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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND  
RECONCILIATION COMMISSION ON TEUSDAY, 19TH APRIL,  
2011 AT RAHA PLACE HOTEL, WAJIR**

**PRESENT**

<b>Tecla Namachanja</b>	-	<b>The Acting Chair, Kenya</b>
Margaret Shava	-	Commissioner, Kenya
Zeinab Abdullahi	-	Interpreter
Ms. Mahdaba Muhamud	-	Interpreter

*(The Commission commenced at 9.35 a.m.)*

**Ms. Nancy Kanyago:** Most of the people who spoke were men. For every two men there was only one woman who talked; that is the ratio. If we got 100 statements from Wajir, we saw that the women's statements were very few. We only got, maybe, about 20 statements from the women and 80 from the men; that is the ratio. If you look at the statements that the women are making, you will see that they are addressing things that happened to their fathers, brothers or sons but they do not address any issue about themselves.

The women told us that it is men who took their statements. Men's statements were taken and they did not feel free to talk about their personal issues. We are informing you that there are ladies today who can write your statements and we will listen to your statements. So, please feel free to talk about anything. Whoever wants to talk in Somali should feel free to do so.

**The Acting Chair** (Commissioner Namachanja): We want to hear about the violation that women underwent. When we were there collecting statements from people, we heard the way women had been raped. We got about 30,000 statements but only 500 statements that are talking about rape and women violation; that cannot be a true picture of this particular place.

In this hearing, we would like to hear about all your problems and sort out those issues. We know that matters pertaining to rape and the girl child are things that have been happening, but we do not have a lot of information about it. We also know that if you look at the secondary schools here, the girls are few compared to the boys. If you compare the ratio of girls to boys in secondary schools or even in primary schools from Standard 6 to 8, you find that the boys are many in comparison to the girls.

We want to know why the girls do not continue with learning. What traditions and cultural practices are making girls not to continue with their education like boys? We do not have any information on issues pertaining to health and it is as if the people of this place are satisfied. Can all the women give birth at the hospitals? We did not have that information so we want to hear about the problems you underwent when you were pregnant and if you can get treatment in hospitals. The Commission is looking into all these issues.

We will be here from 12.30 p.m. to 1.00 p.m. So, let us give out our views and feel free to speak out. For example, yesterday we were told that the women who are in white are widows since the Wagalla Massacre, is that true? We know that you were violated but what about your life as a widow; what are the problems that you have undergone as a widow or as a woman who is taking care of her children without a man? I plead with you to feel free and speak out before the Commissioners. Are we together?

**Ms. Abdia Jellow:** My name is Abdia Jellow. When the police came at around 5 o'clock to our *manyatta*, they took all the men. They were beaten with *rungus* and stones and then thrown out. People have problems when there is no man. They then asked us from which clan we were and we told them that we are Degodias. The men who were taken by the police were all dead.

On that day, my children were taken from me and I was breast feeding. We asked who they were and we were told that they were the police. Fifteen men were killed with spears and they shot us on the legs and we were crying and asking why the Government was killing us. All the trees were burned and the people of Wajir really suffered. We are suffering, we are the witnesses and this is what is happening. There is no justice and the Government is just finishing us and as women, we do not know where we are heading to. When we go to the hospital, we are asked where we are from and God is our witness together with all the people who are here.

**The Acting Chair** (Commissioner Namachanja): Thank you very much and we really appreciate that what you are talking about is very painful. We appreciate the fact that you have come to talk to us.

I want to know if the woman who has just talked is one of the widows who are victims of the Wagalla Massacre.

**Ms. Abdia Jellow:** My father and mother died; they were beaten and cut with *pangas*.

**Ms. Zahra Abdi Keynan:** My name is Zahra Keynan Abdi. I have come here to address the issue of the Wagalla Massacre. I can only describe that day as us being dogs and the Government being lions or the hyenas that ate us.

When I think back, we had no problem with the Government and when the soldiers came, they called me as I was closing my hut's door and they asked me about my husband. They said they did not want me but they wanted my father, two brothers and my uncle. They took them and packed them into lorries. Hundreds of others were picked from the mosques and they were all taken to the airstrip. They had been collecting people from six in the morning to six in the evening and they were picking all men. They collected men for two days and two nights; Friday, Saturday and Sunday. When they had picked all the men they could find, they took them to the airstrips and the soldiers came back to us. They told us that they were now our men. We do not know their names or where they came from but they came and picked all the women though I cannot recall the number. No woman was spared; all the beautiful girls were each raped by ten or more men, others by three and others by seven. Some women ran away and some were killed in the incidents or at the wheels of the trucks. I

was also a victim; I had just come out of labour and others who were pregnant gave birth prematurely. I can remember that no woman or girl was spared.

Since that had happened, I decided to erase it from my mind. I had decided to take this to my grave. After three days, they took poisoned water to the men. The men were told to take their clothes off. They poured petrol over them and burned them. They were then hit with the butt of the guns and with clubs. Up to today, their bodies are suspected to be there. When all the men were killed, the soldiers went back to their trucks. They packed the corpses into the trucks. We do not know where they took them because they took different directions; some to Moyale, others to Nairobi and others to the South.

I gave birth prematurely and when I went to the hospital, I was told to go back or be taken to prison. I do remember that while I and other men went to identify the bodies, soldiers were surrounding us. They slaughtered any goat or camel that they saw and they raped any woman that they saw. They spared no one and personally, I cannot urinate properly. I cannot sit properly and I cannot even go for a long call normally. I do not think any of the women you see here gave birth since that day. I have also never given birth.

We all suffered terribly because we did not have any huts where we could sleep. There was no shop where we could buy anything and there was no hospital or station where we could give statements or report to. The women were bleeding and all we could do to the injured men was put some glucose on their tongues and we could see them dying right in front of our eyes.

God says that everyone should talk about Wagalla so that the people who suffered can know the reality. We suffered with the children who survived because there was no Government to help us with relief food, health or school.

We had a big house which was demolished. We did not have a brother to go and present our problems to the Government. You should not listen to what the Government is saying but you should listen to us since we do not have leaders to represent us in Nairobi. The soldiers who did this to us came from our Government; the Government that should protect us ate us like a hyena eats a goat. We are now in the stomach of the hyena. When you walk, you cannot control your urine. How then can you give birth to a baby? Even when you sleep at night, you cannot control your bladder. You urinate like a child. The truth is in front of you and since then, every morning, I have to change my clothes.

We were not considered human and we were not given our human rights so while people are playing football, some of us are crying. My eyes cannot tear and when we went to Wagalla the other day, I remembered that I was raped by 120 men and that night, I started screaming. We fainted so we had to take some tablets to relieve our pain but if the Government sent you to us, then we are grateful to you and to God. I have never talked about it but today, I did it because we are all women.

We do not have any children to work for us and we do not have even a tomato to eat. We do not have houses because they were burnt and we have been poor from the day of Wagalla up to now. We have not had any assistance from the Government. We

were stigmatized and we were told that we were “the rape women”. We did not get married and even the daughters we bore before are also stigmatized. They are suffering because of that. I feel like I am not living and we are pleading with you to address our issue. Do you understand me?

We felt better when we saw women who care and who addressed us separately. We do not have any wealth because our wealth was destroyed in Wagalla. They ate our goats and took everything for themselves. When it rains, we get food but the rest of the days, we just starve. When they employ people, they do not employ our children; they employ other people. If you go to other *bullas*, you will find that there are committees that address issues, but we do not have anyone to address our issues. When we ask them to address the issue of Wagalla, we are beaten and we are sent away. They say that our children cannot become soldiers because they will retaliate at what happened in Wagalla. So, they do not want to employ our children.

I silently cry every day when I see people in cars enjoying themselves while we do not have anything. Thank you very much for giving us time as women, for addressing the state of women here, for giving our children jobs and for taking our statements. There is no other way to repay you. All I can do is to pray for you. There was a man called Hassan and he is the only one who bothered to write about this and we are grateful to him. We were abused by the Government because we did not have any leader to represent us. This is a beginning because you let me talk.

**Ms. Nancy Kanyago:** Thank you very much, we are very grateful. I can see that many want to speak out; so if you get a chance to speak, know that there is somebody else waiting to speak out. Let me start with this one before I can come back to you.

**Ms. Mohammed:** I was not among the people of Wagalla but I was in another place called Majidis. They cut my leg, burnt part of my house and asked me about Wagalla. The Kenyan soldiers cut off my leg, injured my sister and killed my mother. My sister and I were in hospital for five months and you can even see the leg that was cut. Since that day, I am crippled and it is the Government that did this to me. They did not educate me neither did they educate my children who are just roaming around the town doing nothing.

Three people from my family were taken to Wagalla and two died. My neighbour was brought back on Tuesday when part of my house was burned. So, I walked around in the bush and everyone else ran away.

We do not want to be lied to, we do not want the Commission to come here for nothing; we want the truth. If you are taking statements, I have written ten statements before but nobody did anything for me. This is the first time I have been told to talk openly about it and I thank you very much for that.

**Ms. Nancy Kanyago:** My fellow women, I urge you to please allow us to have one hearing. Please sit down and let us respect these people who have come to help us. That lady there is the one who is coordinating the meeting; please raise your hand and she will give you a chance. You have to be organized for you to be understood.

**Commissioner Shava:** Can I just say that this is a very emotive meeting. We are talking about things that are very painful. We are reminding ourselves of the terrible things that have happened to us and our emotions are very high. Can I ask that you agree to give a chance to everybody who wants to speak to do so because they are women like us and they are speaking of their own pain? Can we agree to give them the opportunity to speak without interrupting them? Everybody who comes up to speak will be allowed to express themselves in their own way. Is that okay?

I did not get the name of the woman who was speaking.

**Ms. Mohammed:** I was in Wajir when my leg was cut.

**Commissioner Shava:** When was this and what was happening? Was it during, before or after Wagalla?

**Ms. Mohammed:** It was on Independence Day in 1963. They call that day *Majisidis* Day.

**Ms. Nancy Kanyago:** Let us follow good protocol. We will allow three people to speak out in a consecutive manner.

*(Ms. Surai Abdil Gurre took the oath)*

**Ms. Surai Abdil Gurre:** My name is Surai Abdil Gurre, I am 25 years old and I am going to speak about the Wagalla Massacre. I was at home in Griftu when our brothers and husbands were all taken on a Friday night. On Saturday, many soldiers came and they found my sick mother and I seated outside. Five soldiers came with a match box and they burned my mother's house. While I was taking out the mattresses, five men caught me and threw me next to a big stone. As I was crying, another one came, tied my mouth and covered my face and I cannot see properly now. All our shops were taken by the soldiers and by people from different clans who were not Degodias. They took 307 cows and three shops.

Since that day, I have never spoken and I am not ready to speak because people say that they will help you but they do not. My three brothers died at the Wagalla Massacre and 45 people were taken from Griftu to Wagalla.

I went to carry my donkey, so that I could come to help the two people who were giving birth at the Griftu. Up to now, my brother's health has been bad. He cannot even sit properly and he recently went to hospital. Three people and ten goats died and we do not have anything to call our own. Very few people were saying that the Degodia should be beaten. Not any other clan. There was nothing anybody could do. They were just looking for the Degodia. The Degodia were all over Wajir District and now people were saying that all the Degodias should be killed. We cannot forget those problems. God helped me at that particular time and all the Degodias cannot die.

If the Government wants to help us because we no longer have any resources, all our brothers and grandfathers are dead and everybody knows that, it can go ahead. Right now, I have many scars where I was beaten. That is all I have to say. Thank you very much.

*(Ms. Fatuma Jelle took the oath)*

**Ms. Fatuma Jelle:** My name is Fatuma Jelle and I will talk about the issues pertaining to Wajir or North Eastern Province since independence in Kenya.

I will start from the beginning in 1963 when we were staying in a place called Bula Jogoo in Wajir District. We were living in our small houses called *Manyatta* when at around 10.00 a.m, the Degodias were barred from stepping out of the village. If the Degodias were seen buying anything at 10.00 a.m. they were arrested and taken to cells. When you were arrested by the police, you could be taken to the District Commissioner who was acting as the judge. You could not question for how long you would be jailed and we could not understand what the problem was. There was no learning going on in schools and if you were a girl or a woman who knew Kiswahili, you were arrested because no girls were allowed to speak Kiswahili.

I was a young girl at the time and I could understand Kiswahili, so there was a lot of torture and violation. When I saw our people being violated and tortured, I told the elders to speak in Somali, so I could translate to them. When a person was arrested, he was not asked where he was going or from which clan he was from. If you were a Degodia, you were arrested and jailed for two years. So those people who were arrested knew that they could only eat meat and drink milk.

Therefore, since Kenya got independence from the British, you were not allowed to go to hospital. Otherwise, they could say that you were a Somali. I gave birth on 20th November, 1963, outside since I could not go to hospital. There was nobody to take care of me or even to sympathize with me. The baby came out, he was well, but I could not get any support. The placenta remained inside the womb and the baby is outside. I had no option and I thought my baby would die, but there was one nurse and a male doctor who just kicked my baby and then the baby died. I took the baby in my arms and gave thanks to God. When I saw that I was not getting any help from the hospital, I cried out and some outsiders came and rescued me. I just told them to take me back home.

I have seen a lot of torture and suffering that my fellow people have been subjected to. The Somalis at that time used to be tortured, not just the Degodias, but all Somalis. Five people were shot in one of the flats by the police. People were dying even in mosques. I saw bodies of seven people and the bodies were cut until their brains had scattered. You fail to understand why somebody would chop a dead body as if it is meat. It was shocking and painful.

My father, Mr. Ahmed Likham, was beaten by the soldiers and he was about 90 years old then. When he asked them why they were beating him, they took him from the bed and threw him down. Although he is already dead now, it is still painful. Since that time, we have seen a lot of suffering from this mosque up to Orehe. We saw 15 corpses and our camels and cows were swept away by water. When our camels were shot dead, I could not tolerate that. I felt like throwing myself into a borehole right there. I just compared myself to the dead people because they did not have any guns or arms to defend themselves. I think the white man left a lot of tears behind.

Because of all this, 72 people were taken and it is not only the Degodias who were taken. After that, another four young men were brought in and we were told that we were *shiftas*. How can a person who was taking care of his camels be a *shifta*? He has no gun, *panga* or axe. He does not even have a knife. So how can that person be a *shifta*?

The Government of Kenya has really tortured our people. We were 18 women and I can even show you the houses where we were put. The soldiers locked the doors of the houses and they took us as their wives. The suffering that we underwent was enough and the men were beaten up. They were bleeding everywhere and they were even vomiting. They were stepped on as they were sleeping on their stomachs and they were injured on their private parts. We did not think that these Kenyans could turn out to be like hyenas. Forty four young men were killed at a place called Afkar without being questioned. They did not have any guns or arms. Their camels were drinking water at a borehole and they just died like that.

From the pain, what I saw and underwent, it was just bad. Then came the Wagalla Massacre. During the Wagalla Massacre, my husband, Mr. Noor Hassan, was killed. He was taken from the town, put into the army vehicles together with my matrimonial brother, the late Mr. Mohammed Jellow, and we did not even see their corpses. What the 3,800 people underwent at Wagalla Massacre cannot be forgotten. Personally, I cannot forget it.

Many people died in Wajir and I cannot forget since I personally knew them. Among the women who were arrested and tortured was Markabo, who was pregnant with twins and she was stepped on until she miscarried. There was also Habiba who was newly wedded. She cannot give birth now because of the way she was violated. I was next to Markabu and Habiba and I cannot forget them.

Secondly, because of the torture, a hospital was started by the Italians since there was no hospital in Moyale, Marsabit, Mandera or Garissa. Up to now, if you go to Wajir Hospital, you will see a lot of suffering. Personally, I felt that there was no need of going to see a sick person at the hospital.

Moyale, Marsabit, Mandera and Garissa only had one school which was Wajir Primary. Wajir was the headquarters and even when pupils passed their examinations, they could not go to secondary school. I do not know how to read and write and up to now, I just use my thumb. I therefore did not see the need for education though I take my children to school. My children do not have a father and I am struggling to take care of their education as a single mother. We just hear that there is assistance from Sweden and America but we get nothing here. We live next to the airport where cargo is unpacked but we do not get any assistance.

We do not have health services, leave alone education facilities. If you are arrested, the police, the clerk and the judge all want to be bribed. We do not understand when the Government will come to our aid. The people in the Government only come to us when they want our votes. Why do they forget us when we really need their assistance? President Kibaki, Moi and Kenyatta have all come to Wajir and even Jaramogi and his son have also come, but why can they not assist us here in Wajir? Why do they not want to take the six people to The Hague? Why do our children die



for lack of blood donation? It is better for Kibaki and Moi to be taken to The Hague right now; we have suffered enough and we can no longer keep quiet!

We know that Ouko was killed because of us, the Wagalla. When they went to France and the United Nations, there was a meeting where he was asked what he was doing there yet they had seen on TV that there was the Wagalla Massacre. He came back and he did not say that. Therefore, President Moi and Kibaki should be taken to The Hague together with the people who are “eating” our resources. In 1969, we were counted and in 1995, they wanted to separate us, so that we can be in Somalia. The Europeans just left us there. They even killed our camels, so that they can rule over us and at the moment, they have finished all our resources and now they are just ruling over us.

At this moment, even if we do not have resources, we are together with them. Whether they agree or refuse, they must be taken to The Hague for the problems they caused us. They should not be forgiven.

As I finish, my heart is full of pain because of the way I was tortured by the policemen. Up to now, I cannot even walk properly. If you look here, all the scars have started swelling and even the doctors are unable to treat me and now I am just waiting for my time to die.

*(Ms. Halima Enow took the oath)*

**Ms. Halima Enow:** My name is Halima Enow. I will talk about the Wagalla Massacre. First, I have to tell you that I am not a Degodia, I am a Garre. That night when we were sleeping, all the trucks came and when we saw that, we could not come out of our houses. I used to live near the hospital.

Later in the night, we were told that they only wanted the Degodia tribe. I used to sell *miraa* those days. We saw the people who were shot after they said that they were Degodias. We stayed where we were because we were frightened. People were being killed and injured. This started happening on a Friday. On Saturday, we left and we were told that some people escaped from Wagalla and came towards our place. They were naked, without shoes, dehydrated and because we were Muslims like them, we gave them our clothes and some of us even gave them our undergarments. We shared what we had with them and we took them to a lodge called Bajo. Before, it belonged to a man called Mr. Mohammed Heiro, but now it belongs to an Ogaden. We were told not to give them water, but tea without milk. So, we prepared tea.

We sprinkled some water on them and their skin was peeling off and the tongue was rolling out. They could not talk or hear anything. We were forced to run away and as we were running away, they caught up with some of us. We did not have containers to carry water. There were people with broken limbs, others were burnt and others could not walk. Later in the streets, out of every four women you would meet, three would be widowed. I used to sell *miraa*. So, they brought me five cartons of *miraa* and we gave it to the victims so that they could not know who they were. That is all we could do for them so that they could be part of us. So, what happened in Wagalla was a very sorrowful event. I was young then with only four kids. During the time of independence, so many people were hurt but I cannot remember because I was very

young. What I know is that it was a massacre without discrimination. They burnt houses, raped women and killed people. The children were left without fathers or mothers.

*(Interruption due to power failure)*

It is not only during the Wagalla Massacre that people suffered. People have suffered throughout. If somebody does something wrong, instead of looking for that particular person, they start killing people indiscriminately.

I was asked to tell you everything. All I can say is that, in Kenya, poor people do not have any rights. It is only the rich who have rights. If you report to Government officers they will ask you what you want, harshly. When you tell them your problem, they will turn you away. You will only be welcomed if you are rich.

When people heard about this Commission, we got hope and people started changing their attitude. In Wajir Hospital, there is only one room and only four maternity beds. My daughter gave birth and there was no place for her to sleep. So, I had to go back home and get a mattress for her. Later, I had to take her home while she was bleeding. We took her back to hospital and brought her back home because there was nowhere to sleep. I do not even know if we are Kenyans because people threaten us and if we talk about it, our people are arrested and taken to jail. When people are arrested, they are asked for money and yet they are poor. If you have money or power then nobody will question you. So, for us, we do not have rights in Kenya. When you have a problem, a statement will be taken but there will be no follow up.

Today we are seeing new people and I think all ills that happened to Kenya happened in North Eastern Province. Many people were killed or injured and those who got away with it were leaders or people in positions. As poor people, we have to survive by selling *miraa*, milk and other things in the streets. When we educate our children, they do not get jobs. Even if you want your child to go for police training, they will not take your child because you do not have money. If you have struggled to educate them where will you get money to pay in order for them to get jobs? Other people are given those privileges but not the poor people. If someone has to be taken to the army then he has to pay Kshs300, 000 but still the rich will be given a chance and not you. So, apart from the massacre, we suffer in very many ways. They discriminate us because we do not have money to pay and even to educate our children.

At times they come here and tell us that we have rivers and other resources and then leave without doing anything. We are suffering discrimination now. Even when the children pass exams in school, they do not get further education or jobs. Let us ask the crowd to tell us if there is anything they can help us with. There is no proper sewerage system here. We have to dig our own holes together with our neighbours. This leads to the spread of diseases. Our problems are not easy. When you go to the person who is in power, he will ask who you are. I remember one day there was a fight because a certain leader turned away someone who sought his help and yet he did not know him. We have no one to turn to. When you tell them your problems they will inform one another and the next day they will close the door and lock you out because they do not want you to talk.

**Ms. Nancy Kanyago:** Thank you very much for sharing with us your sufferings, although it was painful. We appreciate and we shall continue to listen to you. Commissioners will take a short break but they are still here. I am requesting you to give them that chance. We will continue afterwards. I am going to give Artha Mohammed this chance so that we can see what we can do when Commissioners will be outside.

**Ms. Artha Mohammed:** Today, the Commissioners did not come here to address only the Wagalla Massacre issue but we have to address all the things that you have encountered like in getting jobs, gender issues for women and so on. Since you live here, you can tell the Commissioners how women are suffering, the cases of the girls who were raped, how their cases were reported to the police but they refused to address them and the issues were later brought back to the elders. I want you ladies to address all those issues. Do not repeat only one issue. If you want, you can do it but also do not forget the issues affecting women.

**The Commission Secretary (Ms. Nyaundi):** The other thing that I would like to say is that I would like the Commission to look at the issue of compensation and see how we can help those who suffered. Sometimes when compensation is given, it is only the men who get it. So, we want to hear from the women what compensation is better for the women. You can give us views about health services. If you understand the law, you should be able to tell us which law should be changed, for example, during the police reforms and the general law that can be changed so that it can help women. We do not want to give a report if we do not understand from you what can be beneficial. We do not want to recommend something that is not acceptable, according to your traditions. So, you should tell us what is best for you, according to your traditions. The problem affecting women is one, whether there is a fight or faith. So, you will have to elaborate to us the way you have been living.

**Ms. Fatuma Jelle:** I want to add something a little. As Ms. Nyaundi has said, it is better to give out your views, expectations and recommendations. From the beginning you said that you did not get any assistance even when the camels and goats died. So, as you give your recommendations, you should tell us what you want to be done.

**Mrs. Medina Hussein Hamed:** My name is Mrs. Medina Hussein Hamed. I was born in Isiolo but I am married in Wajir. I was a civil servant working for the Government. I just want to talk about my personal life. My father died in 1968. My district is Isiolo and my clan is Garbatulla. My father was killed just a few kilometres from Garbatulla Town. All our resources got finished. My mother was the second born in her family. My sister and I knew each other when our mother was sick. I was taken to the catholic mission at Isiolo where I got my education up to Standard Seven. I learnt at a school called CCM Isiolo and that is where I grew up. From there, I went to Garbatulla Girls Training School and I took a secretarial course for three years and got a job at the Ministry of Water and Irrigation. I got married and came to Wajir in 1980 because my husband is from here.

I worked with the Ministry of Water and Irrigation as a secretary until the year 2000 when I got a retrenchment letter from the Government. I never got any training from the Government apart from what I learnt from school. There was no refresher course from the Government except that particular month I went for training in Kitui for

seven days. The Head of Civil Service was Dr. Richard Leakey then. The letter was from the Director of Personnel Management (DPM) and it was signed by Dr. Mohammed Isahakia. I am a mother of seven children but what I got from the Government after 24 years was only a pension of Kshs2, 600. Right now, my children have dropped from school and do not have jobs. Even for me, getting a job is difficult because my identity card is from my home district of Isiolo. So, I cannot get a job here because my tribe is different. Not unless this place becomes my matrimonial home, I cannot get a job. Even my children cannot get jobs because I am from a different tribe. I do not understand why I was retrenched because I had not reached the retirement age. I could have taken my children to school and done a lot development in life but I cannot do that because my tribe cannot allow me.

When I go seeking for a job in Government, I have to give out the national identity card and when they realize that I come from Isiolo, my documents are put on a pending list. That is because I do not have somebody to assist me. Sometimes if there are jobs in the Government, they ask for bribes and yet I do not have the money. I do not even have money to pay fees for my children. So where do I get money for bribes? Sometimes men take advantage of that. There is the risk of contracting HIV/AIDS so I cannot give out my body in order to get a job. There are so many people who have died because they just gave out their bodies and have contracted diseases. There are very many who are suffering from HIV/AIDS because they gave their bodies so that they could get jobs to take care of their fatherless children. Sometimes women cannot afford to sustain their families unless they sell their bodies to someone who is prominent.

I want to speak on behalf of the retrenched people because I know the problem that I am undergoing which they are also undergoing. The retrenched women cannot get a house or land. They are just suffering like me. They have children whom they cannot educate. Some of them have to walk for long distances to get something for survival. So, if you look everywhere, there is no consolation anywhere. We do not have jobs and the Government does not give us any assistance. There is no office for *Maendeleo ya Wanawake* where we can present our problems. The only office is that of gender which offers some Government assistance to women. But we have to bribe Kshs10, 000 so that we can get Kshs100, 000 which is money that will be returned back. So, you get Kshs90, 000 because the person in charge has taken Kshs10, 000. When that money goes to the bank, the commission will be deducted but you still have to pay the Kshs10, 000.

In the office of the Ministry of Trade, there is a trade union and an office that gives out small assistance for business. If you go there, then you have to pay Kshs500 for certificate of registration but sometimes, you pay up to Kshs2, 000 to get that certificate. When you go to that office after getting the certificate, you have to pay another Kshs5, 000.

There is only one hospital at Wajir which does not have medicine. When I took my first born daughter to deliver, there was no electricity. It forced me to use a torch, and then I bought gloves, the needle, medicine and cotton. It was at night and I did not know what to do. My daughter was only 17 years and she almost died on the floor. When I told the doctor to assist me, I was asked whether I had gloves and cotton.

Let me come back to my personal life. I was married and had seven children. My husband does not have a job, so he cannot do much for us. He used the pension he got on other women and now we are separated. He is now living in a different place. We bought land together but he has put another wife there and yet I am suffering with my kids. Today, I am over 40 years and I cannot go back to my matrimonial home because I also have children. So, I am forced to stay with my children here at Wajir. I cannot even get family relief like my neighbour because those who give out the family relief money are not from my tribe. I am really emaciated and cannot do any job. Even my children cannot get a job from the Electoral Commission of Kenya (ECK) because nobody knows me or my husband. The only money that I get is Kshs2, 600 from my pension.

I want to stop here but would like to say that I think I was born with bad luck because even my father was killed by colonial soldiers. The only luck was that I was taken to the catholic mission in Isiolo. Even the man I got married to was not of any assistance to me. We used the little money we got to buy land and camels together but he took them to other women and left me without anything and I do not have anywhere to go to. In 2009, I went to my people in Isiolo who contributed a little money for me. I took a lawyer so that my husband could assist me but I could get a lawyer from FIDA. That is why my case is pending. I should get assistance from my husband. I did not know why I invested together with him. I cannot even attempt to take that money because everything is under his name. I was his first wife. As women, we are suffering so much.

You can just be tortured and violated, and the Government is also making us to suffer the more. The money we get is just little. If you, as my fellow women, are the Commissioners, it is my plea to this Government that if it is to retrench me, I should have been given good money to take care of my children. I should have been given good pension to assist me in life, because today, the cost of living is so high. This is so little money and I cannot even buy a coffin if I were to die. My wealth has been taken by my husband and the Government has violated me, and I have nowhere to go. That is why I have come here and I have a lot of tears for twelve years since I was retrenched until today. I got married to a man from a different tribe, and I cannot go back. I do not have anything and there is nobody; even your own parent cannot accept you when you have seven kids. Worse still, my mother now is old, at 78 years. Since my father died, she also depends on me, yet I am not able to assist her. So it is my plea to the Government to do justice because we just hear there is a gender office, the FIDA office but you cannot get anywhere unless you bribe. So, it is my request to the generations who were born after me, including my age mates, and those who are older than me, that justice be done, so that their girls do not get into problems like me. Nobody should hide their problem, so that they can be assisted because the commission is out to do this. I will stop there hoping that my prayer is in the right hands. Thanks a lot.

**Ms. Nancy Kanyago:** If I may refer what she has talked about, corruption and unemployment, and being violated, as a woman--- The Commission is taking into consideration the other problems. There were those two other women.

**Ms. Halima Ali:** I am from Wagberi but when the Wagalla Massacre occurred, I was not there; however, I know the story about it. I have a story about the problems that

my fellow brothers underwent. I have a story about the problems that my fellow brothers underwent and we have told others. We have told others about it because they were our neighbours and sometimes, the police would come asking for names. At times, they would call out, "Degodia, go into this vehicle". So, we were being killed because of our neighbours. In 1993, there was a fellow who was killed and we could not tell who killed him. They just woke up in the morning at 6.00 a.m., and I was running; I was in Standard Four. They came in the morning and beat us up. They were six and beat me up, asking how many pants I was wearing. I told them even if I wore ten pants, there was nothing they could do to me. They wanted to take me to the house but I refused and told them that I would not go in, and they should even kill me if that was what they wanted. My mother cried for five days; I was in bed being washed with warm water. I ran from school and went to Nairobi; when I gave birth to two children, I came back to Wajir, and I still have a scar. When they ran away, I thought they would still come back the following day, and because of that, I got that problem. My neighbours too have the same problem, and there is another woman whose two houses were burnt. Another woman had a daughter taken away and all her clothes were torn. Now I have six children and I am taking care of them with a lot of struggle, because if I had a chance, I would have completed school. I could have just pursued education. I ran away from school because of the Government, and now, I cannot even educate my own children. I am really struggling to educate my children, because I have to carry firewood on my back. That is my problem. Thank you.

**Ms. Nancy Kanyago:** Thank you. Maybe one question, so that I can get you clearly. When these soldiers arrested you, were you in school or outside the school compound?

**Ms. Halima Ali:** I had not gone to school. I was preparing to go to school. I had not even worn my uniform; I was just from the kitchen with tea when they got hold of me and asked me how many pants I was wearing. I told them even if I was wearing ten, it did not matter to them.

**Ms. Nancy Kanyago:** Thank you very much. There was another woman and then I will give a chance to the Commission.

**Ms. Sophia Gedi:** I am *Mama* Sophia Gedi; I am the head of the women and a counsellor. I work with gender based violence (GBV) and the Kenya National Commission on Human Rights (KNHCR) in general.

I would like to talk about the human rights in North Eastern Province in general, because we, women, are the breadwinners of our families and even in the entire district. It is our onus to take care of the kids. When I went to the villages to see what women and children were going through, I saw there was too much. Men do not know how they can take care of kids, or even how they can educate them. So, women go to the market and beg for food, so that they can give it to the kids. Sometimes they sell vegetables to take care of the kids. We have so many problems in our society and also from our Government. The problem that we are undergoing in our community is that when a woman, or a girl, has been raped, they do not go to report it immediately as they continue taking care of animals. Sometimes when they decide to report it, it is too late. I usually take them to the police or to the hospital and I do this alone. I go to the court and make sure that every case has been worked upon.

Thirdly, the rights of many girls are being violated because of cattle herding. Women are not valued; men do not value education for girls, and so they are left to look after cattle. That is why men take advantage and violate the girls' rights. I was an advocate of culture and education to inculcate into the community how important it is for girls to go to school, because they are as important as boys. I usually use the community FM radio to advertise about the rights of women, the girl child and what to do when you are raped as a woman or a girl. When we see there are cases that are pending, and those ones where ladies have been violated, we just call the stakeholders and take them forward. We have a lot of poverty among us and we have problems.

The Government has brought money through the banks for women but we are not even getting those loans. They are not benefitting us. We want the Government to make sure that, that money is given to us to benefit the lot of women. We are not getting anything from the Government Fund, and that is why we are calling upon the Government to, in conjunction with the Local Government Ministry, take care of us by even giving us land, our own farms, so that we can utilize them to grow crops like tomatoes, *sukumawiki* and spinach; the problem is that we are not being assisted. We are not able to access that money, so that we are able to take care of our kids. We do not have infrastructure as we do not have roads and other amenities. We want the Government to realize that we are part of Kenya; so, we should get our rights like good roads. We want the Government, through the KNCHR, the Gender Commission and workshops, to benefit us socially, economically and politically. Some of us are not getting any money from these organizations, and we are just assisting. So, we are calling upon the Ministry in charge of gender to tell us why we are not benefitting from the job that we are doing.

I know our problems will come to an end if we are given recognition as women of North Eastern Province. There is no gender balance in those programmes, and there is no gender perspective in the locations in this district. It is only recently that we got one woman in the district to lead us and this came the hard way. We have come forward, and are demanding our rights as we know we cannot get them if we just sit back and wait. We have to come forward, for example, in every location where we have committees for registration. On the vetting committee for registration, you cannot even get a woman. When you go to the Locational Community Development Committee, there is a small number of women and that is like a mistake.

So that we can get our chances as women; we, women in the society cannot even just stand there and waste ourselves; we cannot even lose hope at being violated in the name of claiming that we have rights. We need to fight for our rights, we need the Government to make sure that we, women, are given land. We do not want that relief food, because that is misleading us. Even, one family is given very little. The food that they are giving us is very little, and cannot assist us for long. The Government is wasting money to buy little food that is not even benefiting us. That money must assist the people who are disabled in the society and those women who are in a pathetic situation.

The other issue is about workers; when we want to get jobs, they usually discriminate against us in our region, and we cannot even go ahead and tell them they need to employ our kids. Even if it is recruitment, we just send our kids to the field and we do

not know what goes on there. That is why we are emphasizing that capacity building must be done in the field of gender. I have so many things to talk about, but I believe I should write a memorandum. Today I have just come with a lady, Ms Shukria who was violated in Luela. She was raped. She was raped by an old man aged 70 years. Ms Shukria got injuries around the throat and was in hospital for almost one week. The case of Shukria was reported and the old man was arrested. After that, we do not know how he was set free, because Shukria identified him. We are calling on the Government to do justice in this case. Ms Shukria identified the man, and explained exactly what he did to her.

I am happy and I appreciate myself for the work I am doing; at the time I started the community based organization, I was the first human rights officer in that division. I was the first person who took a rape case to Parliament. I was the first person to take the case to court; I had a great challenge about the issue but I managed, and now there is no rape case that you can hear about. Every rape case is reported; I heard that there was one, and I will make sure that, that case is taken to court. That is violation against women; I have the case of Taira; where is Taira? Taira was also violated, and her case is pending. It will be heard on 29<sup>th</sup> this month. We are waiting for the result of that case. That is all I can say; I am calling upon women as we have to come forward. The Truth, Justice and Reconciliation Commission, is telling us that we have to be aware of our rights. We need to claim our rights, so that we can be given land and education. The Ministry in charge of gender has no presence in our district, but they have to come here and know what is going on. Nowadays it is good for them to come personally and protect our rights as women.

Now we have the new constitution, and it has given women a very good chance. However, if you ask any woman here about the Constitution, she knows nothing about its contents. We need to have the women taught about the Constitution, so that they can know how it can benefit them. They just heard that we have a new Constitution, and that we have the chance to elect women, but they do not know what benefits the Constitution has for us women. Sometimes they are violated but they do not know what is in the constitution for them as women.

Lastly, we know our police are doing nothing; they are not working as we expect them to. I am calling on the Commission to assist, so that any officer who has served in this district for more than one and half years is moved. They have to go because they are taking advantage of the illiteracy of this society. When women take their cases to court and they say that their daughters are raped, the rapists just escape. Maybe, the rapist knows Kiswahili and the illiterate woman is ignored, as the rapist bribes the officers. We wonder why they do this, but we know they just take advantage of us because we are illiterate, and do not know the language. There is nobody trying to address the issues we are raising, and that is why we are calling on this Commission to assist get any officer who has been here for more than one and half years transferred. We want the police officers to reform, especially those who take advantage of the people who are illiterate. We want elected leaders to take care of us, because we have so many problems and nothing is being done about them. We are not supposed to be violated but to be assisted.

With those few remarks, I thank the Commission.



**Ms. Nancy Kanyago:** Thank you very much. We are almost ending the session; we wanted to end it at around 12.00 noon; I have heard that there are some women who want the Commissioners to see how they are injured. So, we have to give them this chance. I know that many of you want to talk, but I will just call upon you to give them a chance, so that we can finish. We have people who are writing statements at the Red Cross. The people who have not been given a chance to talk should go to the Red Cross and write their statements.

I have heard that there are some people who would like to talk in Kiborana, and we have an interpreter. When you talk in Kiborana the person will interpret and the other one will write. Time is limited but maybe, the Commissioners have something to talk about. So, we will give them the chance. We have seen that there are different cultures for purposes of hearing evidence. People would like to sing songs, so that they can be relieved. I do not know if one of you has a song; maybe, we can sing.

*(Women broke into a song)*

**Commissioner Shava:** Ladies, I take this chance to thank all the women. I have walked around talking to women, listening to Kenyan women and even men and the youth. Every story that was told was very painful. I would like to tell you, women, that everywhere I have gone I have seen that so many people are suffering.

Even banks were not there. They were not even getting jobs. When you come to the health facilities they had nothing. They did not even have hospitals and dispensaries, yet the place has a very high population. When you go to Coast Province, in places like Lamu, Malindi and Kwale, they have problems with land and violation by security forces. Even officers from the Kenya Wildlife Service (KWS) tell us that wild animals have more rights than human beings.

When you go to Mt. Elgon District, since 1963, those people have not had even courts and roads. The infrastructure there is poor. They use more than Kshs400 to go to Bungoma to have cases tried in courts. These cases are postponed most of the time. As a result of this, there is no justice.

Here, we have so many problems. However, before I continue, I would like to ask the Acting Chair if she has something to talk about.  
Welcome.

**The Acting Chair** (Commissioner Namachanja): I need to greet you women. Are you okay? Mine is just to thank you for the evidence that you have given us. God is great. In the year 2001, I was given a course to teach in America. The course was known as: "What Women go through in Conflict." I was given one book. That book had so many stories from the Horn of Africa region about the women like you who had passed through so many problems like war; it was about what they had undergone. I read for the first time and just cried the whole night. I read it for the second time and then just cried. I said I would not even teach that book. I took the book and wrote a play. That was in 2001 and I called the book a "Truth Commission for Women".

I selected the participants and gave them stories from the book. I never knew that in 2011, Kenya would have a Commission like this and we would have a special session for women like the session we are having now. I thank God for it. For the first time,

women came out to share their stories. They told us that it was the first time they were sharing their stories. I thank God because we have had a very special occasion here.

You have heard that most of us, for the first time, have talked about issues. At least, we have read one book; it talks about the Wagalla Massacre. I have not read a book about what women have gone through in this province. It is my challenge today, to Sophia, to Noria Abdi, to Dega Ibrahim, and to our sister Fatuma; those women are old. Maybe, when we talk about those things in a generation to come, they will think that they are just stories. However, the stories from these women will be written, so that when people read them, they will not do those things again. As we have seen, these women are traumatized.

I know there are so many organizations here like WASDA. Leaders here, let us mobilize and see how these women will be assisted. This Commission has started the conversation, and I hope that conversation will not just end here. Organize sessions so that these women come and continue sharing experiences. It is only through sharing that they will heal. That is a challenge that I just give to women leaders.

Thank you very much.

**Commissioner Shava:** Thank you very much, Acting Chair. Now, we have talked so much and heard so much about violations from Independence up to now. We have heard about health, especially when going to give birth. We have heard about education, roads and corruption. We have also heard about the lack of jobs; women who have gone to school do not have jobs. Women who are in this region look like they work for themselves, but why? If the Government says it wants to help women, does it help women as required? How would you like to change?

We have heard about the public service; in courts, there is nothing like justice. If you have the money to pay, you will be given your rights and if you do not have the money, you are nothing. We know that everybody was created by God. We are all human beings.

Are we supposed to be taken lightly by people? Do we have powers? We have heard how small girls work but are not educated. They get violated when boys still go to school. You are the mothers to those girls. You need to ask yourselves; how will girls learn? We were told by one old man that he had two kids; they went to America and they do not even call him. Another person has one girl; the girl has built him a very nice house and even rental houses. That person has money.

We are told that we ladies are of no benefit but it seems that things are changing. I have heard that there are no women in the district committees. I was in Moyale, and talked to my sister who told me that she quit a CDF Committee. I asked myself if she was the women's representative, what law that was. Then I heard that nobody will come and tell us to do something. We need to put ourselves forward. We need to take ourselves there and we need to demand our rights. If there is no gender balance and representation in the committees, we will not manage them.

I will tell you a story. When we were in Nairobi, we used to see so many girls not going to school because of the monthly periods. There were no sanitary towels so,

girls just remained at home. For seven days, the girls were not going to school because of lack of the sanitary pads. The pads were seen as luxury goods. They are priced like luxuries. However, they are a basic necessity. When we started tackling that issue, a Member of Parliament was sorry about it. He told us that he was not aware about those sanitary pads. He told us that he thought they were just a luxury product. We wanted tax on them to be reduced, but there was no woman in the Budget Committee.

Our voices are not heard. People take decisions on our behalf and about our lives, yet they do not know how our lives are. Some people will talk about us but we will not be there. Now, we have to be organized; we have to plan. When I look around, even in this room, I can see the Commissioner, my sister. That is a huge resource. She makes decisions on policy for Kenya. Will you remain behind? Please, talk to her.

We have women who know history and life. She has told us all the history, what has happened since Independence. We have *Mama* Sophia; she has told her that the first rape, it was her who pushed the case. We have *Mama* Medina; she is educated. She was a secretary. She is qualified and has education on how the Government works. We have our sisters like *Mama* Sophia, who are not around. We need to organize around these kinds of resources. As we organize, what is the TJRC bringing us? We have talked and cried but at the end, what will happen?

As the Commission, we have partnerships. I do not know if you have heard about any. They are in Nairobi and are assisting people, including boys and old men.

There is a woman here who has said that she cannot control--- That can be fixed through operation. We have a partnership with the Nairobi Women's Hospital and the Gender Violence Recovery Centre. Please, if you have such a problem, we have to address it right now. If they will come here or go to Nairobi, we will work upon that. However, there are some problems that are long-term. As women, you want to travel between here and Garissa. Where I come from, when it rains, it is a blessing. However, in this region, when people see rain, it is just a curse, because they will not be able to travel. The roads are pathetic; they are preventing us from going to other places to meet other women and talk to them, or even have them treated in hospitals.

This was the first hospital and up to now, people are being told to look for gloves and mattresses. If you said such a thing in the Coast or Nairobi, people would say it cannot be so. That should change. How will it be changed? Our work is to give you the platform to talk. Recommendations will be what you would like them to rectify. I would like you people to organize yourselves to give us a memorandum on recommendations. The recommendations will be worked upon by the Government.

We have been given the powers to make recommendations. They have to be worked upon. Our report must reach the Government. As you organize, think about the work of this Commission. This is going to be your report and it is going to have your recommendations. This is your time. That is what I would ask of you: speak to one another; speak to the women here who have positions of leadership and let your voices be heard.

We have heard the case of Shukria. I am a lawyer and I can tell you that the action is completely illegal; it has no basis in law. Women here should organize and demand an explanation from a court and the police, and I assure you that this Commission will back you. Those are people who need to explain and pay for their actions, because what they are doing is against the law. These are the issues we want the rest of Kenya to know about. What happens here in North Eastern Province is often hidden because of the difficulty of getting here. There is no communication, and people do not know what is happening here. Let us shout about it very loudly. I salute those two young women for their courage in being able to come forward in a gathering like this one to say what has happened to them.

We have spoken about many things. Women are busy people. I know you have other duties to attend to and so, I do not want to take so much of your time. I would like us to end on a positive note. We have spoken about so many painful things. I would like us to pause for a minute, reflect and think of what is one good thing in my life. What is the one good thing that gives me hope? Can we all think about that? This is something I value, something I treasure and something that gives me hope in my life. We can listen to a few answers and then we close.

Who would like to speak first?

**Ms. Fatuma Jellow:** My name is *Mama* Fatuma. We want to express our gratitude to you for coming and listening to our problems. We are talking about what affected us as women, and even our daughters do not have schools to go to. Even in schools, there are violations. Even in the Kadhi Council, we are being violated. We pay the house rent.

Secondly, if you want to build a house, you must pay. They say that those stones belong to them. We are violated when we gather our material for construction because we need to pay Kshs300 to workers to build for us houses.

When it comes to latrines, we use pails and pay Kshs200 every month. In my life, I have been a single mother and passed through so many problems, which I cannot even talk about. There is no need for me to talk about the past. The Somali say that when the sun has sunk, it cannot come back. The county council has to work on the problem of paying more than three times because of the land.

**Ms. Sophia Gedi:** Thank you very much Commissioners. I have heard what you have said; tell the women we are still alive and have to ask for our rights. Let us stand in unity. Let us be together as that is when our problems will come to an end. Our problems will never come to an end if we remain seated, and only come here to speak about it.

**Ms. Fatuma Amina:** I am *Mama* Fatuma Amina. I urge women to stand up whenever there is a problem. Which justice can we get if we are not together? The Commission can only help us if we are also ready. Who are we waiting for to come and help us? Let us help ourselves and ask for our rights. That is what Madam Commissioner is telling us. We have to be united, so that we can get our rights. The Government cannot give us our rights if we do not come out. We can stand in unity and all will come to an end.

**Ms. Nancy Kanyago:** As I said earlier, there were a few women who wanted to show the Commissioners the scars on parts of their bodies that were wounded. I request you to take this chance before we finish the hearing, because the Commissioners have to go back to the Red Cross Hall today. I will make a humble request; we started with a word of prayer, and we would also like to finish with a word of prayer. I request one of you to pray for us, so that we can close this session.

*(Closing Prayer)*

*(The Commission rose at 12.50 p.m.)*