

**Ms. Rebecca Mutuku:** Thank you, our Commissioners. Earlier on, I explained the procedure of this sitting, but I have been told that there are women who cannot understand Kiswahili. I would like to repeat, so that we can be together and understand each other.

First of all, I will ask you to switch off your phones, so that they do not ring as the meeting is going on. As I said earlier, this day is specifically for women. There are

women who were here yesterday. They had to sleep in Meru, so that they could speak today. This is your chance to speak.

As I explained earlier, the Truth, Justice and Reconciliation Commission is looking into the issues of all the citizens of Kenya since we got Independence to 2008, and how the citizens have been deprived of their rights. We listen to any complaints that one may have. The complaint could be about property which has been grabbed, or somebody who has been killed, or about a woman who was raped during war or any kind of violence, or about any way in which a citizen may have been deprived of his or her right.

This Commission looks into all those issues and investigates them. The Commissioners listen to the citizens, so that they can ultimately write a report based on what they will have heard and the expectations of the citizens. So, if you want to speak, you raise your hand.

I ask that you respect the persons who will be speaking because whatever they will be saying will be important to them. Even if you disagree with what they say, please, let us respect the women who will be speaking and what they will be saying. Do we understand each other?

**Women:** Yes.

**Ms. Rebecca Mutuku:** Let us start. I will give the first chance to a woman who spent the whole day here yesterday, and who slept here, in Meru, so that she could speak today.

**Ms. Rosemary Karindu:** My names are Rosemary Karindu from a group which was not able to come here. I am 60 years old. My problem is about land that I was given by the clan on 21<sup>st</sup> May, 1986. From then, I started working on it. It was a bit in the interior. There were no people going there. I was not able to go to that land. So, I would send people to go and work there. In 1993, I saw vehicles moving towards that place; from the main road, it is five kilometres. I worked on that land up to 2006. From 2006, I started giving people contracts to work on that land. It was well done. I planted miraa trees. I also started planting maize and beans. I continued farming up to 2008.

In May, 2008, I found somebody cutting trees on my land. When I investigated, I got information and reported to the police. I hired a vehicle. We went to that particular land. We found that they had already cut the trees and split them into timber, and they were moving them into my neighbour's land. The person who was in charge ran away when he saw us. We met the wife, whom we asked how the timber got into our neighbour's land. She told us that the owner of the land was the one who had given them work to split the timber. She gave me the name of the person.

That was when I took action and went to the police station, where I recorded a statement. The police wrote a letter for me, which I took to the District Lands Board. They were asked by the police to inform them. That was when I realised that the land was not in my name. Although I used to farm on it, it was registered in the name of one of the

committee members of the clan. I was given one acre from the total acreage of eight. They sub-divided the land amongst the members of the committee. The secretary gave one of the pieces a different number, which was 485. The portion of the other committee member was given number 1566.

That was when I took action to find out why it was that way. I was given a letter to take to the lands office. I got a receipt and filed a case. When the case started, they looked for the chairman of the clan and came with him. The person who had land number 485 suggested that we withdraw the case, and that he was ready to give back the land to me. The other committee member whose piece of land was number 1566 said that he was just looking after my land. He said that he did not want the land to be taken away by somebody else, and that he was also ready to give me back the land. He recorded a statement and requested that I give him one acre because of the work he had done on this land.

I did not know his intention. So, I accepted. The case came to an end. When they went to the District Lands Board, they changed what we had agreed. Instead of withdrawing as we had agreed, they insisted that it should remain the way it was. The person who had asked me to give him one acre said that I had agreed to give the other person one acre. After we were through with the case, I went to the Land Adjudication Officer and requested to be given back the number of my land. The secretary and the committee member disappeared. Even their mobile numbers were not responding to our calls. They had the intention of looking for a third person, so that they could sell it to him, because they realised that the land was fertile and big.

I was given some information by somebody and when I met them, they told me that they would not give me this big land because I could not manage it since I was disabled. They told me: "We can take you somewhere else. We have given you another number. You are already on the map for the land." That was in 2008. I had farmed on that land for a very long time. They told the other person to file a case. The case went on and it was thrown out. The land was to be given back to me. They disappeared and refused to take the case to the Minister.

When they went to the Minister, I was not aware. I did not even know the procedure for the case. I only got informed that the case was going on. I was told that I was not the accused, and that they were not together with the person who had filed the case. They were accusing the secretary and a committee member, so that they could take the land back. So, they reported to the Minister. The hearing continued. It was early this year, on July 10<sup>th</sup>. On 20<sup>th</sup> July the case was deferred. The Minister was not there but the DC was there. The DC was representing the Minister and he never ensured that justice prevailed.

The proceedings were challenging what the DC had come up with. In the first place, I was not called as one of the witnesses. During the hearing day, there were two people but the questions they asked never appeared on the record of the proceedings. The third person claimed that he had tilled the land and that he had planted the banana and miraa plants, and that he was just right. He also came with his own witness, whose name I

cannot remember. I do not even know them physically. I only see their names on the record of the proceedings.

I am requesting this Commission that even if it means sending CID officers to check on what is planted there it should do so, because there are no banana plants or miraa plants on my *shamba*. I only plant maize and beans. I realised that the DC never ensured that justice prevailed. He went to my *shamba* with three policemen. They never saw any banana plants or miraa plants. I tilled this land although I was not really able to do it myself. They only saw what I had planted and the maize that I had planted. The proceedings that came from the Minister, on the first page, challenged the DC. If this Commission can go to that land it will see the proceedings on page one challenging the DC on what he did. Page six of the record of the proceedings is challenging the committee members on what they said. The proceedings show that the two committee members were not in agreement with the third person. It also indicates that they wanted to sell the land to him for Kshs40,000.

These people caused a lot of harm to me. After the case was through, the land was given to the third person by the DC. The committee members were showing me that they were on my side. As we parted ways, they told me that they would go for proceedings in Nairobi, so that we could prosecute this person.

I am requesting this Commission to look at this matter. I decided to take the case to court. I asked for consent. I saw a lawyer who asked me to pay Kshs40,000, so that he could file my case. I did not have that kind of money. Cap.284 says that where you have been working is your place. So, these people do not have a right to claim ownership of the land, because I have used the land for many years and nobody had raised any questions as to how I had got it. I had also fenced that land, and nobody had raised any questions about it.

There is another person who is indicated in the proceedings, by the name of Chief Fanancho. The persons who fenced my land were staying at his home. He had never told me that the land belonged to somebody else. There is another person who had built a house on that land, and nobody stopped her from building the house there. In 2008, the two committee members decided to sell this land to the third person.

The truth about this land is that the secretary to the clan and the committee member belong to the same clan. I hired a vehicle when they were taking me to that land. I paid Kshs4,000 to the car owner. They then went back to the office and registered the land in their names. They realised that the land was fertile. That was why they registered it in their names. I am, therefore, requesting this Commission to help me, so that I can take this case to court.

Thank you.

**The Acting Chair** (Commissioner Namachanja): Mama Rosemary, we are very sorry for what you have gone through concerning the land that was given to you, but which is now

being taken away. It is not justified. When you say that this land was given to you by the clan, what do you mean? Did the clan members own it? Did the committee or the board members call you and tell you: “This is now your land” or what happened?

**Ms. Rosemary Karindu:** The clan was giving land to people. So, I went and asked them to give me a piece of land. When the committee sat, they gave me the piece of land in question. They also issued me with a certificate, which I have with me.

**The Acting Chair** (Commissioner Namachanja): When you took the case to the District Lands Board, did the Board finalise the case in your favour?

**Ms. Rosemary Karindu:** Since I was using this land, I did not know that it had problems, or that it had been registered in the names of different people. I realised this later, and that was the time I filed a case.

**The Acting Chair** (Commissioner Namachanja): Can you explain what you mean by...

**Ms. Rosemary Karindu:** I have the receipt that was issued. When I went to the office, I was told that these were the people who were in charge of that land. They wrote their names on paper at the Lands Office. That was when I was given a receipt, for which I paid Kshs1,000. I have the receipt with me. I do not know...

**The Acting Chair** (Commissioner Namachanja): Do you have the document?

**Ms. Rosemary Karindu:** Yes.

**The Acting Chair** (Commissioner Namachanja): I am not able to get what “AR” means in this document.

**Ms. Rosemary Karindu:** They told us that “AR”---(inaudible). They told us that that was the last stage of the process for us to be given title deeds.

**The Acting Chair** (Commissioner Namachanja): You said that at one point in time, the case was taken to the Minister. Who took the case to the Minister, and to which Minister?

**Ms. Rosemary Karindu:** It was the third person who had bought this land from the committee members. That was the secretary to the committee who was also a committee member of the committee of the clan. These are the proceedings of the case, and these proceedings do not have the right information; therefore, there was injustice. If you go to the area, you will find that on this land there are no banana or miraa plants. I am still the one who is tilling the land. I plant maize and beans. Those are the crops I have been planting on the same land. There is nobody who has ever stopped me from doing work on the land.

**The Acting Chair** (Commissioner Namachanja):---(inaudible) purchased land from the committee members?

**Ms. Rosemary Karindu:** I heard about this in 2008, when trees were cut from the land. In the proceedings, they have lied because they indicated that it was in... (inaudible) I was paying somebody Kshs1,000 to cut down trees and nobody had ever hindered me from doing so. 2008 was the time when I realised that there was somebody who was already working on the land.

**The Acting Chair** (Commissioner Namachanja): Did you write a statement with the TJRC?

**Ms. Rosemary Karindu:** It was yesterday when I learnt about this Commission. That was when I asked somebody how to go about it.

**The Acting Chair** (Commissioner Namachanja): Make sure that you write a statement with the TJRC.

About us helping you to proceed with the case in court, we do not have the capacity to do that. But we shall get a statement from you plus copies of all these documents to be part of our record. I will encourage the TJRC staff here to connect Mama Rosemary with Edna of Kenya National Human Rights Commission, to see how she can also assist. I do not know whom I can give that responsibility here. Is that Gladys?

Mama Rosemary, this daughter of ours will ensure that she has informed the person who comes from the Kenya National Human Rights Commission. They are the people who are helping to get justice on issues like the one you have here. Also, you can write a statement with this Commission, so that it can also be part of the record which this Commission is looking into.

Thank you very much.

**Ms. Rebecca Mutuku:** Thank you very much, Rosemary. I will show you the person who will assist you with the statement. There are two more women who are here who wanted to speak. Allow them to speak right now because they were here for the whole day yesterday. Since we already have the statements, please, summarize so that everybody who wants to speak gets a chance.

**Ms. Magdalene Wangui Wambugu:** My names are Magdalene Wangui Wambugu. I am 50 years old. When the Truth, Justice and Reconciliation Commission (TJRC) came to Meru, one woman who knew about my problem called me. It was the chairlady of the women group. I came and recorded a statement about my problems.

I sell some items and use the proceeds to educate my child. I used to sell bedcovers and loose covers. I came to the municipal office to see a lady that I was bringing loose covers to, whose name is Kajuju. It was on 5<sup>th</sup> in the year 2006. She had asked for loose covers because she had visitors that Saturday. The Mayor left in his car and left me in the office. The watchman at the gate came and asked: "Have you not gotten the person you were

looking for?" I told him: "I do not know which office she is in." He told me: "Let me call her for you." He went upstairs and told me that they were there writing some statements in the office. He came back and told me that they had said that I should give them ten minutes. I sat there as he went back to the gate. I waited for long and it was raining a lot. I went outside and when he saw that I was leaving, he walked fast to me and told me: "Let me call her again." He went upstairs and spent a lot of time while I was still waiting. He came back and told me: "The Kajuju you wanted is me." I asked, "Have I made a mistake?" He told me, "You will find out today." He smoked and drew knife. At the reception there was a big table. He pushed me and I was hit by the table. He raped me and from then I did not know where I was. He took my paper bag and told me: "Leave very fast. You are trash!" I took the paper and left as I cried. I am a widow and orphan and have a lot of problems.

From there, I went to the Administration Police who were at the District Commissioner's office and told them what had happened to me. They told me: "Woman, we cannot leave our premises. Just walk to the police station and give a report. The OCS will give you a car and we will arrest that man" I walked slowly and got to the station. I gave my report and the police listened to me. I was given a vehicle and policeman. It was already getting dark. I was told to wait in the vehicle so that the man could not run away if he saw me. When they got to the gate, they told the gatemen to open and they were hesitant. When they called the OCS again to ask whether they should break in, that is when it was opened. He jumped over the fence and was arrested on the road. The mayor who was there before called Kadae, came and said, "Did I not leave this woman here? What is the problem?" I was asked, "Is this him?" I said, "Yes, it is him." He had even changed his jacket. He was arrested and I was taken to the maternity at the general hospital. They cleaned me and took my bag again. I was given some medicine and injected, but I was not treated rightly. From that time – 2006 – I have continued to have a lot of problems in my body because of thinking about that problem. Doctors say that my heart is big on one side. I am taking a lot of drugs and tests. I was also told that I had Tuberculosis (TB). I was tested again and found to be HIV positive.

*(The witness broke down)*

My elder son was in school studying medicine, but after I got sick, he was not able to go on well because he was concerned about me and my illness. Up to now, I have a lot of problems. Even the other one did not go to school because they were very affected. My husband passed on in 1986 when he was 26 years old. He died when I was pregnant with the second born. I was married in Kirinyaga, but when my husband passed on, I was chased away. Since I was still young, they told me to go and get married where I came from. I am from Laikipia East, but I have brought up my children in Meru. Many of the women here know me. I have educated my children with a lot of problems. I have organized *harambees* in churches but I have not been successful. I live in town and I am unable to buy food. When I remember what happened to me, it makes me very sad, but God is with me. I know that it is not only me but very many people are sick, but God is with us. This was not my wish and I have not remarried. I decided to live with my children as God wished. I am saved and I love God.



All that I have said is true. Please, TJRC, have mercy on me and help me. Thank you very much.

**Ms. Rebecca Mutuku:** Sorry, Mama Magdalene. We feel the pain that you are feeling. We are together with you and are very sorry.

**The Acting Chair** (Commissioner Namachanja): Sorry, Mama Magdalene, for what you have gone through. First of all, you lost your husband when you were very young. But thank you also for putting your children first. The rape that you went through was an unfortunate situation from the beast that did that. I am just wondering whether he was arrested and jailed. Would you know that?

**Ms. Magdalene Wangui Wambugu:** He was jailed for seven years and given strokes of the cane. But after that, there were some people who told me to go and investigate whether that man was really in prison. I had been told that he left prison in 2010. He was a young man then and I cannot remember him. His name was Robert Kinoti according to the documents that he recorded. I have them right here with me. I was told that he was taken to Kamiti and he got employed in 2010. I decided to let it go because I would get problems if I tried to chase him.

When I heard about the coming of TJRC, I asked the lady of Maendeleo ya Wanawake whether I could get some assistance. She told me to come and my God was with me. That was when I came to tell you about my problem.

**The Acting Chair** (Commissioner Namachanja): After that incident, you were psychologically affected definitely. Did you get any psychosocial support?

**Ms. Magdalene Wangui Wambugu:** No. I did not get any assistance apart from some medicine from the general hospital that I am given for free.

**The Acting Chair** (Commissioner Namachanja): You say that you still suffer from medical complications. I heard you talking about heart complications.

**Ms. Magdalene Wangui Wambugu:** Yes, I am HIV Positive and have a heart problem.

**The Acting Chair** (Commissioner Namachanja): What are the recommendations of doctors concerning your heart problem?

**Ms. Magdalene Wangui Wambugu:** I have the tests that they took to show how my heart is. The day before yesterday, my whole body was swollen and I was unable to walk. The doctors said that I had a lot of fluid coming from my heart. Every day I am supposed to take some drugs in the morning because of my heart problem. Eating is also a problem because my children are not able to provide. They would also like to go on with their education. I live in town and I am unable to pay my rent. I have three sewing machines

and since my husband passed on, I have made my income from those machines. I sew some very good pieces but now my body continues to get weak because of the thoughts.

**The Acting Chair** (Commissioner Namachanja): Do you easily access Anti-retroviral drugs?

**Ms. Magdalene Wangui Wambugu:** Yes. The ARVs are not a problem. My file is at the general hospital and I receive them. That is not a problem.

**The Acting Chair** (Commissioner Namachanja): Sorry, Mama Magdalene again. This Commission looks into long-term issues and reforms. So, I will be cheating you if I tell you that we shall have remedies for, especially, children's education and all that. Ours is to listen to the cases, come up with the recommendations and maybe, the implementations can only come in a year or so after this Commission finishes its work, which is in May next year. But what we can do for you is to immediately ask our counsellors to talk to you, to see how you can be assisted psychologically. If you had any recommendations concerning your heart – what needs to be done – maybe we could have a way of linking you with our partners who have been willing to support, like AMREF, just to see if there is any way they could help. But once again, I am very sorry for what happened to you. Do not feel shy for sharing in front of these sons. These sons have been with us from the time we started and have heard a lot of problems. They are here just to capture what people have gone through and so, they understand. They are part of the TJRC and understand the problems that their mothers, sisters and even grandparents have gone through this far. Thank you for honouring this session to come and share your painful story.

**Ms. Rebecca Mutuku:** Sorry again.

**Ms. Rhoda Njiru:** My name is Rhoda Njiru Muguika. I come from Gikumene, Nchaure Sub-location, Ntakira Location.

We voted on a Thursday and when we were through with voting on Saturday, I visited my child in Eldoret. I arrived there at around 9.00 p.m. and met them waiting for me. We were happy and ate together. We woke up in the morning and at around 9.00 a.m., we saw many people coming. They were screaming and burning houses. My daughter told us to get into the house because we were about to die. We entered the house and locked ourselves in. They came, broke the door and entered. They told us to undress. My child was undressed and raped. I was also beaten and raped. I was told to go and dispose the waste outside and come back. I decided not to come back and ran away. I ran away and hid under a tree that had been cut down. I then climbed on a short tree and looked back where I came from. The place was still smoking. I also saw vehicles pass by on the road. I decided to walk to the road and got into a culvert and hid there. I saw Army vehicles and got out. They asked me: "Mad woman where did you take your clothes?" I told them that I was not a mad woman. I explained to them that I had run away and had been raped and my clothes taken away. I told them that I had left my children there. One lady asked me how they could assist me. I requested them to take me to Nairobi where I could get a

vehicle to Meru. I was given a net which I wrapped myself with and got into the vehicle. I was told to sleep and that I would be woken up once we reached Nairobi. When we reached Nairobi, they bought me a skirt, a black petticoat and sweater. The lady bought me cotton wool and underwear. She assisted me to get out of the vehicle and took me to the bus station where vehicles going to Meru were. They took the vehicle's registration number and instructed the crew to take me to my house. They took me up to my home. My husband asked me why I had come back, yet I had travelled only the previous day. I started crying. In the morning, we went to hospital and came back. I was told that Mama Gacheke was burnt with her child in the church. I started crying and screaming and asked myself what we could do. We went to Meru Town and informed the District Commissioner about the issue. He instructed us to go back home so that we could get proper information. We came back the following day and found that the DC had already made several calls to other DCs in that particular area, asking them what was happening. But we never got any information. The DC helped us to write a letter which I have, but we did not get assistance. In the process, women group gave me money. Hon. Muriuki also gave me Kshs 2, 000. Mama Joyce also gave me some money. They asked: "If you go there and find those children burnt, how will you recognize them?" I told them: "If she was not burnt completely, on the left side there was an extra toe that I would recognize." When we went there, there were many bodies that were burnt. I told them that if I saw that toe, I would recognize her. They were so many and I could not jump over the bodies. I stepped on quite a number of dead bodies. When the body was turned, I recognized the toe. I fell down and asked them where the child was. I was asked whether the child was a boy or girl. The child was wearing a cloth with spots. Some parts of the garment had stuck on the body of the mother. I was able to recognize the child because of the clothes she had worn. We were not given any help there. She told me to attend a meeting. That is the time we came to the county. They really assisted me and I realized there were people standing by me. This is the fourth time for me to come. I was not sympathizing with myself, but what really surprised me were my child and her child. That is why I said I will never vote. That is why I voted for the new Constitution. If we had the new Constitution, the dead bodies could have been brought here. Although I am crying the love for a child, I am requesting you to remember me. She left some children behind. I am taking care of them. I have not built my house on my land. There is a piece of land that was grabbed from us in Timau. I have no strength to do anything. Could you, please, look at my case and see how you could help me?

**The Acting Chair** (Commissioner Namachanja): I know it is painful. My sister, Joyce, on behalf of the Commission, I would like to thank you so much for being there for, Mama Rhoda, when she needed you most. When you are in such a situation, you need somebody to stand by you because you get confused and you do not know what to do. The fact that you were there for her, ours is just to pray to God that He may bless you and our generations to come abundantly.

I want to find out the names of Mama Rhoda's child and the grandchild. She could tell you, so that you could tell us because she is still with emotions.

**Ms. Joyce Muriuki:** *(Inaudible) (The interpreter was speaking away from the microphone).*

**The Acting Chair** (Commissioner Namachanja) Could the HANSARD get the correction of the names and the sex because the interpreter kept on referring to her as “him” but she is a female. Could Mama Rhoda confirm if the church she is talking about is the Kiambaa Church in Eldoret?

**Ms. Joyce Muriuki:** It is the Kiambaa Church.

**The Acting Chair** (Commissioner Namachanja): Could she also confirm if the grandchild and the child were buried on the site of that church?

**Ms. Joyce Muriuki:** Yes, they were buried on site.

**The Acting Chair** (Commissioner Namachanja): Why were they not informed?

**Ms. Joyce Muriuki:** The time was too short and they had no transport. They also felt like they did not want to attend the burial.

**The Acting Chair** (Commissioner Namachanja): Does she still feel the same or given an opportunity, she could still visit the graves?

**Ms. Joyce Muriuki:** No.

**The Acting Chair** (Commissioner Namachanja): It is understood. It is painful. I think Mama Rhoda struggled to get out of that place. It was God’s will that she survived, so that she is able to tell the tale of her dear daughter and the grandchild. The way she survived, to me, it was a miracle. But now I understand why. It was not the will of God that her dear ones just perish and go unnoticed. She has escaped to tell what happened to them. I want to tell Mama Rhoda that this Commission, while conducting hearings in Eldoret managed to visit Kiambaa Church and prayed on the graves of the innocent Kenyans who perished there. In the near future, if Mama Rhoda wishes to reach there to put closure to the death of her child and her grandchild, let her link up with the Commission. That is the immediate reparation we could do for her; to facilitate her just to go and see where the dear ones were laid. According to the African culture, it is very important to see where your dear one was put to rest in order to put it to a closure. Even if some of them were mass graves, but I would encourage her to seek psychological healing. After the pain is relieved, she could go there to see those graves. Please, Joyce, also find out for me if Mama Rhoda recorded a statement with us.

**Ms. Joyce Muriuki:** Yes, she recorded a statement and now she is telling me that we could go there to see the grave.

**The Acting Chair** (Commissioner Namachanja): Gladys, note that, please. I also realize that Mama Rhoda is in charge of the Psycho Social Support. Our team, please, see how you could help her while you are here. We also noted about the struggle, concerning how

she is struggling to bring up the children that were left behind. That is also noted. Thank you.

**Ms. Rebecca Mutuku:** I know we have started to touch on the injury and pain that you suffered. We ask God to help us, so that you could find a way of healing because healing comes from God. I would like to give a chance to this woman.

**Rev. Margaret Mukami:** Thank you for giving me this chance. My name is Rev. Margaret Mukami. I work with the Methodist Church and Kaaga Primary School for the deaf. I am happy to be here today. I want to present the issues that I came with, some of which are positive and others are negative, which are facing the deaf people in Meru.

We have a problem in some areas. I want the Government to assist us to tackle some of the issues. We have some positive areas and what the Government has done for the people of this Meru region. I would like to start with my issues. On the area of CDF money, this area has a positive aspect towards the people with disability because they have provided school fees for most children who are now accessing education. We commend them for that. Without them, we could not move forward. So, we say thank you to the CDF.

Also we thank the Government because they have built schools for children with special needs. These schools are many around here and our children are able to access education. We have two schools around here which are Kaaga School for the deaf and Meru School for the Mentally Handicapped. That is the work of the Government and we commend them for that.

On the area of HIV/AIDS, we also have also had some positive efforts made. The NACC have done good work and they have provided funds for persons with disability at the district level and we are happy about that. They have supported us to get awareness about HIV/AIDS. So, without them, we could not catch up on news on the radio and TV. However, the Government felt it was good to support us with that fund. So, we accepted that and to work with other people and stakeholders in this district. We hope that we will see improvements in the area of awareness. We will move forward with other people. We will not be left behind as people with disability.

We should have posters with sign language, so that people with disability could know more about HIV/AIDS.

On the youth fund, the leaders in the district accepted persons with disability to be equal with other people. They gave us money, so that we could move forward. We have our businesses around town. We are proud as deaf people because we could make handicrafts, necklaces and earrings.

They normally invite us to go to their forums on an information programme. So, we have learnt a lot from other women. We have also joined other women. In medical rounds, they have taught us about that and they give us ideas on how to develop. So, that is a

good thing we have seen happening and we are happy as people who are deaf. In the area of church-based organizations, the churches in Meru have shown a very positive attitude towards us. All the churches in Meru have a disability desk. We have created so much awareness so people know about the deaf people and how to take care of children with disability and how they can improve the welfare of children with disabilities, families and our social lives. Before it was not like this, but now we can see some improvement. We thank the churches for that. We have said that God will work with us as disabled people. I will move on now to the negative aspects. These are some of the challenges we are facing.

In the family area, first of all, it is difficult for people with disabilities, especially the deaf. When important things are discussed by family members, the deaf are left out. Sometimes they are seen like they are not mentally sound. They are not involved in such issues, so they are lost. What we want is that people can be attached, so that we join together as family so that we move together as a family.

Also, in the family, they take other people for higher education. However, some family members consider taking the deaf and other people with disability to high school is like wasting resources. So, they should be informed that all the children should be educated because all of them are from God. God created us all to be the same. Why not educate me like other people? So, when the schools close for holidays, many deaf children are left in schools. Some parents do not pick their children from schools because they do not want them to interact with other children. So, we should get rights awareness, so that parents and society accept us in the family.

In the area of communication, especially for the deaf, when the family has an issue they are discussing involving their mother and father do not involve the deaf person. The deaf child is left out. He does not know what goes on in their family. So, we need the Government to find all possible ways to make sure that all people in the family are treated equally. We voted for the Constitution, but we do not know if it will be fully implemented. We do not know if it will help us. Yesterday I was here and your interpreters came to Kaaga Primary School for the deaf and informed us that we have this hearing. So, we need more support in information sharing and access.

Again, in the family, we have a problem. A case in point is where a family called the chief to discuss an issue with the family. He thought the deaf person was mad and of unsound mind. So, the deaf need an interpreter and the family should be there, so that they understand. Without an interpreter, communication cannot go on. So, when they discuss with the chief without an interpreter, we are left out.

Most of the time, deaf people are arrested without any apparent reason because of lack of proper communication. Our people need to be sensitized about issues of the deaf. So, we have five deaf people who have problems with their family. Some have lost their senses because it is really hard even to operate. So, we recommend that the Government officers see how to solve such problems of the deaf. Deaf girls are really mistreated in marriage. They just stay in the house. They can even stay in their paternal home forever because

they are not allowed to go and marry. So, we need deaf people to get married and have families. They have a right to do so. We know of one deaf girl who wanted to get married. She had met a man. When she got pregnant, the family refused to accept the man. She came to me because I am pastor and asked me why I was not married. One day, my parents will be gone, so I cannot care for them.

The law says that the Provincial Administration and all the leaders should allow the deaf freedom to get married and to have children. So, we expect the Government to encourage this. When a deaf woman is married, the family feels like she does not know what to do. They give them hardships. They do not develop in the family.

When it comes to sharing of land, they are left out. So, the deaf continue to just work in towns. They should be treated like other children who are born in that family. So, when you have children, you must take care of them. They do not even get advice from their mothers.

The Bible says fill the earth and multiply. We want that to happen. In the area of education, many people are not aware about our education.

So, people neglect us. They do not want to pay fees. So, we have advocated so that the parents can be responsible for their children and they can acquire good education. Some families if they see they have two or three good children in high school, they despise the deaf child. They will just keep that deaf child at home and pay fees for the other children, which is not good. So, it is important that they also encourage this child to go to school.

We have an issue about land. There is a very high challenge in this area around Meru. There is one family who beat up a deaf woman. She was told that she does not have a share in that home or land. So, the woman is stressed. We do not know what will happen to her in future. So, the other family members shared her land. The woman is not married. She is a widow. She has three children, but she was not given land. The grandparents had set aside a share for her, but her family refused to give that land to her. Since the deaf cannot communicate properly because of the breakdown, it reached a point where they started beating her. So, she came to Kaaga Primary School and told me she was sick. I asked her what happened and she said she was beaten up by the family members. We went and talked to the uncle, but the uncle was elusive. He did not want to speak about those issues. So, she has had problems. She discovered that she was HIV positive and she did not know who to turn to. So, we ask the Government to advocate for the rights of the deaf. The chiefs and the Provincial Administration must be made aware about deaf people, especially those living in the village.

The deaf people in the village do not have jobs. If they are not given land and they do not have jobs, how will they survive? So, there is a big problem here. The chiefs do not want to hear about the deaf people. I know they do not know sign language, but the chief can, perhaps, tell the deaf person to go and bring an interpreter with him, so that they can communicate. That way, communication will be clear. We will be satisfied with the kind of services we get.

In the business sector, many deaf people have put up their own businesses. We have MCM. We have given people an opportunity to start their own business. So, we have around three disabled organization groups. The blind people have done that, but the deaf people have been left out because of communication problems. So, most offices ignore issues dealing with the deaf. The Municipal Council of Meru has left the deaf people out. They invite those who can speak for interview, but those who cannot speak are left out. Our assistant welfare officer was sent to that person and he was thrown back and forth until he gave up.

So, we need that when we want to start a business in town. When we submit our issues in the council, they should consider us because all people need to live. This business will give me a good life. It will stop me from begging because it is not good to beg. So, with this, the deaf will be comfortable. So, we hope that change will be effected and work well with the council.

We are not able to conduct our businesses. It is not only the deaf who are not able to do business, but also those with physical disability. When they spread down their wares to sell, people splash water on them or they are picked up by the municipal council officers. So, we should set aside a good place for people with disabilities to operate their businesses.

On public transport, this area has a lot of problems. For instance, when you enter a *matatu* and you are a person with disability, the touts are not patient with you. Here in Meru, we have experienced a lot of problems with that. The Matatu Owners Association should create awareness so that our rights are respected.

We have other small towns there which are experiencing the same problem. So, we should have freedom of movement. Sometimes, we are knocked down because we are deaf. I remember a certain deaf person who was knocked down by a *matatu* when he was going to town. The *matatu* people started dodging. The police investigated and found out that the *matatu* crew had a case to answer. Later, I do not think anybody was prosecuted. A certain wheelbarrow person knocked down a deaf person on the street. If I am deaf, I cannot hear you shouting at me to get out of the way. This municipal council has a responsibility to make arrangements in town so that we have a peaceful market. The markets in Nairobi are well planned. We have other markets which are well planned. However, in Meru, we have *matatu* people and people with wheelbarrows and so on, who cause a lot of problems. So, we need the Government through the council to see how they can create a conducive environment in the market. So, they should work out ways of ensuring that we have a smooth way of moving around peacefully in the market like other people. We are all Kenyans.

So, I have nothing more. God bless you.

**The Acting Chair** (Commissioner Namachanja): Rev. Margaret, thank you so much for representing people living with disability especially the deaf. I have a confession to make



to you. I am a Catholic and confession is part of us. When we started the hearings in North Eastern, I used to see this team here, the sign interpreters and each time, I was asking myself, whom are they interpreting for? Why are we wasting a lot of resources in the ground? Could we be having people benefiting from this? I am so happy now that I realize that I was very wrong. That is why I said I have a confession to make. I do not know what we would have done if we came here without them and you have shared very important issues, I do not know what we would have done.

I just have two questions. The first concerns yourself and the journey you have made to be where you are as a deaf woman. Please, share with us about your education, which schools you went to, which training you went to, if any, train to be a pastor. This is just to encourage Kenyans out there; those who are deaf and who think that they cannot make it to be where you are.

**Rev. Margaret Mukami:** I was born in Tigania West and I was lucky because my father was an MP. My father is the founder of Kaaga School for the Deaf here in Meru. My father educated me well from when I was a young child in Primary school to secondary school. I went to Mumias. At that time, Meru did not have a high school for the deaf. My father's heart felt that I should go to Mumias Girls School for the Deaf. I did secondary education and also vocational training there.

From there, I understood how to knit and do laundry. I then came to Kaaga School for the Deaf in May 1983. I started teaching the others on sewing. I continued teaching deaf people. God helped me to get education and later in 1997 some people came from America who sponsored me to go to the Kenya Methodist University to learn theology. From 2003, I joined the Kenya Methodist University to study theology. I did that and got a diploma and then flew to America to do American Sign Language. After I learnt in America, I came back and the Methodist Church gave me a job as a chaplain at Kaaga School for the Deaf.

I have had many training to empower the deaf and people with disability. I have done many other things in the districts to encourage other people with disability to move forward, especially the deaf. I have a project in Kaaga Church in which we make good artifacts. We have *shangas*, earrings and we also sew clothes. We have a deaf person there who is working in that project.

At the district level, I mobilize people. When we have the UN Day for the Disabled, I go there and talk about issues of people with disability. That is what I am doing now. For many years, I have been doing that as a leader. Many people around here know me. I am proud of all that and I am still advocating to see that all the rights are achieved.

**The Acting Chair** (Commissioner Namachanja): Thank you, Rev. Margaret. Have you put the issues you have shared with us on behalf of the deaf or the people living with disability in the memorandum?

If not, I would encourage that at least, you put them there so that we can include them in our historical records that we are writing.

**Rev. Margaret Mukami:** I am working on behalf of the deaf people. I am a pastor for the deaf. I also do welfare stuff for the deaf. I am the person responsible. We have an association called Meru Deaf CBO which is registered by the Government. Our centre is in Kaaga Methodist Church. When the deaf have problems, I am the person responsible for that. If the deaf need education or are infected with HIV, I go and visit them. We care for those people and some in Maua. That is what we do in Meru Deaf CBO. This is an umbrella organization of all the deaf living around this region.

**The Acting Chair** (Commissioner Namachanja): I was inquiring if we received any memorandum from them. If not, could she sit down with you so that you come up with a memorandum to be part of this record?

**Rev. Margaret Mukami:** I can do that. I have not submitted a memo but I can do that. I just came up with a small write-up.

**The Acting Chair** (Commissioner Namachanja): I will admit the write-up now but please, I would request that we get a detailed memorandum from you.

You also mentioned that you have one of your colleagues who is helping you. Where is she? We want her to stand up so that we could see and appreciate her.

*(Ms. Judith Gakii stood up in her place)*

What is your name?

**Ms. Judith Gakii:** My name is Judith Gakii.

**The Acting Chair** (Commissioner Namachanja): Thank you, Judith, for the good work you are doing for the deaf community in this area.

**Ms. Rebecca Mutuku:** Thank you very much, Reverend. You have articulated the issues very well. We thank you very much. Let me give a chance to this woman to speak.

**Ms. Jane Gathomi:** I will not be able to communicate in English or Kiswahili. I will use my mother tongue.

My name is Jane Gathomi from Karingani Location, Chuka District. I have encountered so many problems from 2000 to 2009. We were called for a meeting by the assistant chiefs. We were instructed to carry our IDs so that we could be given relief food. I went to register for the food with my ID. The place we were going was not far from the leader's place. I met with the chief who told us he was the one who called the meeting because the leader was not there. A few people had already gathered there and the assistant chief came with a paper which he has written a few issues. He informed the people that he was not able to read and he had collected the paper from his homestead in the morning.

Somebody volunteered to read that paper. He was called Gitonga. He said that the message could not be read before prayers. There was a volunteer to pray. He was called Njeru. After the prayer, Gitonga read the message on the paper. The message was that I was practising witchcraft and that I was the one who was killing people in the area and those who were disabled. Those who were there stood aside. My close relatives started beating me and then asked me to go and remove the witchcraft. I told them I am not a witch but they told me that the day had come for me to be dead and taken at the mortuary at Chuka.

I told them that in the name of God, I would not sleep in the mortuary because I am not a witch. They had a tyre, petrol in a jerry can and they were saying it is the assistant chief who had bought the petrol. They beat me up and they were telling me to go and remove the witchcraft. They took me to my home so that my children would know that I was about to die. That is the time my children got out. We united with them and my husband and went to the leader's place. There was a hearing of the case. That was around 4.00 p.m. up to 6.00 p.m. When the Assistant Chief came, I said that he had instructed them that he should meet ash yet this person is still alive. He asked me: "Why are people complaining about you?" I raised my hands up and told him that people held me at 4.00 p.m. and called me a witch and they should show you the witchcraft I have. He told me he could not tell.

He moved aside and that is the time the people poured petrol on me. I got burnt and fell down. My husband then came and removed my clothes. The chief was not even bothered. That is the time I asked son my side to take my things home. He took the things home. The OCS came, he took me to the vehicle and I was taken to hospital. I stayed in Chukaa for six months and then transferred to Nkubu Hospital. From there, I was transferred to Kenyatta National Hospital. At Nkubu, I stayed for three months. I also stayed at Kenyatta National Hospital for three months. I was then discharged and people were surprised that I was alive.

The chief had informed them that I was dead. I just kept quiet up today. I do not even talk to the villagers. My life is in danger. I am always threatened that I will die one day although I survived death. I am always depressed and not able to eat well. I have a child they always claim is a terrorist. They claim he commits many crimes around. We even took a case to court and it was heard. The judge said that he never saw the burns, he only saw the beatings. I was annoyed by that. From there, I started inquiring about the rights for women and where those concerned stay. As I was asking for assistance, I went to Embu. One lady saw me and really sympathized with me. She asked me where I came from and I told her I was from Chuka. She asked me if there was no one to assist me from Chuka.

I told her that people who assist women are not there. She wrote for me a note and told me to go to Meru DC's office and look for Joyce Muriuki. I looked for Joyce but was told she was not readily available. By God's grace, one lady was touched by my case and asked me what help she could give me. The lady who had given me this note had

instructed me that I should not tell any other person my problems other than Joyce. I told her that I will see Joyce that is the time I would be contented. The day I saw Joyce, I was very happy. I felt so relieved.

The second day I met Joyce after she called me. I do not know where she called. Joyce told me that we go somewhere which I did not know. She then told me to send this information because there was a sitting for women's right. I did not have any money but Joyce facilitated everything using her own money. She told me to wait for her which I did. We met and I went home. Joyce requested for my mobile phone number. She was shaken by my case.

As I was sleeping yesterday at around 10.00 p.m., I just woke up, sat, opened the window and started scrolling my phone. My daughter, who got out of school in Form Two when I was burnt, asked me what I was doing. I told her I want to say hi to Joyce.

Joyce asked me who was calling. I told her it was that lady who got burnt and Joyce claimed she had made several calls but it was going to somebody else's phone. She requested me to be in Meru today. She told me there are people who want to talk to me. From there, I started borrowing money for transport so that I could be here today.

First, I went to Fr. Murangeri who gave me Kshs200. I alighted in town and slept at my uncle's place and came here this morning.

Thank you.

**Ms. Rebecca Mutuku:** Sorry for that incident. It is very painful. We ask God to give you grace even to forgive the people who did that action to you.

**The Acting Chair** (Commissioner Namachanja): What incident took place in the area that was associated with witchcraft that made people think you are a witch?

**Ms. Jane Gathomi:** There is a lady we were admitted with at the general hospital, her stomach was swollen. It has been swollen for a very long time. I went to hospital before her. She was in a bed next to mine. Their daughter came to tell the chief that I am the one who had bewitched her. The chief agreed with the daughter that I am the one who had bewitched the lady. We are married in the same place and she is a wife to the cousin of my husband.

Because we were admitted with her at the general hospital, they thought of that and the chief was also supporting them.

**The Acting Chair** (Commissioner Namachanja): Does the chief come from the same clan as your husband or cousin?

**Ms. Jane Gathomi:** They belong to the same clan.

**The Acting Chair** (Commissioner Namachanja): You said you were rescued by the policemen, did I hear you say it is the OCS who rescued you when they were burning you?

**Ms. Jane Gathomi:** It is the OCS who assisted me where I fell.

**The Acting Chair** (Commissioner Namachanja): Was there any action taken against those people who burnt you including the chief?

**Ms. Jane Gathomi:** No.

**The Acting Chair** (Commissioner Namachanja): No action at all up to now?

**Ms. Jane Gathomi:** No people were arrested. Even those who were accused of the same are the ones I had mentioned when in hospital. We went with them for a case in a court.

**The Acting Chair** (Commissioner Namachanja): There is a case in court. Are you the one who took the case to court?

**Ms. Jane Gathomi:** The case ended. The judge claimed he saw the beatings but not the burning. The person who was guilty is the one who had the petrol in the jerry can. He was charged a fine of Kshs15,000. If I want to be paid for damages the case should be taken to the court.

Even that Kshs15,000 was left. I was not given anything.

**The Acting Chair** (Commissioner Namachanja): Is it the same sister Joyce who is involved in this case?

**Ms. Jane Gathomi:** Yes.

**The Acting Chair** (Commissioner Namachanja): I do not envy you. I think you have a lot to do in this community. For example, the case of Sister Jane is beyond us since it happened in 2009. Again, link up with Gladys so that she links you up to Edna. Joyce, I am addressing you because you are the one to take over this case again. Sorry, I have to offload it back to you.

Link up with Gladys so that she introduces you to the lady who was here, Edna from the Kenya National Commission on Human Rights (KNCHR) to see if she can assist Jane to ensure that Justice is done. The cases we are investigating are between 1963 and February 2008. This happened in 2009. However, I assure if you can follow up with the human rights group, Jane will get the justice that she is demanding for.

At this time I just want to thank Jane again for travelling all the way to come and share her painful story with this Commission. Sister Joyce, what Jane went through is very

traumatic. You need also to link up with at least the churches to see how she can be counselled as an immediate act for her. Thank you so much Jane and sorry for what happened. I thank you for standing strong to seek for justice, do not give up. Continue seeking your justice and you will get it.

**Ms. Rebecca Mutuku:** Sorry. Time has passed and I can see there are a lot of people. I will ask the one who is speaking next to take just three minutes. I would like your leader to talk because she says she wants to leave.

**Ms. Joyce Muriuki:** My name is Joyce Muriuki. I am the Chair and lawyer of Maendeleo ya Wanawake, Meru and also the Chair, Meru County Women Forum. I thank the Commissioners who are here today.

Before I start what I am going to tell them, I want to say that we were a bit disappointed when the investigators came to Meru. All the women who brought their cases were told to seek advice from their lawyers.

Those are not cases that should be brought before the Truth Justice and Reconciliation Commission (TJRC). Being a mobilizer, I was so disappointed because I was there and I would like to ask those women who were not at Makutano to stand up. Most of them are not here, we have a few of them here. Those women took their cases there and the investigators told them that those cases were not recorded. We were not happy! That is why most of the women who had cases are not here today.

**The Acting Chair** (Commissioner Namachanja): Please, stick to your point.

**Ms. Joyce Muriuki:** Thank you. Coming to the point, I would just highlight most issues that affect women in Meru County.

One of those issues is poverty because of low socio-economic status. There is declining health status of women because they cannot afford to pay for treatment when they are sick. For example, they cannot get the P3s to enable them go to hospital after being victims of domestic violence.

We also have a problem of street children in urban areas.

Inheritance is a problem; because of our culture, women are not allowed to own any property. Wife battering is rampant because a man feels that he has high economic power over the woman.

Women who have left prison are stigmatized by members of the community. We have cases of rape and violation of child rights; for example, the case of Magdalene and others. There are cases of women genital mutilation, especially in rural areas and slums.

There is also forced marriages and stigma to women who live with HIV/AIDS and broken family units, leading to single parenthood and vulnerable children. There is also

the problem of husbands disposing of family property and land without the wife or the children knowing. When these women go to court, there is a lot of injustice done to them.

I have cases of women here who would like to present their testimony in camera because of our culture and security.

In Meru we have Internally Displaced Persons (IDPs); those people who had lived in the Rift Valley and were chased away. They had lived there for a long time and when they came back home, there is nobody to take care of them, for example, the case of Rhoda. We have retention of women prisoners which is an issue here. There is also violation of women rights in decision making.

In Meru we have succession cases where women take charge of the property when their husbands die. Those cases take so long even the women die before they can get justice done for them.

I would urge the Government to waive court fees for women who have succession issues before court. As a women leader, I have come across many issues of women which need to be addressed. A lot of domestic violence has been done to our women and we have one of them here and she would also like to testify. If I were asked, there are some recommendations which I would like to give to the Commission so that those issues are addressed.

One of them is to sensitize women especially on the Constitution and to empower women economically. Past injustices to women must be reviewed and done. There should be sufficient laws on gender-based violence which should be followed by our courts because the laws are there, but the courts are not following them.

Another issue is on the implementation of laws on cultural and social biases against women, which is a retrogressive culture. Those are some of the issues that I wanted to address and I thank this Commission very much for coming to Meru.

Most of the issues affecting the people of Meru touch on land. That is the reason why you are seeing women here. If the matter is not a land issue, it must be domestic violence or sexual abuse.

With those many remarks, Madam Commissioner, I thank you very much. I would like to suggest that this Commission be devolved so that these women can have a place where they will be taking their issues.

Since we have the new Constitution which provides for devolution, I would like to urge the Government to devolve the Commission.

Thank you very much.

I would like one lady to be heard in camera because of the sensitive nature of her testimony.

**The Acting Chair** (Commissioner Namachanja): Is the lady to be heard in camera here? Is she seated here? So, her case was not selected for in-camera because the in-camera hearings are continuing.

**Ms. Julia Kaaria:** How are you? My names are Julia Kairu Kaaria. The problem which I have is as follows: First of all, I was oppressed because of the neediness of my people. After finishing school, I started a business of sewing clothes. It was in 1999 while I was doing business, that one worker of my customer, who is my neighbour, beat me. I reported the matter to the police so that they could solve the problem. The mother, who is my neighbour, said that she had money and she would pursue the case.

Then we went to court to case with her worker. The man was taken to court and she reported me to the civil society. So, I went to Court in Chuka and justice was done and the worker was jailed for four years. I was satisfied that there was justice.

So, the civil suit continued here in Meru. I continued coming here since 1999 and my people saw there was need to have an advocate. The case continued for, one, two, three up to six years, until the first lawyer ate the money. I have the receipts here with. The lawyer had asked for Kshs15, 000 and the last minute when we went to court, he ran away from the sittings.

When the second lawyer took over the case, he started postponing the case. So, the case continued like that until my people felt they had suffered enough. They realized that they were using a lot of money and they could not continue suffering. We went to another advocate and talked to him about the case and he asked Kshs30, 000. I wanted him to handle the case so that I would not be jailed. The woman, who was the wife of an engineer, said that she would teach me a lesson. So, the lawyer said I would pay him after the hearings. The case continued and when the case was taken to court once again, that woman and the worker came and talked to my new lawyer. After that the case was not heard again.

After that, I saw one elderly man who was the chairman of the Truth, Justice and Reconciliation Commission in Meru. He helped me to write a letter to the two advocates and they said that I have lost a lot of money on the case and that I should go on it alone. So, I prayed and decided that I should not pay the advocate, but represent myself.

I did not know how it ended, but I heard that the case ended and yet I have not been served with any documents. I heard about the judgment from the court and when I asked about the documents on the case, nothing was given to me.

I started being sick out of many diseases even now I have a problem with my head. I was told that there is something which was developing and I could not see. I have difficulties with my sides and I am diabetic. I went to a doctor and a counsellor and we talked to the



people at the court and we found out that judgment had not been given; up to now it has not.

We wanted to know how the case was concluded but they told us that the case continued in my absence and I was supposed to pay Kshs500, 000. I have not been served with any document because I was not aware of judgment. I was very sick then, therefore, I could not make a follow up on the case. After that the lawyer died and we had lost a lot of money over the case. I do not want to be involved again.

I had developed fibroids and blood sugar and my stomach started swelling. My people said that I had made them spend a lot of money on me but my stomach had really swollen. I went to the village elders and they talked to my father and mother. Now we are three of us; my sister who is married, my mother and I. They did not want to listen to my case because I do business of sewing. But, I have medication to buy and there was none who wanted to listen to my problem. Even last year, I was forced to go to the chairman of the clan. He came and spoke to them and they did a Harambee which enabled me to finance an operation to remove fibroids.

I went back home to stay with my parents, they said it was impossible because I was well. So, I had to go to the market though I did not have money. By then I had arrears of three months' rent where I was living. I told the landlady about my problems but she did not want to listen to me. My mother also said that I was a grown up and that she had spent too much money on my operations. I lived there and after two months, I returned to my father and told him, since my people had said that they did not have any assistance that they could give me and that they had reached a dead end; I requested him that since I was not married and my real father passed on, I requested for a piece of land to live on. Since God had brought me to the world, He would assist me.

I went back to the chairman who said that my father left a curse saying that a non-married woman cannot get a shamba in his land. He said if my father had left a bigger house to be shared then I could live in one part so that we could not bother each other. So, I got total neglect from my people. Since that time, I returned to the market to find a way out.

In December last year, I have a letter here to that effect, I went to the DO in Muthambi. I told him about my problem, he called my parents and my brothers and told them about my problem. He also came to our home and saw the shamba and told them to do justice to me. They said that it was a curse and nothing would be done to assist me. The DO was not happy and he said that I should go with that letter to the DC's office and pay so that the tribunal could be called to come and give me a piece of land so that I could assist myself with.

I live in the market and no one from home is willing to assist me and they do not want to give me a piece of land. I live with two ladies who assist me. The problems I have gone through make me wonder whether it is a curse or something else. I am a single lady who is not married and I do not have children. There were two women who had beaten me and I reported the matter to the police on 6<sup>th</sup> December, last year. The women told me that I should be collecting human waste from where I live because I am barren. I took a P3

form and reported the matter to the police but no action was taken. In January, I went to the police at Mariba Patrol Base and they told me to wait because they knew their work and, I should not instruct them how to do it. The doctor advised me on my problem and I went to the Officer Commanding the Police Division (OCPD) who told me that I should go back when he calls me. He told the police officer in charge to take me to the OCS. When I went to the OCS, the Deputy OCS was also there, one elder and the women who beat me up were there also. So, they told me to tell them what I wanted them to do and whether I wanted those who beat me to be arrested. I was not pleased the way they were speaking to me. I went to another elder and we went to the OCPD to report the matter again.

I am here because after the OCPD gave us a letter, the matter that I had taken to court was turned around. I was taken to court on charges that I had fought with one of the two women. When I tried to speak I was arrested and I was told that it was a fight. When I tried to give my side of the story, I was remanded in custody for two weeks. I cried in the court and pleaded that justice should be done. From there the case started and as the suit continued, I discovered from the magistrate that the case was to be brought before the court by the police, and that it did not matter where I went to. They were the ones who would decide how the case was to be carried forward.

As the case continued, it caused me a lot of discomfort. My witness, the landlord, is related to the lady who beat me up. The second witness said that since we fought, I should be taken to a psychiatrist. I was taken to the professional officer and when I spoke to her she also affirmed that I should be taken to psychiatrist.

I decided that when I leave I would find out about the law and my rights. So, the police officer started speaking about how I striped in court and, no matter what I did, he was the final person. After the hearing of the suit, they decided that I should go to the psychiatrist and one police officer took me to hospital and I was forced into custody. I lost consciousness in custody and the OCS tried to make me understand. The magistrate also tried to explain to me---

**The Acting Chair** (Commissioner Namachanja): Julia, as you speak here, is the case still before court?

**Ms. Julia Kaaria:** Yes.

**The Acting Chair** (Commissioner Namachanja): I think we have understood your case. Thank you very much for coming to share with us your experiences.

**Ms. Rebecca Mutuku:** Thank you, Madam Julia. Time has gone and I will allow you to speak for two minutes; one person from this side, and another one from the other side. If you will not observe time, I will stop you from speaking!

**Ms. Monica Kananu:** My names are Monica Kananu. I have come here because on 17<sup>th</sup> March, 2002, our children were shot at Magundu by the police on allegations that they were thieves.

When they were taken to the police station, we followed them. We were jailed and later chased away. When our men went to see our Member of Parliament (MP) to show him where they were shot--- So, we went with that woman to seek help from our MP, he did not help us. He told us to go and arrange a Harambee and then report the matter.

There are some people who came from Nairobi and they asked for the homes of the children who were shot and then they were shown. They told me that they help those who are not able to help themselves. They asked me to tell them the story on how the children were shot and I narrated to them the story and they told us that the following day we meet at Safari Hotel, Meru. They had stayed there for two weeks and when they left for Nairobi, they told us that they will call us. We gave them our phone numbers and when we tried to call them they told us that they were in Nairobi and later they stopped receiving our calls.

We decided to go to Nairobi but we did not have money to enable us go to Nairobi. I leased out my land so that I could get money for fare to Nairobi. Then we went to Nairobi though we did not know where we were going to.

When we arrived at Tea Room, we approached one person and asked him where the human rights commission offices were and he showed us the place and we went to Accra Road. We asked to be told where they were staying and we were told that they were not there and that we should go to their offices. We looked for a place to sleep and we came back to Meru the following day. When we came back to Meru, we looked for the letters of postmortem and before they came to do the postmortem on the children, it was realized that they were shot.

The police shot the child on the ribs and they were broken but he did not die. When they realized that he had not died, they came the second time and shot him on the head because he was sleeping as he was drunk. His shoes and identification card were removed so that they could come for him in the evening. When they were coming in the evening, they heard guns shots and they discovered people were screaming at a certain home. We could not do anything, but we called the OCS, Mr. Kamsheke, who answered our call and he told us that we should go to the Showground at Kinoru. We could not go there that day but we managed to go there the following day.

The following day when we went there, we waited until 3.00 p.m. He came and went to the vehicle, opened the computer and showed us the story. He told us we would be called to Nairobi that day or the day after and that our problem was already concluded and we will be called. We told him that we had not eaten for two days. He gave us Kshs500 as I was with my sister. Up to now we have not seen him and we have been calling him and whenever we call him, he does not receive our calls.

God helps the poor and we are asking this Commission to help us so that we can help our children because they died in 1979. He was the one who was helping us and we were thinking that he is the one who will help us. We are asking this Commission to help us

the way we were being given money by our sons. We are asking this Commission to look into these issues and tell us what happened.

Thank you.

**Ms. Rebecca Mutuku:** Thank you, Madam Monica. Sorry, woman, the Commissioners will ask you questions---

**The Acting Chair** (Commissioner Namachanja): Please, you should not refer to her as “woman”. Can you correct that in the Hansard?

**Ms. Rebecca Mutuku:** Sorry, Madam Monica. The Commissioners will ask you some questions.

**The Acting Chair** (Commissioner Namachanja): Sorry, Mama Monica, for the loss of your son in such a way. You said that there were two children who were killed. Could you give us their names?

**Ms. Monica Kananu:** One was called Henry Mureithi and the other one Eddy Mutuma.

**The Acting Chair** (Commissioner Namachanja): Where were they shot and at what time?

**Ms. Monica Kananu:** It was at 9.00 p.m when they were shot. They were suspected to be thieves and yet they had not stolen anything. The other child was of Lucy Kimathi. The boy was drunk and he was being assisted by his friends; they left him at the home of a woman so that they could come back later to pick him up.

The police had been called to where theft had taken place at Njambi’s and the homestead got torched, they saw the child lying on the grass. The woman told the officers not to shot him because he was to be taken away. When they came round that is when they realized he was not dead. That is when they shot him. Even the guns were heard.

**The Acting Chair** (Commissioner Namachanja): Did you report the case to any police station?

**Ms. Monica Kananu:** We went to report, but we were chased away. We were threatened with death. So, we went back crying. That was when we asked for help from our leader, the MP. He told us to arrange for a harambee. So, we told him there is nothing we could get from these children. We went to Nairobi to look for him, but we did not see him.

**The Acting Chair** (Commissioner Namachanja): Which police station did you go to and you were chased away?

**Ms. Monica Kananu:** We went to Mutindo Police Station. However, we did not report because we were chased away. We reported to the AP camp in Meru. We were there for two weeks. They told us that they would help the needy people.

**The Acting Chair** (Commissioner Namachanja): Who chased you away when you went to Mutindo Police Station?

**Ms. Monica Kananu:** Policemen sent us away. They chased us away. Our children were kept outside. It was alleged that they had cigarettes boxes and big guns. However, these were good children.

**The Acting Chair** (Commissioner Namachanja): Do you remember the date that you went to the police station?

**Ms. Monica Kananu:** It was 17<sup>th</sup> March, 2002.

**The Acting Chair** (Commissioner Namachanja): Is this the same time that your children were killed?

**Ms. Monica Kananu:** Those who killed them were known even by the police. When they killed them, they realized that they have killed the wrong people.

**The Acting Chair** (Commissioner Namachanja): So, you know those people who were suspected to have killed your children?

**Ms. Monica Kananu:** Yes, I know them.

**The Acting Chair** (Commissioner Namachanja): There was somebody who claimed he would assist you again. Who was this person? Was he a lawyer?

**Ms. Monica Kananu:** They were human rights officers. They told us that they would help needy people like us.

**The Acting Chair** (Commissioner Namachanja): Do you know their names?

**Ms. Monica Kananu:** I only remember Mr. Kamanda Mushike. The other two, I cannot remember their names.

**The Acting Chair** (Commissioner Namachanja): Have you recorded a statement with us?

**Ms. Monica Kananu:** Yes, I recorded a statement three or four times.

**The Acting Chair** (Commissioner Namachanja): I think we have heard your case. We shall get the facts about the Human Rights officers. We shall try our best also to investigate. Thank you, for coming before us.

**Ms. Rebecca Mutuku:** Sorry, I am sorry for the pain you went through. You have suffered for a long time. Most women have had the same experience. They have

experienced pain in one way or the other. I would ask you to pray to God to give us space to continue to live and to enhance our families.

Please, time has gone. I will ask Commissioners to go and do other work. You will forgive me because I will have to close this sitting for the day. I will pray, if there is anyone of you who has not recorded their statements with the Commission, to see the Assistant Regional Co-ordinator, Madeline. May I ask her to stand up so that people can see here? There she is! Get hold of this lady, so that she can assist you to write statements. You can write your issues so that they become part of the Commission's records.

I would like to thank you very much for your patience and the way you have talked without any fear. I ask God's blessings to guide us together with our families. We are not through until we finish by writing our final report, and to see that your recommendations have been implemented by the Government.

Commissioner, I do not know if you have anything to talk about.

**The Acting Chair** (Commissioner Namachanja): My fellow women, first, I would like to thank you for coming to share your painful stories with us. Whenever we have held women meetings, time is never enough time for us. Some of the stories that you have trusted with us, I know it is the first time that you are talking about them. At times, we would wish that we could continue. But unfortunately, we cannot continue more than the time we have been having. This Commission has a limited time. By May, we are supposed to hand in the report. What this indicates is that we do not have such fora, where we could come and share our painful stories. That is why I would like to encourage women organizations from this region, sorry that Joyce has left, to occasionally create space, where women could meet and share their painful stories. That is the first step towards healing. So, I want to thank those of you who had a chance to speak before us. What you have shared is not just your own stories. Even if we did not have enough time for everybody else, to share, I am sure, that when I sit here and I listen to what one mama say, I am able to relate to what has happened to me.

When you talk about Kiambaa killings, maybe, when you are in Meru, you find it is very far. You think that it is in Eldoret in Rift Valley and you are in Central Province. But for now, you have seen that irrespective of the fact that Kiambaa is far, the wounds of Kiambaa are with us, through mama Roda's story.

We have heard about what people living with disabilities suffer. We shared how, as much as the clan gives us land, let somebody among them realize this is a wasted land. Imagine that a physically handicapped cannot utilize that land. On the basis of that, the land is grabbed from such people. There is evidence to show that this physically handicapped person has properly utilized that land.

On our judicial system, we thank God for the new changes that have come through the new Constitution. Really when you listen to these cases, you wonder what happened to

our judicial system that a common mwananchi cannot get justice through such a system. This is where we are coming from. We hope that this is not going to continue; that a common mwananchi will go to court knowing that he will get justice through such a court.

For the first time, we have been able to get somebody to represent the deaf. Really, come to think about it; are we fair to our deaf family members? As members of the family, where, for example, we have a deaf person, do we even care to learn about sign language? If we do not learn, then how do we communicate with them? No wonder as Rev. Margaret said that we do not care whether to involve them in decision making at family level or not, because if we are not able to communicate with them in the manner that they are able through the sign language, then how are we able to involve them in the decision making? The discrimination, that if we have limited sons in the family, if somebody has to drop out of schools, it has to be a deaf child. They are denied services in the public institutions, just because of the difficulties that service providers find in communicating with them.

Many at times, we hear about people accused of witchcraft. However, today, you have seen it yourself; that a mother is accused of witchcraft and subjected to mob justice, which is never justice at all. It is a pity that it is sanctioned by the local administrator who is supposed to defend this person.

When it comes to the judgement, even as we see the physical burns of Mama Jane, the verdict was that whoever was there never witnessed her being burnt, when the signs are there to be seen. Again, what signs today do they look for? Also with regard to extra judicial killings of our children; when we seek for justice, we are conned by people who claim to be championing the human rights of the community. We feel for you. But what is more important is that those stories will no longer remain with you. You have shared them publicly and we shall do our best to ensure that they are recorded.

For those of you who have shared and for any person who is here, who feels she has a painful story to share concerning the historical injustice we are investigating, and did not get a chance, I would request that you see our statement takers, or regional leader, to ensure that you record a statement. If you are many, you record a memorandum. If it is one issue affecting many people such as the deaf, write a memorandum, so that you are not left out during this historical moment of our country. We also heard that women were not given fair chance, when it comes to selecting statements for hearing; we have taken this on board. We have requested the list of the women and we shall do our own investigation to find out what went wrong.

But for now, I thank you so much for coming to share with us. I would encourage women leaders to continue with future discussions for healing to take place. Thank you so much and God bless you all.

**Ms. Rebecca Mutuku:** Thank you very much, mama Commissioner. We would allow the Commissioner to leave first then we follow her. Please, let us rise in respect of our Commissioner, so that she can leave!

*(The Commission adjourned at 2.00 p.m.)*