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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION HELD ON SATURDAY, 16TH
JULY, 2011 AT THE AGA KHAN HALL, KISUMU**

PRESENT

Gertrude Chawatama	-	The Presiding Chair, Zambia
Rahab Robi	-	Master of Ceremony
Nancy Kanyago	-	Leader of Evidence

(The Commission commenced at 10.15 a.m.)

Ms. Nancy Kanyago: Good morning, all of you. I am Nancy Kanyago and I work for the TJRC. My work is to ensure that women tell their problems to this Commission which was set up after the post-election violence of 2008. It was set up to look into human injustices and historical injustices since Kenya got independence in 1963 until 2008.

This Commission is mandated to look into issues such as killings by police and soldiers, land issues, denial of inheritance, poverty and discrimination, economical marginalization, education, health and so on. We also look into issues that women feel they are not comfortable enough to talk in public. That is why we thought of having a special forum for women.

This Commission has been from Garissa, Wajir, Mt. Elgon, Bungoma, and here in Kisumu. Everywhere, we have been having these women sessions and women have come out in large numbers to talk. We know today you, women of Kisumu and Nyanza, will represent all the other women because this is your day. It is not for us, the officials, to talk. We want you to talk about the things which are affecting you. In our public hearings, people have talked about killings of their husbands and children. We want to know, if your husband was killed or your piece of land was taken away, how has this affected you as a woman? How has lack of health facilities affected you? Do you give birth at home or do you go to hospital to deliver? Are the hospitals near or far away? Do the girls get education like the boys? We will also talk about inheritance. Do women have a chance to inherit property like men? We know that is the law now in our Constitution, but we would like to know what has been happening traditionally in the local community especially when a woman is widowed.

We also talk about HIV/AIDS. Do you get medication from hospital? Also, we will talk about injustices such as rape and defilement of children. When you go to hospital, are you treated? Do you get the P3 Form easily? Do you get assistance from the police? We want to hear all that.

We would also like you to give us recommendations. You can give us ideas so that when we sit down, as a Commission, we know how to solve the problems you are going through as women here in Kisumu.

Present with us today are other Commissioners. One of them is from the National Cohesion and Integration Commission. She is Milly Odongo. Others are from the Kenya National Commission on Human Rights. They will listen to what you are saying. Feel free to talk because this is your chance.

I will start with Mrs. Grace Otieno.

Mrs. Grace Otieno: My names are Grace Otieno. I am from Rabuor. I was in Nakuru before the fighting started. My husband left for work but he never came back. They were two of them going to work. My husband was shot in the head and he died. He was taken to a medical hospital while I was taken to prison where I stayed for one week. We looked for his body, but we did not find it. Up to date, I have not seen his body.

I have two children and I am suffering. I do not have anything. I am suffering with the children.

(Mrs. Otieno broke into tears)

Ms. Nancy Kanyago: Would you like to continue?

Mrs. Grace Otieno: Yes. I was told to go home and make arrangements for burial. We went looking for his body, but we did not find it. A body had been found and we thought it was his. We buried the wrong body. After a week, a family came and complained that we had buried their person. They took the body. We have looked for my husband's body, but we have not found it.

I am 25 years old and I have three children.

Ms. Nancy Kanyago: Are there people who went through a similar thing in Nakuru?

Mrs. Grace Otieno: Yes, there are.

Ms. Nancy Kanyago: What kind of help would you like to get?

Mrs. Grace Otieno: I would like to be assisted to bring up my children.

Ms. Nancy Kanyago: What kind of help would you wish to get?

Mrs. Grace Otieno: I have children and I do not have a job. All the documents got lost. He had a garage in Nakuru and he was helping us financially but right now, I do not know what to do.

Ms. Nancy Kanyago: I would like to know what kind of assistance you would wish to get from the Commission.

Mrs. Grace Otieno: I would like to be assisted to bring up my children. My husband had a garage in Nakuru but it was burnt down. I would like to know exactly what happened to him and whether his body was buried.

Ms. Nancy Kanyago: What are the names of your children?

Mrs. Grace Otieno: My children are Jared Otieno Orondo, Geoffrey Otieno and Jennifer Adhiambo. The first born is six years old and the last born is three years old.

Ms. Nancy Kanyago: You can go and sit down. We are very sorry the way that has affected you. I wish to call upon Beatrice Orengo to come forward.

Mrs. Beatrice Achieng Orengo: My name is Beatrice Achieng Orengo and I work with a Non-Governmental Organization (NGO). It is an organization which helps orphans. When the violence occurred, many children came to Kisumu from everywhere where there was violence. We feel traumatized because we meet those children and we have nothing to offer them. So, we really feel it. In Nyanza, the violence affected the social fabric that we had. Even the mothers have not yet come to terms with what befell us. My appeal to the women of Kisumu is that since we went through that, we should try to talk to our youth and our leaders so that such events should never be repeated. What we saw was very traumatizing. It affected the social and economic situation of this region. We still have problems and I appeal to this Commission to try and make sure that the women of Nyanza are capacitated in areas that affect them, taking into consideration the new Constitution. We should know which areas we can gain from. This will enable us to negotiate effectively with policy makers so that we can try to enhance our lives. That is what I am appealing to this Commission. Our capacity in terms of this new Constitution is not yet very adequate. So, we cannot participate effectively under this new dispensation until when we get capacity-building especially in areas that affect us.

Regarding leadership, you know, the past experiences, when a woman wants to become a leader, it is a great challenge for her because our society is patriarchal where women are there to be seen but not to be heard. If you want to come up as a woman, you meet very many challenges even from your own women colleagues. So, we need our capacity to be built so that we can understand the issues that affect us. We would like the Commission to address the issue of leadership and governance in terms of the new Constitution and how it can change our status as women of Nyanza.

Ms. Nancy Kanyago: We have heard and I am sure leaders from this region have heard you. I do not know whether *Maendeleo ya Wanawake* is represented here. We will work with them and talk to them so that we can give you a solution. Could you talk to us about your orphanage?

Mrs. Beatrice Achieng Orengo: Ours is not an orphanage as such. We do home-based care because of limitation of funds. The orphans are with their relatives and we support them in terms of education. We give them education support. The ones in secondary schools are a challenge to us because the cost of education in secondary school is too

high. So, we cannot afford. We realized that the girl-child gets more affected when they get orphaned. Most of them go to work as house girls or commercial sex workers. We appeal to well wishers, the Government and all the stakeholders to come in as people who are concerned with the plight of orphans. Those children may not get a chance to speak for themselves the way we are doing here.

Ms. Nancy Kanyago: Have you tried to get bursaries for the orphans from the Constituencies Development Fund (CDF) or from the local authorities?

Mrs. Beatrice Achieng Orengo: We need to give credit where it is due. The bursaries are given but they are inadequate. We have children who are in secondary school but they are given only Kshs3, 000 and the fees needed there is over Kshs20, 000, so, most of them just drop out, especially the girls.

The Presiding Chair (Commissioner Chawatama): Beatrice, do you think school chances should be reserved for orphans?

Mrs. Beatrice Achieng Orengo: That would assist very much. When these children are chased away from school, they are only assisted by a relative who is willing. Sometimes the orphan has no home and they end up losing hope. So, they end up dropping out of school.

Ms. Nancy Kanyago: Are you representing Kisumu?

Mrs. Beatrice Achieng Orengo: We have 45 orphans but they live with their relatives. I have not been keen enough to know the number of orphans but that is a challenge to me. I will do investigations and come up with the number of orphans that we have in Kisumu. For now, my programme has 45 orphans. We try to support them but due to limitation of funds, we do not do so adequately. We hope for holistic support in areas of health, education and social welfare.

Ms. Nancy Kanyago: Thank you, Beatrice. You can take your seat. We thank you for the work that you are doing to help orphans. I wish to call upon Betty Okero to speak.

Mrs. Betty Okero: My name is Betty Okero and I work for an organization called CSO Network. I am the coordinator and I am going to talk about the situation of Internally Displaced Persons (IDPs) in this region. I will give a contextual analysis of how the whole process started and probably be able to lay a foundation on how the response of the Government has probably helped to understand the management of IDPs.

The biggest influx of IDPs in this region began in February. That is when a number of people started coming out. By the time they were coming, there was no centre for IDPs. The Government had not put in place structures to receive thousands of people coming in. So, a group of people set up something called *Kisumu Response Team* which was run by civil society organizations. The church offered a place where we set up a centre and the items like food, water and clothes were contributed by individuals, civil society

organizations, churches and international organizations. Actually, NGOs were linking up with their partners from outside the country to assist. When people started coming in, everybody was rerouted to the centre. Three weeks after the centre had been set up, there was no government officer who had visited the place. We would see the Provincial Commissioner (PC) and the District Commissioner (DC) passing by the roadside but they did not come in. Buses and lorries were dropping off people and for those who did not have anywhere to go, they were taken to police stations. When they arrived there, they would find the police stations locked and the members of the public would direct them to the centre that had been set up. I had an arrangement with *matatus* so that a number of people could come there. This was a centre that was referred to as a trusted centre. People could get an opportunity to eat and bathe. I received a number of women who had delivered in the camps but for three or four weeks, had not had a shower or got any treatment. When they came, so many of them were smelling. There were also victims of rape, children without parents and women who were traumatized. There are those who stayed for about four days without uttering a word. Meanwhile, we had to deal with the local people who we were also supporting because they were not getting anything from the Government.

I remember one day at Kondele Police Station, someone refused to go to hospital because she was Kikuyu. She feared that she would die because people were saying that they would poison them. That hostility still exists even now although we pretend that it does not. A number of people who came had been transported through the gesture of the ODM Party. People were coming in from various parts of the country. Many of them were transported directly to Migori, Nyakach and Ugenya. Since there was no proper documentation, we have lost data for many people. So, we cannot tell how many IDPs actually exist in this region. We cannot for sure tell how many people came to this region. At the centre where we were trying to do documentation, we could count to about 250,000 people, but there are so many, some from Western Province, who were not registered.

We can say that in Nyanza, a lot has been done but in Western Province, there are people who do not even know whether there is a Government action about IDPs. Community members were doing impromptu *Harambees* and were able to raise money to transport the victims and through the arrangement with the *matatu* sector they agreed to only charge for fuel and not make money out of that. Community members from Kisumu, the Asian community and the schools also contributed. Individuals were coming to the centres with plates of *ugali* and *sukuma wiki*. That centre was just being run by the community. Eventually, the Government came in and gave us about 10 sacks of maize. That was the beginning of the management of IDPs by the Government in the region.

There is a strong sentiment regularly expressed by some Government officials that IDPs do not exist here. We have heard Government officers constantly under-quoting the number of IDPs in this region. In certain places, they give figures as low as 20. When it is convenient for them, they are considered to be fake. To date, we have never been given a list of IDPs; for example, those who are considered fake and those who are considered genuine. While other regions are getting fertilizer, seeds, houses, medical aid and regular

food supplies, victims in Nyanza, that is, those who were displaced from outside Nyanza and those who come from this area are confined to Kshs10, 000 and not everybody got it. The assumption is that the people who came from outside did not own property and were not living any meaningful life but were just labourers and, therefore, all they lost was their wages. The stereotype is shared by the administrators at the Ministry of Special Programmes who feel that only Kshs10, 000 is sufficient. They constantly say that those IDPs are fake and they do not know about them because there is no effective documentation process. It has become a continuous excuse to claim that they have paid everybody and those who have not received that money are not genuine.

The Ministry of State for Special Programmes has never been able to produce data on who has benefitted from the resettlement programme in Nyanza or Western provinces. In fact, there is no such thing as a resettlement programme. It is simply about money. The Deputy Prime Minister and Minister for Finance continues to allocate billions of shillings to buy land and build houses for IDPs in Uasin Gishu and Molo. The ones in Nyanza Province have never been factored in. We have people who had businesses and homes here. If you go to Kondele and Manyatta, you will find people from the Kikuyu Community who, to date, have not received anything. Right now, they are living in Railways Estate where they live in groups. When they went back to where they were supposed to have come from, they were chased away and told to go back to where they had come from. Here, they are not even accepted. The worst thing is that the Government does not really care. So, they are now called “returnees”, whatever that means. When it is convenient, they are called “integrated”. How can they be integrated in a community that constantly humiliates them?

There are a number who suffered gender-based violence and have gynaecological complications. They cannot treat themselves because it is too costly and others tested HIV positive as a result of the rape. A number of them are traumatized and depressed. Some of them have been abandoned by their spouses who witnessed the crime. Others have been thrown out of their homes because they are not Luos. They got married into the Luo community but the Luos did not welcome them anymore and they have nowhere to go. So, they have become squatters. Those who live with their husbands do not share any intimacy but it is convenient to pretend that they are both husband and wife. So, a number have been left alone to look after their children. They are humiliated by the community and are reminded about their status. When they are unable to pay school fees and they plead for their children to continue with school, they are told off by teachers. When they default in rent, their landlords break down their doors. Some of their children have gone to the streets which are considered a better option than starvation at home. Meanwhile, communities lecture them about moving on and to stop saying that they are IDPs.

There are those children and women whose husbands were victims of police shooting but there was no programme whatsoever in place for them. They fend for themselves and have completely slipped from the radar. There is no programme for compensation and no hope for medical help. We have people who still have bullets lodged in their bodies. Others lost their arms and legs and still, there is no Government response. People behave

like there was no shooting in this region. So, most women have come to towns and urban centres to avoid being inherited and some have been told to move out by their extended families. For a number of them, it is easier to get money in the town. They do some little laundry work for as little as Kshs30 or Kshs50. Sometimes after working for a whole day and because they were given a meal, the cost of that meal is deducted. The most vulnerable have gone into prostitution to survive although that puts their lives and those of their children at risk. For them, that is the only way they can survive. Most of them are usually arrested for stealing.

Where there has been a programme for business, it is a struggle to pay back. They have to accept to pay goodwill to be able to trade in certain areas. They constantly lament how difficult it is to survive within the same community that they are being forced to live with. For those from other communities like the Kikuyu, Kamba and Kisii who were trading here, their places were taken away and they have been unable to get them back. Even though they have opted to stay, they live in fear and are scared to invest in case there is a repeat. What is amazing is that these victims had lives going on. They had good businesses going on. They owned land and lived in descent houses and looked after their families. They lived a life of dignity and had pride and respect but now there is nothing. I guess that is why some of them say that it is better to die than to live.

In our organization, we still have challenges trying to break down the magnitude of their loss. We have been made to believe that they are all the same and, therefore, should be treated the same. For those who were maimed, their hands chopped off or burnt, they are unable to fend for themselves but they are given Kshs10, 000 despite the size of their families. Meanwhile, there are still a large number who are walking to the DC's Office regularly looking for that little money three years down the line. Two months ago, the DC announced that Nyanza Province had received 12 cows and some iron sheets but we wonder who benefitted from those cows and iron sheets. The announcement was made in a meeting where money for starter-up from UNDP and other opportunities for training were announced. To date, questions abound about what other goodies have been delivered and victims are unaware of.

For us who work with victims, we are now caught up in a moral and ethical dilemma. How do we organize meetings and spend Kshs600 for a meal for people who do not even know how they are going to survive? How do we get donors to understand that we must be creative in terms of how we manage funds? Sometimes, it is better for us to have workshops instead of having meetings in hotels. So, I want to make the following recommendations:

The Government should provide free medical assistance to women, children and gunshot victims. They must provide for full bursary for children of victims in primary, secondary and tertiary education. There must be an equitable distribution of compensation whether they own land or not, because those who are currently benefiting own land and are still being resettled. We expect restorative justice. It is important that the issue of shelter is prioritized. Women came back and are alone so they cannot build a house. Culturally, they would not be allowed to do that. Even where that is not an issue, they do not have

money. Some came back and we took them to their homes but these are people who had been away for generations. Some grew up in Nakuru, Naivasha, Kericho and Eldoret. They did not know anywhere else. There are people who were born and got married here although they are not Luos. So, they have nowhere else to go. While the Government is thinking about building houses in one area, the same should apply here. Just because they have been labelled “returnees”, it does not reduce the magnitude of what they went through. So, I would like the Government to buy land and build houses for women and get people on their feet economically.

I think the victims in Nyanza from other communities whose businesses and homes were destroyed have to get more than Kshs25, 000. There is also need for accurate profiling of IDPs. We have to stop these incessant excuses of fake IDPs and push for Government responsibility for legal compensation. We must realize that we are dealing with human beings and the Government cannot continue to plan a budget on assumptions and estimates. People cannot just disappear. It seems nobody wants to know their fate. We have talked about women missing their husbands and others missing their children. We must determine how many have disappeared and also investigate where they are. We need to know what happened to them. This is important for the future. We have women who are constantly saying that they have not seen their husbands or children. They do not know where to start because they still have glimmer?? of hope. I think it is unfair to keep people on standby for three or four years.

With the looming food crisis and high cost of living, relief food must be supplied to victims. It is important that the system for distribution includes the representatives of victims. In every single district, they have formed groups. Those groups should be involved in the distribution of food. If the Commission can get in touch with the World Food Programme (WFP), even as we are calling for food relief for people in North Eastern Province, we have looming food insecurity in this region because of lack of food. The biggest victim will be the IDPs because they do not have a way of survival. The issue of coordination and how humanitarian relief food is donated is equally important. We cannot be hearing about things being distributed a couple of months down later. We need to know what is coming and what is not. The secrecy that is in the DC’s office has to stop. We have to stop people walking in that office every single day looking for money only to be given promises when we know that there is no allocation for them. That means another 12 months of no money, terrible life and injustice. We need to set up counselling centers. People have gone through traumatic experiences and many are yet to talk about their experiences. In some instances, women talk about panic attacks just at the sight of *pangas*. Others are scared of sudden loud bangs and the sight of dreadlocks. Different ethnic communities are suspicious about each other and each other’s intentions.

To be able to put the issue of fake IDPs to rest, the Government must produce a list of those that they have paid. It is also good to know who has been resettled and how much compensation has been paid. We also need to know who has been rehabilitated. We hear stories of people who are getting Kshs3 million but it remains a rumour because where there is no information, there is bound to be speculation and that only helps to fuel ethnic animosity that we are starting to see. The most important is that the Government must

apologize to victims for abdicating its responsibility of providing security to them. Thank you.

Ms. Nancy Kanyago: Thank you, very much, Mrs. Betty Okero, for the presentation you have made on behalf of IDPs. I wish to request that you submit that memorandum to us so that we can keep it in our records. I have a few questions for you. You talked about non-registration of IDPs, do you know if there was a registration centre for them?

Mrs. Betty Okero: At the response centre, we set up a registration desk. Thereafter, we collected data from most districts. So, we had one although it was not comprehensive but it was large enough to know that the Government has continued to under-quote the number of IDPs in this region.

Ms. Nancy Kanyago: So, there was no Government registration centre for IDPs?

Mrs. Betty Okero: The Government never set up any centre in any part of this district. When IDPs were coming, they were told to report to the DC's office and then there was an announcement by the Ministry of State for Special Programmes that they should report to the chief's office. Information at the chief's office is what caused a number of people who were not genuine to be put in the list. For some who had no access to that information, by the time they were finding out and going out to report, they were told that they were time barred.

Therefore, they could not get their names onto the list. But even amongst them, when they went to look at the list of people who kept on getting their money, they were able to tell, just from a glance, that there were a number of people who were benefitting and had no business doing so. When the DCs and the PCs talk about fake IDPs, it must be announced here that they are the ones who were collecting the names. They are the ones who were on the ground. They were able to tell who was genuine and who was not. If there is anybody who needs to take responsibility for that, it must be the Provincial Administration.

Ms. Nancy Kanyago: Do you have a record of the people you have directly worked with, who were IDPs and, maybe, what they lost and how they came about losing it? Could you, kindly, submit that to the Commission?

Ms. Betty Okero: We have a list of people who came in from 8th because they were registered, but still it is not comprehensive. There is a list of IDPs from other districts as well. We have a list of people who have been paid and who have not been paid. It may not be up to date in terms of payments that were made at the time when we were collecting the data. It is possible for us to share with you that information but it is a lot. So, it will require that we collate it completely. We have names of people and where they came from, whether they were locals or outsiders.

Similar information has been collected by a number of organisations as well. At the peak of the violence, we had specific groups who were targeting specific communities and,

therefore, they also collected data only on that community. It has reached a point where somebody announced the other day that there are organisations which are using money through IDPs. For us, the fact that we need to continually collect information is very important, but for the IDPs, it is just another form of humiliation. They did not see us producing anything after that.

We can collect all the information we have because it runs into different papers. You may find some of the information duplicated because we needed it for specific activities, but we can share it with you, including saying where people actually came from.

Ms. Nancy Kanyago: Thank you. We shall appreciate to receive those names because, as you have said, part of the challenge is the lack of recognition that there were IDPs in the region, and to get a true reflection of the IDPs in the region. So, if you can share whatever you have with the organisations you have been working with, we will be very grateful. You could do so through our Assistant Regional Co-ordinator, Rahab; share that information in the course of the week, or as quickly as you can next week.

The judge may have some questions for you.

The Presiding Chair (Commissioner Chawatama): I had an opportunity to visit an IDP camp, and I had an opportunity to speak to some women. Amongst the things that the women missed were just to have a house to sweep. They missed having photos of their loved ones. Most of them complained about their houses having been burnt down, and that they lost their husbands and children, and they just missed the photos that they had put up on their houses, so that they could have something to remember about the loved ones they had lost. I am really puzzled by listening to your presentation. Do you get the feeling that the Government was overwhelmed, or there was a deliberate act of reacting to reality? Surely, people were chased from where they were staying; they needed to go somewhere. So, the issue of people being displaced was a predictable situation. I just want your thoughts on that one.

Mrs. Betty Okero: I think the management of the Government's reaction to IDPs was a political strategy amongst the Ministers in the Government. It was a real ODM and PNU way of managing the whole process. It is telling that throughout this process, the then Minister of State for Special Programmes, Dr. Naomi Shaban, never came to this region to even meet with them, let alone talk about them. There was one particular time when she travelled as far as Nakuru and then flew over to Uganda to meet with other victims there. Even the current Minister herself has never bothered to even come and meet the IDPs, or even try and find out anything about these "fake" IDPs. She has never been here.

Apart from that, the Government reaction, right from the Cabinet, has been like saying, "We shall not recognise them because they belong to the opposition party". It is unfortunate that people have become victims of a political war. Their only crime was voting or exercising their democratic right. At the peak of the clamour for compensation to people from this region, the Government's silence, and the consistent message about people being fake IDPs, has always been the message that we got. The idea of calling

them “integrated IDPs” is to give the impression that people have gone back home, they are back with their families, something which is completely unbelievable because, a number of people who went back home did not have even houses built for them. They were living in their brother-in-laws’ or grandmothers’ houses and so on. That is why trying to even identify where the IDPs are is so difficult; they are really migratory. One minute they are at home. One minute they are in Kisumu. The next minute they have gone to Busia or to a place where they can get an income.

For the Government to continually behave the way they have done, I suppose one would say they have also not been helped by the fact that Members of Parliament from this region have also not been able to articulate issues about victims in the region. There has been complete silence even in the media about victims. Occasionally, when they celebrate some anniversary, you have some token picture splashed in a newspaper and they will clamour for a story about IDPs; after that, there will be nothing.

When you talk to women, and they tell you what they go through, you wonder. Somebody asks you: “Where have you been?” and she says: “This is what we have been going through since 2008.” Even today, where we are, we have people who have never received their Kshs10, 000. Even those people who were supposed to get Kshs10, 000, when they went to collect their money, they had to part with Kshs3, 000. Others even had to part with Kshs5, 000. The Government’s stand that if you do not have an ID card you will not get money presupposes that people had time to pack their bags and make sure that they collected everything before they left. So, some people cannot get money because they have no ID Cards.

Some have been told to go and get ID cards of their fathers, who passed away many years ago. There are IDPs who were able to vouch for others because they knew each other. However, that is not an arrangement that the Government wants to use. The failure on our part, as civil society, has been to consistently make noise. We also realise that we have to make noise to people who are willing to hear. Despite the fact that we make noise, every year when the Minister for Finance reads the Budget, there is still no mention of IDPs. This year alone, they have allocated billions of shillings for purchase of land. There is nothing about relief.

We have got to rely on DCs. In one district, Migori, where they have close to 300 IDPs, the DC says: “I will give you 10 sacks of maize to distribute to people”. How do you distribute 10 sacks of maize to 300 people? It does not make sense. There was a donation of oil, or so they were told. There were also some things that were distributed but nobody knows where they went to and nobody knows even what comes in. It is so difficult to follow it up.

It is important to note that the Ministry of State for Special Programmes, as it is constituted now, will not in any way bring relief to IDPs. This is my own opinion. There has to be an independent institution to handle the issue of IDPs. There is so much politics involved in this whole thing that people are now becoming victims of the 2012 election

strategy, so to speak, right now. We have girls who are not able to go to school, even though their parents struggle so hard to make sure that they do their examinations.

They are not able to proceed to secondary school because their parents cannot afford to pay school fees. They walk to the offices of MPs, where they are told that they must pay first before their children can be given bursary. So, even as a people, I do not think we have fully understood the magnitude of the problems IDPs are actually going through. That is why we try to imagine that we can treat them like other people; this is really quite unfair.

The Presiding Chair (Commissioner Chawatama): Thank you so much for your recommendations. We shall continue to speak. I know that you have been a friend of this Commission. You have supported us greatly. We are very grateful. Part of the reason as to why we are still here is because of persons such as you, who have hope that this Commission will deliver. Every time we have called on you, you have been available. I would like to publicly acknowledge your contributions and thank you for joining us. I know that you will continue to be with us until this process is over, and we are able to make recommendations that will impact the lives of the people in this region. There are those that are short-term, which we can do right now, and those which are long-term. I trust that you will help us, especially in the short-term recommendations in terms of some relief we can offer the IDPs in this region.

I thank you so much.

Ms. Nancy Kanyago: Thank you, very much, Betty. Time is moving very fast. We will be here until 1.00 pm, thereafter, we will have other meetings. So, I wish to request those who are going to make presentations to be brief, so that all the people who are here can have a chance to speak. I now call upon Gladys to make her presentation.

Ms. Gladys Otieno Okoth: My names are Gladys Otieno Okoth. I am a victim from Nakuru, and I live in Kisumu right now. I am here on behalf of the women who were raped during the post-election violence. I will start with my personal experiences.

We were living in Nakuru before the elections. After the elections, one morning my husband left for work as usual. He used to drive PSVs for *Mololine*. When he arrived in the office, fighting had already started between the Kikuyu and the Luo people. When he arrived there, he heard members of the Kikuyu say: “We will kill even this Luo because we have heard that our people are being killed in Kisumu. So, we do not need any friendship with these people.”

They were speaking in Kikuyu. My husband got annoyed and said: “Oh, my God? What can make us fight yet we started living together a long time ago? We have been living together since 1979. Is it because of the elections?” So, those people realised that he had understood what they were saying. So, they left. He telephoned his boss and informed him what had happened in the office. His boss called the office and told members of the Kikuyu in that office: “Do not do that. We have lived together for a very long time. There

is no need of fighting because of the Government. See what you can do and how you can continue with work.”

It seemed that those people were annoyed by the fact that my husband called their boss. They told him: “We are going away. If we come back and find you here, you will know who we are.” My husband called his boss again and asked him what to do. His boss told him: “Just try and see if you can get a vehicle to take you back to Nairobi.” He came back home and told me what his boss had told him. I asked him: “Will you really manage? There is already conflict. Where are you going to pass through? The situation is not yet very bad here in Nakuru.” I pleaded with him not to go. Nevertheless, he started the journey. He went up to Naivasha. There was a lot of violence. They could not even pass through Naivasha to Nairobi. He called and told me: “It is impossible to drive through. So, I am going to the police station.”

So, he went and camped at Naivasha Police Station. He called his boss, so that he could see how the vehicle could pass through to Nairobi. His boss sent somebody else, who drove the vehicle back to Nairobi. By that time, roadblocks had been erected. If you reached a road block, you would be asked to produce your ID card. If you were Luo, you would just be slaughtered. So, he remained at the police station in Naivasha. The rest of us remained in Nakuru.

After two days, we tried to call him but our calls were not going through. I was surprised. I did not know what to do. On the following day, some members of the Kikuyu community came to our compound to find out if any members of the Luo community had remained behind. The agent of the building told them: “There is no Luo who has remained behind. There is no need of you coming in.” He refused completely. So, those people went back. On the second day, they came back. They said: “Can you open the gate?” He said: “No, we cannot open the gate.” It was an iron sheet gate.

He was looking at them through a hole. The plot belonged to a Kikuyu landlord. All the houses occupied by Luos were burnt down. If they found Luos in houses belonging to Kikuyu, they would force themselves in, remove any property belonging to a Luo and burn it outside, leaving the house standing. They told him: “This is the last time we are talking to you. If you do not open the gate, we will open it ourselves. If you refuse, we will burn down the whole plot. We do not want to burn the whole plot.”

It reached a time when the situation became extreme. The agent could no longer help us. She told us: “Try as much as you can to rescue yourselves. I have been forced to open the gate or these people will burn down the whole plot.” It was in the evening, at around 6.00 pm. We were with a woman called “*Mama Sadam*”. She was also my neighbour. There were others who had sought refuge elsewhere earlier on. We were confused as to what we could do. We decided to see if we could go to Afraha Stadium. We were just hiding here and there. During that time, members of the Kalenjin community were saying: “This is our fight.” They wanted the Luo to join them in fighting the Kikuyu, because they were the ones who were fighting because of politics. All the boys aged 14

years and above would be forced to go and fight. The young Luo boys who did not know how to use the arms were not coming back.

The situation forced people to hide their 14-year-old boys, so that they were not forced to go and fight. The fight was between the Kikuyu on one hand, and the Kalenjin and the Luo on the other. I also had a young son I was living with, who was around 18 years old. I told him: "Do not go. Just stay in the house."

I tried calling my husband at around 8.00 p.m. but the call could not go through. We started the journey. At around 8.30 p.m. we were just walking slowly. We went out through the sewerage system. We were looking for a roadside sanctuary where to hide from any crowd coming on. We used a *panya* route to Ponda Mali and went to Eliza's House. There was a trench. We heard noise being made by a crowd of people coming towards us. We were shocked. We decided to look for a place to hide, so that they could pass, and we continue with our journey. Afraha Stadium was very far away from where we were living. We were forced to go there because we did not have any other option. We had to look for a way of getting there. *Mama* Sadam had one child. I had five children. We were walking together.

As we looked for a place to hide, we realised the crowd was moving towards where we were. I told the others: "We have to go to the other side and hide, so that these people can pass." I was on the frontline. So, I jumped over the trench to the other side. Amongst those in the crowd were people who were smoking bhang. When I jumped over the trench, they noticed us. Those who were smoking bhang came and grabbed me. I screamed. *Mama* Sadam was behind with the children. They could not come over because I was already screaming. The children got into the trench but *Mama* Sadam did not run away.

Those people started beating me. I hit my head on a stone. Those were the people who raped me. I can identify them. They were three. They took turns on me, one after the other. I was helped by gunshots which were heard behind us. It seemed that there were police officers who were following the crowd we were trying to hide from. There were gunshots all over, which made those people run away. I remained there full of pain. I did not know what to do. I did not know where the children were. I did not know whether they had jumped to where I was and saw what happened to me. I did not know where exactly they were and what they were going through.

I remained there quiet, not knowing what to do. At the time, my older daughter was supposed to join Form Two. She was a big girl. I was full of pain. I said to myself: "What shall I do? How am I going to get up?" By then blood was all over me, oozing from the head wound I had sustained. I was feeling pain all over my body. I stayed there. I felt very cold. I could not make it. That was when my young child started crying, calling me: "Mother!" I replied: "Where are you?" They told me: "We are here." I told them to come over. So, the children came over, crying. I was also crying, wondering whether they had seen what had happened to me. We stayed there for about an hour. I tried very hard to ensure that the children did not know what had happened. We started the journey again

towards our destination. When we arrived at Afraha Stadium, I was very annoyed and cold. The children were also feeling cold. We found that there were already so many people at that place.

Somebody, I did not know whether he was a police man, approached me and asked: "What is the problem? Where have you come from?" I could not answer him. I told him: "I want to go to Kisumu." That was the only answer I could give him. I was very annoyed and crying. He asked me: "Do you have any luggage?" I replied: "I do not have any luggage. I am just with my children." There was a bus, which people were boarding, so that it could head to Kisumu. You would be put into a bus heading to the place you wanted to go. So, he approached the bus crew and asked them: "Can you please take this woman with you? She wants to go to Kisumu." The bus belonged to Budget Company.

That is how I got into the bus with my children and arrived in Kisumu. When we arrived in Kisumu, we were taken to St. Steven's Church, where we stayed for four days. People came to greet us. That was when I saw a certain cousin. She came and found me there. We talked and she told me that she lived in Kisumu, and that she had a house. She was still a student. She was going to a certain college in town. She told us: "The house is vacant. There is nobody there." So, we went and stayed there. Before I went there, I went back to the people in charge of the camp and told them that I wanted to leave with my children.

By that time, if you wanted to go to your matrimonial home, you would be taken there. I told them: "Even if I go back home, I do not have a house there. My husband had just left like that. He also called me from their camp in Naivasha but I could not talk to him anymore because there was no communication. The call could not go through. I found a cousin of mine in Kisumu who had agreed to take me in. I went and stayed with him. I asked them if they could give me something small, so that I could start a new life there. They said: "If you want to go home, we can give you Kshs10, 000. If you are still staying here, we cannot give you the money. It is as if you have got somewhere to go." I said: "Even if you give me Kshs10, 000 to go home, I do not have a house there. There is a person who has offered to accommodate me here, so that I can see whether my husband can come back."

There was no understanding between them and me. So, I just decided to go away. I went and stayed with my cousin. We had children, and he was a young man. So, we could not agree with him on certain issues. After two weeks, I got a call from my husband from a different mobile number. I told him where I was, and he came. I went to the bus station and picked him up. We started life there. It was full of pain and humiliation. My cousin had left and said: "I have left the house for you, if you can get something small to pay rent". We tried to live there but life was very difficult. I was forced to go back to the camp and beg for maize flour, which sometimes I could not get.

When you went there and found a new person, you had to introduce yourself. You had to tell him or her your problem. When you ask for what you want, you can get assisted. That was what I did. There was a friend of mine with whom I went to her place, where she

gave me something called “*makangarau*”. When I went back home, we started going round to wash clothes for other people, so that we could go on with life. I had never done that kind of job before, but the situation forced me to do it. That friend of mine introduced me to a lady, for whom I started washing clothes. You would be given a big heap of clothes to wash for which you were paid only Kshs50. Life became really difficult, and the situation forced me to do it; I did not have any other means.

It reached a time when we could not pay the house rent. There were conflicts in the house. There was an announcement that the Government had given out money to be paid to IDPs. As you know, when you live in a rental house, you cannot skip paying for three months. We could not take our children to school. When we went to find out whether our names were on the list, we found that they were not there. We came back, full of pain. We were finally chased out of that house.

By that time we had made friends at St. Steven. We found other people with similar problems. So, we came together to see if you could pay the rent. We went to a *Manyatta*. I lived with a certain woman, who was also a victim. We stayed there with her. After some time, we could not manage. We went to the Methodist Church and asked for food. The Methodist Church started giving us food. They told us: “If you have any problem, you can just come”. So, we would go to the Methodist Church and get food. So, we remained with the problem of paying rent.

That was the story until when the Bishop of the Methodist Church told other organisations to come and help us. We were just going there for food, but health wise, we were also sick. We did not know what to do.

Members from other organizations started coming, one by one. That was how FIDA came to find us. They started to counsel and interrogate us, so that they could sort out our problems. That was how they came to understand what we were going through. They interrogated us until we were forced to say what we were going through. The life I was leading with my children was problematic. My eldest daughter was supposed to join Form Two. She joined in the Third Term. I tried talking to the teacher: “If the Government gives us money, I will pay you.” I tried to find her a place in a Government school but I did not manage to. The school administration wanted a letter, which I did not have. I did not even know how to go about getting that letter. I went to the headmaster. He accepted. When I went to look for money, I did not get it. So, I did not know what to do. I was forced to work and pay but I could not manage, because I was also supposed to pay rent.

That was when people from the CSO started assisting us. That was when they pushed the Government, so that we could even get the Kshs10, 000 to help us a little because we were really struggling. When the list came out the second time, I went there and personally got Kshs10, 000. I used the entire amount to pay school fees. Prior to that, I had also promised the landlord that I would pay rent once I got the Kshs10, 000. So, we were sent away from the house. The landlord told us: “Go back to the Methodist Church and stay there.” We continued to have problems. The young would go to school today

and fail to go tomorrow, because of the problem of food. When I was living at my cousin's place, the school was near. When I was chased away and moved to a different place, the distance between school and home increased. Also, if you did not have money, your child would not be admitted in school. I did not know what to do.

Finally, the children were admitted. Sometimes they would drink porridge only because there was no food. I would make *ugali* or porridge. The children wore only two sets of clothes. I did not know that they were not going to school. I would wake up in the morning and try to see if I could wash clothes for other people, so that I could raise some money to pay rent and buy food. One day, a teacher brought a letter but I could not receive it. The children would leave the *manyatta*, go to the stadium and hide. They were just operating like street children. They would walk around and scavenge for food in dustbins. In the evening, they would remove their outer clothes and remain with their uniforms.

So, I did not know that the children were not going to school until when the teachers called and told me the whole story. I started crying. They asked me: "Why are you crying?" I told them: "I do not know where my children picked this habit from. They should be punished because they have done this intentionally." The teachers said: "No, we cannot cane them because these children have rights. Let their teachers talk to them. Just try to find out where the problem is." I told the teachers what our problem was and they told me: "It is as if this problem has affected the children."

After the children discovered that I had known what they were doing, they waited until when I went to school and ran away from home. I had two sons. The young one told me what had been happening. He told me where they would go the whole day. From the stadium, they would go to the lower part of the lake, where they would eat the fish waste. He told me but I could not believe him. The other one had run away. I am still in shock. I am still looking for him. A group of women started crying with me, asking "What can we do?"

Women started crying with me. We sat together and started praying. A neighbour who was passing by told me: "Give me three days. If I miss him then he would have taken a vehicle to another place." In the second week he called me and told me: "Mother, I have got your child; come." I went out running and when I arrived there I started crying because I could not believe it. He looked as if he had not bathed for five years. He was very dirty and I could not hold him. We decided to call a friend of mine who assisted me with clothes because they had already known my problem. I told her: "Please, Evelyne, come and help me. I cannot believe this is my child." The child was found on the lower side at a place known as *Kamas*. She came and told me not to cry. She told me that we should make a follow-up to know where this child had been. He interrogated people and they told us that they knew him. I could not believe it. I took the child and went back home. We washed him and gave him good clothes to wear. He was mentally disturbed and wanted to run away. I was also confused because I did not know what had happened to my child. I called the *KIA* people who told me to take him for counselling. When the

child went there, he said what he had undergone from Nakuru up to that time. He was counselled.

Even if these children of mine are going to school, if you do not pay tuition fees, they cannot learn in a good way. The eldest daughter, who was supposed to join Form Two, was in school on and off until she sat for Form Four exams last year. She did not pass because she would go to school for one week and spend two months at home. Up to this moment she is just at home. I try to talk to her but she says that she cannot go back to school. She is mentally disturbed. I do not have a good life. When I stand up it is as if I am paralyzed. This Government issue has really affected me. I do not have any means and at the moment, I wash clothes for people. There is a lady whom I work for and she pays me Kshs1, 200 per month.

The Presiding Chair (Commissioner Chawatama): I would like to thank you for your testimony. I would like to just ask you one question and then we also hear other testimonies from others and then we come back to you. Where is your husband in all this?

Ms. Gladys Otieno Okoth: At the moment we are together with him.

The Presiding Chair (Commissioner Chawatama): You are talking about yourself and what you are doing. What is your husband doing to help you or the children?

Ms. Gladys Otieno Okoth: He is a driver. At the moment the situation at work is not all that good. He has not gotten a permanent job. At times when he does not get a job he just stays at home.

The Presiding Chair (Commissioner Chawatama): Did you share information with your husband on the attack that you went through?

Ms. Gladys Otieno Okoth: Previously, it was very difficult to tell him, but when we were counselled, I just explained everything that had happened.

The Presiding Chair (Commissioner Chawatama): Did you get the necessary support from him?

Ms. Gladys Otieno Okoth: No, I did not get any support from him because since that day, there is no happiness or harmony in the house. He has changed even when we sleep. He is just like an enemy in the house. There is no love as we were living in the previous years.

The Presiding Chair (Commissioner Chawatama): I am so sorry for everything that you have gone through. I admire your strength as a woman. I also admire everything that you are doing for your children. I do not want us to talk much. We will only ask a few questions because we want to hear from as many women as possible. Let us have some

management, so that we can hear--- We do not want women to go back without having shared.

If that is the memorandum then she can present it to me physically and then I will receive and look at it. If it has got a contact number, then we can always contact her for a follow up. I think that is the way I would want us to handle this.

*(The Presiding Chair received the memorandum
from Ms. Gladys Otieno Okoth)*

Ms. Nancy Kanyago: Thank you, very much, Gladys. We are very sorry for what you underwent, but we are very thankful for representing the other women. We have received your memorandum. We are really running short of time and we know that women have a lot to say. I would like the last one in the list, so that everybody is represented. We have Felista Anyango who is in charge of the disabled here in Kisumu. Do you want to speak from behind?

The Presiding Chair (Commissioner Chawatama): Director, one of the things that we are rushing for I think is a lunch break with the journalists at 3.15 p.m. But I would rather stay here and not cut the women short. So, maybe we can go on for a little bit longer.

Ms. Felista Anyango Ogaga: Thank you, very much for inviting me here to represent the disabled. We, the disabled, are really suffering. This is because when there are such meetings---

My name is Felista Anyango Ogaga. People of Nyanza are really suffering due to disability. At this particular moment we have very many disabled persons who could not reach here because there are no vehicles that can bring them here. Very many of them are still in the streets begging because of poverty. Now, they are requesting the Government to look into the issues of the disabled in Nyanza. If you go to Central, people have wheelchairs that they are using, but in Nyanza you cannot find any disabled person with a wheelchair. At times they give birth and there is no way of educating the children, so that they can be like the children of others. Also, they do not have enough food and a place to stay. They stay very far and there is no assistance.

In 2009, at the Sports Ground, they were told to bring their Identity Cards and all the documents, but since that day, they have not received any response. What is the Government thinking about the disabled in Nyanza? Many could have come here but because of lack of transport they could not make it. Is this Kenya only for the people who have legs? At the moment flats are being built without even lifts to the seventh floor. How will the disabled reach the seventh floor of those flats? They are really suffering in Nyanza. Are they not human beings? At times the disabled persons go to offices and are looked down upon. I do not know why they think that the disabled are not people, yet they are learned. There are no job opportunities for the disabled. Very few of them are working. Let the Government tell us how we are going to live. That is all.

The Presiding Chair (Commissioner Chawatama): Thank you, very much. Let us hear from this young lady in a black Obama T-shirt, just to add on.

Ms. Lilly Ochola: Thank you, very much. I am Lilly Ochola. I am a physically challenged lady. I live here in Kisumu. What my fellow woman has said is very true, but I do not want to repeat what she has already said. I would like to talk about the ladies with disabilities and the challenges that they are going through. The first thing I can talk about is relationships or marriage.

It is very difficult for us the disabled ladies to get married. You can be in a relationship but you cannot know whether that person is true in that relationship. In most cases, they just want to misuse us. The same thing happens when it comes to job opportunities. You can have all the qualifications but when you go to the interviewing panel, they will look at you in a way that will tell you for sure that you will not get that job. You could be more qualified than even the person who is not disabled. Out there, the disabled are looked at as disabled right from the brain up to the leg, but it is not true. We can struggle and do what other people can do.

I do not have much to say. Thank you, very much.

Ms. Rose Adhiambo Oduor: My name is Rose Adhiambo Oduor. I am one of the people who suffered here in Kisumu. My three children died and I buried them. During the time of the elections, in the evening, I sent my son, Michael Oluoch, to look for food at Kibuye Market. There was one who had come from a funeral of the other three. I just buried them here in Kisumu. My husband had bought a plot here in Kisumu. One person was from my house going to his place at Nyalenda. He heard that people had been killed at Kibuye. He called my daughter, Carol, and told her: "I have seen a boy sleeping down and he looks like your brother who had been sent to the market by your mother." I could not even manage to cry. I was vomiting and falling down. Even my mother was around. I walked through the market of *Manyatta* and found two children who told me: "*Mama* Michael, Michael has been taken to Russia." I walked with those two children very fast to get to Russia because gunshots could be heard all over. When we reached there, I started with the Casualty because I was told that three people had been taken to the mortuary and two to the Casualty. When I reached the Casualty, I found my son crying. The other one had been shot on the hand and there was flesh hanging. They shot his hand and foot. Mine had been shot on the foot. He was crying and telling me: "*Mama*, please give me some water." People just held me because I did not have strength. The one who was there just died as I was watching. They started treating my son. He was taken for X-ray to see whether there was a bullet in his body. It had shot him and gotten out of the body. So, there was just flesh hanging. My son stayed in Russia Hospital for three years. He was admitted and after a while, he got discharged. I keep buying medicine for washing the wound and also for his usage. While he was still in Russia, my husband died out of shock. I have been living with my son in Russia.

(The witness broke into tears)

There were some people who had come from China to visit the Russia Hospital. They called me and told me: “*Mama* Michael, come to hospital. Your son’s foot is going to be cut because it has been badly infected and cannot heal.” They asked if they could get blood from me. I told them that I had been very unwell and was suffering from High Blood Pressure and so, I could not donate blood. I called Michael’s brother who went to Russia and donated blood and Michael’s foot was amputated. This child has really disturbed me. Up to now, he is mentally disturbed and says things which we do not understand. He can really insult me badly. There are times when he is in town begging and when I tell him: “Michael, come we have made some tea in the house, he just tells me: “I will go and eat at the mosque, you fool.” My father also died later on. I have just remained alone and have school going children. I have a son who is in Form Four this year and I am just helped through bursary. There is a day he locked himself up and wanted to hang himself because he did not have fees. It is my neighbour who came and told me: “Let me borrow money on your behalf and when you get it, you will pay. Let him go to Kisumu Day.” So, the boy went to school. I do not even have ways of helping myself. One of my daughters died and left a child who is in nursery. I also have a child in Class Five. There is one in Class Six who just stays in the house because I have no fees. Even food in my house is a problem. I have high blood pressure and diabetes. All my medicine got finished yesterday and I have not taken any medication. My body is just shaking and I can even fall because I do not have anything in the house. I am just suffering and the Government is not seeing my situation. Sometimes, women meet and I do not know about it. I thank the person who gave me this message because I have been sitting with my son who has been amputated and I am sick. My elder son is also unwell. He got married and the wife infected him with AIDS. So, this boy is ailing and depending on me. The wife also died and was buried.

Thank you, very much for coming because you can listen to us and see how you can help us. This is because this is beyond the Government. There is a time they called us to go and get maize from the DC. Those who had strength, like men, were just tearing the sacks. I fell down and my foot was swollen but I just got one tin. Please, help me on what I have said. I do not have money to buy any more drugs. I do not have any other thing to say because I can run mad.

The Presiding Chair (Commissioner Chawatama): Can we listen to the next witness?

Ms. Esther Atieno Onana: I am Esther Atieno Onana. I live here in Kisumu. I am a mother of three. I saw what post election violence was, and did not believe it. I did not expect what I saw. I was living in Obunga which is one of the slums in Kisumu. I had a neighbour – a lady who was very good. She was a Kikuyu by tribe. I loved her so much because she was a mother. Since I was an orphan and still I am, I thanked God for her but I missed my second mother when post election violence came. We were living with my children in my house and when the post election violence time came, she came and told me that she must go back home. I asked her: “Where?” She told me: “I must get back to Central because it is bad out there.” Then I said: “Mum, if that is the case, please, do not go by yourself because the gunmen are out. The policemen were shooting and killing people with live bullets in Kondele. Please, do not go.” Immediately, the husband came

and told us that he was preparing to leave for the airport. He asked me whether I knew anybody who could help him. I asked him: "How will you reach the airport?" He told me: "Please, let me have somebody whom you know, who can take me up to the airport. How I will get to the airport or what I will use does not matter. I just want to go home." To cut the whole story short, the person left with the two children but the mother refused to go. I was standing at the door when my husband came and told me: "It is bad out there." I did not know what he meant. I asked him: "Why are you walking out there if it is bad? My neighbour wanted somebody to help him and I do not know where he has gone to with the children." After a while, as I was standing outside, some men came and said: "There is a Kikuyu lady in that plot. We must take her out, whether or not they are going to kill her." I cried in pain, thinking about what the lady had been to me. All of a sudden, I saw four men in my house who started taking away my things. I did not even know where my husband had gone or when he left the gate. The mother started crying and I told her: "Please, do not cry because if you cry, you will call many. Come we sleep under your bed because they are already in my place." They carried all my things. The lady held me tightly and told me: "I told you to take me to Kondele." I told her that I could not take her because I could not even walk and my husband was not even there. She said that probably, they had killed the person who had just left. There were so many men who came and passed our house. They wanted to go and kill policemen in Kondele. I pleaded with that lady and told her: "Please, let us surrender to the policemen, so that they can take you to Kondele for your safety. Leave everything in your house with me. I am a child of God and will not take even a spoon from your house without your consent. I want you to be safe." The lady started trembling and unfortunately, became unconscious.

We were wondering what to do when some men came. She was carried on a handcart. There was another crowd from town which had looted several things from the shops. The confusion came and as I was following, I even do not know what happened but I found myself on the ground. I did not know that I was expecting a child. When I reached hospital, I was told that I was two months expectant. I had threatened abortion and was taken to Ward Four to be checked. I was bleeding profusely. Up to date, after losing my baby and everything from my house, I do not know where the lady, husband and children are. I shared it with friends, but every time I talked, I would cry so much. I was depressed and got hypertension after miscarrying. My sister came and told me that I must live a life because I have got other children whom I need to take care of. I asked: "How am I going to stay?" My husband is one person who is not steady. Once he is here and another time he is there. Just as one of us said, the persons living with disability have a lot of challenges in life. You meet a person who you may think loves you at that time and commit yourself to him as a human being, but the relationship is very weak. I met a husband who is everywhere, even when we are in trouble. Even right now as I speak, I do not know where he is. He left me with the children and I do not know even who to ask. I met three ladies from church who told me: "Do not worry, we are women like you and there is a lot which is taking place. Join us and share with us. We are here for you." Those ladies have been instrumental to me. My life was almost ending last year. I thank the Lord for those ladies.

I was invited to appear before this Commission. Since I was not, I was not prepared, I decided to come with these three ladies, so that they could listen to my testimony.

I wonder if a person like me suffered like this, what about persons with disabilities? It beats my understanding that a normal person like me can suffer like this. I do not even know how to comprehend it. Has anybody who is physically challenged appeared before you and narrated their sufferings to you? People with disabilities suffer more than normal persons because they are marginalized and vulnerable. So, if we suffered so much, what about them?

Until last week, I was saying that God is good because he has given us counties. Just imagine I suffered so much while in Kisumu; what if I was in Naivasha or somewhere else in Rift Valley? I fear for my life. Maybe, if I was in such places, I would not be here today because nobody would have helped me. Today, we are here talking about reconciliation. We can only genuinely talk about it if we are ready to face the truth. If at all there is any organization that can come forth and identify the needs of our people, let it do so and help us. We have formed a group of ladies with disabilities. We have come together to help each other. Our group is called *Winam Ladies with Disabilities*. Yesterday, I heard many people suffer more than us. They lack the basic necessities like food, shelter and they are dying from hunger related diseases.

Through TJRC, I appeal to this Government to uphold the truth. Let us always be truthful to ourselves. Some of the things that happened to us were terrible. For example, I was impregnated by a man I did not know because I was in the midst of men when this happened. Unfortunately, I lost that baby. This is the truth. I had sex with a man I did not know. I do not know what to say, but this is the truth. If justice is for all of us, and if we are here to reconcile, let this Commission address issues affecting people with disabilities in this country.

I feel for this lady because even the boy she is talking about, I know him. I work with persons with disabilities and I know their problems. It is quite traumatizing that today, you have two limbs and tomorrow, you do not have a leg. Someone is HIV infected; the lady is a widow. There are others who are living with disabilities and all those are disabilities coupled.

I believe a commission should be set up to look into the plight of people with disabilities. We are not special but we suffered a lot during the violence that rocked this country in 2008. It was so much that a person could walk for two kilometers and that was a person with two legs, two eyes and in good mental condition. What about a person who does not know anything? What about the mentally retarded? What about the visually impaired? What about the physically challenged? What about the HIV/AIDS infected and affected persons? We need to see. We can only enjoy peace and justice in this country, if we set up a commission that will direct its energy in addressing special needs of people with disabilities. This is the only way we can appreciate them.

Lastly, I appeal to you to ask our Government to assist us. I hope you will not leave us behind.

Thank you.

The Presiding Chair (Commissioner Chawatama): Thank you, my dear sister. We have not left you behind. In fact, in the Commission, we have a special unit. Thank you for speaking for so many who were unable to come today. I am so sorry that you lost your parents and then you also lost the person that you called your second mother. I am so sorry for your loss. I lost my mother too and up to today, I wish that she was here to give me advice and counsel. The life of a mother is a precious one. I have no doubt that you are a good mother to your children. May God continue to bless you and the work that you are doing. May He continue to provide for you and to give you wisdom to help so many other people. The Commission was set up for people such as yourself and so many others.

Thank you for taking your time to share your story with us. It was not just your story, but the story of so many other people. Indeed, you are a woman of substance and a woman of strength.

Thank you and God bless you.

Ms. Nancy Kanyago: I wish to know if there is an organization or people who work with the Government who can give assistance. We have had many medical needs or just counselling. I want to know if there is anyone with an organization that addresses these needs, so that you can now start working with the women who are here. If there is any organization or even a Government body, please, let us know, so that women can know where you are and what you do.

Ms. Eunice Akeyo: My name is Eunice Akeyo. During the post election violence, I was in Nakuru in a place called Ponda Mali Estate. The violence broke out on 30th December, 2007. At that time, we did not know what was going on. So, the children had gone to school as usual. Their father had also gone to work. I did not go to work that day. I am a business person. I was a broker. So, that day, I did not go to work. I was just in the house. At around 10.00 a.m., we heard some voices outside our house. People were running up and down. Our children were schooling at Umoja Primary School. I went with my neighbours towards the school to see our children. When we reached there, we found that the children had been locked in the classroom by a headmaster called Munandi. We took our children.

On coming back, there were problems but we got home with our children. At around 4.00 p.m., the fighting continued. Their father used to come back at 4.00 p.m. but because of the fighting that was going on, I did not see him. At that time, we were telling each other, "if you have not seen your person, call and tell them that there is fighting at that place". Other people were calling and finding out the whereabouts of their people. It was going to 5.00 p.m.

I tried calling my husband at around 6.00 p.m. because I thought he had switched off his phone. However, I was not getting through to him. So, I went to a neighbour called *Mama Carol* and I told her I have been trying to call *Baba Peter*, but all in vain. She encouraged me to continue calling him. The more I tried calling him, the more frustrated I became. I continued trying calling him until it got late. By that time, nobody was leaving her house. Our house was good because we had a gate and you could not climb up the walls to access it. So, we locked the gate from outside, so that nobody could get in. We were living among Kisiis and Kikuyus. The Kikuyus had already run away but we were left with Kisiis, Luhya and Luos. The Kisiis also ran away. So, we were left Luhyas and Luos. So, I was very worried. I could not do anything; I could not concentrate. So, I asked *Mama Carol*, “what shall we do”? She told me that maybe, they had been locked where they were working and had been told to put off their phones. I just kept quiet until morning when we gathered courage to walk out of the house. As I said, I was living in a plot in Ponda Mali Estate in Nakuru. So, we left with *Mama Carol* walking, since people were being burnt, cut and killed. If you were caught, you would be burnt together with your bicycle. But he did not have a bicycle. So, we walked the next day; that was on 31st. However, it was not safe to walk around at that time. In Nakuru, we did not know whether it was day or night. There was smoke everywhere. Houses were being burnt. You would not know whether it was day or night. If you had no phone or watch, you would not know what time it was. There were many policemen with teargas. So much was going on. So, we ran back because we saw policemen. It was the policemen who were killing people. So, we ran back to the house. When we came back to the house, I told *Mama Carol*, “if you are afraid, I will go alone”.

So, I left her behind but she followed me. When we reached Ponda Mali, we found some people had been killed. Others were being burnt beyond recognition. We reached there at around 10.00 a.m. Policemen were walking all over in large numbers. I said even if it means death, let me just see what is going on. So, when I reached there, I found he had been killed. He had been beheaded. The head was far from the body. The body had been burnt. What made me know that he was the one, was the collar of the shirt. He had worn a blue and white T shirt. I could not recognize the body but I could identify him because of the neck. So, I called *Mama Carol*. I thank God because I was very brave. *Mama Carol* asked me what we could do. I could see policemen were all over. People were just walking all over. So, I took the leso that I had and we tied his head. By good luck, I saw a paper bag. So, we put the head in it.

We carried that head with us. At that time, one could not leave the house to go anywhere. When I reached home, I did not even know what to do because we could not leave the house. Even the children had nothing to eat. There was nowhere to buy food. Nothing was going on. But we had a tap in the house. We just kept taking water and giving the children water to drink. At that time, men were the ones who were being killed. Even if you got a baby boy, they would say that is tomorrow’s Raila.

I had one son. He is called Peter. When I heard they were looking for boys, I locked him in the toilet. I told him, “just sit there. Even if you die, just die inside there. We will get

you out”. When I got into the house with the head, they asked me what I was carrying. I did not know how to tell them what it was that I was carrying. I just kept it in the house. I locked Peter in the toilet. We just sat with the two other children. I locked him in the toilet because I wanted him to survive.

After three days, the Red Cross people came. They evacuated me and took me to the stadium. I went with my husband’s head to the stadium. At the stadium, I did not know what to do. I was not in my right senses. I was given a card and I still have it to date. I did not understand anything, but I needed medical help. They had set up a clinic and I sought medical assistance from them. I was treated. After a while, we saw vehicles coming to take people to Nyanza and Kisumu. So, we were put in the vehicles. Remember, I had that head, the children and my house was full. I did not carry one single item from the house.

I was brought to this place. When I reached here, I went to St. Stephen’s. I did not have anything. I only had the head in the paper bag. I was told to declare what was in the paper bag and I removed it. When they saw it, they all cried. I carried it to a tent. They facilitated me to go to Oyugis to bury it. It is in Oyugis where our home is. However, at home, very few people knew me. I did not have even a house there. Life at home was very unbearable. So, I ran away from home with my children. We came here in Kisumu. Nobody was ready to assist us. We went to St. Stephen’s. We were also sent away from there. We did not know where to go to. So, I walked up to a place called Kibos. I went to Kibos Police Station to seek for assistance to bury the head of my husband. Instead of empathizing with me, they charged me Kshs100. I told them I did not have any money with me. They gave me Kshs100 but I refused to take it because it could not have assisted me to bury the head of my husband. When they charged me Kshs100, I did not have any money. I did not report anything else to them. So, I continued suffering with my children. They were not going to school. I talked to my fellow women. I asked them to help me so that my children can get help because I was suffering. My youngest baby was only two years and five months. When I left to look for food, she went to the neighbour’s compound and they poured hot water on her. She sustained serious burns and she later died in Kisumu General Hospital, popularly known as Russia Hospital. I did not have money to pay for the medical bill. I thank God because the matron for Ward I where my daughter was allowed me to take the body away and bury it without paying a single cent. I went to bury the baby in Mamboleo area. At that time, I did not have a permanent place to stay; I was just moving around. The Government was not helping me in any way. Many women suffered. They lost their husbands and children. Some of the husbands and children are yet to be traced. Some women were raped.

There is nothing the Government has done to help us. We are IDPs from Nyanza Province. We have nothing. We have stayed in Nyanza and nobody has bothered to assist us. The Government forgot us completely. It is only building houses for IDPs from other places. Some IDPs are given cows to start their income generating activities. They are being given food and shelter. Nobody is willing to assist us. It is very painful experience. Most of us are suffering.

Even our children cannot go to school because the teachers do not take care of them because they know we have no money to pay for tuition fees. They perceive us as poor people. It is not our wish to be IDPs. Our children are chased away from school because we are unable to pay school fees. So, we are no longer taking them to school. They stay at home. At school, they are humiliated by their peers. They are called names and mistreated. For my eldest daughter, she felt it was better for her to die rather than continue suffering. To her, life was meaningless; she wanted to die just like her father. She was suffering and she could not do anything. Right now, I thank God because she is in Standard Eight. She does not always go to school. She does not have school uniform and I have not paid her school fees.

Some of our children have finished Standard Eight but they could not get admission to Form One because of lack of school fees. We are busy looking for money to buy food. They are at home taking care of their younger siblings.

Thank you, very much.

The Presiding Chair (Commissioner Chawatama): Ms. Eunice, thank you for your testimony. When I left my country, one of the things I asked the Lord is to give us courage to assist widows, orphans and the poor. I am really struggling because at the time, I did not know what I was asking for.

You are not a selfish person. You have spoken for so many women and for that, we thank you. We, as a Commission, have heard what you have said. I have two sisters here; the vice-chairlady from a sister commission and the Commissioner called Milly and they need to help the TJRC carry this burden. If all the people who love this nation and who love the Kenyan people can come together, I do not see that this is a big problem. We will do our very best. There are issues that we can sort out short-term and those that are long-term. The only thing I can say to you and many others is that we will do our very best.

I believe that a nation that is blessed is a nation that takes care of its widows, orphans and the poor. I am trying to imagine how Kenya can move from this position if the widows, poor and orphans are ignored. We will do our very best in making recommendations and giving solutions. Pray for us that the Lord gives us wisdom and that he gives us courage as we work as your servants.

Thank you.

Eunice Akeyo: Thank you.

Ms. Nancy Kanyago: Eunice talked about the problems she underwent as she buried her husband's head; that she was not recognized. Even if it was her right to remain in Oyugis, she would not have remained there. I want to know if there are other women who are here who have also gone through similar problems; that, when they are widowed, they are sent away from their marital homes or where they lived with their husbands. Is there any lady

who has gone through this kind of pain? I want you to offer us some solutions. What can we do because the law says it is your right? Even if the Constitution says it is your right, it is like we still cannot benefit from the rights. It is not like we changed the laws. What resolutions will you prescribe?

Ms. Jennifer Olale: Thank you, very much. My name is Jennifer Olale. I am a woman from Bondo, Nyang'oma District, Nyang'oma Division. It was on Friday when Kofi Annan came to Kenya. At around 4.00 p.m., I was shocked when I was told my son had been shot dead in Kibera. I praise God because I am saved. It was a painful experience. I became unconscious and I was not able to move out of the house for two days. When I left the house after the two days, I sold the three cows that we had and we went to find out what had happened. We went to the City Mortuary where we found the child. We brought his body back home. From that time, my husband became an alcoholic. He drank more and he did not know where the children were. I am suffering with the children that I have right now. There is no money for school fees. I have six children and they are not getting proper education. Right now, I have one child who wants to go to college, but he cannot afford. I am a poor person. We got the Kshs10, 000 and that was very difficult. So, I am asking if there is any help to be given, so that my child can go to college. The other people with whom we have been praying together have been able to help me regarding the children's education. It is not that much possible now. With the hunger that is here in the country, it is impossible.

One day, one of my children went to the lake to fish. I looked for him at the place called Fangano. My fellow women have talked about a lot of things. They suffered a lot. The violence has affected me until now, I have a disease. I only sleep for 10 minutes the whole night. I am really suffering. I thank God for bringing you here because you have looked for somebody who will be able to help us. I went to see the Assistant Chief and the MPs but they did not care. Thank you, very much for the women who have come here and for listening to our problems.

A lot of women have suffered more than me. That is how it was because of some people who want to be killed. Thank you, very much.

Ms. Nancy Kanyago: Is this the death certificate for the boy?

Ms. Jennifer Olale: Yes.

Ms. Nancy Kanyago: Thank you. We, as a Commission, have received it. We are very sorry. I will now give a chance to one lady.

Ms. Rose Aoko Odhiambo: My name is Rose Aoko Odhiambo. I am a lady who lost her husband. After that, I was sent away by my father-in-law. We were two wives. My husband was a mechanic and he had a garage in Ugenya at a place called Bumala. After he fell ill, I also became ill and I went to our home. I was taken by our parents to our home to get medical attention. After that, my husband also started ailing. When he became very ill, his father took away everything. We had different types of machines.

They were all taken away. The machines had been bought in my name because I was the one who used to work in the workshop. The machines were all taken away while I was at home because I was sick. My co-wife was sent away and she was told to go back to her home. She wondered how she would go. So, she insisted on staying there forcefully until when my husband died. I was not called to go and bury my husband because the machines had been bought in my name and I was the one who knew how to work with them. They knew that I would take the machines to support myself.

After that, I went to the grave and I was told that I should never be seen there even for one minute because my husband had already died and there was nobody I was coming to live with. My co-wife was also sent away and she was helped by the church people. The pastor came and forcefully built a house for her. Later on, I had a child after I had healed. I went to live in Naivasha. I have lived in Naivasha for 13 years until when the post election violence occurred. When the violence broke out, we were sent away. I used to sell in the market. I had a lot of property. After the violence, I started living a destitute life. Everything was taken away. I did not even come back with a spoon and I have six children. Up to date, my eldest son who was in a boarding school in Nyandarua, in a school called Mendandu when I was still in Naivasha, that child went to school saying, “now, I am hoping to go to the university”. He used to perform very well. He would take position one to five. Now, he got grade C minus. He was in Nyandarua and we were in Naivasha. The child was very confused. He thought that we had all been killed. In the place where I was living, I was the only woman living with Kikuyus. Those Kikuyus helped me. They took only one box and we were living together well. So, they took one box and threw it for me to the police. That was the only thing that I left with from Naivasha. After that, the child was brought by the school director. The director liked me because he said I was a hardworking mother who did not fail to pay school fees. So, the director brought the child to the police station. Everyone including the director, the driver and the child were crying. We really suffered. It was the Red Cross people who would bring food to us.

Ms. Rose Aoko: So, the director brought the child to the police and saw us. Everyone was crying, including the director, driver and child. We really suffered. The Red Cross brought fish, yellow peas and firewood to the police. We would cook our food with green leaves. When the *Mungiki* came into the police station, they cut people’s heads. Children were made to lie down. They would step on the children. The heads of some women who had gone to fetch water near the church were cut off. The children were left sitting on the floor. There were no vehicles and there was nothing we could do. I was forced, since I had money, to get a vehicle which brought us to Eldoret. Then we took another vehicle after the violence calmed. We reached Eldoret and then we were brought to Kisumu. I did not know where to go with my children, because I had been chased away from my husband’s home.

To date, one of my children, who was then in Class Eight, is with my mother; my brother’s wife also died and left behind four children. I was also widowed and I have other children. So, we have taken all these children to my mother. My mother is looking after eight children. Up to date, we do not know how to look after the children. My

mother is old. She even crawls to go and look for the children. The children are disturbing her by telling her that they are hungry. So, we are living destitute lives. Just the other day, another child did his examination and led in Class Eight. He got 361 points and was selected to join Ambira High School. He could not attend; he just sits in the house. After that, another director of the school gave me a job. He just found us. They were calling and counselling us because of the problems we were going through. When he heard of my problems, he told me to go to his place to be helping with work, so that he pays me in the evening, so that I do not kill myself and leave the children. That is where I am working to date.

Sometimes I am sent away from my rental house, especially when the landlord hears that I have been paid. They tell me that I have been paid when I have not been paid anything. I did not receive the Kshs10, 000. I went to the chief and I was given a quarter kilogramme of sugar. That is the only thing I have received from the government. I do not know where to settle. I am just suffering in Obunga slums with my children. I am requesting this Commission to help us because many women will die. Even during the post-election violence we were in a group with a lady cleric who died later on. She had organized a meeting, but we did not get any help. We are unwell especially those who have been infected with HIV/AIDS. We do not have means of helping ourselves. Our husbands are not there and we are suffering; the government is just watching even after the violence. Thank you.

Ms. Nancy Kanyago: Thank you, very much for representing women who are widowed and also affected. I will take two more people to speak. You should talk about something that has not been highlighted because this is the last chance. I will give Amina a chance and then another person will talk from this side, because we have other sittings in the afternoon.

Ms. Amina Akelo: My names are Amina Akelo Omumbu. I live here in Kisumu. I would like the Commission to hear my story about HIV/AIDS. I am talking about it because I am infected and I have been living with it and also live in a slum. I work with an organisation called *Fighting HIV/AIDS*. I have tried to work on it but I have not finished. So, I would like the Commission to hear me so as to take measures against it. HIV has just been like a business in Kenya. I am infected. It started like a cough. It has been a problem for us who are living with HIV because some people say that it is just like a cough in hospitals here in Nyanza. The people living positively in wards have said that they have tried home-based care, and established networks for the infected people but they are not getting any financial help. Even a patient cannot accept to go there because she is told that, that is the place where you will die. We have been discriminated against.

There is money in the Government, but it goes to big organizations. They say that they will undertake capacity building, but it is just abuse. Now, when one of our patients has diarrhea, we look after her. You tell her to take antiretroviral drugs, yet there is no food. When you are on this kind of treatment you have to eat well. Septrin and multi-vitamin tablets are swallowed every day and you have to eat well before swallowing them. It is a challenge for a person who is living positively. I thought the Commission should know

that in Nyanza, the organizations that have been given money for HIV/AIDS prevention are not on the ground. We have been told to write proposals, but they do not help anyone. We get money from the Government, but it goes to committees. In order to access that money, you are told to fill a form and show three years' experience. You cannot penetrate Community-Based Organizations (CBOs) and support groups in order to get that money. The money is given to politicians but not us, the women, who are living positively.

People are dying and we do not know how to help them. That is why I am requesting the Commission to see how they can help us. The issuance of HIV/AIDS money should be documented. This issue of HIV/AIDS is like a business, and I am not lying. I wish the Commission could facilitate me to see Lucy Kibaki because she is the one who knows how this money is disbursed. I would like this Commission to tell her about people living positively. Nobody is helping me. We Muslims are not allowed to say that we are sick with HIV/AIDS.

About FIDA, we have been cheated on the ground on women issues. When your husband dies, you run to FIDA; they tell a widow a lot of things and they do not help her. There should be advocacy on issues concerning FIDA. How will FIDA work with us women on the ground, so that we help widows without money and those suffering from domestic violence? They told us that we do not know how to document. A beaten woman is taken there but she is not assisted. How will we women on the ground be helped? You find a person like me whose husband has died and they want to exhume the body; when I run to FIDA with my marriage certificate, FIDA tells me that they do not deal with such issues. They say that they only deal with inheritance. You ask yourself whom you will inherit from. Please, help us women in the grassroots level, who did not get adequate education and who are suffering. It is God who has brought you. We want to take you round on the ground in our homes, so that you can see our sufferings; we are not lying.

We do not want women to be isolated. Irrespective of the tribe you come from, you are just a mother. FIDA gives us problems when it comes to inheritance. I do not know how they handle their cases. You are asked for registration fee, yet we do not have money. Please tell us the way forward. We who are suffering from HIV/AIDS have accepted to have our own wards. For example Ward 7 is for HIV/AIDS patients. We are very many on one bed and we are discriminated against. At times when people who are suffering from HIV/AIDS die, they are not taken to the mortuary. I am appealing to the Commission to assist us. Nyanza has many HIV/AIDS organizations. When I go to Nairobi to plead my case, I am told that there are many organizations in Kisumu which deal with HIV/AIDS. Look into these grassroots groups. You find many illiterate people on the ground and if they can be educated, that can be good. I am really annoyed. In my CBO, I have 1,005 children living positively. When I ask for some flour for them, I am told that I have not passed through somebody. We Muslims do not pass through somebody but we pray to Allah. If I beg for something, I should be assisted. I think that is a challenge. I came late and I do not want to speak for long. I am very sorry for keeping you here.

I have a photograph of a woman who was beaten. Where is Evelyn? Come so that the Commission can see you? Look at her stomach. I have struggled to help her. She was stabbed by her husband and she has three scars. I do not have money to take care of her. So, Commission, come to our assistance. I do not have a computer. Thank you.

The Presiding Chair (Commissioner Chawatama): Thank you, very much. This is the second time we are meeting; I met you for the first time and I can still remember you since you really had an impact on my life. I want you to come up with a memorandum for the Commission, and your recommendations so that we can look at both the short-term and long-term recommendations. That will be helpful to us. Thank you for coming before the Commission. We are going to proceed in this way. We were supposed to have finished at 1.15 p.m. but because of so many issues, we will hear three more testimonies; I am only giving each person five minutes to do so. *Pole sana*. We have other sittings to attend to.

Ms. Lena Omondi: My names are Lena Omondi. I work for St. Jude's Counselling Centre. Following the 2007/2008 post-election violence, I am willing to share with this Commission what I saw with my own eyes, and what I went through amidst the Internally Displaced Persons (IDPs), their ordeal and so on in Nyanza Province. During that time, I was contracted to be an observer of elections in Kisumu Rural Constituency. Like everyone else, I was eager to get the presidential election results before I could make my journey back to Nairobi. Problems started with barricades being erected by irate mobs, consisting mostly of youths, along the road. I was at Mamboleo and trying to go through Kondele to the town centre. From people nearby, I heard that certain areas were no-go zones. Even through the media, especially television and radio, it was clearly announced that the whole country was in a bad shape. Shops were being looted, police were chasing mobs and discharging canisters, there was burning of tyres and cars in the middle of roads by the mob. Despite all these, I managed to go back to Nairobi on 14th January, 2008.

In Nairobi, I started having a feeling that something was going wrong in Nyanza, especially with the inhabitants. I gathered courage and made a few phone calls to certain people in the region to find better ways to assist our people, who were held up in neighbouring regions. With concerted efforts gathered from well wishers and my close friends, we initiated evacuation and repatriation programmes to help the people reach a particular safer destination, namely Nairobi Showground. Most of the people in question were formerly working in Ruiru, Thika, Kiambu and so on. Later on they could be moved to Nakuru and Naivasha. Finally, we managed to transport them to St. Stephen's Cathedral in Kisumu, which was an IDP camp house. However, while in Nairobi, I got a hint that St. Stephen's Cathedral was going to be closed down on 9th March, 2008.

I left Nairobi very early in the morning with the first plane to Kisumu to witness what was going on there. At 10.30 a.m., I was at the cathedral. I interrogated some of the IDPs, especially women and children, to find out their fate. I learnt that they did not know where they were to go after the closure of the camp. I also observed that some were disabled single parents, with more than two children to care for. Later on, when it was

announced that the Office of the President had created a department to handle IDPS under the Ministry of State for Special Programmes, I visited their offices in Comcraft House to make inquiries and explain the situation back in Kisumu. Luckily, the officer in charge requested me to set up a programme and co-ordinate it on behalf of the Ministry. I accepted willingly and I co-ordinated the programme for six months until it was abruptly discontinued on 14th October, 2008. I am sure that the IDPs are everywhere in Nyanza, compared with the number which was at St. Stephen's Cathedral.

As in every part of Kenya, it is a pity that other places are given more attention more than this region. I want to add that St. Stephen's Cathedral hosted 9,786 IDPs, majority of whom were women and children. When we have problems, the people who suffer most are children and women. In this region, we are very generous people; 9,786 were hosted, and these were the people who did not know the fate of their homes. However, the people who knew their homes were taken there; they were hundreds of thousands. So far, as it stands now, very little has been done.

The way forward for the Commission is that it should partner with grassroots organizations, which work at the local level to know where these people are because I was in that programme. There were many lorries from Thika, Ruiru and Kiambu which we organized to transport people. Just think of over 9,000 at St. Stephen's. What about the whole of Nyanza Province? We have had thousands of IDPS who have not been assisted. My other way forward is that the Commission should translate print media to local languages, as that can be read and understood with ease. Three, there should also be public landlines and hotlines to secure communication with the affected and other stakeholders. It should also partner with local community media, locally and internationally. The media houses should have female presenters who would handle women issues well when we have something like this. Intensive civic education should be in place. Finally, Madam Director, you are here. You can see these ladies. Your offices here in Nyanza and Western are on 7th Floor. Even at my age, I have been trying to go there but when I go there I ask myself if I can manage. What about people on wheelchairs and crutches? I think you should do something about it.

The Presiding Chair (Commissioner Chawatama): Thank you, very much. It is lives like yours that we are celebrating. People who stepped in to come to the aid of others. People who risked their lives and just wanted to be of help. Thank you for your recommendations to the Commission; we would like to accept the document if you give us a copy of it now.

Ms. Nancy Kanyago: It is almost time. We wanted to give an opportunity to three people but we have run short of time; I am giving a chance to one person, who also represents the IDPs, who were affected here in Kisumu and the rest of Nyanza. We have not heard from people whose businesses were destroyed. However, officers of the Commission are around and you can write your statements with them.

The Presiding Chair (Commissioner Chawatama): Nancy, before the witness speaks, I do not know if Amina is still there. I would like her to know that we have a very good

working relationship with FIDA, and when we get back to Nairobi we will communicate the concerns that have been raised by Amina; we recognize the good job that they are doing.

Ms. Penina Kasere: Good afternoon. My names are Penina Kasere. I came here about 50 years ago. I came to Nyanza in 1959. I stay in Rarieda. I also stay in Kisumu.

I am shocked by many things. I will start with the issue concerning the women of Nyanza. The Government should look into their issues. They are here talking about violence and how they were beaten; they are really suffering because there is no action that the Government has taken to help them. When a husband dies, a woman just remains with the kids who have no education. I come from Central Province and I know very many people have plots in Nairobi. They build houses with their money. In Rift valley, others were given tens of acres of land. What have we been given? I am asking you to raise the issue of post-election violence.

I stay in Makasembo near the polytechnic and the stadium. I had 70 hens and they were eaten by people whom I knew. Somebody said that refugees started running away on 8th. We Kikuyus started running away on December 30th, immediately after the results of the elections were announced. I have nine Luo children and even grandchildren. They hit my hands and took away every property of mine. There was my neighbour who was chased away from her house. There is also another woman, whose documents I have, who was mistreated. Her property was taken and to date, she has not received it back. There are those who were in the market and they have not returned to their stalls. They can stand up. They live in Kaloleni and Manyatta.

There is one thing which is hurting me; I do not know whether this Commission will unite us because the people who fought us have not asked for apology. If we apologize to each other, because we have hurt each other a lot, that will be fine. Since I have lived here for 50 years, I cannot go back to my home. End tribalism so that we love each other; if there was no tribalism I would not be here. On 21st December, my children's auntie died and we removed her from the mortuary on that same day. We went to the church and the motorcade was full. We took a Nissan. We were two women. We started talking of elections of 2007. The driver told us that we were talking nothing. He told us that whether Raila won or not, no Kikuyu would sleep in Kisumu. We thought it was a joke. This is the time when I can remember what I said, because I was beaten that night. My house was destroyed. I slept in the bush. At 2.00 a.m. we took a route to RIAT. I stayed there in a locked house for four days. I heard people were to be transported by a plane to Nairobi. I decided to go to Asembo. Instead, they said they should kill me in Asembo because I had my home there. I was taken to Asembo and there was no problem. Many of the people could recognize me. Some were old people; they had been born when I was there. My family recognized me. Let us not just say some things when we do not know where we shall go to.

There is a lady here called Prisca Njeri. She was my neighbour and what happened in her home makes me very feel hurt. Her husband suffered a stroke because of that. She will stand.

Ms. Priscah Njeri: I come from Thika in Kiambu. We have been living in Kisumu from 1968. When the violence broke out, I had my vote and I wanted to make a decision. I voted. Violence broke out. My business premises were burnt down. My husband suffered a stroke. We left the house we lived in because the violence was too much. After three days, I was taken by the Flying Squad to St. Stephen's Church. My husband stayed in the house because he could not talk. They wanted to take him out forcibly because he had locked the door. So, we saw things had really improved. The DO1, Cheruiyot, went there with policemen and he was taken to the church. We could not live there for long, and so we left for my mother's home because we could not go to Molo where we had a farm, as Molo was also facing violence.

In the African tradition, it is not good for one's husband to live in the wife's home. But we were forced to go there and we have been living with my mother who is now deceased.

I have papers which I would wish to present to the Commission. I want to show them what I lost and the house that was burnt down. I do not know whether the law is working! I have the notice from the House Department but nothing has happened. I do not know what the Government will do or who will help us because I wish to get my rights.

The Presiding Chair (Commissioner Chawatama): I will accept the paper. Nancy, please, get the microphone. Thank you.

(Off-Record)

Ms. Nancy Kanyago: The Commission will have an in-camera hearing. So, we are still listening to the women. The women's wishes were to give testimony in camera about rape and land grabbing issues. We have had such issues of women who feared to speak before the public. So, we are very grateful for your courage to speak openly before us. We have cried together and we know we are going to get a solution for this.

We are going to finish, but I would like to acknowledge the presence of our officers, the Assistant Co-ordinator of Nyanza, Ms. Rahab. Please, stand up.

Those who have not taken statements with the Commission, please, communicate to Ms. Rahab after this hearing. The statement takers will take women's statements and those of men.

If you feel you want to talk to women, they are there. If you are representing women and you know other women who are being affected - You have mentioned some business ladies who may not get an opportunity to write, they can write as a group because they have all been affected in one way or the other. There are others who were affected in

Naivasha. If you are very many and you know each other, you can write the statement as a group from Naivasha. The rest whose children were killed here by the policemen, you can come together and write a statement and our officers will help. I would like to say Thank you, very much. We are running out of time for everybody, Thank you, very much, for those who have spoken.

We have also received memoranda that you have given to us. Thank you, very much, FIDA, we have got your memorandum. There are those with their memoranda who did not have time to read them out to us; please, communicate with Robby and then we will receive them.

I would like to say Thank you, very much. I will give the Chair the opportunity to say her final remarks and I would like to get one person to get ready to give us a word of prayer. We started with a word of prayer and we have to finish with a word of prayer.

Let Judge Gertrude Chawatama give her final remarks.

The Presiding Chair (Commissioner Chawatama): Mine is just to thank you. Many of you have expressed a lot of concern about the work of the Commission. Everything has a beginning and an end.

I want my sister, Mary Onyango, to explain to you in three minutes the work of the National Cohesion and Integration Commission (NCIC). The National Cohesion Commission will take on a lot of the work that we have begun. So, she will share with you for a few minutes and then I will come and say my final words.

Ms. Mary Onyango: Thank you, very much, for this opportunity. I want to take this opportunity, first of all, to introduce my colleague who is here with me today. With me here is Commissioner Milly Luanga, who is a woman like all of us here today. As you have heard, my name is Mary Onyango. I am the Vice Chair of the NCIC.

You may wonder why we are here because this is not a national cohesion issue, but the Truth, Justice and Reconciliation Commission (TJRC). It is important for us to be here because reconciliation is a long-term issue. The pains you have talked about today are things that cannot go overnight; these are things that will go on for a long time.

I was not here at the very beginning because I was somewhere else where we were getting testimony from the effects of children; but I walked in as Eunice gave her testimony. During the post election violence (PEV), I got opportunity to work with the people who were doing humanitarian work. Eunice's story shocked me during that time because as a woman, I was not sure that I could actually walk with my husband's head. It is something that I have always shared with Commissioners as a reference point and why we must make sure that this never happens again in this country.

We have sat here with you today because the chances are that when TJRC finally winds up their work, because they have a mandate over a specific period, somebody has to continue with the job and the job is likely going to be carried on by NCIC.

In the short time that I have worked with NCIC, and drawing from my experience as a woman, one thing that really hits me is the fact that it is us women who are borderless. We do not have borders and we do not have tribes and that is why we get married in any part of this world. We leave our families and follow the man that we love, even if he tells you to go and live under the water, you will go and live under the water. It is also true that when there is conflict, we are the ones who suffer most. It is us and our children. What we have heard here today has actually brought that to the fore. I believe it is for this reason that the United Nations put in Resolution 1325, to deal with women in conflict situations and how women could actually be the drivers of this change.

My plea to you as my fellow women and Kenyans, we are going to be the ones to drive change. The truth is that men are warmongers and that is the nature of men, but we women are the conciliators. It is going to be up to us, whether we hold this country together or the country falls apart.

So, I am pleading with you as my sisters, I have had the pain. You can see I have got a lot of tissue in my hands; I was even very scared coming here today because I felt I was going to cry a lot. I think in that pain, let us find something positive. There is a saying in English which says: Every cloud has a silver lining. Can we find that silver lining? I think it is us women who are going to find it. My sisters, Mrs. Kasere and Njeri, I feel your pain. You are in a foreign land, where you have gone and made home and you still do not have space. Learn to forgive, just try and find space in your heart to forgive; it may be difficult, but just find it.

For those of us who are here, let us be our sisters' keepers. It is them today, tomorrow it will be you or your child in another community. I have only daughters and none of them has a boyfriend who is a Luo. I would want to sleep as a mother knowing that wherever they go, whichever part of this country they will eventually set up homes, they will be treated well.

That is my plea to you, we are with you, we will walk the talk with TJRC and with you, and we are going to ensure that together we deliver reconciliation to this country. We have a beautiful country.

God bless you all and thank you.

Ms. Nancy Kanyago: Thank you, very much. I would like to request one lady to come and close the session with a word of prayer.

(Closing Prayer)

(The Commission adjourned at 2.15 p.m.)