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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION ON WEDNESDAY, 13TH APRIL,
2011 AT THE AGRICULTURAL TRAINING INSTITUTE, GARISSA**

PRESENT

Tecla Namachanja Wanjala	-	The Acting Chair, Kenya
Gertrude Chawatama	-	Commissioner, Zambia
Patricia Nyaundi	-	Commission Secretary
Nancy Kanyago	-	Presiding Clerk

(The Commission commenced at 9.50 a.m.)

*(The Acting Chair (Commissioner Namachanja) introduced herself
and other TJRC Commissioners)*

(Opening Prayers)

Ms. Nancy Kanyago: Kama mumelezwa, leo ni wakati wenu. Tumekuja hapa kuwasikiza kwa vile tumepata taarifa ambazo watu wameandika lakini, tumeona kwamba shida ambazo akina mama wanapata hazikutokea, ndio tumekuja. Tungependa kuwasikia. Mko huru kuongea yote. Mnaweza kuongea kwa Kisomali. Kuna wale ambao watatafsiri. Kwa hivyo, ukiona ungependa kuongea kwa Kisomali ni sawa kabisa. Bado tutasikia. Kwa hivyo, kwa sasa nitaalika Patricia ili atuelezee kwa ujumla ni nini Tume hii inafanya.

The Commission Secretary (Ms. Nyaundi): Habari akina mama? Mko wazima?

Akina Mama: Nzuri na tuko wazima.

The Commission Secretary (Ms. Nyaundi): Okay. Ni furaha sana kuwa hapa na nyinyi leo mkiwa akina mama wa eneo hili. Jukumu langu leo ni kuwaelezea kwa ufupi kazi ambayo Tume ingependa kufanya na vile iliundwa. Tume iliundwa mwaka wa 2008 kufuatia mazungumzo yaliokuwa pale Serena. Nafikiri tulisikia ya kwamba kulikuwa na vita vya kisiasa mpaka Jumuiya ya Kimataifa ikahusishwa na Kofi Annan akaongoza wengine wawili wakiwa Graca Michel na Raisi wa Tanzania. Walikaa hapa Kenya na viongozi wanane wakazungumza. Mwezi wa Februari walisema kuna shida nyingi hapa Kenya ambazo zimetutatiza na ingawa tunataka kurekebisha Katiba na korti zetu, ni lazima pia tutazame pale nyuma kuanzia mwaka wa 1963. Yaani, ni makosa gani yamefanyika tangu 1963 hadi Februari 2008? Lengo kubwa ni kama taifa, tuweze kuwa na amani, umoja na tependana na tusonge mbele kama taifa moja. Ndipo waliweka sahihi na wakasema lazima tutaunda Tume ya Ukweli, Haki na Maridhiano. Hapo mwaka wa 2008 Disemba, sheria ikapitishwa kuwe na Tume hili. Lakini mazungumzo ya hii Tume hayakuanza 2008. Hapo 2003 kulikuwa na Task Force. Mwenyekiti wake alikuwa Makau Mutua na wakazuru taifa nzima hata hapa Garissa. Swali ambalo walikuwa wanauliza

wananchi ni: Je, mnataka kuwe na Tume ya Ukweli, Haki na Maridhiano hapa Kenya? Swali la pili lilikuwa: Kama mnataka tuwe na Tume hiyo, basi itajihusisha na maneno gani? Kwa hivyo, hiyo kamati ya Makau Mutua ndio ilipeana jibu kwamba: Ndiyo, Wakenya wanataka Tume ya Ukweli, Haki na Maridhiano na hii Tume lazima iangalie kuanzia 1963 na kwa sababu kazi yao ilikamilika 2005, walisema hadi 2005. Kwa hivyo, ilikuwa rahisi sana wakati hapo 2008 tulisema tuwe na hii Tume, wakaongeza miaka mitatu. Kisha tukasema hii Tume ni lazima iangazie haki kwa ujumla. Itaangalia maneno ya mauaji, kufungwa bila hatia, vita za kisiasa, kama tunakula na kama Wakenya wanapata haki ya maisha inayofaa, vile tunaishi, nyumba zetu, shule ambazo watoto wetu wanaenda, haki ya kuabudu. Kitu cha muhimu kwa kikao hiki ni kuangazia haki za wamama. Tume ilisema lazima pia tuangazie haki za wamama, watoto na walemavu. Kwa hivyo, Makau Mutua na wale waliokaa Nairobi 2008 walikubali kuunda Tume hii. Hiyo sheria ilipopitishwa, wakatangaza na kufuatia hapo, makamishina wakaajiriwa. Kwa wakati huu, kuna makamishina saba. Wakati huo, sheria ilisema lazima kuwe na kamishina tisa. Nadhani mmesikia vile Tume hii imekuwa ikivuka kila pahali. Kati ya hawa makamishina saba, kuna watatu ambao sio Wakenya. Moja kati yao ambao sio Mkenya ako hapa. Anaitwa Judge Gertrude Chawatama. Yeye ni mzaliwa wa Zambia. Na ninapomtazama, leo mtamuita Fatuma ama jina lingine ambalo mtachagua kwasababu naona sura yenu na yake sio tofauti. Tumemuambia akimaliza kazi yake, hakuna haja arudi Zambia. Kuna watu hapa ambao wamemfanana na wanampenda. Kuna wengine wawili wanaume. Moja anatoka Amerika na mwingine Ethiopia. Mkipata nafasi kwenda Garissa Library kesho kwa vikao, mtaweza kuwaona.

Halafu kuna wanne ambao ni Wakenya. Anayeshikilia kiti cha mwenyekiti ako na sisi hap leo. Anaitwa Tecla Namachanja. Mnaweza pia kumpa jina la hapa. Halafu mwingine wa kike ambaye anaitwa Margaret Shava, halafu Ahmed Farah na Tom Ojienda. Tuko wa wakike watatu na wanaume wane. Mkisikia hivyo, mnaona wanawake wako na uzito katika hii Tume. Hii Tume iliamua mwanzoni ni kwamba ni lazima wanawake watapewa nafasi yao. Mkiwa mmefuata mambo hapa Kenya, mtaona haijakuwa desturi kupatia wanawake nafasi. Nyinyi ambao mmepigania haki za wamama, mnajua ya kwamba wanawake lazima wapiganie nafasi. Saa zingine mnapata wanawake wanaenda kutembea kutoka Uhuru Park na wanaenda kulala mbele ya Bunge. Katika vita vya katiba kule Bomas, ilikuwa desturi ya wanawake kupigania katika kila tent na kusema hili ni neno letu. Hii Tume ilisema nafasi mtapewa. Kwa hivyo, kwa kikao kama hiki, lengo kubwa ya Tume ni kwamba nyinyi kama wanawake, mshike hii nafasi ambayo mmepewa na muitumie kwa njia inayofaaa. Hii Tume sio kama zile tume zingine. Haichukui maoni na kupeana kwa ripoti. Tume hii itachukua maoni yenu pamoja na mapendekezo yenu. Wakati ambapo itaandikisha ripoti yake, sheria inasema baada ya miezi sita, lazima Waziri ambaye anasimamia maneno ya haki, ataanzisha utekelezaji ya ripoti hii. Kwa hivyo, hii ripoti lazima itatangazwa kwa magazeti ikionyesha vile Wakenya waliongea na haya ndiyo mapendekezo yetu. Tume hii imepewa amri ya kuunda jopo ambalo litasimamia utekelezaji ya mapendekezo yake. Kwa hivyo, baada ya ripoti kutoka, katika muda wa miezi sita, sheria inasema lazima hilo jopo liundwe na lianze kazi yake. Halafu kila baada ya miezi tatu, Waziri atakuwa lazima anaeleza Bunge kwamba hii ndio hatua tumechukua ya kutimiza mapendekezo ya Tume ya Ukweli, Haki na Maridhiano. Ikiwa mmelewa, tuna nafasi kama Wakenya na nguvu ambayo tumepewa ili tuweze

kurekebisha vile Serikali inafanya kulingana na wananchi. Kulingana na hii sheria, ikiwa mapendekezo yetu yatatimika ama la, kila kitu kiko mikononi yetu. Kama akina mama, tutapigania haki za watoto, wandugu na mabwana wetu. Kwa hivyo, jukumu letu kubwa ni kuhakikisha kwamba yale maneno mazito, ni lazima Tume iyasikie.

Neno la pili, ni tusitoe kilio peke yake. Lazima tuseme hivi ndivyo tunataka irekebishwe. Tume itaweka hiyo katika ripoti yake. Hatutaki Tume irudi Nairobi na ipeane mapendekezo kwa niaba ya wanawake wa Garissa na nyinyi ndio mnajua mnataka nini. Hawa ni watu wamesoma sheria. Huyu nu jaji na Tecla amepigania miaka nyingi ili kuwe na amani lakini hawawezi kuelewa desturi na vile mmekaa hapa kama wamama wa Garissa. Nyinyi ndio mtatupatia mwelekeo ya kwamba kulingana na mila yetu na vile tunakaa hapa, ikiwa kutakuwa na mabadilisho, tutapitia njia hii. Hii ni kwa sababu tunaweza kwenda huko na tuseme kulingana na sheria tunazozielewa.

So, you should give us ideas so that we mix the ideas of the Commission and those of the Somali culture and whatever we are saying is something that has happened. So, my work was to explain to you the work of the Commission and how we would like to do our work and later, we will talk in length. Now, I would like to welcome Sylvia Kitoto from Coast Province. She is the head of the Commission in Coast Province. I would like to give you one secret. When we sat as Commissioners and we started praying, we said that they had bad luck because they had given us three women who are Commissioners and I was given the job as the Chief Executive Officer. Today, we have said that our luck has come. We must see to it that we give leadership to our women. So, the head of Coast Province is a woman. The head of the Rift Valley is a woman. The chair of the panel is Nancy Kanyago. The assistant chair of Northern Eastern, who is outside, is Abdinoor but his assistant is Wario. When she comes back we will let you know. The head of Nyanza and Nairobi is Robin and she is a female. Should we give you a list of the people who work for the Commission, you will see that--- This is a secret. Do not say this. We would like to tell you that you as women, when you talk about your issues, they sit on them. They will give your right word. They normally say that other commissions have been here and they have not helped us. So, I would like to ask you. If the person in charge is a female and we have three women Commissioners and others are female, we as women cannot assume and say that this Commission will not help anything. So, my sisters, I would like to shorten the job of this Commission. We as women should talk our words so that they reach the Commission and it will implement them.

Ms. Kitoto: Thank you very much. I am so happy today to be before you and to talk with you the way Ms. Nyaundi has said. So, I beg you, give us your views and minds in front of the Commission so that the voices of the women are heard. So, before I start, I would like to teach you one song and there is some dancing that you will like.

(The women sang)

I will talk about some few topics. The statements collected all over Kenya are about 30, 000. They touch on issues which we see as women of the Commission, as affecting the women of Kenya. These views have not been talked in detail because the women have

not come forward to explain. Some of them are like violation of human rights that is so much in this area. There is also tribalism and the culture, family planning, forceful pregnancies and forced marriages. We, as women, when we look at our young girls, we do not feel good when we give them to old men. So, we would like you to explain to us what has happened to you so that, as the Commission, we can be able to write about your views. You can provide someone from your area to tell us what happened. So, I do not know who would like to start talking about these issues. So, do not be afraid. Just say. We are all women. Be open and do not fear anybody. Do not fear anything. We will try and console each other and go on with our work.

Female Witness: Because we have been asked to talk about marriages of young girls, when it comes to matter of marriage, it is a culture that happened a long time ago but it has not come to an end because of some problems. First, Islam culture says that a lady must get married early. The second is that, nowadays, people are educated and that is why ladies do not get married early. They go on with their studies and parents say: Since I have educated my kids, they must pay back what they invested in them. This is different from those who are from other places. Therefore, I say thank you.

Ms. Kitoto: Thank you. Have you heard how she explained? Is there anybody who would like to talk on that? Mum, in respect of your age, explain to us about early marriages. Maybe, you have children and you are told to have more children. You can also talk about family planning and any intimidating thing in your culture.

Ms. Fatuma Omar: My names are Fatuma Omar. This issue of early marriage is sometimes not of Somali culture. Sometimes we get children from poor families getting married to richer elders and this is the main problem. The other problem is when we have very young children with no father to take care of and, therefore, they decide to get married in order to be taken care of. I do not think that young girls will be well taken care of by the elders. There are so many ways that we Somalis pass through but our girls and boys have gone to school. The main problem is that many girls in this area might be unable to continue with their education. So, when they find elderly men, they decide to get married to them. So, my view is that girls should go to school and not only go to school but they must work hard. I have five girls and I have taken them to school. The elder ones have finished and some are in campus. So, our main aim should be that we ensure that our girls go to school so that we can have doctors, teachers, district commissioners and so on. Those are my views.

Ms. Kitoto: Do you all agree with our mother that so many issues have been left out because of education? She says that there are so many ladies who are not able to go to school because of not passing well so as to go on with education or because of other issues. So, you as a parent, you view such girls as burdens. Those are my views but I would like to hear your views. Are there any additions?

Female Witness: I would like to add on what *Mama* Fatuma has said, that we like giving our girls a lot of work to take care of children and boys are left to play. At times, our girls are given homework and they are not able to do it. So, our ladies who are here today, I

would like to tell them: Give our girls the education rights like those that we give our boys so that they can continue with their education. So many girls have gone to school. I would like others to go to university. Others have passed but do not have the fees for university education. So, I would like to plead with fellow women to take their girls to school. Let us come out of darkness and educate our girls.

Ms. Kitoto: Thank you so much. I think our mum has talked about important issues and so as women, we should put an effort and make sure that we give our girls a chance to go to school and be educated. As our mum has said, it is important that even when the girl is at home, she must work because we are told that as women, we must be able to learn domestic chores. We should also give them time to do their homework. So, we should give them equal chances like the boys.

Ms. Fatuma Omar: I want to talk about family planning. If we give birth every single year, there will be problems. I want to tell North Eastern women that family planning is not forbidden because it is good for the woman and child. It helps the lady because every two years--- The girls need to be told about family planning because if they give birth every year, they will have problems. Some of us are still giving birth and so are our children. The main problem with our women is giving birth. Even when you have a small girl, they talk about family planning. Some want to avoid family planning because of religion. Religion does not stop you from family planning. You should practice family planning for three months in order to give your child enough time to breast feed, so that your child can grow well. Sometimes, you are sick and in the hospital over-bleeding and so there is no good work that you can do. So, when you are all the time on maternity leave, the employers will not be happy with you since you are always giving birth and earning a salary. So, our women should continue practicing family planning so that we go on well.

Ms. Kitoto: We are very privileged to have *Mama* Fatuma because she has talked of very important issues that must be considered because looking at the current situation, very many things have happened. Life is expensive and technology has come in and so many other good things. So, seeing *Mama* Fatuma in North Eastern will really help us as women. I would like to challenge her to see to it that she educates all women on all matters that she has talked about. I think that so many people here understand what she has talked about. It will be good when we understand and teach our children and girls. When we start from here, we will find that our issues will be addressed as mothers of North Eastern. We will find many schools and other good things.

The Commission Secretary (Ms. Nyaundi): The issue that we would like to address in this hearing in this area is when talking about parental rights, you as women, it should not be your own history but, maybe, you have heard from other women. If a woman needs family planning pills, are they easily accessible? When you get them, are you given instructions on how to use them? Another issue is that when you want to fall pregnant, are there enough clinics or they are too far? When you go there, do you get a qualified doctor who understands parenting or are you treated by the same doctor who treats other ailments? So, concerning the fee paid when you go and get treatment, do you understand

that NHIF does not pay fees for clinics? So, you as women, are you able to get assistance when you need it or when you are pregnant? We would like to continue with pregnancy. When you are ready to deliver, is the delivery place near or do you have to start one week earlier?

Is the hospital too far that you have to give birth at home or is it that the culture of the people of Garissa is to deliver at home? When you deliver at home, do you get the necessary assistance from people who understand in matters of giving birth? Who really delivers you? We want you to give us those explanations. Once the child is born, during those three days, can you get a doctor who knows how to take care of young children? Do you speculate and say that if the child is healthy, well and good? We would like to talk about those issues. Do you as women have the power to say that you do not want to give birth very soon? I know about where I come from. When I went to hospital and told the doctor that I wanted to stop giving birth and asked him to put some birth control measures in me, he asked me to go back home and talk to my husband. He even asked me to go and come back with him to the hospital. The doctor told me that I must have my husband's consent on whether it was okay for me to stop giving birth. When I talked to my husband about it, he told me that I could not stop and that women who have stopped giving birth have a reason for stopping. The men think that when you say that you want to stop giving birth, this is because you want to start roaming about. I would like us to talk about issues concerning family planning. For example, when you want to take pills, do you take them on a personal level or do you have to seek consent from your husband? Do you seek permission? Is it possible for us as women to stop giving birth or is it prostitutes who have to stop giving birth?

I would like us to hear from you women. There are many hospitals which cater for family planning as mentioned. Do you seek permission from your husband or do you just consult your doctor? Those are the issues I would like us to discuss. Explain to us whether these issues are readily available and whether they are accessible to you?

Ms. Mariam Mahamud: I would like to talk about the culture of women. We are from a Muslim community. The religion tells us that we should give children a space of two years before you get a second baby. We know that is the law of Islam and we take into consideration our health issues. We have to take decisions which are good for our health. If we were to have many children, we would be poverty stricken. God gives us wealth. In our daily lives, we have to cook and take care of our children. We also have to take care of our bodies. We must realize that the problems we suffer as women are not experienced by men. If your husband dies, it is up to you to bring up your children. The only other person who can help you is your mother. Even if your husband is there, you will find that some men do not even bother. Mostly, we are the ones who take care of our children. Men do not know how we bring up our children. They wait until children are completely grown up. As women, we have to thank God for these opportunities because someone has decided to care for us. Previously, we would not have such an opportunity. We know about our grand children, our mothers and many other women who have brought up children on their own. We have to thank God because men do not step on our heads any more. If we went by religion, we would lead a good life. Women must be very serious

about these matters. We have brothers and sisters. Our grand mothers are very old. They used to have only one piece of cloth and would be beaten by their husbands and still carry out all household chores. Today, *Allah*, the King, has given women an opportunity to look at their rights and do something about it. For that reason, I will request that you give us justice. As women, we have to improve our status. A Christian woman is a lady and Muslim women are ladies. The only difference in us is the religion. We are all women and have to help each other to improve our status as a whole. I would like to thank these ladies very much and to continue with the spirit of waking up to fight for their rights. I would like to request every woman to take part in everything that improves our lives. Ms. Fatuma talked about the problems women face while giving birth.

It is good if we educate our girls and improve their status. My mother got me out of school because she thought that I would become a prostitute if I went to school. So, I had to drop out. I thank God because I went to *Quran* classes. Although I was attending *Quran* classes, I was stopped while the classes were still ongoing to go and work for my grandmother. When I remember the women I was with in that class, tears flow from my eyes. Now, we have to look at our children, work together and remove the pain that we suffer. When we talk about family planning, it is because we know that it can help us. If we are to follow what the *Quran* says, space children with a two year gap, then we would not need to take the family planning pills. I thank the Commission.

Ms. Ahmed: People of North Eastern Province, do we have a problem or not? Secondly, do you remember what happened in 1997 about birth certificates? Are you sure about being a Kenyan? What do you feel when your brother is from Somalia? Imagine when your brother is in Somalia but you cannot welcome him. While I was going to Hola, I was asked for my identity card. The rest of the people in the bus were not asked for their identity cards. I was the only one discriminated against since I am a Somali. Although I was going to Garissa, because of the way I look, I looked like a Somali. Although we say that we are going to Kenya, we are still Kenyans. We are stopped everywhere we go.

Why can we not be identified as Kenyans? We are stopped by the police everywhere we go and the police arrest us all the time. Our children are taken out of the province for education, although most of them do not have birth certificates. Our children are not interested in attending schools in Garissa because the schools in Garissa are not the same as the others in the country. The first teacher to arrive at the school comes in at 10.00 a.m. Let us not hide the truth. Why are our children who are 13 going out with men? We know how we were brought up. When we are talking to our fathers, we enjoy ourselves. When I was pregnant, I had to run around because there was no medication or anything. We were talking about massacre. However, these kinds of massacres are there on a daily basis. They happen because our birth certificates do not say that we were born in Kenya. They say that we were not born in Kenya. If one is born in Mandera, you cannot come to Garissa and take an identity card from there. What is the difference between Mandera and Garissa, apart from Wajir? My birth certificate cannot help me. I have to go to Wajir to get a birth certificate for my children. What am I supposed to do? Am I supposed to go and get birth certificates for my children and pay for transport instead of using that money to take my children to school? We are asking the Government to change this. We

want to enjoy our rights. If we are not Kenyans, we would like to be told that we are not Kenyans. But if we are Kenyans, they should not pretend about it. They should let us enjoy our rights.

Ms. Ahmed: I want some more details on what happened in 1997?

Female Witness: We have many problems here in Garissa. First, we have one district hospital which serves North Eastern Province; Garissa, Wajir and Mandera. The hospital does not have enough facilities and doctors. We only have one or two doctors available. There is no section for women and when a woman is taken there, she has to wait with other patients who are suffering from tuberculosis, malaria and other diseases. We do not have a gynaecologist there and we suffer a lot. When a woman goes to hospital, she has many problems that she cannot explain to a male doctor. As a patient, you have to explain your problems to the doctor. We do not have small clinics but private hospitals which you have to pay before you are attended to. Very many people have been bereaved or have become poor because they could not pay their hospital bills. We are told that there is cost sharing in hospital bills. However, once you are sick, you have to pay full fees for the medicine and consultancy. There is no single hospital where you are treated for free. You have to buy your own medicine. Sometimes, you can be sick but without any money to buy medicine. Once you go to those hospitals, you will find that medicine that is meant for public hospitals is distributed to private hospitals.

The only medicine that you will find available is the one that treats malaria or headache. Any other medication may not be available. We are given drugs which are worth Kshs30. Secondly, family planning is about talking with your husband and agreeing. You cannot go to a hospital as a person and decide that you will stop giving birth. We are told that it is illegal for us to stop giving birth. At times, as women, even if you are sick, you are expected to give birth.

The other issue is about schools. We have few women who are going to school. However, when you visit our schools, you will find between 50 and 100 pupils. Therefore, we are forced to go to private schools which are expensive. Recently, children who had been taken to private schools got problems. The marks they got determined whether they were to go on with school or not. My son who had not scored less than 400 marks in a public school was taken to a private school where he scored 360. He did not get admission to a secondary school since he came from a private school. The child has not gone to school for three days now. Very many people have taken their children to universities. However, when you do that, you struggle on your own. We do not have scholarships. However, the CDF money is not enough and the funds are insufficient. We have others who are helped using the CDF but others are not helped. However much they try, the funds cannot be enough.

We as women have land issues. We cannot farm on the land that we have. The Government should help women access areas to farm and farm equipment. We do not have tractors or any other farm inputs.

Ms. Ahmed: Mmezungumzia mambo mengi sana kama vile vitambulisho, birth certificates na mambo ya hospitali. Pia mmeseme kwamba hakuna daktari ambaye anashughulikia mambo ya akina mama. Maswala ya elimu yametajwa na mambo ya mashamba pia. Haya ni mambo ambayo tunazingatia katika jukumu letu. Tungependa katika kufafanua, mama atuelezee kulitokea nini. Nafikiri alielezea lakini hakufafanua.

Ms. Margaret: In 1997, I was in Garissa Primary School. Our parents would be beaten up and taken to Garissa Primary School. We, as children, were also beaten up and taken to the school where our parents were detained. We were there for three days. People were beaten up while others were raped. Others were killed and up to date, we have not found their dead bodies. During that time, we were told that there was a group that would remain here and another one that would go out. Our names were called out and some of us were shortlisted to be taken out of detention. Others remained in detention. When we were released, we found that our houses had been raided. Our utensils had been carried away and our properties stolen. That is all I can remember.

Ms. Ahmed: Ni nani anayejua zaidi?

Female Witness: Before I talk, I would like to apologize for coming in late. I was a bit late and I am sorry. Secondly, I would like to know from the Commission, why did we come here?

Ms. Ahmed: We are talking about issues where you feel that you have not been treated with justice. We cannot attain reconciliation without finding truth and justice. I do not know whether you have another question.

Ms. Habiba: My name is Habiba. I was born in Garissa. I have gone through very many problems in Garissa. Although we call ourselves Kenyans, going by what we have gone through, we are not treated like Kenyans. In the year 1997, when I was young, that is when we went to the village of Jaribus. By then Garissa was fenced and there were only three outlets. One was through the bridge while the other was through the police gate. On the outlet through the police gate, there was a *shifita* who once released a bomb that blew up a police vehicle and the occupants died. Among those who died were our grandparents and our husbands. At that time, whatever happened was done by a *shifita*; a bandit. We were beaten up and raped in the school field at Mdogo School. Our husbands were killed and our properties stolen. By then, I was about six years old. I was a child and did not know very much. I remember when I was very thirsty. I would go and fetch water through the fence. There was a policeman whom we called a home guard. He once followed me, took my water and poured it. I wanted to give that water to an old woman. The properties of my grandfather, camels and goats were taken away. Later on, we shifted to Somalia. We were then asked to come back to Kenya after a while because Kenya was our country and we could not stay in a country that was not ours. When we came back to Kenya, we were identified as *shifitas* and from that time up to now, we have never been viewed as Kenyans. Whenever police officers see us, they sit us down and ask us questions. You cannot ask them a question regarding what you have done.

By that time, there was a man that I knew called Abdi. This man was an illegal poacher who came from Somalia. When he came to Kenya, the Government officials told us to identify him. We could not identify him. There was a nearby bar owned by a Kamba man called Paulo. Paulo and the bandit were involved in illegal business. At that time, there used to be many robberies involving money. Those people had money. When the police came looking for him, we were all told to go to Garissa Primary School. We were put into groups and after a day, children and women were asked to go back home. Men were forced to remain. The men who remained there told us that they were forced to drink their urine. A curfew was then slapped on us and at 6.00 p.m., no one was allowed to be outside. By that time, I was in Garissa. I wanted to go home. I was taken by the police and put in custody. Some women that I was caught with died. Others were killed but their bodies have never been found. People did not even ask themselves what had happened to the other person. We had an area Member of Parliament who wanted to have his father released from police custody but he was told that even if he was a Kenyan, his father was a Somali.

I was just wondering why can we not be referred to as Kenyan Somalis? This situation is very painful because we do not enjoy peace as Kenyans. I was born in 1957 and I have my grandparents who were born in Somalia. There is no single day when a person from Somalia will be considered to be a Kenyan. That is according to the Kenyan Government officials. This is very painful and hurts us a lot. We are moved to tears when we think about it. It is only fair that if you are willing to help us, you help us with the current issues and leave out the past issues. The Kenyan Government has already made up its mind that a Somali person cannot become a Kenyan. With regard to identity cards, before we got Independence, there was a blue identity card that was given to people. My dad has that identity card. My grandfather also has that card. When the real identity card was introduced in Kenya, it is only men who could access that card and not women. During the time of issuing of identity cards, I could not access one. I have a Kenyan birth certificate.

My name was recorded there in the hospital, but not as a Kenyan. I was wondering why my child should not be a Kenyan if I am a Kenyan. If my father had an ID, why is my child not a Kenyan? We really feel painful. Whatever you are reminding us is hurting us. We have children who have finished Form Four, but they cannot get IDs. They cannot go to college because they do not have IDs. They cannot cross the bridge. Recently, I went to Nairobi by bus and at the bridge, all the people were told to alight. The Sergeant who was there was talking to a Somali officer. The officer identified the three of us and told the Somali officer to talk to us. He told us to identify ourselves, but we were adamant and did not give our ID cards. When we refused to give our ID cards, the police was mad at us and asked us why we were talking that way and I said that I am a Kenyan and I have a right. A person intervened and said that we are all Kenyans. We are taken as fools and people who do not care. If we were in our rightful senses, we would have gone to Somali because we have been tortured enough. Why are we discriminated against? Are these two Kenyas or one? We cannot understand. We are told that there is a Constitution, but it takes care of other Kenyans, but not the Somali. We do not understand. We are blaming ourselves and we continue to blame our leaders because if they made noise in Parliament,

the discrimination would have reduced, but it seems like they are fine with that. We are very bitter beyond limit. My two grandfathers were killed by the police. One was a Kenyan police and he was killed after a misunderstanding.

When you talk about these issues, this reconciliation brings back the bitter memories that we had. We have so many problems. I saw a lady being locked in the house in Garissa Primary School with seven children and the house was to be torched. There was a vehicle full of police. I told them before they could burn those children, they start with me. I asked what was wrong for somebody to burn the seven children. I was bitter and I had to intervene. I was allowed to open the door for the children. I saved so many people and we were told to go.

We, as Somalis, cannot believe you. Whatever happens, we see as if you are still eliminating us. We were brought up with bitterness and hatred. We were discriminated by the Government of Kenya. We do not know if there is truth and reconciliation. We would like to see if we will be helped to realize those goals.

Concerning the issuance of IDs, most of our youths do not have them. We are told to go and choose a sitting that identifies people in different categories. There are chiefs, who are leaders of this area, the DOs and the registration officers. They deal with those people who are corrupt. They do not give you the Kenyan ID. I am speaking the truth. The ID is sold. We Kenyans do not have IDs. You hate the Kenyan Somalis. Somalia is a neighbouring country. They are our fellow Somalis. Why are the Somalis from Somalia allowed to have their rights? We Kenyan Somalis are denied our rights? When I flash back, I really feel bitter. What matters is money. However, this money is the cause of our problems. If you really want to reconcile people, you have to follow these proceedings and make sure that our children get education. A list has to be taken to the DO, the DC and then the DC who will allow the issuance of the IDs. The people who have been issued with the IDs are people who have bribed. If you need to get an ID, you have to give a bribe. I was called four times to be a member of the committee that deals with IDs, but I refused because I knew the problems I would have faced. There is no justice. We beg that if there is a Government that really cares for us, the restrictions on IDs should be changed and look into the issue of the Kenyan Somalis. We have more problems than any other Kenyans.

Ms. Amina Osman: My names are Amina Osman. I was born here in Garissa. My father was a businessman. Some women can identify me because I went out of here when I was young. My father was killed in Garissa and until now, we have never buried his body. He was dumped. My mother is a businesswoman. She has raised us with so many problems. After my father died, she had so many problems of bringing us up and educating us. Our houses were burnt and we had to work for other people to be educated. My mother got so many problems and we are known all over Garissa because we had a big shop in Garissa. I thank my mother who took me to school although we had a lot of problems. At the moment, my mother is sick of arthritis. The doctor says she got the sickness because of stress. She was shocked. My mother is disabled because of arthritis. Nowadays, we are on and off the hospital. That problem came about after my father was killed. My sibling

sister got meningitis due to stress. She died in 2001. Our father was killed when we were still young. We were not yet through with primary school education. We never saw his body and we do not have brothers to help us. Many women know me because I was assisting my mother in her business. We Somalis are tribalists. I went to Garissa Primary and Neb Secondary. However, when I apply for an ID, I am asked all sorts of questions. I am asked about my origin, tribe and my identity. These are people who know my origin. I was born here and went to school here. I was given an ID by a Kikuyu who did not know me and who was a DO then in Central. I was born here and my mother is a big business woman. Long time ago, many women did not know about business. They learnt it from my mother.

Our main problem is that we should do away with tribalism and educate our children. There is racism among our people. The issue of saying this one comes from this tribe or clan, will not help us. We are all Kenyans and we should be treated as such.

I am very grateful to this Commission that has come here because it will educate us. You are highly welcome here, Commissioners. I really appreciate your coming here. You will help us because women can help each other.

Concerning education, girls born in the North Eastern and Coast Provinces do not have enough time to go to school and do their homework. When they come home from school, they have a lot of chores to do. I thank my mother, who did not go to school, but because of the idea of business, she took us to school. I am so proud for what she did for us. She has brought us where we are. My mother is a cleaver woman because she took me to school. I appreciated the fact that a girl child has to be educated. I would like to encourage us to love each other so that we can prosper.

In this area, many children are dying of pneumonia. There are many doctors, but many women have assumed that there are no medicines and physicians. Because of that belief, many of us do not take their children to hospital. Many Somalis do not like getting tired. They are so lazy. They are impatient and cannot queue and wait for the doctor. Many women prefer to go to private hospitals because there are no queues there instead of taking their patients to general hospitals where there are physicians.

We are grateful to the Commission for coming here. We would like to let you know that we have really suffered and have lacked the parental love. We have suffered lack of education and many other problems, but we appreciate Amina and Namachanja. We believe that you will help us get education. I thank God for bringing all of you here. I believe that you will help us greatly. My name is Amina Osman.

My father was killed in 1980 when I was a child. I remember that there was a chief who was pointing every house that was to be torched. My mother has the right story. The chief is the one who pointed the houses to be torched. Our door, up to now, has never been remade. It is has marks of seven bullets as evidence, so that people who want to go and see can go and see it. My father was killed and his body dumped into the river during the *shifita* war in 1980. He was a mere businessman. He was killed at 4.00 in the morning and

people were jumping over his body. We were all found sleeping in the house. The whole of Garissa was burnt and before they reached the town, the first person was my father. The bandits were being escorted by the police and the chief. The chief who was doing this was Sharif Abdi, who is still alive today. He is the same chief who denied me an ID. We have a lot of problems as women. I would like to thank you, women who have come here, because you encourage us a lot.

Female Witness: I remember it was in 1984. On the eighth day of the second month, Kenyan Government officials came to my house and three of them raped me. It was in Wajir in 1984, February, the eighth day. They came to my house and massacred all the people. However, I will talk about what happened to me. As I said, Kenyan Government officials came to my house and three of them gang raped me. After the rape ordeal, I sustained injury on my back. I screamed to call people, but they hit me on my cheek. You can see the scar up to now. I was bleeding all over like water flowing in a river. One after another, they raped me without mercy. I remember they came from the military barracks. I could not do anything about it. I did nothing to warrant such attack. As I woke up early in the morning, they came with their guns firing and we knew nothing about it. I had three sons. One was in class three and another one in nursery school. The other one was in class five. At 11.00 a.m., I was beaten up.

When they finished raping me, they started burning houses in whole village. They burnt my house. We did not know what happened or caused this kind of attack. But we knew that it was the Government that was behind it.

I want to know why they did this to me and the rest of our people. My brothers, father and grandparents, all their houses were burnt down. I do not have a family now because some of my family members were taken to the field to be killed for no apparent reason. They did not even bother to tell us what reason was behind this kind of attack. All they did was come and kill us, burn our houses and other wealth and rape us. Up to today, nobody bothered to talk about what happened. I was not the only one who was raped, but many women in the village were raped. Children were killed and men. A lot of innocent blood was shed that day. Up to today, I remember it very clearly. They violated our human rights. However, nobody has bothered to ask about it or even do anything about it. We thank God today, because finally the Government has established a Commission to investigate what happened. I sincerely thank God because you are now listening to us. At least, now I can talk about what happened. This is what happened. Up to today, nobody has talked about it. We ask the Commission to help us to do something about what happened. Finally, we want our rights to be respected. Who did this to us? Were there soldiers? Three soldiers raped me. I know one of them was driving the car. I think the other two were seniors because they had two stars on their shoulders.

If we are going to talk about human rights, what happened to me? They raped me in my house and burnt it. I am a citizen of this country. I did nothing to warrant what happened. I was living in our house taking care of my children when the Kenya soldiers raped me from 11.00 a.m. to 12.00 noon in my house. They hit me on the head and I screamed. They boxed me hard. Later, an Italian man also hurt me. Nobody did anything about it. I

did nothing to warrant that kind of treatment. They hit me with the butt of the gun. If there is anything about human rights, I want my rights back. It is not only me, but others who were equally mistreated like me. Many women were raped just like I was. We want our rights to be respected. I want people to talk about our human rights. I want women to talk about what happened, not only to us, but our fathers were beaten up. We want our rights back. We want people to talk about the truth of what happened. This is all I want. I want to tell you that I had a lot of problems. The soldiers beat me up and they just went scot-free. I was bleeding, the children came from school and they saw me in that state and they cried for me. Nobody helped me. There was another Italian woman who was helping people and she saw me crying with my children and she took me to the Wajir General Hospital. You can go there and verify. This was on 8th February, 1984. I still remember the woman who helped me. She gave me food and took care of me for a whole month. I was not alone there. There were other women. If you want to see the reality, you have to go to Wajir and see for yourself. It is not in Garissa. I ran away from Wajir because I could not face it. I came here to Garissa. I live with my family although I have stress and heart-broken. I am staying in Garissa because I cannot go back to Wajir because of the shock of what happened. If you care about what happened and you care about human rights, you have to go to Wajir and see what happened. If you want, I can go with you tomorrow. I want you to fight for our rights and look into our rights which were violated and nobody bothered about it. I have never gone to Liboi. I was born in Wajir and this happened in 1984, after when I ran away from Wajir. I came to Garissa to stay with my family members. I am not from Somalia. I am a Kenyan and the people who did this to me were soldiers from Kenya. If there is anything which is true about human rights, you should do something about what happened to the ladies who are like me. Thank you.

The Acting Chair (Commissioner Namachanja): This Commission understands the things women in this province have gone through. What the former speaker has explained to the Commission, we know that it happened. That is why this Commission was formed, so that people can get an opportunity to express themselves. I knew women could not come forward and tell what happened to them in front of men. That is why we said that we should get a chance for them to express themselves on their own, so that they can talk about what happened to them. Others might think that through the TJRC, we will not bring back the pain of what happened. We will not awaken the pain. We have the pain and we feel it. If we do not get a chance to talk about this pain and release it from our hearts, it will stay there. We are feeling the pain and it is eating and finishing us from inside. Others are having pressure, others arthritis and meningitis because of it. Others have died because of it. It is high time that we released the pain. We knew that these are going to be weighty matters and we came here with people who are trained to deal with these matters and are feeling the pain with you and help you. So, before we leave this meeting, if you are feeling any pain, just like the woman who has talked about her pain, we have professional counsellors. We will not help everyone, but still we would like to get the information of the people who are feeling the pain and we will look at how we can help them.

If anyone wants to talk about this pain, it is not good to tell them to calm down. It is good they are given a chance to talk about their pain. For instance, the woman who has just

spoken was given a chance to talk about her pain. If we talk about the pain like we are doing now, let us listen. Please, let us respect the person who is talking. Even if you see her crying, it does not mean she is not brave or she cannot stand for rights as a woman. It is because of what she is feeling inside that she has to release the pain. We cannot remove the whole pain, but we would like you to know that we have people who are trained to help you. That is why we have not left to go out and look for people to help you. We have trained people who can help you. You should know that even if the Commission leaves, we will leave behind people who are trained to help you. So, we know that it is a lot of pain and we cannot finish the whole pain, but we will listen as much as we can and we will look for a way to have Commissions like this one to help you. We know it is painful. We know that the pain is still with you.

Absira Josh Aden: My name is Absira Josh Aden. I have lived in Garissa for a long time and I have a name here. I came from the bush in the countryside. I am now 70 years old. The Government of Kenya broke my hand. The soldiers did it, and they also raped me. When a certain uncle took all of us to the field and we were put in jail, where two men raped me. My husband, who used to look after livestock, came and when the PC saw the two men who had raped me fighting with him, he was also put in jail. The men also took our cows. I am now 70 years and I am living in Garissa, where I have my children who are already grown up and married, but I was never educated. I grew up as a countryside woman. All those disasters happened to me during the late President Kenyatta's time; my hand was broken by the Government. When I was raped my hut was also burnt down and everything was taken, including all the money I had saved.

There was money which was given to the Government from the people and the Government said it would give people some money for what had happened. The people in Garissa who had access to the money took it, kept it and never gave us anything. The people who are old were also ignored, pensions were not given to us because those in power took it for themselves. Up to today, I live in Garissa and my house is here.

The day I was raped to now nobody has helped me. When the two men raped me people laughed at me as if I was an outcast. They ridiculed me but God is there and we believe in Him as Muslims. God knows about our rights, and today He is the one who brought you, so that we could talk about our rights and seek justice. We deserve to talk about what the Kenya Government did to us; it raped and killed us. My brothers were shot dead during the time of G.G. Kariuki, who called us *shiftas* and abused us besides violating our rights. We want our rights back; at 70 years I cannot work. My children give me something but the Government has ignored us, we the old people. I have to stay in the house and depend on my children. What happened to us only God knows and we have to rely on Him. Since we believe in our religion, we want you to bring back our rights. We want you to help us get compensated. It was the late Jomo Kenyatta first and then Moi followed. Since all this happened to me, I have always been in Garissa.

My husband was killed in Wagalla on a Friday when an army lorry came to my door. My child was then six months old. All men were carried away and we did not know where they were taken. We did not know where they were taken because they were carried by

military vehicles. We followed them carrying water. Almost 2, 000 men were dumped at Wagalla. The police used to tell us that they had killed our husbands and wondered what we were looking for. We got tired during that time, and because of the hardships I had a miscarriage. When my husband was killed I did not see his body, because the bodies had been taken to a place called Dena. They told me the body was at Merti but I did not know the place. He was not the only one but all the bodies were taken to the river at Misra. Some of the bodies were eaten by hyenas. On the day my husband was killed I became helpless, because he used to help me and now I had no helper or bread winner. Since I was a housewife and I used to be given money I did not know what to do; I became completely helpless. When my husband was killed and the body was missing, I did not know anything and my house was burnt down; so, I became completely helpless. I and my child came to Garissa. From then to today I have never seen my husband's body, and I have no idea where it was taken. I just hear rumours and my child is now a grown up, but he has no work. I went through a lot of pain, a lot of hardship and my people were killed for no reason at all. It was not all the Somalis but a certain clan. They were asking for a certain clan. Only people from a specific clan were killed, and their bodies were never seen; we have no idea where these bodies are. Nobody talks about it and no one knows where they are. We are confused because nobody is helping us up to today. When you came here we felt very happy as we now imagine that our problems will be solved. We want you to help us because we have gone through a lot of hardship. My children never got education, because I was a single mother. I have a problem with nose bleeding up to today. It started during that incident. If I got even the body of my husband I would feel better; my soul is never settled because I am always looking for his body. I do not know where the body was taken by the army truck. The Government of Kenya took it before they came back to burn the house. Who do I tell or take my complaint to? If I were to take my complaint to the Government, it would be the same that did it. So, who do I tell? I feel very happy that you are here; if God will guide you, I feel that you are going to help us.

We want you to help us and try to work with us. I know you are the people who are focused on human rights. Hitherto, we have no one coming to listen to our plight, but now we are very happy that you are here doing just that. Welcome.

Female Witness: I come from Fafi, Bura District. I was born at Independence in Bura. My mother told me the people of Bura were counted and that when people were building houses it was a crime for one to take someone else's house. My uncle, Hassan Omar, was killed and was eaten by hyenas. This was when I came to Garissa. I was 15 years old when this incident happened. I brought information to those people and they told me to write a letter. I want you to listen to this. It happened when we were going back home in the evening. The Kenya army came to us while one of us was expecting a baby. They came and closed the door and when my mother saw this she held me but one held me and hit my mother on the head. My mother was holding a child who died after blood flowed and choked him. The men took me to my sisters. As I was fighting with the men to release me they hit me with the butt of the gun. When we are getting circumcised they could see my thing. Only the husband was supposed to see ones private parts but these men violated me.

There is an injury here on my head, where they hit me with a wood. We were away bleeding and arrived at Galma Galla but we did not know the countryside. When we remember this one feels like crying. When this Commission came and reminded us about the pain and suffering, we felt like crying. For 10 years, I could not give birth, 10 years after marriage, because of the rape torture. My sister could not give birth at all. I ask the Government, if it is not going to do something, why is it reminding us of the pain? We ask God to help us through this Commission. I am representing Bura District and I am asking the Commission to do something about our situation. We are not afraid to say the truth as all of us are women. I felt a lot of pain just like my sister, who has been crying here just now. My brother was killed. I am asking the Government whether it is going to do something. Are they going to do anything about this? That woman was crying; I am feeling the same pain. Let me leave that question with the Commission.

Ms. Rukoyo: I am going to speak in Kisomali because I am not good in Kiswahili. I do not even know it; I only know Somali. Everyone here has a problem and that is why they are here. My name is Rukoyo and I am the first woman who was hit by a bullet. If anyone saw it happen I think I was the first to be hit with a bullet. I was pregnant and I was in a lorry packed with sugar. I had gone there to buy sugar from Hamumar and came to Liboi. On my way I could hear the movement of animals. I was eight months and seven days pregnant, and because of the shooting the driver died right in front of my eyes and I saw Kenyan soldiers firing at us. I was unconscious and was taken to the Government hospital in Garissa. I do not know whether I gave birth to a still born or a live kid and up to today I have no idea. I was in hospital for four months and later when I gained consciousness I went round looking for, and asking for, the baby. I was told I had been operated on. The girl who was crying was my sister; she ran outside and she could not carry me; our people were killed while I was unconscious. When my mother ran away from the hospital because she could not carry me, my brother, who sat by my side, was drinking some water. So, I took the bottle and hit it on the guard, who was a Kenyan.

A doctor asked me to sign some form, so that they could amputate my leg because of the bullet wound. I can show it to you right now, because all of you are women. When the doctor came to me, I took the bottle because I did not want my leg to be cut; so, I hit the doctor with the bottle and he ran away. Everyone came and asked me why I had hit the doctor and I said I wanted to die rather than have my leg amputated, because I would have no life after that. I do not know what happened but they sent an airplane, and took me without giving me any water or anything because they wanted to cut my leg; that is why I reacted like that. Some men came and took me to the airplane where they gave me water as everyone, including my mother, were left behind screaming over me. That was all I remember, but I was taken to another hospital where I was given some medicine. I stayed in this hospital for nine months. Later I came back to Garissa and I was married in Liboi, but I had to stay in Garissa and I never gave birth again. That is the only baby I got. I do not know whether he was dead or alive. Up to now, I have some pain on my body and I have some papers to rectify that. Every one hour I have to run to the hospital and a good Samaritan has been helping me.

If I am to tell you, here we have been faced with many disasters. As I stand here I can assure you there are many more women who are shy to come out and talk about their problems; I am different and I do not feel shy to talk about my rights. I came forward here. I am glad that finally you have offered us an opportunity to talk about our rights. If you allow us to get our rights we shall enjoy them. People are learning nowadays as more and more women have gone to school. If all the Commissioners work together we will have people who can help us.

I have four boys whom I have educated, and who are not even my sons. I went to a man called Hussein who was giving bursaries to children and he gave me Kshs1, 000. I wondered what to do with the Kshs1, 000. I did not know whether to use it for transport or as fees for the children or for food. I had to come back. I became barren but I had to work hard to educate those children, and this makes me happy; I have a family. I feel at least I have a family and I have lived here for 30 years since the incident. If the Commission is going to do anything for us, it should know that I am not the only one with problems; there are hundreds of others who are hiding their problems. We will welcome the Commission with open hands.

The Acting Chair (Commissioner Namachanja): This is your hospital document indicating that you were treated in February, 1997 at Garissa Hospital. Do you want to give it to the Commission to put in its record?

Ms. Rukuyo: Yes!

The Acting Chair (Commissioner Namachanja): Okay; thank you very much. We would like to remind you, because all this goes to the Commission's records, it is good that you have a record of names. Therefore, please give us your full names before you start talking. There is somebody who talked but she never gave her names. I request that you come back and give us your names and where you come from. Today we had two hearings; we had one here and then we shall have a private hearing. We would like to hear from three women, but they will give their story in privacy. Therefore women of Garissa I would like to thank you so much. We will maybe listen to two other women and then we will be forced to shift from here. You will see the machines we are using, so that when you speak in Kisomali we hear you in English. That person with the machine is writing everything that you are saying, but after you are through it takes one hour for that machine to be assembled. Therefore we appeal to you to understand us and allow us to finish this hearing at 4.30 p.m., so that we can listen to the women who want to talk in privacy. Have we understood each other? Thank you very much.

Arabo Eunice Boru: My name is Arabo Eunice Boru. I come from Fafi. I do not know English.

Siminar Daran: I am the mother whose daughter was killed right in front of her eyes. I am the woman whose mother was killed in front of my eyes. I remember we were two of us and we were standing somewhere when a man came to us and my sister ran away but he grabbed me. So he took out a machine gun and hit my sister who fell down. When he

realized she had fainted he tied my hands at the back. By then girls were circumcised and I was then a teenager. He took me and killed my mother. He twisted my neck as my sister ran away. My father had two guards at our home but he was away. When he came later he saw what had happened. People came and took the dead bodies to the countryside of Ijara. Later, we were taken to Garissa and up to today we do not know why this was done to us. We are Muslims, but we have rights as Kenyans. We believe you Commissioners will do something about this, because so far nobody has come to our aid. My father became mentally disturbed because of my mother's death. The Government of Kenya is responsible for this. I was a teenager then; my sisters were younger than I was. Besides my father getting mentally crazy, my uncle too got mentally disturbed.

My brothers have no work, my mother is dead, my father became crazy and we had to take care of him, but later he also died. So my brother tried to get himself educated, and though he was unable to get education he deserves a job because it is the Government of Kenya that is responsible for our suffering. Now we believe this commission is going to do something and help us get our rights.

Absir Aden: I am seventy years old. I have only one hand, because the other hand is useless. This is because of the Government of Kenya. My children, who were educated up to secondary school, could not get bursaries because the officials embezzled the funds. Children are at home and cannot go to school. We are happy to have you here. Our daughters, who used to be circumcised, were tortured by men who used broken glass to break their virginity, so that they could rape them. We really suffered and at seventy, I have gone through too much. We do not get any relief from the Government, yet we have papers which identify us as disabled, but nobody cares to give us anything. We are only given little money and we are told to work on the land. This forces me to use the land to eke out a miserable living. The Government has neglected us and we are helpless.

We feel happy that you Commissioners are here fighting for the rights of women and human rights. We are grateful to you. With the help of God we believe we will get our rights from the Government. We really suffered in Garissa. We are old yet nobody gives us anything. Bursaries are not given to our children. Our children do not go to school or work. We really have problems here. I have five children; two died and three are alive. The three children who are giving me sustenance are all married. They take care of me. They have built for me a house. I am grateful to God for that. However, the Government has not done anything for me. We are paying taxes. Commissioners are working hard and getting tired; I do not want you to do work for a useless thing. I want you to be successful in defending human rights.

Thank you.

The Acting Chair (Commissioner Namachanja): Since time is going, I would like to ask one of the mothers here to come forward and read the draft first. Let us give the last one a chance.

Mrs. Habiba Sharif Ali : My name is Habiba Sharif Ali. I was really hurt. My people were finished there. So, I went to hospital. Bullets hit me in the mouth. My people were killed; my mother, sisters, uncle's wife and children were all killed. I used to live in Dangel in the countryside. I was taken to the Garissa Hospital and latter taken to a hospital in Nairobi. I stayed there for a while. I am now asking the Government of Kenya to help us since nobody has ever before done so. I really want you people to defend our rights from the Government.

The Acting Chair (Commissioner Namachanja): Let us give the final one.

Mrs. Hussein: I wish to welcome the Acting Chair, Commissioner Tecla, my sisters Judge Getrude and Particia to Garissa. I am sure you are wondering why the civil society is missing. There is a reason and I will clarify to you later. I want to make one clarification to the mothers' cause because I was overhearing them saying some words. I will do it in the Somali language, and you will hear the translation.

Women, first I want you to pardon me for addressing this gathering. If I wrong you I want you to forgive me. I heard some of you asking why we are bothering to talk if the Commission is going to do nothing. You were asking why they were reminding us of our pain while doing nothing about it. I want to tell you that these women did not come to remind you of the pain. They came to help you and record the pain. They are doing this recording to help the Government address the issue. All Kenyans have seen what the Government is doing to the people and the problems they are causing them. You have to know these Commissioners came to help you. They are good people. Your problem is their problem. They used to work with other women before. I know one of them, called Patricia, used to work with women and knows the problems of women very well. You should know that they did not come to remind you of the pain, or cause you any pain. If you are going to talk about a problem, talk about it in a nice way.

I overheard women say that you have just come to hurt them more and to remind them things they might have forgotten and nothing will be done. I am just trying to clarify that you are doing a good job.

I come from the civil society, my name is Rubi Hussein Al Khadji. I come from an organization called *Womankind Kenya*. The civil society in Garissa is missing from this process because they feel the Government is not fair. Most of the atrocities that happened from 1963 to 1968 happened in Garissa. The President has refused to assent to the Indemnity Bill, and they feel that because of this they have no reason to participate, because most of their issues have been left out. As the civil society, or a woman from this region, I feel I have to come and talk to you people. I work with women. I know the pain of women and know what is happening. All the people in North Eastern are either victims or affected.

My sister, Patricia, will attest to that the North Eastern Province do not have legal representation and education. The few lawyers who went to school have gone to Nairobi. We have been trying to seek help from other organizations in Nairobi but it has been

difficult. Most of the things that happened after 1968 were about sexual abuse and rape. There are many rape cases that women are hiding. This is because they have not undergone any counselling, or any process that would help them heal. Some of them are hiding because the community does not accept them again. They do not get married after they are raped. Therefore, some who are raped by soldiers hide.

There is also the loss of loved ones and bread winners when they have no education and skills which is so difficult. The other things which have already happened--- There are things that are happening right now and our Government is not doing anything. For example, women and girl trafficking is happening. This is a thriving business in Garissa. Women are brought from the Luvoe side and taken from Garissa to brothels in Nairobi. The police and taxi drivers are in business together. These girls come from Somalia and have dollars sent by their relatives. What happens is that the taxi drivers are sent to pick money from them and bring them to the Garissa, so that they can go to Nairobi for greener pastures. What happens is that the police also rape them. The taxi driver needs to be protected by the police so he takes the girls to the police to rape them. The police take money from them. There is little that is done for women. The taxi drivers are our community members but they abuse these women. The police are the people who are supposed to protect these women. Most of our girls from schools are being hijacked. Even now there is a case of a girl who has been hijacked. She is a Form Three student. We do not know where she is. Her mother is called and told that the other girl at the university will also go.

The Government knows that there is *Al Shabaab* in this town. We live in fear. Women are the ones who live in fear and the Government is doing nothing about it. Women have no power to prevent abuses. We in the civil society are helpless; the few organizations we look up to include FIDA. This is just like any other organization and they are also affected by the funding problem that is all over world. To come to North Eastern Province they need a lot of logistics and money. Given the notion that there is a security issue, Patricia came here on her own to help me to deal with a case. To date, if the police see me going to the police station they always say that FIDA trouble is coming. They say, "If you see this woman, FIDA will come". Just that one time she came really helped me to address many issues.

I am appealing to you that there are a lot of cases and a lot of property destroyed by the Government. They shoot animals like camels and cows. They were raping women left, right and centre. They were burning houses everywhere. We do not have any counselling centre. We do not have a trauma and healing centre. We do not even have organizations to help us on the ground. The problem of women is not only from the Government. Our community members themselves also abuse women. Young girls are raped. The community sits under a tree and makes itself a commission. The girl is not taken to hospital and the case ends just like that. The girl, however, will never be married. Rape cases are handled very badly by both the Government and the community.

I am appealing to you, as TJRC, that you lengthen the process and see individual women who have experiences. I also have some experience. In 1980 my mother's house was

burnt. My books were burnt and I just finished college like that. Now, there are a lot of atrocities going on right now. The police stop us at the bridge and we are asked for ID cards. They know where the aliens are. When they see them they take money from them. They do not jail them. You are a Kenyan but they just harass and disturb you. I appeal to you that North Eastern Province is not like any part of Kenya. We are made to queue as if they are going to distribute something. I appeal to you that the people of North Eastern Province are victims. We are still suffering the abuse by the Government system. I hope the new Constitution will help us.

The Acting Chair (Commissioner Namachanja): Thank you so much for that contribution. Let us give a chance to another *mama* here.

Mrs. Umal Mohammed: My name is Umal Mohammed. We were burnt in Garissa at 3.00 a.m. in the morning. I had two children. I only saw trucks filled with soldiers. Up to today nobody has helped us. Nobody asked about what happened. We are really surprised that this Commission is asking us questions now. We do not know how to react to it. We know what happened to us. We really want our rights. We know God can do this for us. We are really surprised.

At 3.00 a.m. I woke up to the burning of my house. I only saw soldiers in trucks. Up to today I have not seen anyone asking me about that. I do not know if you can help us.

Ms. Hilya Hussein Barre: My name is Hilya Hussein Barre. I am going to talk about what happened to us in Garissa. I never had a child. I was young and my husband was with me that day. He was taken to one place and I was taken to another place. Early in the morning when I woke up, I realized that my husband was no longer here. When I asked around, I heard that he was taken to the field where people were beaten. They hit me with a huge metal bar, and up to now I bleed because of that. They surrounded us with irons bars, but they did not kill us ladies. We were taken to a place--- we were forced to surround Garissa with timber using our own hands. We had to use our hands to fence the whole of Garissa.

Although I was not raped, I saw with my own eyes girls who were raped by more than ten men. Today, if we say that they will not help us, we will not be surprised. Many came and asked questions but did nothing. All these people have been saying they are going to help us. They told us to come, record what happened and they would fight for our rights. If I remember all that my brain explodes with pain.

Thank you very much for calling us. At least now we are feeling a little bit better. Even people who came from Somalia, if you tell us you need them they are still Somalis. Before you used to call us, ask questions and record them. None of them did anything. We believe that they used to be given money but we never saw anything from them. If you are different from the people who came before, we will see. If you are going to help us with our problems we will be very grateful. When we tell you what happened to us in Kenya, my head aches with pain. Many people were told to dig trenches by force.

Although we were Kenyans nobody bothered. If you are fighting for human rights and want to help the community, we have to see it from you.
Bye.

The Acting Chair (Commissioner Namachanja): We will give this chance to the Commissioners, so that they answer to issues that have come up in this meeting. I know many of you would have liked to talk but we do not have enough time. We have a lady with a piece of paper; she is taking the names of those who would have wanted to talk but did not get a chance.

I would like to thank you because you have not kept quiet about those serious issues. I believe we and other Kenyans will get healing, so that we move ahead.

Commissioner Chawatama: I thank you for finding the time to come to be with us and giving your testimony. In life, one person can open a door and a lot of people can go through that door. For some of you, the doors that you have opened have not only spoken for yourselves. You have spoken for so many others. Life has not been easy at the Commission. For some of us, when we remember some of the stories that we heard or the testimonies that we heard, that is what gave us the courage and faith to come back and to stay on. We believed that we could bring change. We still have statement takers who are taking statements and your testimonies are very important to us. If we do not hear from the women, our report will not be complete. In the Commission, we believe that if you heal a woman you would have healed a family, a community and you would have healed a nation.

Since you have spoken to us, it is my prayer that for you the healing has began to take place, because you have been able to shed some of the weight that you have carried for so many years. There are things that happen in our lives that leave us crippled physically or mentally. Even when I go back to my country in Zambia, one of the things that I will remember about you is that you are strong women, who made a decision to continue living. You are excellent mothers, who have brought up your children in the absence of your husbands. I am a mother and I am a wife. I am also a daughter. When I was growing up my mother had three girls only. Often she was laughed at, that she did not have any boys. I think that is what made my father marry somebody else. However, today those three girls; one is a doctor, I am a judge and the young one is an economist. It is hard for women.

My father also told me that you need to work hard at school, because you might not marry a man who is rich who will look after you. In life many things happen. He can divorce or die and you will need to carry on with your life. Many of you have carried on with your lives. It has not been easy. We thank God for this Commission. We thank God that our recommendations, by the law that brought the Commission into being, have to be followed. The NGOs have a very important role to make sure that our recommendations will be implemented. Your cry for justice is thus not in vain. This Commission will look at even the work of other Commissions and address the fact why the recommendations have not been implemented to date.

I believe that you need to see justice because when you face your maker he needs to give you a good response as to why justice was not done to you. He will remind you that there was a time when a Commission was established that He wanted to use to bring out the truth, reconciliation and do justice. I thank you that you have not shunned us. In the Commission, we have dealt with the issue of the Indemnity Bill. It does not affect our work. As a judge, I cannot come here and waste your time and cause you to remember your pain, when I know deep down that there is nothing I can do about it. We have looked at the law and we are satisfied that there is something we can do about it. That is why we are still here and it was under very difficult circumstances; there were a lot of prayers and a lot of tears.

Mine is to thank you on behalf of The Acting Chair and the Commission for your participation; we want you to record your statements, so that they can form part of the report that we are going to produce.

May God continue to bless you and your children. May He provide for you all the days of your lives.

Thank you so much.

The Acitng Chair (Commissioner Namachanja): Thank you, women. You stand now so that we say the last prayers and thank God for this meeting and for all the recommendations we have got.

Mrs. Maria Mohammed: Mine is short; I do not want to say a lot of things. My name is Maria Mohammed. I came from Ijara this week. I do not stand to pray but to thank you Commissioners, who are our sisters. We thank all of you who come from Kenya, Zambia and all over.

As I thank you, I also have to thank the people who thought about this matter and those who recommended it. We really thank you for remembering women. We also thank whoever understands our problems. We are grateful. Before this, nobody understood our problems, but now we are thankful to you for understanding our problems. Although we did not have time to plan to give you presents, we thank you by word. God will give you what you need. We all ask God to provide for us.

(Closing prayers were said)

(The Commission adjourned)