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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION ON SUNDAY 1ST MAY, 2011
AT THE ARID LANDS RESOURCE MANAGEMENT
PROJECT GUEST HOUSE HALL, MOYALE**

PRESENT

Gertrude Chawatama - **The Presiding Chair, Zambia**

Rebecca Mutuku - **Facilitator**

(The Commission commenced at 9.55 a.m.)

(Opening Prayers)

Ms. Rebecca Mutuku: I would like to take this opportunity to welcome our Commissioners who will be taking charge of the hearing. I would like to welcome all the women to today's hearing. This is your hearing. Today, we will be talking about everything concerning the women. I would like to urge you to feel very free. There is nothing to fear. We are going to talk very openly about our issues as women. We understand the issues that we are going to talk about today.

My name is Rebecca Mutuku. Yesterday, I was with some of you in the open hearing and we know each other. But today, we are going to know each other more.

I want to take three minutes to tell you some issues about the TJRC. You already know what TJRC is all about. This Commission is for the truth, justice and reconciliation. It started its work in 2008 and has been going around the country listening to Kenyans and trying to investigate all the problems that Kenyans have undergone since Independence; that is, from December, 1963 to February, 2008.

(Interpretation stopped)

We have met women in the locations that we have visited, so that they can speak out their problems. Those who want to write statements can do so, because this is a Commission for everyone in Kenya. We have had hearings in Garissa, Wajir, Mandera and now, we are in Moyale. In all those places, women have been given an opportunity to speak out their issues. So, today is your day, the women of Moyale. We know the women problems that we do not talk about. Many times we just talk about problems concerning our children and husbands, but we do not talk about our personal problems that we undergo as women. Today, we want to talk about our problems concerning the community members. We will talk about personal problems and how we are being violated as women. Are we together? Do not fear. All of us are women and so, we are going to speak

out very openly about our cultures and traditions and how they are affecting us. We will talk about how we do not have the opportunity to speak out. We will talk about all issues concerning the education as young girls, sexual abuse and how we have suffered all along since Independence up to date. Today is your date. Because we are running short of time, the hearing will be up to around 12.30 p.m. We may go up to 1.00 p.m., because we have started a bit late. I would like anybody who will speak to take a very short time because I would like everyone to speak. Take a short time so that you give a chance to another person.

Lastly, when we will be finishing, that is when our judges will speak to you.

If you want to speak out, raise up your hand and I will hand over the microphone to you. I know that some things that you will be saying are painful, because you just want to open up the wounds that are almost healing. But I would like us to be very strong, so that we can open up and totally get healed.

I would like us to start. Who will start for us?

Ms. Halima Isaak: I am Halima Isaak. I am a Sakuye by tribe. Being Sakuye, I have a lot to say. When the Government came, after Independence, we passed through a lot. I can say that the Sakuye tribe was very much tortured. We went through a lot of suffering. The Army came and beat us. We were born in Dabel. My brother called “Chief Hussein” was born here at the police station. That day when the Army came, I was not that young but I can remember everything. The Army came in four trucks. Some of those who were taken are here. They were taken for five days. Some of them died. The Army came to Dabel again and raped us. They took all the men and women to a place called “Butie” in Moyale. They then took us to a police station where there were men, children and pregnant women. Most pregnant women died due to miscarriage. One hundred people died at the police station. They took the dead bodies to a place called “Shababe”. There was somebody called “Dabasi” at the police station who bled through the nose and mouth before he died. We were told to watch as he died. I can stand firm and say that it was the Government of Kenya. We were very afraid that we would be killed. We did not have food and most people succumbed to death because of that. They injected some animals with poison before giving us the meat. We could not cook because we did not have time. Some people ate raw meat. Three of us remained at the police station. The Sakuye people were taken and since that day, we have not seen them. We used to eat wild fruits because we did not have food. Some of our children ran to Ethiopia and up to now, some of them are still there. Some of them are very old now and they cannot come to Kenya.

When I see somebody that I can tell my problems, I feel like crying and shouting. Up to now, I can say that, that problem is following us. Up to now, we can say that we are refugees in the Kenyan Government. I can stand firm and say that I am a refugee. There are hundreds of people who ran to Somalia to seek refuge. We do not even have identity cards. We can say that the Borana have names but the Sakuye are called “bastards”. Up to

now, they say that we are bastards and cannot be heard. Since time is short and there are some people who want to speak, let me give them a chance.

Ms. Rebecca Mutuku: Thank you. *Najua hayo maneno ni machungu sana.* We pray God to give us healing, as we continue speaking out.

Who else would like to speak? Please, tell us your name before you start speaking.

Ms. Godana Guratita: I am Godana Guratita. When the Government took us, they killed some of us. The Government demanded us to be killed. Since that day, we do not know where we are up to now. Some of our families are not here. We do not know if the Government recognizes us. We can say that we are Kenyan citizens because we are from Dabel, but we do not know if the Government recognizes us. When we came from Somalia, the Government did not recognize us. At Dabel, we have a school but nobody comes to see. When we came to Dabel, the Army came and killed us. Up to now, I can stand firm and say that it was the Army which killed us. Up to now, I do not know where the dead bodies are. I have not seen some of my family members because some ran away and up to now, we do not know where they are. I have some scars on my body. They took us to the bush and raped us. They came in four trucks and took 15 women. I am crying to the Government---

(The witness broke down)

Ms. Rebecca Mutuku: Pole mama. *Ningeomba counselor aongee naye.* When we started, I said that what we were going to talk about is painful.

Ms. Habiba Chute: I am Habiba Chute. I am from the Burji tribe. I can speak English, so that the Commissioners can understand me well. This is the Moyale Burji Community submission to the Truth, Justice and Reconciliation Commission on 1st May, 2011.

On the introduction, the Burji community lived in Moyale and Marsabit before the arrival of the colonial Government.

They were hardworking. Most of them were farmers, businessmen and others were employed in Government sectors. They were permanently settled near town; around the present township. Later, they resettled in the present-day Manyatta Burji. Their traditional farmland areas were Helu and Gubalticha.

Due to insecurity in the 1960s, farming was disrupted because of the shifta war. There were internally displaced people who had settled in far areas of Marsile. It is surrounding that bush that our people from their farmland--- We amicably left it for new settlers and agreed to farm in Gubalticha area. A traditional shrine was lost in Helu area. The community faced marginalization and injustice from the Government when it settled other communities on our ancestral graveyard. They allocated our traditional farmland to other communities. We also faced unfairness in the recruitment into the civil service just because we are a minority.

With regard to historical injustice, the first one was that historically Helu and Gubalticha were farmlands allocated to us by the Government to produce crops and provide food. After the shifta war of 1960, the Burji and the Borana communities agreed to settle the Borana in Helu allowing the Burji to do their farming. The spillover of the Ogaden war of 1980 made it impossible for us to cultivate our farms in Gubalticha because of insecurity. When peace came and the Burji wanted to go back to their farming land, they met resistance from the Helu chief and the Government did not intervene and make a resolution. Up to date, we are not making use of that land because of unfair allocation of the Helu Location by the Government. It made a wrong administrative boundary in favour of Helu Location.

The second injustice involved loss of a sacred shrine called Tamagan Arbora which was also in Gubalticha. So, we cannot offer our traditional prayers through which we were asking God to give us rain and other things.

The third injustice is that the Burji ancestors lived near the township area. This was allocated by the Moyale County Council to the people who destroyed the graves and made settlements on them. This was disrespectful and an injustice to our community. It was a violation of our human rights.

The fourth injustice is marginalization in terms of job recruitment and promotions. We are less than one percent in the civil service and yet, we have people who are qualified. For example, no Burji officer from Moyale has ever been recruited for the last 10 years, except one who was reasonably young. Only two Burjis are recruited out of the 20 vacancies available. I am the only female qualified candidate for the vacancy. I did my interview in 2009. I was the only lady and a long-serving teacher among the people who did the interview. To my surprise, a person who was not shortlisted and who had lesser qualification was considered. Just because of her ethnic background, her job was given to her former student. This has really killed my morale.

These are our recommendations: Burji farmland in Gubalticha should be allowed to do farming. The sacred shrine should be returned to the community. The ancestral graveyard should be free from settlement and anyone encroaching into that area should be evicted. There should be fairness in job recruitment and promotion. There should be affirmative action in making sure that the minority are represented in recruitment and promotions.

With those comments, I thank the commissioners for giving me their ears. May God bless you and make you to be fruitful. Thank you so much.

Ms. Rebecca Mutuku: Thank you very much. Would you like this memorandum to be given to the commissioners?

Ms. Habiba Chute: Yes.

Ms. Rebecca Mutuku: You have been speaking of the problems that you have undergone. What would you like the Government to do for you?

(Power failure)

(Ms. Amina Hassan took the oath)

Ms. Rebecca Mutuku: Kindly tell the Commission your name.

Ms. Amina Hassan: My name is Amina Hassan. I am from Burji Community. Our tribe has a lot of problems. A long time ago, people were living together. We have not got a good education. In 1965, Burjis were learning at Makere University. However, we do not get any chance to go to university. A long time ago, we had a Permanent Secretary, an ambassador, an Assistant Minister, but at the moment, we do not have any representation because we are minorities. The majorities have really taken all the opportunities. We were really educated, but there were no opportunities for us. The Government has not identified us, as Burjis. Those people that we have been living together with, we live peacefully with them. Burjis are business people, hardworking and peaceful.

But up to date, we have a lot of problems. Our people were dying like dogs. The shiftas really give us problems at the road but the Government has not even taken any incentives.

(Power failure)

Ms. Amina Hassan: In 1895, the Burjis were at Marsabit. Up to date, Marsabit is the home of the Burjis. Up to date, everybody is saying that the Burjis are visitors. For example, there are Maasais in Tanzania and in Kenya. There are also Ethiopians in Kenya and in Ethiopia. But people think that we are visitors. We want to know whether we are really Kenyans because I do not understand where we belong. In fact, even those people who fought for Independence of this country were Burji of Boran. We fought for the freedom of this country and now we are just being called visitors. When Kenya got Independence, the Burji went to celebrate with the President of Kenya at Gatundu. From that time, we were referred to as refugees.

We do not want to be referred to as refugees. Secondly, we want to have a nominated Member of Parliament from our community. We want to have a Permanent Secretary from our community. We also want people from our community be appointed as ambassadors, permanent secretaries, heads of parastatals, among other positions.

The Government of Kenya has marginalized some communities for a long time. Even if we are minorities, we are not alone. There are very many minorities in Kenya. We want our rights.

We want that farm to be given back to us because we have already built houses there. They came and burnt those houses down. They came with pangas and burnt everything. They then said that they can even take away our manyattas.

(Ms. Hawa Yasin took the oath)

Ms. Hawa Yasin: I am Hawa Yasin. I am from Manyatta Burji. There are so many tribes in this country. Some people had moved away from their land because of shiftas. They came to Helu. I am one of the people who owned a piece of land in Helu. Many people were beaten by the shiftas. However, the Government did not protect us. It did not care about us. We were unable to grow crops. Our land remained like that. So, the Government told us to go to our farms. There were some people who were called the Wasitu. They cultivated their farms. They had food. We had even invested a lot of money in our farms.

The chief told us to go and report the matter to the police. We went to the police station. The police told us that it was the work of the DC. After a short while, he called the sub-chief. We went to the DC's office. They told us that the DC was not present and we were advised to see him later. They told us that we needed to go back home. We went back to our homes. We called the Chief of Helu. Those people came from the manyatta in Helu. They told us to sit down together and settle those problems amicably. It has been more than one year since we saw the chief, but those people have never called us for a meeting. They said we needed to solve the issue ourselves. They told us that we need to form five committees, so that we can discuss about the matter. We were marginalized from the beginning and that is why we are suffering.

We do not have rain. We need water to irrigate our crops. We do not want to suffer from hunger. Right now, we do not have food. We expect our councillors and MPs to assist us. It is sad that we have been relying on relief food and yet, we are hardworking people who can grow our own food. Why are we unable to grow our own crops?

Recently, my mother went to prepare her farm and she was blocked from doing so. She wanted to prepare that farm, but they could not allow her to access her own farm. We are a minority community. We are hardworking. There are businessmen and businesswomen in our midst. Some people own vehicles and other things. When our children go to school, there is no discrimination or harassment.

We need peace. We need to be given back our land. We want to grow crops like maize and beans. We can plant those crops in our farms, but they have refused us to grow them. This Government gave our land to other communities. What does the Government wants us to do now because we do not have land? Where will we go? We have so many children to take care of. The Government has done nothing to assist us. Those people destroyed our crops and trees on our farms. They burnt everything we had.

Our leaders told us that if we complain, we would see wonders. Recently, our road was blocked. When we reported the matter to the DO, we were told to go and prepare our farms. However, we are worried because these people can kill us. They could have even have formed committees so that all of us can work on our farms. When someone

interferes with somebody's land, the chief has to deal with that problem. The Government has done nothing.

As our councillor said, our roads are not good. We have a problem of infrastructure and yet, we have the Government. We have the GSU and policemen here, but nobody is improving our roads.

Many of our youth have lost their lives. For example, Biyosoke and Beibe were killed. Beibe was a university graduate. We even contributed money for the harambee to raise money to take her to university. We took her to the university. Her father was staying here in Moyale. He was a teacher. He was also killed. So, both the father and the daughter were killed at the same time by the security personnel. The Government has not done anything about these killings.

We are really marginalized because our youth are not being employed. The Government is not assisting our youth to get job opportunities. We do not want to have conflicts with other communities. We need peace in our community. We feel that there is no need for us to fight. We can even give the example for Ethiopia and Burundi where they are fighting. The Somalis are also fighting because they have no government. We do not want to be like those people. We want to live in peace. If a conflict arises, we become refugees. So, we do not want to fight with our neighbours.

We do not want to leave our farms. We know that people may be killed just because of our farms. We have seen so many people suffering. People have been taken to the Hague to answer cases bordering on violation of human rights. We have seen Kenyans going to the Hague. We know even MPs have conflicts with each other. We, the people of Moyale, need peace.

We were cultivating our crops and keeping livestock, but now we are languishing in poverty. We have no water. There is drought. We need to cultivate our farms. So, we need the Government to address those issues.

Thank you very much.

Ms. Rebecca Mutuku: I know people come from different communities. I would like every community to get a chance to speak out. If one of you has already spoken about a certain issue, for example, the farm, when the next person stands up, please, speak about a different issue. Do not repeat what has already been said. I would like somebody from a different community from the woman who has just spoken.

(Ms. Elema Bante took the oath)

Ms. Elema Bante: My name is Elema Bante. I am a Boran. I will speak briefly. I want to talk about two things; the first thing is about the poor in this Moyale Town. I do not know why this is the case. It is like the Government is more concerned about the welfare of the rich people. We may be illiterate, but we understand everything. The Government should

help the poor to educate their children because they have free primary education programme. Both children from poor and rich families should go to the same schools. Widows in this town are not able to take their children to school.

We have a Borana saying that if you see your long lost friend, you shed tears of joy. Is it the Government or the ones who lead us who are the cause of our problems? As I stand before you, hon. Commissioners, I do not have anything. Everything was taken away by the Government and the shifta. I lost my husband 17 years ago. I have children. My children also want to go to school like other children, but I am poor. I cannot afford to pay their school fees.

Today, I use wheelbarrow to carry load so that I can raise fees for my children. However, it is difficult to raise enough money to pay school fees. We hear there are CDF funds. Why are we not benefiting from those funds? Why is it that only the rich people get the resources and not the poor? This Government should avail resources to the poor people.

You are here because of us. Tell us why we are not getting the resources. Why is it that the rich people are the only ones who benefit from Government resources? I also want my children to go to school like the rich people who live here.

Secondly, if I try to erect a hut, I am told that land is for the rich people. You cannot even get somewhere to help yourself. Was this land created by God just to benefit the few rich people in this country? The rich and the poor were created by God to live on this land. As I stand here, even the poor should get somewhere to live like the rich people.

Thirdly, we always meet the shiftas as we travel. I do not want to repeat what others have said, but our brave men and women were killed by shiftas.

There was a man called Dida Galgalo. He was travelling using his own car. He was killed and his car was burnt down. He had nine passengers in his car and all of them were killed. He did not wrong anybody. He was so peaceful and he was just travelling, doing his work.

Why did they do so? Why did they kill him? So many people live in Moyale. There are many tribes living in Moyale Town. I do not know what has happened because in the past, we were living in peace. Yes, sometimes people have differences, but they used to live in peace. One day, my relative was killed as I was watching. It was the will of God. There was nothing I could do. The Government should look deeply into everything that is happening. The Government cannot be a father to some people and consider other bastards. We are all citizens of Kenya. We cannot say this town belongs to this tribe. We take them to the right side.

I can say, if children go somewhere, they will beat each other. We can say we are citizens of Kenya. We are the children of the Government of Kenya (GOK). However, a father can say that if the children have some conflicts, he should look at both sides and bring peace among them. Instead of separating them, he should join them together so that they

can hold hands. They came to a place called Golbo and beat everyone. I can say there were so many men who were castrated. He was born a man and I do not know why another man can castrate him so that he is not a man anymore. He was made by God as a man. Then why castrate him? I can stand here and say that was very wrong. I can say that the one who leads us should put us together.

This is the wrong path and we better look for the right path. Then if the Government can tell us that we are doing the wrong thing then we will do the right thing. The leaders should lead us to the right way. If we do the wrong thing, somebody should stand up to tell us that it is bad and we should not do it again. I can say everything that the Government did and took away from me. They should compensate me so that I can take my children to school. When we were being taken, they took all our animals. I went to Marsabit and reported everything. Nobody asked us where our animals went. Why was it so? For that, I can say the moment is short and I cannot talk much. That is all I had and I thank you very much.

Ms. Rebecca Mutuku: Thank you very much. It is a very good thing that you have spoken about development, especially that of women. I want you to speak about development in the community. That is because in the morning, we agreed that most of the time the women will speak about our children, community and husbands and then we forget about ourselves. We have been violated in one way or another. Please, let us continue. We are talking about development but let us talk about ourselves.

Ms. Asna Abdullahi: Thank you very much. I thank you for gathering here. There are people who came early this morning. I have a few issues and the others I will leave them for you. In every place I go to, I am the one who talks about women issues but today, I want to sit down and listen to the women and share our issues so that the Commissioners can be happy. I am talking on behalf of the women and girls of Moyale. I want to talk about unemployment. It has been said by the Government of Kenya that women should be employed at 30 per cent in any department. We have never seen that 30 per cent because in the Administration Police recruitment, they employed 18 boys and only took two girls. That is injustice towards our community. If we are supposed to work with men, we are not supposed to be left behind. Next time, they have to deal with that accordingly.

The other issue is about women. Women have so many jobs to do. The men have left the women to do domestic work. A woman here said that she was working in the farm. The women of Moyale work in the farms. We are the ones who are doing business. When you go to the market, we are there working. When you go to the fields, we are there. Everything is left to the women by the men. The husbands just sit there idling around. They just eat and relax and we are the ones who are feeding our husbands. We are even buying clothes for the males. We are even buying them *miraa*. So, we are doing each and every thing. We are the ones who are taking our kids to school. The little money that we get from our small businesses is the one that we use to educate our children.

The other issue is: Why are we not being given inheritance rights as compared to men? Why are we isolated? What problem do we women have? Is it that we were not born like

any other women on this earth? Our fathers gave birth to boys and girls. We came from one stomach. Why are we being isolated? We need to be involved. We need to be given our rights. We have high rates of divorce in this region. Women with husbands are 40 per cent in Moyale. We have so many problems. Others went to school while others never went to school. They are just left there with their children. We endure the burden of taking care of the children.

Even the Kadhi courts are corrupt. They do not hear us. They tell us to bring some money that we cannot afford. They ask us women to bribe them. They even want to have us violated sexually. The Government should look at our issues because we have so many problems. Even there are early marriages. School going children as young as 13 to 14 years are being forced into early marriages. This should end because we want our children to be educated. Even our women do not get civic education. We do not benefit from the Constituencies Development Fund (CDF). We never get any assistance from the CDF. I, as the representative of women in Moyale, can say that we have never received any money from the CDF. Is it supposed to be for men alone? Even women should benefit from it? Women are being beaten by our men. There is brutality. We are beaten on our backs. There are many injuries that we get. They think we are not human beings. They just beat us like animals. I have seen with my own eyes at Moyale Hospital a woman that was beaten terribly. She was beaten in the eye. So, why are men doing that to us? Another issue is that women are not allowed to air out their issues. We are not heard. The men down look at us. They say we are women and we cannot talk anything. The men down look at us. So, we cannot even get employment in Government or Parliament because they look at us as women. Men just say that we are just women. So, we have those problems and we want you to assist us. There is another issue of HBA. With those few remarks, thank you very much.

(Applause)

Ms. Rebecca Mutuku: Thank you very much Chairlady wa Maendeleo ya Wanawake. She has led the women in a very able manner. Thank you for that leadership. Let the lady finish on what we were talking about.

Ms. Amina Dawe: Thank you very much Commissioners and members of the public. Welcome. Moyale is your home. Feel at home. My names are Amina Dawe. I have my own personal issues which I would like you to hear. I have already filled a form when the TJRC came to Moyale. I was born in Marsabit with seven sisters. I am sad to say that my father is not alive. My father's death was caused by the negligence of the Government of Kenya because they took our land saying that it was within town. That land is the only property that we had. Since it is the Government that took it, my father had nothing to say. That was in the early 1970s. We were all very young. My mother never went to school. There is no place that she could go and explain her problems. Due to stress, my father became sick and unfortunately, he died. The land was distributed to about 20 people and we were not compensated. We were left just like that. Unfortunately, the children who were going to school were withdrawn out of school after the death of our father. Fortunately, I got assistance from well wishers and I went for my secondary

school studies but my pain is that if that land was not taken from us, all my sisters could have gone to school. My mother could have not got stress. My father could not have died from stress because he developed high blood pressure and died. So, my request is: Because the land is still there, could the Government do something for my mother who is still alive? This is because out of 24 plots, she was left with two plots. This is very sad and it is hurting the entire family. That is what I am asking for on my side and I have already filled a form. This is because I kept on dreaming that if that land was there, all my sisters could have gone to school the way I have. So, the Government really mistreated us because my mother was illiterate and we were young and we could not complain. There is nowhere we could go and get back our land. So, the pain is still in my heart. So, that is my own issue.

The other issue is about early marriages. I am an anti Female Genital Mutilation (FGM) activist and I have done a lot of awareness in the community. I have a song which I sang and it is against the practice. That practice is very dangerous. It is very harmful. It affects somebody psychologically and mentally. We do not have a rescue centre in Moyale. One who resists the practice has nowhere to go. If we had a rescue centre, we can even take those girls there and take care of them. We can find a boarding school for them as you know education is the key to life and especially to the girl child. So, in the entire Moyale, we do not have a rescue centre. So, I appeal to the Government to build a rescue centre in Moyale so that we can rescue those who are forced into early marriages. If a child says that she does not want an early marriage, she has nowhere to go. That is because there is no Non-Governmental Organization (NGO) or Government centers where we can take them. Yes, we want our daughters to get education but what will happen to those who are forced into early marriages by their parents? If we had rescue centres, they could come to us and we rescue them. So, what is contributing to all that is lack of education. Education is everything. It makes us equal to the men. So, if we get education, we will get opportunities and if the men chase us away, we can have our jobs and take care of our families and ourselves. So, I appeal to the Commission to have rescue centres and rehabilitation centres for our boys who are engaged in drug use and abuse. We, in the entire Moyale District, do not have rehabilitation centres. With all that, I thank you very much. May God bless you all.

Ms. Rebecca Mutuku: Thank you very much my fellow lady. I will give her a chance to say something.

Ms. Hadija Haro: I am Hadija Haro. I am a Gabra. I lost my sister in the Turbi Massacre. I am illiterate and I cannot say the year. She was so innocent. She was so pregnant and they killed her. They killed all the students who were going to school. At that moment, everybody lost their lives. The Government has not told us anything concerning the Turbi massacre. They took all our animals and the Government did not help us or rescue us. Before that, like 20 years ago, our animals were attacked in Moyale. They took all the animals and we did not have anything to set ourselves free so that we could get our animals. There is an old man called Mohammed Dadasa who was travelling in his own car. Nobody helped him. There is no employment. We do not have anybody to provide for us. That is all I have to say. I am illiterate and I cannot say much.

Thank you.

Ms. Rebecca Mutuku: Thank you, lady. Is there any community that has something to say? Is there any tribe that has not spoken? Let me give this opportunity to anybody who would like to speak.

Ms. Ale: I can talk very briefly. I am Ale. I am from Sololo and I am from the Gabra community. I was born in Sololo and I am married there and I have given birth to eight kids. I was displaced from Sololo by the Government of Kenya. They took all our animals. If it was not the Government, then they could have told us who took them. We are poor because we do not know how we will bring up our kids. For that, let justice prevail. Our kids have no education because we are poor. We are not in our birth places because of the Government. I was born in Sololo but I cannot get justice there and that is why I am a refugee here in Moyale. Due to that, I can say it is the Government that did it. I have been here for three years and nobody has brought justice to us. I can feel the pain. I can say we do not have a Government. Our kids are illiterate because we lost all our property. If the Government can stand for us, then we can get justice. But if not, we can go to Ethiopia because we are refugees in our own country. We cannot get justice because we lost all our animals.

Ms. Rebecca Mutuku: We are very sorry but we said that we were to speak about ourselves. So, please, let us not explain the pain only. Explain everything that has been disturbing you all these years. Those are the recommendations that we are giving to the committee so that they can go into the report of the Commission. Is there anybody else who wants to speak? When a woman suffers, we all suffer. The problems in Moyale are the same as those which all the other women are going through. So, let us try to be consistent. Thank you very much. We have our councillor around and we want to assist you. Thank you very much.

Ms. Amina Dawe: Thank you very much. Let us wipe out the tears because it pains as a woman. We cannot leave them to go like that. I have a song for our peace. Maybe, given a chance, we can all sing.

(Ms. Amina Dawe sung a song)

Ms. Rebecca Mutuku: Thank you very much. I will let you sit and wipe your tears. Let everybody speak out their pain. I am pleading with anybody with pain to speak it out because if you do so, you relieve yourself and your heart. Welcome.

Ms. Habiba Ali Jilo: I have to say a word. My names are Habiba Ali Jilo. I am a woman. We are women. We do not have power. We can see her crying because we do not have power. There are some seminars and women come in large numbers. The problem we have is that we cannot say it loud. We have told you our problems and you cried with us. I can understand that you are a woman and you know the problems that we are going through. If you walk, everybody sees that you are a human being but you do not know

what is inside me. I cannot say it is this and this. All women in Moyale have a big problem. The problems are being manifested through our tears. If you want to take our problems, then ask them to compensate us or give us something to strengthen us. That is what we would like. When you get kids with your husbands, it is the woman who stands firm for the children. As we get pregnant, we give birth and then take the children to school. We are illiterate. Women go to fetch firewood and sell it so that they can get money to feed their kids. We want education for our kids. We want them to get an education and get employed but it is only the rich ones that get employment. The poor are not recognized. The government should even employ casual workers so that even the poor can get something. We can get our kids to secondary schools and that will help them get employment. The rich people buy school vacancies but we the poor do not have such power. We sit home with them. Many people come and ask us a lot of questions in seminars. Usually, we fear so much. We do not stand firm and talk. Now, I can stand firm and say everything very clearly. I can say when there are employment vacancies like 27 posts, they take 20 for the rich and seven for people who can write. We do not have the strength to say much. The employed do not want to listen to us because they fear for their employment. I am very emotional. All the Gabras, Burjis and Sakuyes have said a lot. We are all women and we are passing a lot. Everywhere, women are more than the men. Take these problems very firmly. The Government is for the rich and not for the poor. Take seriously what we are saying. I am very emotional and I cannot say much about that.

Ms. Rebecca Mutuku: Let us continue speaking out. Is there any other person who wants to tell us anything?
Welcome!

Ms. Halima Golicha: I am Halima Golicha. I lost my husband when I was very young; my husband died when I was 14 years old. I have three kids and my family is very poor; I come from a humble background. When my husband died, he was compensated but the husband's family took everything and I was not able to take my kids to school. My daughter is in Standard 8 and my son is in Form II. I was not able to continue from there because I am poor and they are all at home now. I have orphans and nobody is able to help me. I have gone through very many problems to take them to where they are now. My son dropped out in Form II and the other son is at home. That is what I am passing through; that is the problem I have. I went to the Government and passed my grievances, but nobody was there to help me. Now, all my three kids are school drop outs. That is all I have to say.

Ms. Rebecca Mutuku: I am very sorry, lady. We have heard the pain that you have gone through and the Commission has recorded that report.

Is there any other woman who wants to speak?

Ms. Halima Bambala: My name is Halima Bambala. Everything I wanted to say has been said before. All women are going through those problems which have been mentioned by other speakers before me and I think you have heard it all. I can say it is

true. Men marry us but they do not help us in bringing up the children. Only the women take the responsibility to bring up the kids. The main problems women go through are because of children. We go through so much to bring up our children. Our men cannot stand up for their children. When we wake up in the morning, we are the ones looking after the kids; the men just go out. Thank God they are here now and they are grown up; thank God we have taken them to school. When we take our children to secondary school and they, at least, finish Form IV we thank God. When there are vacancies for employment, the rich people buy the vacancies with cash, but we do not have the funds so that we can buy the vacancies like the rich people. Then they come and sit at the verandahs; they have gone to school, we have done our level best but because the rich buy the vacancies with money, our children cannot get employment. We have passed through so many problems to take them through primary and secondary schools, but they now sit at the verandahs. I can see that this is the Truth, Justice and Reconciliation Commission and you can help us get justice. Help us to get the justice. We are going through so much; we are not getting employed. Only the rich people in Moyale get employed. And for that, I am from the Burji Tribe; we from the Burji Tribe are very hard working and we all sweat to get what we need. We do not like eating something from others; we just sweat to get what we need. At least, if we get farms, we can farm for ourselves, but now they have taken our farms. At least, if we go to the farms, we cannot look for relief food from the Government. I can see that you are the Truth, Justice and Reconciliation Commission and, through you, we can get justice; we can get our farms back so that we can farm, get food from the farms so that the food can help everybody – I cannot say that it is Borana, Burji or Sakuye, but it can get to everybody so that Moyale people will be happy from the farms we get.

Because you are from the Truth, Justice and Reconciliation Commission, I think justice will prevail.

Thank you very much.

Ms. Rebecca Mutuku: Thank you very much, lady. This lady is just by my side and she wants to speak.

Ms. Halima Gufu Sora: My name is Halima Gufu Sora. My father was a chief in Moyale; he was called Chief Gufu Sora; he was a chief from the colonial government. He was killed by Shiftas. He was killed by Shiftas when he was sitting in front of his house and I was very young at that time. The Shiftas came, killed our father and my other cousins and relatives came when they heard that my father died. Now, when the other relatives came, they were asked: “Do you want to revenge?” They took our mother and then they jailed her. They beat our mother so badly that she was admitted to hospital. Later, my mother passed away. The Government did not come to rescue us or even to ask us anything. I am standing here to say that, at least, I want to know why my father was killed and I want justice from the Government. We had very many animals; that is the cattle, but they took all of them away and then they killed my brother. I want the Government to see that and I want justice.

The second thing I am saying is that when there is employment, like police recruitment or others, our people do not get employed while our children who have finished secondary school education are just at home. When they are taken for recruitment and are not employed they feel hopeless and all of them are just at home.

That is all I want to say.

Ms. Rebecca Mutuku: Thank you very much, lady. Is there any other person who wants to speak out? We do not want to leave you out.

Ms. Halima Boru: I am Halima Boru. I am Sakuye by tribe and I was among the people who were talking yesterday. I cannot talk about myself because I talked about it yesterday, now I want to talk about the environment we live in. Very many people have mentioned the problem of our environment. I want to talk about land. We were displaced from where we were born and there are rich people who have built storey houses and they have displaced us from where we were born. We do not have anywhere to go because we do not have our land. We, the Borana people, do not even have identification cards. If you have identification cards, you will get employed, but if you do not have, then it is very bad for you. If you are going for recruitment, the rich ones buy the vacancies with their funds. We are very sorry that if you do not have identification cards, it is bad luck for you. If the Borana community can get identification cards, even the Sakuye can get them. The Sakuye people are behind “curtains” because only the rich are employed. I hear every time that we are being helped, but I have never seen any help. Only the strong can fetch firewood to help them; others get logs. If you are so sick that you cannot fetch the firewood or the logs, then your kids will sleep hungry. If you go to neighbours and tell them that your kids are hungry and you are not able to go out, they will just abuse you. They will ask you: “Were you born with poverty or what?” I cannot say that by my son working, I can get out of poverty. I cannot say that I will get animals so that I can say I am rich. The intruders have built storied houses and we, the people who were born here, are just displaced. The Government should help us to solve this problem. What I can emphasize on is the identification cards. I know that if you do not have an identification card, you cannot move around in Kenya. What identifies you as a citizen of Kenya is the identification card. A woman cannot walk in Kenya if she does not have an identification card. Only the rich people will get identification cards because they have cash to buy them. The ones who are poor are “zero.”

Thank you very much. That is all I wanted to say.

Ms. Rebecca Mutuku: Thank you very much, lady. Is there any other person who wants to talk?

Let me take this opportunity to say thank you very much and because everyone has got a chance to speak, I would like to ask the Commissioners to speak to us because they have listened to us. She has heard the pain that you have. I would like her to speak to you before we close the hearing.

The Presiding Chair (Commissioner Chawatama): It is not very often that I am lost for words. By profession, I am a lawyer and we lawyers speak a lot. By occupation I am a judge and judges have to be good listeners. In this process, I have learned that when people are silent, it does not mean that they have not spoken. I have watched my sister here, and just by looking at her, I know that she has a story to tell. She may have not uttered any words but her silence has spoken to me. My two sisters whom I got up to comfort, the silence was so loud and we were truly thinking and I thank him for the opportunity to be able to share your pain. My faith teaches me that we should learn to carry one another's burden. I am not a Kenyan; I come from a country called "Zambia". When I was appointed to this Commission, I had no idea – all the people that I would meet, all the experiences that they have gone through – but one thing I was certain of and the rest of the Commissioners were was that we would start with this region. There was such a pull for us to come here. I recall in a conversation we had when we wanted to start with Nairobi because everybody else advised us that Nairobi was the place to start because of the important people who are there; because of the publicity that we would receive, but the pull to this region was so great we did not even have discussion for days. There and then, we decided that the decision to come to North Eastern Province and upper northern was the right decision.

Now, I understand why we were pulled to come here; we were pulled because of your tears; we were pulled because of your pain, because it was the right time for some of you to speak for the very first time. In life there is always a season; we know that now is the time for rain; and we know that now is the season for the cold. Even in our lives, we understand that there are seasons. You take this as a season for the truth and justice. We also take this season as the season for your healing because there is a season for everything. There are events that happen in our life that cripple us whether physically or mentally. We feel so helpless. Listening to your – I do not want to call them stories – life experiences, there have been very many things that have happened that, ordinarily, you should have given up living. But you have had the strength and the will to carry on. One of the things that I have said often when I have had an opportunity to speak, not only to women, is that when you heal a woman, you heal a family; when you heal a woman, you heal a community; when you heal a woman, you heal a nation. The tears of a woman bring bad luck even to a man in her home. So, I do not understand the men who abuse their wives and their wives cry and then they wonder why everything is going wrong in their lives. We are given to be the helpers and ours is to help and not to be the person who is the provider. But whoever it is in this country and even in my own, men have stopped being men and vacuums have been created in families. The women have had to rise to the occasion because, as you have said, if you do not get up, the children will not even eat and the children will not even go to school.

I have heard you and you have addressed all the issues that we wanted to hear as a Commission. You have addressed the issues of FGM; of forced marriages, of early marriages; you have addressed the issues of land and property rights and I do not understand why a woman cannot inherit wealth. I was born of a woman who only had three children and she was laughed at, but here I am; I am a judge in my country. My

sister is a medical doctor. My other sister is an economist. There is nothing wrong with any woman and a woman should inherit just as much as a man should. We did not apply to become women and I have seen in my life that it is actually the women who look after their parents; they always remember their parents. They always send them something that was not there. I wish the value of a woman could be seen at an early stage and not when you carry a basket full of food for your father and mother, and that is when your father looks at you and says that you have value. I am so happy and I have no regrets that I left my land; I left my good office; I left the comfort of my home to be here today to share with you how you have lived; how you have been treated and I am speaking to you today. The words are not my own. Like all of you, I am a very prayerful woman and I am very careful when I speak. I speak words of love; I speak peace into your lives; I speak peace into the lives of your children. May your daughters never go through what you have had to endure; may your sons grow up to be fine men who will be good husbands to their wives and who will be good fathers to their children. May you prosper in your businesses; may you prosper in your farms; may you be remembered today.

I heard a very sad story of women who had been raped and how, after that, their wombs closed. There have been very many cases that have been attracted because of the way women have been treated. But I beg you, my sisters, find it in your hearts to forgive those who have mistreated you. I am not asking you to forget, but I am asking you to forgive so that the healing process that has already begun can be completed. I know it will not be easy because there are some people that you need to reconcile with. If you find it within your hearts to reconcile with them, please, do. One of the things that I have enjoyed most about being in Moyale is, even though the people living here have had some differences, the communities seem to get on more than the other places where we have been to. I have heard different communities tell me or tell us how they get on with other communities and that, in itself, is a very strong foundation from you to be able to build on because when there is unity, development comes. Continue to speak in one voice; continue to speak for those who are weaker than you.

I was looking at my sisters here and I was saying "What beautiful women!" I was saying "O God, please, let me have just their skin so that I can also look very beautiful!" I have had to put on very many things just to look this way, but look at you; your skins are just very beautiful! And you are as beautiful outside just as your inside and I appreciate you. My life is richer because I have met you. If I go back home, I will be a better person; I will be a better judge. When people come and speak to me in court, I will really hear them. Thank you for helping me to become a better person and on behalf of the Truth, Justice and Reconciliation Commission, in all you have said, we have managed to pick up a lot of recommendations. Even when you were not aware that you were making a recommendation, we were able to pick them up. What you have said today will form part and parcel of the report that we are going to prepare. Our recommendations are mandatory; we are going to have an implementation committee in place just to make sure that our recommendations are implemented. So, that in itself is a good thing. The law that created us is a good law. So, please, rest assured that it is your time and it is your season. Thank you for contributing to the work of this Commission. I have no idea if we will ever meet again. I do not know if you will ever come to Zambia. I do not know. But even if

we do not meet again, in the same way that you will not forget me, I will not forget you either. And you know what, today is the 1st of May, 2011, and it is Labour Day. But, you know what, for us women, we know what it is to labour. So, what we have done today is we have borne a lot of things because we have spoken; we have spoken of life and the way it was; we have spoken about life and the way we would want it to be. So, we have birthed a lot of things. I have been your midwife; you have also been my midwife and we have helped one another. Continue to live in peace and unity and as long as women are united and they speak in one voice, they will be heard. I pray for rain and I will continue to pray for rain for you. I wish you all the best and every blessing for yourselves and your families. I do not think there is anything else to say. I have poured out my heart and, in talking to you; you have helped me dry the tears that I came with.

I thank you very much. I think I will have to hug all of you because that is what I like to do. So, I will come around and I will hug each one of you.

Asante sana.

(Applause)

Ms. Rebecca Mutuku: Is there anything you would want to speak out?

Ms. Amina Dawe: I thank you very much. Have a safe journey. Thank you very much, may your kids be blessed too!

Ms. Rebecca Mutuku: Thank you very much too. Let me give an opportunity to this man. He will be the last one to speak.

Ms. Amina Dawe: My sisters, thank you very much. The Commissioner from Zambia is like our mother because she has really touched us. We have never seen anybody who has cried with us. She is exceptional. She is the best mother for Moyale women. Somebody who tears with us is more than a mother. She is a mother and a half. She just looked at all of us and she knew all our problems. Thank you very much. May God bless you. May you reach your destination with the Almighty God. We really appreciate; you are in our hearts and we shall never forget you. The entire Moyale women who are here will never forget you. You came here; you knelt down with us, you cried with us; you touched us and you touched two of the ladies. It is as if you have touched all of us. In fact, when you were touching them, we were shedding tears. The advice you gave us is in our hearts and we shall never forget it. Now we do not have anything to give you, our mother, but we give you our blessings. May you lead in the work that you are doing. May you shine among the men like the stars; the brightest star!

So, we say thank you very much my dear. We say thanks again. Because we do not have anything to give you, we are going to appreciate by the show of hands. So, we are going to stand up slowly and clap for our dear mother.

(Applause)

Ms. Rebecca Mutuku: Thank you very much. We really thank you for your time and for speaking to us. Because our Commissioner has blessed us and given us a word of encouragement, there is nothing else I will add. I want to assure you that we did not waste any time.

God bless you so much and even if we are going to depart, our hearts and minds will remain together. We will still continue praying for one another.

We have come to the end of the hearing. I will ask you to stand and close with a word of prayer and then we will leave after the Commissioners.

(Closing Prayers)

(The Commission rose at 12.15 p.m.)