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7-26-2011

Public Hearing Transcripts - Nyanza - Kuria - RTJRC26.07 (St. Matare SDA Church Kegonga) (Women's Hearing)

Truth, Justice, and Reconciliation Commission

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The Commission Secretary (Ms. Nyaundi): This Commission was established in 2008. Its mandate is to investigate injustice and historical violations that Kenyans have undergone since 1963 up to February, 2008. Although we have a new Constitution, it is possible that issues that happened in the past would not enable us to be happy as one nation of Kenya. For example, the Commission is looking into unlawful detention, land grabbing and sexually related crimes. We need to emphasise that all these injustices affect women too. The Commission has realized that when we have public hearings, it is not easy for women to come out openly and talk. So stories of women are not brought up.

Yesterday, when we were in Kegonga Catholic Church, we heard that there were many injustices. They said that they have been put under one county. They have been saying there are no roads. There is no development in Kuria. People also do not feel well because they were evicted from Trans Mara. They have problems concerning their cattle which is raided every now and then, and many other issues that concern the Kuria people. That is why the Commission has felt that it must have women hearings only basically listening to women, that women are given chance to talk.

How did eviction of people from Trans Mara affect you as women? It is true that Kuria people were evicted, but in the eviction, there were women. When children from Kuria Community do not get education or when there are no roads, how does it affect you, as women? This is what we want to talk about today. As we talk about injustices, how are our rights being stumbled? We also recognize that injustices that people are talking about, they say it is the Government which is not taking care of them. But many times, the injustices meted on women and common man is not just from the Government, but it is in your own house. We have been to other places, and women have told us that they are beaten like snakes. You know the way someone beats a snake when he wants to kill it. He beats the snake until it is dead. If the tail shakes, it is beaten. If the head shakes, it is beaten. If it moves in the central, it is cut into two pieces. So, when they look for help
from? the police, there is no help. When they go to the chief, there is still no assistance. When they go to church there is still no help.

The other problem is rape of our girls. Women are also circumcised. There is female circumcision. Sometimes I mix Kiswahili in my mother tongue, so do not worry about that, I am trying my best. So, we want to hear the problems that you undergo in this region. Let it not be that after you hear what other women have to say, you start blaming yourself saying you would have said this and that.

Do not just keep quiet, but look for channels to talk about. If it is our mandate bring it out. Please, talk about it. We have heard that there is conflict between Luos, Maasai and Kipsigis. We wish to hear you as women. I was born in a different place and I am also married in a different community. I know that if my mother hears that my community is fighting with a community where I am married, she would feel pain in her stomach. So, let us know you, as women. When you hear that these other communities are not living in peace with you, and you know that you are a Maasai married to a Kuria or you are a Luo married to a Kuria, or a Kuria married to the Maasai, or Kuria married to a Luo, you feel bad. You as women, what recommendations would you make? So, we wish to hear from you as women. Tell us the way forward. How will you help the situation? When there is conflict, it is women who are touched. So, even you, as women, you must bring out solutions, how the two communities can live together in peace.

As we finish this meeting, the Commission will leave this place. We will be listening to people from other areas. As we leave this place, do not start asking yourself next month, that “this Commission was here, how come? it has not started helping us”? We will continue with the work of listening. You have been hearing us over the radio. After visiting the whole country, the Commissioners will sit down and write a report. You will see that report and read all our recommendations. Once the recommendations are done, the law says that all the recommendations must be implemented by the Government. So, do not be worried. I know that there are many sayings in our communities. We know that when you persevere and something is getting ripe, it will be sweeter. So, we request you to be patient. When the work is complete you will be able to see that you benefited for having come to the Commission sitting.

I am giving you opportunity to talk as women. Say all the things that are bothering you. We have emphasized that this is a women’s hearing. You must ask yourselves, how come there are men? The man who is here is called Yussuf. He is a technician. So that we understand each other, as I talk in Kiswahili, there is someone who is putting it in English. The Judge here does not understand Kiswahili or Kuria, and you can hear your sister is talking to you in Kitende.

(The Presiding Chair (Commissioner Shava) introduced staff of the Commission)

I am the only one who has broken a rule, the rule is when you are given a chance, say what you have in brief. We are many women here and we will listen to as many women
as possible. I am the only one who has broken that rule. If you want to deny me vegetables because I have broken the rule, that is okay. But let nobody else talk for a long time as I have done.

So, when you come, stand, say what you have to say very briefly because you know that your sisters would also like to talk. As your sister talks, even if you do not agree with what she is saying, even if you are seeing what she is saying is sensible, and is heavy enough, please, respect her. Just keep peace, and do not talk in here. Do not laugh and do not make a lot of emotional talks. Let us respect each other. When you talk to the microphone, we request you that you identify yourself. You say your name, and then you say what you have to say.

Thank you very much, my name is Patricia Nyaundi, I work with the Commission. I thank you very much. I now welcome Rob to co-ordinate so that we continue with the programme.

**Ms. Rahab Robi:** I want to give this opportunity to students to give a poem.

This school is from Kuria West. We are in Kuria East. So, they will entertain us with a poem. They said they must be part of the Commission. They want to give this Commission a message.

*(Students from Tarangala Boarding Primary School recited a poem)*

Thank you very much pupils, you can now go back to your school. They just came on their own and they are not accompanied by any teacher.

We want to listen to the issues that brought us here today. I want to give this opportunity to the first speaker, Gati Mathiga from Murigi. It is one of the smallest clans in this area.

**Ms. Gati Mathiga Chacha:** Good morning everybody. We have come here because of problems. In fact, I feel like crying because I have been arrested twice. The first time, my cows were arrested. When the cows were grazing they were taken by policemen to Ngata. We went to see our father and took food to him. I was arrested even before seeing my father. I was mistreated and released.

I did not know that there is a place I could report this issue. If this Commission has come to show us where we can report, then it will help us. That was in 1981. The people who arrested me were from the Anti Stock Theft Unit. I am talking as a woman who had problems. If I am wrong then you can correct me because standing before you here is really an honour. Again, we were arrested a second time. The Government carried out an operation. We were arrested in our *shamba*. That was on 26th September, 1985. What surprised me most was that we were told that the chief wanted to see us. When we went there we were really tortured. You are told to dance on your finger. We were later taken
to Kenyamangari. We were put in a house. The policemen raped us. I have a wound which was caused by the police. I did not want to show anybody, but I want to cry now.

We appeal to the Government to help us. I got a Somali child out of rape. My cows were taken. I do not have anything at home. That is my story.

**Ms. Rahab Robi:** Thank you very much. She says she cannot really explain what she had undergone.

In our tradition, there are issues that you cannot mention in front of women. We are very sorry to Gati. I now give this chance to Mama Kaiya. Let her be very brief because we have many speakers.

**Ms. Kaiya Gesogwe:** How are you? I have a problem in my house. I stand for a short while then I fall down. I do not have hands. I do not have anybody to take care of me. I stay alone at home. As you can see I am an old woman.

My hands are weak. I am really suffering. I do not have a child. When I am feeling so bad, there is no one to take me to hospital. My cry is to the Government to take care of me. I only wait for the day God will come for me. My children migrated and left me alone. They built a house for me and left me alone. I starve. That is my problem. I request for any support so that I can get somebody who can take care of me.

As I said, my hands are very weak. There is nothing I can do with them. I fell down and fractured my hand. I cannot even go to the river. I do not have anybody to help me. So, I am requesting you to help me. That is all I have.

**Ms. Rahab Robi:** I will give this opportunity to Yunis Marwa, who was to talk about extra judicial killings. As she gets ready, let us go to the next speaker, Robi Wekesa.

**Ms. Robi Wekesa:** Good morning! I have a problem which I got in 1980. I was in Rift Valley. That is where I grew up and that is where I got married. In 1989, we were evicted; I was beaten by Government agents very badly. There were 12 policemen who took me out of the house. I had just given birth 20 days earlier. Twelve policemen raped me the whole day. I was just picked up unconscious. When I came to my senses I was in hospital. I was treated in hospital for a whole year bleeding profusely. I was sick but now I have regained my health. They took away everything from my home. My house was set on fire with seven children. The child that I had given birth to has been affected up to now. All my valuables were taken away and I had grown up as an orphan. My children became destitute. I do not have anything to take them to school with. They took away even the food that I had kept and so, my children starved. Up to now, I do not have any proper place to stay. I stay in a swamp. That is my story. If this Commission can make the Government assist us, that is my request. That is all I have.

**Ms. Dorcas Warioba:** Thank you and we welcome you. The first thing that I want to say concerns our girl child and how she is affected by circumcision. When they are
circumcised, many of them discontinue school. When they stop going to school, the first thing that will happen is that they will get married. They get pregnant immediately after circumcision because they feel that they are grown up and yet, they could only be 14 years old. So the teaching they get during the FGM does not allow them to go to school anymore. They just feel like they are grown up and they can get married to the point that she cannot support herself in her own house in marriage. There are those who decided to go for FGM for marriage purposes. They are told that if they are not circumcised, they will not get married. The other thing is that if she goes to a home where they circumcise and has not gone through it, she will be despised. She will be humiliated and not respected because she is uncircumcised. Earlier on, if you got married and you were not circumcised, they would forcefully do it during childbirth. Imagine the kind of pain when in labour and circumcision. Much earlier on, they would say that if you were not circumcised, you would not get a child and bring it up; they would strangle it. If these traditions are not performed, a girl would not be respected in the community. But now, our children are taking themselves to FGM and they continue to suffer because according to the Bible, we are told that there is something which they lose. So, when she gets married, she does not enjoy it. So us, as the Kuria, FGM is affecting the girl child and it is making us lose education. Many of our girls are not getting education and when they get pregnant after being circumcised, they are given to a woman who never had sons and the women will take the girl as a wife. She will not even have any respect because she is looked down upon because she is not circumcised. In Kuria, we do not even have a big school which can help children as a role model. The boarding schools are very far away. We have to go to Luoland. We are saying that the girl child is really affected and after marriage if she is not educated, she suffers a lot. She is looked down upon and, as an uneducated girl, she becomes a house help. We are oppressed as Kuria women; we work more than donkeys. We have more than one hundred hands. When we wake up at 5.00 a.m., we go to the farm and the husband will want water for bathing so that he can go for a walk. Then you as a woman, you look after the cattle, you bring water, you wash, iron for him and look for firewood in just a day. You then must know what people will eat for lunch and supper. That is why we are all slender; there is no fat woman in Kuria because they are overburdened. There is even no time to eat. So, we have too much work and we do not know how to cope. But we are trying to wake up and see ahead. There are those who have rejected the FGM and so, we are seeing light at the end of the tunnel. I even have a daughter and I have refused FGM.

Again, after undergoing the rites, old men want to take the young girls for marriage and even make them pregnant. They are then abandoned and they get scared of men. So, the Government should assist us so that the girl child is given a chance to get an education for the society to value her even if she is not circumcised. In Kuria, we do not even have a big school which can help children as a role model. The boarding schools are very far away. We have to go to Luoland. We are saying that the girl child is really affected and after marriage if she is not educated, she suffers a lot. She is looked down upon and, as an uneducated girl, she becomes a house help. We are oppressed as Kuria women; we work more than donkeys. We have more than one hundred hands. When we wake up at 5.00 a.m., we go to the farm and the husband will want water for bathing so that he can go for a walk. Then you as a woman, you look after the cattle, you bring water, you wash, iron for him and look for firewood in just a day. You then must know what people will eat for lunch and supper. That is why we are all slender; there is no fat woman in Kuria because they are overburdened. There is even no time to eat. So, we have too much work and we do not know how to cope. But we are trying to wake up and see ahead. There are those who have rejected the FGM and so, we are seeing light at the end of the tunnel. I even have a daughter and I have refused FGM.

**Ms. Waisiko Arema Makenge:** I would like to talk about two issues that have made me unhappy as a Kuria woman. One of them is the Women Enterprise Development Fund (WEDF). We were told that the funds were disbursed in 2003 and women in Kuria are still surprised because we have not seen the funds and yet, we hear that some other tribes have got that money. That money would have assisted us and free us from some organizations that have oppressed us for long. When Rahab Robi decided to educate us
about the funds, they have helped us a lot. We have formed groups and now we have got that money. We are still expecting very many groups to receive that money so that we can improve ourselves economically. There is also an organization that has led to many women becoming destitute. It is called Kenya Women Finance Trust (KWFT). It has been a bother to women lives. Up to now, there are women who are in trouble because of the money they took from that organization. KWFT came to us and told us that they wanted to eradicate poverty from our houses. What has surprised us is that they have left us with more poverty because when they give us money and, if you delay to repay it even once, they will take away things from your house - the roof and cattle. Instead of them removing poverty from us, it has even perpetuated it for Kuria women. We are requesting the Commission to help us access the WEDF because we understand that, that money will help us to rise up like the rest of women in Kenya.

On the other hand, I want to talk about how the Kuria woman is disrespected when she is bereaved. A Kuria is not recognized in any Government office. When these men marry other women, they start looking down upon the first wife. They send them away from their houses. They even tell them to take the children to go and suffer with them. So, I want to use myself as an example. In 1997, my husband sent me and my children away. Later on, when I went to the chief’s office, he chased me away like a dog that had stolen eggs. From that time, I have just been struggling alone with my children. At that time, my first born was in Standard Four. But they are now grown up and the last child is in Form Two. I do not know what to do. I do not have land to till, I do not get any assistance from anyone and I just live in rental houses. But I persevere and encourage myself. So, I am requesting this Commission that women who are sent away from our marriages, to help us to get settlement so that we have ways of sustaining ourselves like other women.

**Commissioner Chawatama:** How many children do you have?

**Ms. Waisiko Arema Makenge:** I have four children; three boys and one girl.

**The Presiding Chair** (Commissioner Shava): Do we have anybody from the Kenya National Human Rights Commission to respond in terms of the WEDF, microfinance institutions, where to report and how to report cases of sexual violation?

**Ms. Rahab Robi:** I invited an official from the gender office but she has not come. But I can see people from *Maendeleo ya Wanawake*. If there are women from the KWFT, I would like to hear from them because recently, I saw a woman who had just given birth and after one week, all her roofs were taken off from an investment from tobacco. That woman is now sleeping in the forest. We want to know what is happening.

**Ms. Boke Motariro:** I am the chairlady of KWFT and I got into problems and that is why I joined the organization. My husband abandoned me for a long time; he went somewhere else to work for over 20 years. So, I joined the organization; I wanted a loan and they told me that I should form a group, get about 20 women for a loan. So, I joined them, got a certificate of registration and we got the money.
I bought a motorcycle from them and I was doing well until 17th March, 2011. I did not have money to repay. One time, the motorcycle broke down. I was helping me because I have one child in Form IV, another in Form I, another in Class 8 and another in Class 7. So, after my husband left me, I decided not to get into prostitution for money but to support myself like other women. So, when the motorcycle broke down, I did not get money to repay the loan. So, I went and told my fellow women that the motorcycle had broken down. They told me we should call the teacher to explain. When the teacher came, he asked for money but I told him that I did not have it but in April, I would pay double the money. The teacher told me: “Boke, get out and go and look for money. You are a leader! You are going to make others become weak.” I told him to forgive me because I was working hard and I had not misused the money he had given me. So, I sold three cows, got Kshs30,000 and the women gave me Kshs50,000 and I bought the motorcycle.

That day, the women said I should talk to the manager of the organization. I am requesting the Commission to help us Kuria women. I am also in the organization of the Voice of the Weak Person. I am a committee member. So, the manager told me to go and bring money; or to even borrow to repay it. I told him that my motorbike had broken down and to forgive me. After that, I went to look for money somewhere and took it. My members also fundraised for me. Everybody contributed Kshs250 and I also sold a cow but they told me that they would fine me Kshs3,500. They took the Kshs3,500 and bought soda for women to drink. I asked them then to give me back the motorbike, but they refused. On 18th, they looked for somebody to buy the motorbike and on 21st, it was sold. The manager came and the person who was directing us sold the motorbike. The OCS was also there and it was sold at Kshs20,000. I almost committed suicide! People calmed me but I was asking myself so many questions. If this Commission can help us to get money to empower ourselves, we are very ready because it is fighting for the marginalized.

As women, we are suffering! I was surprised that it was the manager who came to sell the motorbike. He then took the treasurer, gave him the Kshs20,000 and I felt so bad. In May, I sold another cow, got Kshs10,000, went to the group and gave it to them together with the Kshs20,000 the treasurer had. The money was taken to Kehancha and bribed the police with Kshs3,500. I do not have anything at home! I am a pauper! They sold the motorbike at Kshs20,000 and forced me to add Kshs20,000 and yet, I was not benefiting. Please assist us! Also, see how you can assist me so that my children can get education. That is all I want to say; that KWFT is oppressing us. Let it go back to where it came from.

Ms. Eunice Maroa Nyamarabwa: I have a lot of anger and sadness and I do not know whether I will talk. My husband was killed on 3rd June, 2008 at midday. He was sitting in a vehicle; he had tickets to go back to his place of work. He had taken a few days off to come and visit me and he found me unwell. As he was going back to work, he was killed. He was killed raising his hands in surrender. He was called a dangerous thug, yet he was working with KWS. After being killed, they said he was a highly wanted criminal. They went to KTN and reported that he was a Mungiki person and yet, I have papers showing
that he requested for an off to come and see me because I was unwell. The policeman who killed him is called Dishon Angoya. I have been following up with him and even the day he stood up to say he was the one who killed him, he said he did so because he was a criminal; and that he even struggled to kill him. He said that he had killed him because he was engaging in crime. But the truth is that my husband is not a criminal. As they were killing him, there was someone who witnessed everything and identified where he worked. He was with Ali Hussein and he told them that they had killed an innocent man. Mr. Angoya ran away and went up to Kamukunji camp. They took another gun that could not take bullets. They took everything away from him; his ID, his jacket, shoes and phone. They then took him to the City Mortuary and booked in as an unknown body, yet they had his ID and had taken it away. That is a person who has been trained in Kiganjo. Amos Orego, is the one who booked him in. He took my husband’s ID and put it in his pocket and yet, he booked him as an unknown person. My husband also had a KWS identification card as a Government worker and yet, they said he was a Mungiki man. I do not know whether there are Kuria men here? Is there Mungiki in Kuria? The truth is that we cannot be listened to. I have gone to all the offices trying to look for assistance. There are many inquests which have been started. There was 8th of 2008 and another is 13th of 2008. There is also inquest 10th of 2008. They told me to go to the Children’s Court and, sometimes, I am taken to the City Court. Was my husband selling vegetables so that I can be taken to those offices? I am requesting the Commissioners to assist me.

When I went to our local MP who would have forwarded this case to Parliament--- I went to the Attorney-General and he told me that it was my MP who can assist me. I went to the Ministry in charge of internal security and I was still referred to my MP. I went to the PC and I was told to go back to my MP. So, I was sent to a place where I could not get help. When I went back to him, he looked at me like a worthless thing; he wrote a letter and told me to go and get assistance from them. If our leaders cannot help us, the weak people, who is going to help us. I am requesting for help because I have been following up on this file since 2008 and up to date, we are just given dates. I go with my in-laws and we are told that our file was not brought. When we go again, we are told that the witness did not show up and we come back. So, the case keeps getting postponed; the inquest has never been dealt with. We have never been told the truth about what is going on. There was a time we went to the PC and they lied that there were four witnesses and yet, not one single witness had gone to testify. They change magistrates and, so far, we have gone through four of them.

Ms. Eunice Maroa: When they realized that one magistrate is making progress in the case and is almost making a breakthrough, they would change the magistrate. When one magistrate made progress, after we have given details, they would transfer him. The person who has been following up the case is Prosecutor Koech. Orioki who had refused has gone into hiding and has been taken away from Kamukunji. He is the one who is following up on them and has summoned them to come. They have refused to give evidence. When I told them that I had been bereaved, they ordered that tear gas be thrown at me. So, we went to the complainant’s office, Grace Kaindi. Grace has really helped us. She has pushed the case. However, there are some senior people who are standing on the way and they do not want to say the truth. If he was a criminal, let them say what kind of
crime he was engaged in. If he was a *Mungiki*, let the country be told. However, I know for sure that he was not a criminal and he was not a *Mungiki*. Otherwise, all the inquests of 8th, 10th and 13th, should have been taken straightforward and indicated the truth. I am requesting for help. Please, help me.

**Commissioner Chawatama:** If she has any records from the courts, it is important that we have the name of the court and the file number.

**Ms. Eunice Maroa:** I was taken to the City Court II. At times, I would be taken to City Court I. The first time, I was taken to the Children Court. Right now, I have gone to the Human Rights and I have also gone to the Legal Independent. We have been given a date and the situation has become impossible. When we were following up the case, when we went to Kamukunji, I made a statement explaining the situation. It reached a point when I had to mention the things my husband had. I said that he had a phone and a wallet and a jacket. I was taken to the City Mortuary where I identified his body. However, I did not get his phone or shoes. When I tried following up, I was told to check with the Deputy OCPD, Orioko because he was the one who had all those things. When I looked for him, I found, at his table, a radio call, a *kofia* but he was not there.

When I tried to enquire, he suggested that we should be chased away using tear-gas. So, we ran away to the headquarters. We then went to the Deputy PPO, Mr. Ndegwa. When we got there, since we were a large group of people, with my in-laws and the uncles of my husband, he wondered what I was talking about. I told him that I had gone to find out about the circumstances surrounding my husband’s death and he said: “So, you are the wife of the criminal?” I told him I was the one. I told him that if I was the criminal’s wife, I would have gone into hiding. However, since I knew that my husband was not a criminal, that was why I had brought myself to the station. I wanted to know why my husband was killed and yet he had surrendered. He talked in Luhya on phone. I do not know who he spoke with. They then told me that I was a fool. He told the person he was talking to: “You are a fool. All this time, you have been lying to me. Why is it that his wife is saying something different?”

So, please, let justice be done. Make inquiries on all these dates, from July, 2008. Every month, I have been going to Nairobi from Kuria. I have children. My first born is six years and my second one is three years. I leave them on their own and there is no forward or backward way of living. I am spending a lot of money on transport and I do not know whether it will ever be compensated. I have spent money on transport from my business. Nobody is ready to compensate me but I have been going to Nairobi. How long will this inquest go on? If it is true that he was a criminal, why can they not let me know? If he was not a criminal, we should also be told.

Orioki would not have hidden his ID. The witness said that when he realized that he was being pushed away, he called everybody and said that our soldier is being killed. They called Kalonzo and everyone else. Things came out into the open. He said that he had seen him remove his ID and he had been killed. What remained was for him to follow the person who had picked the ID, so that the documents do not get lost. He marked him and
ensured that the documents were surrendered to the KWS. I got some but some have not been surrendered. Orioki has refused to give me his shoes and other items. Now that he was killed and Kshs11,000 taken from him, why did they not also take the money, his shoes and his jacket? The six year old keeps on asking me: “Mum, where is my dad’s phone? What about the jacket? Do you mean that it was not returned?” Please, help me.

The Presiding Chair (Commissioner Margaret Shava): Thank you for coming to share with us what happened to you. From what you have told us, there is a lot of information that you have. This is information that will help us to help you. The information should be given to our people and especially, the names of your lawyers and any court documents that you have so that we can look at this issue. I am very sorry for your loss and for the loss that your children have suffered and the fact that you have to bring them up alone. What happened to you is not right. Even a person who is a criminal, if that is what they thought, his life is still precious. There are ways of dealing with criminals. You have told us that your husband was innocent. They should have spoken with him first to establish what kind of a person he was, but they did not give him that opportunity. So, we will do our best to assist you. I wanted to find out whether your late husband’s employers have done anything to help you.

Ms. Eunice Maroa: His employers have been standing with me and helping me all the time. In December, they came to see whether my children had food. They brought for them Christmas gifts and made sure that my children have attended school. Most of the time, they do a follow up on my life to see how I am doing. Their leaders have given me their numbers and they have told me that if there is anything, I should let them know. When they were recruiting rangers, they asked me whether I wanted a chance because they promised there would be a chance for me to be employed. However, due to the pain I have when I look at them and see their uniform, it reminds me of my husband. When I have recovered and settled, they will see where to put me. The leaders of the organization told me that even if it is at the customer care or any other section, they will absorb me.

The Presiding Chair (Commissioner Shava): It is important for us to hear how your late husband’s employers have treated you. That is a testimony that he was a good man and that his employers respected him and knew him as a good man. If he was not a good man, they would not have bothered with you. So, we celebrate the fact that you had a good husband who was well respected, so that even today, his employers want to help you as much as possible. We thank you for sharing your testimony today. We are sorry, once again, for your loss.

The Commission Secretary (Ms. Nyaundi): Chair, with your permission, we are requesting that in respect to Boke, you admit her Kenyan Women Finance Trust book, account No.111928898 and with regard to Eunice Maroa, you admit into the record of the Commission a bundle of documents that she has referred to in her case.

The Commission Secretary (Ms. Nyaundi): I will now invite Ms. Hellen Nyairabu.

(Ms. Hellen Nyairabu took the oath)
Ms. Hellen Nyairabu: My name is Hellen Nyairabu and I am disabled. I would like to talk about the injustices I am undergoing as a disabled person. I am going through many challenges and I am not respected at all. As you see me, I do not have all the parts of my body and cannot work.

I am forced to work to take care of my home, take care of cattle and carry out other chores even in my situation. I did not get well-educated. I dropped out of school at the primary level. There are things that I have a responsibility to do, but I find myself being disabled and not able to perform. I do not know how the Commission can help us so that we are not humiliated. I do not have any way of getting finances, so that I can continue with development projects. As a woman, you will find that all those responsibilities--- I am the person who should undertake them. There is a lot but in general, a disabled person cannot work. What can I do, so as to stay like any other woman in the house? I cannot carry water on my back; I cannot go to the posho meal.

However, those are my responsibilities as a woman, even though I am disabled. There are many of them who are there in the villages. Others cannot even walk and are assisted to go to the toilets. Some people do not have all organs of their bodies. Those are issues that should be looked into. Once in a while, when you feel sick and need to be assisted, you are told that you have been assisted enough. I would like to know how this Commission can assist us as women, so that we can assist in development issues.

The Presiding Chair (Commissioner Shava): Hellen, do you live with your parents or you live with your own family?

Ms. Hellen Nyairabu: I lived with my parents in the house I was born for very long. I was the second child. However, I moved out to get married. Now, I have my own house and I have to be a woman. At times, I struggle to see in what way I can start a business. I do not have any money to start a business.

The Presiding Chair (Commissioner Shava): Thank you Hellen. Thank you for speaking for the other women who have been unable to come here to speak out. I would like to assure you on behalf of the Commission that there are organizations which are out there which can help people in your situation. We can put them in touch with you. This is called the Special Support Unit. You may have heard the children who said a shairi, talking about their director, Nancy. So, please, do not leave here without giving us your contact details so that we see how we can help you. Please, be encouraged.

Ms. Hellen Nyairabu: Asante.

Ms. Agnes Wegesa: Good Afternoon. I will speak in Kikuria. My name is Margaret Wegesa. I grew up and got married. My husband paid dowry. However, the man whom I got married to used to mistreat me. So, I decided to return home. I later met an old man and his wife, people who had never been blessed with a child. He took me in as his daughter-in-law. By bad lack, that man passed on. He left me a piece of land where I used
to live. After that, in the year 2002, I got a teacher who asked me to offer him a small piece of land so that he could use it as a passage for his vehicle on his way home. I refused to do that and he started insisting that, that was where my boundary reached. There is a river where I had put a banana plantation. I would sell the bananas and that was what I used to educate my child with. The teacher went to a surveyor, had the land demarcated and it was given to him. I asked him why the administrative office did not tell me about it and he told me that I had changed the boundary and I did not need to be informed. When he did that, he left me in a lot of problems. I followed this up with the sub chief and he told me that I was a Tanzanian and I did not even have an identity card. I went to the lands office and got a search which I brought to him. He then told me that my identity card did not correspond with that of my husband and there was no way I could complain about the piece of land. From there, I went to the lands office. They told me to take to them all the documents in Nairobi. I was told that the map for that piece of land was in Kisii.

In all this, I have been alone. I do not have anyone to assist me. I then went to Kehancha and they told me to go and look for Kshs10, 000. A second person asked me to look for Kshs5, 000. All this time, the man I had a problem with started harvesting my bananas and the man even beat me up. I had sent my children for water and he stopped my children from fetching water. I got a bucket to go and fetch the water and he told me that I had to look for my own source of water. I told him to thank God because he owned that piece of land. He then beat me up and tied me up with a rope. One of my children, while going to school, heard about it and came to the place I was. My child begged him and told him not to kill his mother. However, he and his wife beat both of us up. They tied me up and took me to the police station at Nyamtiro. They were dragging me. Whenever he was asked what I had done, he would say that I was a thief. I even have marks up to now. When I was taken to Nyamtiro Police Station, the police officers untied me. They then handcuffed him and asked him why he had tied up a woman. I had blood stains all over. The man spoke in English with the policemen and he gave me Kshs1, 000. After seeing how my child was crying and how much he had been hurt, I took the money and decided to take him to hospital. I came back in the evening. Someone gave me some money so that I could continue pursuing the case. The medical officials told me that Kshs1, 000 could not compensate me for what had happened and I had to pursue the case. I left there late in the evening.

In the morning, they asked me: “Mama, did you beat Mwalimu?” I said I did not. I was then advised to take a P3 Form by the hospital officials. However, when I went to the police station, the policemen offered me Kshs2, 000 which I refused to take. I went to the OCPD at Kehancha and explained everything to him. The OCPD told me to talk to the OCS. I told him the whole story. The policemen and the teacher were called. I told them that they had forced money on me. A policeman then started stalking me at home and intimidating me. He told me that he would plant bhang on me because I had reported him to the OCS. He even brought bhang and planted it on me and said that he had arrested me with it.
All that happened because of the piece of land that my father-in-law had left for me. I took care of my children. My child was in Form 2. However, since that piece of land was taken away--- I went and apologized to the teacher and told him: “Mwalimu, why can you not let me educate my children so that they can be teachers like you?” I told him that if he saw where I slept, he would really sympathize with me. The teacher still holds that piece of land. I have been following up the matter but I do not seem to get help from anywhere.

That is my story. I am happy that you came and I hope that you will help us. In fact, according to our customs, Kuria’s, you can get married the way I got married and with proper support, you can bring up your family.

**The Presiding Chair** (Commissioner Shava): I have a question for you Agnes, so that I can understand your story well. You got married and your husband was mistreating you until you left. The two children that you have, are they from your husband?

**Ms. Agnes Wages**: Yes, they are. In the second home, there were no children.

**The Presiding Chair** (Commissioner Shava): When you went back home, you found an old man with his wife. However, they did not have children. They took you in as their daughter-in-law. Does that mean that you married their son or they just took you in?

**Ms. Agnes Wegesa**: They did not have any child. So, they took me in as their daughter-in-law.

**The Presiding Chair** (Commissioner Shava): Daughter-in-law means that you married their son. Were you just a daughter or a daughter-in-law? I do not understand the in-law part?

**Ms. Agnes Wegesa**: There is an arrangement where you are taken in and they refer to you as a daughter-in-law.

**The Presiding Chair** (Commissioner Shava): So, your husband has no claim on the land you got from your new father-in-law?

**Ms. Agnes Wegesa**: The first husband has no claim at all because we left each other legally and his dowry was returned back.

**The Presiding Chair** (Commissioner Shava): So, when you went to the Lands Office, why was someone telling you that your ID does not match that of your husband for you to have any claim? The land has nothing to do with your first husband.

**Ms. Agnes Wegesa**: The sub-chief also wanted that piece of land. He wanted me to sell him the piece of land and I refused. I asked him why he did not ask for the piece of land when the old man was alive.
The Commission Secretary (Ms. Nyaundi): Commissioner, with your kind permission, I would like to clarify something. She has given us some documents. One of the documents is an affidavit sworn on 27th October, 2010 in which she avers that she was the husband of Joseph Matswi Robi.

The Presiding Chair (Commissioner Shava): The husband or the wife?

The Commission Secretary (Ms. Nyaundi): That would be the second husband. She has also attached the death certificate.

The Presiding Chair (Commissioner Shava): Sorry. You have said that the witness avers that she was the husband of Joseph— Is that a traditional arrangement or what? Did you mean husband or wife?

The Commission Secretary (Ms. Nyaundi): I was just placing the documents before you then you can get the clarification from her. She swore an affidavit. She has also attached a death certificate of Joseph Matswi Robi who died on 26th, October, 2010. She also has an official certificate for a search for a Nyavasi/Busonga/404 that shows that the registered proprietor is Mwasi Robi.

She has also attached a waiting card for a national identity card issued on 15th December, 2010, where she will be issued an ID card as Wegesa Migingo Matswi. She has attached a letter by the chief of Kibarot Location confirming that she is the only surviving wife of Joseph Matswi Robi and that she should be allowed to process the land. I hope that will be useful for the Commissioner.

Commissioner Chawatama: Agnes, so that we can help you, I am asking you these questions not to be intrusive, but so that I can understand the relationships, so that we can help you. We have come here to talk about land and how this teacher has encroached on your land and taken it away. So, we need to understand the relationships because in law, there is land to which you are entitled because of certain relationships. There is land to which your children would be entitled because of certain relationships. It would be important for us to understand clearly what the relationships are. So, if you would like to answer, can you say who is the father of your two children?

Ms. Agnes Wegesa: The father of these children is Matswi, the deceased.

Commissioner Chawatama: That makes your case even stronger. So, it is true that the wife that you found there is no longer alive?

Ms. Agnes Wegesa: She is no longer alive.

Commissioner Chawatama: You have clarified and it makes your case stronger because there are two relationships then to be defined. If you are defining your relationship with the deceased as that of a man and a wife, that puts you in a stronger position and if the children are his natural children, that also puts your children in a stronger position. So, do
not be embarrassed to say these things. We are trying to figure out how you can get back
the land that has been taken from you. It is a good thing for you to say and acknowledge
and we will do what we can to help you. Thank you for telling us your story.

Ms. Agnes Wegesa: The father of these children is Joseph Matswi.

Commissioner Chawatama: That is understood. Thank you.

Ms. Rahab Robi: We had already said that a woman should be brave right from
childhood. The Commissioners have other hearings in Kuria, which are taking place and
they are doing them in the afternoon. So, you have been given two chances because of
time limit. We are asking Lucia to come and after Lucia, we shall have Danita. We will
have two minutes for everybody.

Ms. Lucia Boke Chacha: My name is Lucia Boke Chacha. I was born in Timalu and I
got married here in Nyabasi Kigonga in Central Kuria. On the night of 5th July, there
were many gunshots and people were being killed in Nguruna but we did not know what
was happening and why there were gunshots. The next morning, we woke up and many
people were just wondering what was going on. I went to the road to see what was going
on and what the gunshots were all about. As I was standing on the roadside enquiring on
what was going on and people were just walking and rushing and saying that people were
being killed in Nguruna. We did not know who was being killed, but I just joined the
others. I went to lock my cattle and take care of my children. But as I was standing there,
a young man came, his name was Jonis Mikiri, and asked me why I was standing there
and the Bwiregi had killed us? It is you who is calling them to come kill us and rob us. I
was very shocked and I asked: “So, it was people who were killing me?” I told him I did
not even know what had happened. I had not called anyone. He jumped on me and started
stepping on me.

He even hit me on my face. I fell down. I cried and told him to have mercy on me. I told
him to stop beating me and then he left me. An old man came with a motorcycle and told
him to leave me alone. He had already called me Bwiregi and he said that it was the
Bwiregi people who had come to kill people. I did not have the strength to go and see the
people. Already he had talked like that and I thought I was going to be killed on the other
side. I went back to my house and cried. I did not know where to run away to. I went to
report to the DO who took me with his vehicle after he saw how I had been beaten badly.
He took me to the chief and the chief told me to go and report the boy. I went and
reported him.

I then went to hospital and the doctor sent me to Nyantiro Police. I went back to the
doctor. I went to the office again and I came back. They sent me back to Nyantiro Police.
I went there and I was given a warrant of arrest for the boy. The day the boy was to be
arrested, someone tipped him off because they knew he had beaten me up and he tried to
run away. He ran away and in the process of trying to threaten him so that they would
arrest him, he ran away and the people started saying that another Bwiregi was trying to
kill them. The policemen went away and I did not have any security and I was very afraid
at night. The next morning, the old man ordered the young men to come and thoroughly beat us up. They took away my six cows. No one even followed up. I was very afraid. I did not even want to make another follow up. I did not know where to go and look for refuge. I had gone to the police and now this is what came out of it. Those were grade cattle which I was milking. I do not have a job and I used to survive using the money I got from the cows. From the time my cows were taken away, I am afraid to claim them back. I am just asking this Commission to help me so that I can get my cattle back. I have felt very bad. My husband left me. He kept on asking me why he married a Bwiregi and said that if he had not married a Bwiregi, his cows would not have been taken away. My relationship with my husband is not good because I made his cows to be taken away. I am asking this Commission to bring reconciliation between the two communities. If I was not a Bwiregi my cows would not have been taken away and my relationship with my husband would not have gone bad. The Commission should bring reconciliation between the two communities so that we can continue staying in peace.

(Loud Consultations)

Commissioner Chawatama: Asante sana Mama Lucia. Please, be silent so that we can hear what our sister is speaking and she is speaking through a lot of pain. Let us give her that respect to listen what it is that she had decided to come and tell us. I am not familiar with all the different claims; I am understanding from Lucia that the Bwiregi, I do not know if it is a clan, I do not know if there is anybody who would like to give a bit of background, so that we can understand what the issue is. Mama Lucia, what do some people think is bad from that clan?

Ms. Agnes Wegesa: There are four clans in Kuria, namely, Wivumbe, Bukila, Nyabasi and Bwiregi. The Bwiregi are neighbouring the Nyabasi. So, many times when you look at the Government reports, we have a DC who comes to calm the conflict which has been going on for a long time. That is the time they got the audacity to call me a Bwiregi because I am a Bwiregi and married to a Nyabasi. So, they put me into the conflict situation. That is why we are requesting the Commission to reconcile us. We have peace because of the Government, but we need more reconciliation.

Commissioner Chawatama: Thank you Mama Lucia and we are very sorry for what you underwent. The recommendations and the request that you have made are definitely things that we are going to look into. It is not correct for any Kenyans, whether they are from this area or not to attack you because of where you come from. It is very sad that because of the way people look at each other from one clan to another, that this has even affected your marriage and your home. We are sorry for that, but we are very happy to see that you are here and you have the courage even to come out and speak about these things, which are very difficult to speak about. You are speaking with a lot of pain. We know it is not easy for you but we celebrate you because you are here. You are still alive and you are carrying on and we encourage you to do that as we see how it is that we can help you. Thank you for speaking today.

The Commission Secretary (Ms. Nyaundi): The Next one is Rebecca Chacha.
Ms. Rebecca Chacha: My name is Rebecca Chacha. I am a widow. We are many widows because of the civil war, namely, the animosity between the Bwiregi and the Nyabasi. Other widows are there because of the Trans Mara/Kuria eviction. Others are widows due to sickness or accidents. I am standing here on behalf of all widows, so that if there is a way that this Commission can fight or talk on behalf of the widows, please, help us because in most cases, the community does not recognize us. Sometimes, a man dies and leaves behind property but this property is taken away by relatives. Most of us have young children whom we are supposed to take care of and even educate. Most of us are not capable of taking our children to school. Because of that, most of our children have become thugs. We are requesting that if this Commission has a way of assisting us, then our children could be educated.

We are asking that we be recognized in the community, so that we are respected and whatever our husbands left behind, be it cows or land, it should be left to us so that we can use it to take care of our children. On education, there is money that the Government allocates under the Bursary Fund, but you will find that most of our children are admitted in provincial or national schools, but when we go to look for the bursary, you are given Kshs2,000 out of the Kshs40,000 fees. That is peanuts and because of that, most of our children have dropped out of school. That is our request. Our cry is that the Commission should assist us so that our children continue with education.

The Commission Secretary (Ms. Nyaundi): Next is Danita Gati.

Ms. Danita Gati: My name is Danita Gati. I am in charge of the Education Centre for Adventist Women. I am in charge of taking care of women and their requirements. Most of the things in our memorandum have been discussed. I wanted to talk about female circumcision. That is what has really dragged us behind. It has really dragged us behind education-wise because children drop out of school and get married early. The girls get married at 10 or 11 years and by 18 years, she sees that the husband is not fit for her and she goes away. That is why we are having a very high divorce rate in Kuria. The thing which is really bothering us is because our community does not consider a girl to be of any value. We really do not think a girl child is important. We only take boys to school and leave our girls at home. That is the reason why when we look at our education level, it is very low. We do not have role models.

Another thing which is really bringing us down is cattle rustling. Our husbands go to steal and they are killed there. When they are killed there, women are left to take care of the children. When a man is dead, a woman remains behind with a big burden. When you look at clanism, Bwiregi, Banyabasi, Bakila, Ambagunde, that has also really dragged us behind. Politicians take advantage of this and drag us behind. Another thing which is bothering us is the animosity. Rape and wife battering is rampant. Up to now in the 21st Century, women in Kuria are still battered. Those are the traditions and the cultures that are really dragging us behind. We want the issues to be addressed by the Government.

The last issue that I would like to talk about is the poor infrastructure. I was born in Kuria East and the road that I found when I was a child is still the same one up to date. Roads
are very important and can help us as women when we want to go to various places like hospital or to sell our farm produce. The roads are very poor. So, traditionally, our leadership has not been of any great help. That is what has dragged us behind. We are appealing in terms of the recommendations. We know that the Government has put in place some rules to stop the female circumcision, but it is still continuing in our community while the other tribes are stopping it. That shows that the leaders in the community do not take into consideration the rules that have been put in place.

Those are the only issues that we want to address as women. When there are conflicts between clans, even the policemen who are sent here to calm the conflicts, they are the ones who bring a lot of problems. They worsen the situation. They come and rape our women. We have conflicts on our borders and there are people who bring a lot of problems. The police should be trained and brought in a large number, so that they can help the women. Those are the issues that we wanted to address and we can hand in our memorandum to you.

Ms. Rahab Robi: Thank you very much. Before I speak, there are people who are handing in letters to the TJRC. There is a letter that is blue in colour, if you have that letter, as the speaker continuous to speak, just move out slowly, so that you can look at those letters. Only those who have the blue letters. Just move out slowly. That is the announcement that I had. I am giving this opportunity to Colleta. Please, take two minutes only.

The Presiding Chair (Commissioner Shava): Let the record reflect the memorandum that you have received from the Education Centre for the Advancement of Women as being admitted and adopted as a part of the record of this Commission.

Ms. Colleta Boke: My name is Colleta Boke. I am the Secretary of the Maendeleo ya Wanawake. I want to talk about women who go through many difficulties. When the Women Enterprise Fund money comes to the district level, you realize that in the committees, there are no women who can talk about the money. All the committees have men members and so, even women cannot access this money. If you do not support the men, then the groups will not get money. Just like you heard the other day, we had a problem with women groups. We had to push and it is now that we are accessing the money. Again here in Kuria, women have problems because we are not allowed to take positions of leadership. If you try to penetrate, you do not have the freedom to talk because you are oppressed. You are told that a woman cannot lead the people. So we just fear in our community.

We request that you help us concerning this so that when we get to elective posts, the men have money and the ladies are just trying to faithfully vie for the posts; they are not given a chance to vie. This is taking us back as women from Kuria. Even in the committees that deal with bursaries, the women who deserve to be helped, if they are not in agreement with the chief or do not know the board members, the lady will keep on applying for this money and the child will remain at home. But the child of the chief or
those who are able like the teachers’ children are the ones who receive bursaries. We are getting difficulties there. Please, help us with that too.

Again, if a woman is widowed, the brothers-in-law do not want her any more in the family. Even if she inherits her piece of land, they will oppress her. You sit there as an oppressed person and you are even told that you will be forcefully inherited and if you refuse, you will be beaten thoroughly. This is another problem that we are going through. We also want to talk about our children. Many times, in families, there could be two children like a boy and a girl. We have difficulties with our children because of the female genital mutilation. If your daughter is not circumcised, the elders and your neighbours will take her by force to be circumcised. It is very tough for us as women. We also wish to request the Commission to look at this because if a child has escaped from the female genital mutilation, the chief will tell you that if you daughter is not circumcised, who will she marry? So, you do not get help from the Government. We are tied down by traditions.

We want to ask you to help the chiefs, so that they can assist women. The chiefs really oppress the women. When a woman is beaten badly and she goes to report this to the Government offices, she is told to pay some money before she is given policemen to assist her. Where will you get Kshs1, 000 to give to the policemen? She is beaten repeatedly and she continues to be beaten. A husband will even cut his wife with a panga. There is a woman who has been beaten and a child has been cut and really hurt. The child did not receive any treatment from the hospital and the woman does not have any money. So the child’s hand is really swollen and has continued suffering. So as women leaders, we ran to the hospital to request them to treat the child as we look for money. This child cannot even file a case because she has been threatened and told that she would be killed. So, where shall she go to? Please, let the Commission help women. Again, because of the oppression based on the traditions, we cannot even report rape cases. Women are raped and battered. Women are like slaves.

Because of oppression by traditions, women cannot report cases of rape and being battered. There are women who are like slaves. They cannot even do business. They are told what time they have to be in the house. If they are not in the house before that time, they are beaten thoroughly. There is nothing we can do about this. As women leaders, we are told we are the ones spoiling families. They want to oppress us.

I want to talk about land. There is a lady who has been affected since 1976. When cases are taken to court and she is to succeed, they bribe and because she does not have money, she loses her plot. Two days ago, they took everything from the family. We are suffering. The people who are rich in the society are oppressing us. Please, help us, as women. The truth is that the Kuria woman is really suffering. We wish that our issues be looked into. We are happy that you, as women, have come and we have no doubt that you will help us. Thank you.

**Commissioner Chawatama:** Thank you very much for all your presentations. I have found that in many communities, women are very cruel to each other. Women do not like
to see other women prosper. Women are the first to fight other women. However, when women are united, usually, the communities prosper. I have listened very carefully to some of the things that you have said. There are some practices that are good and beneficial and some that are bad. When God created us, He gave us ears so that we can hear. He gave us mouths so that we can speak and chew. He gave us different parts of our bodies and he knows why he gave us those parts of our bodies.

If God was here today and you had to ask Him certain questions and He wants to understand why you practice FGM, are you playing with God? Are you saying to the Lord that there are some things that you gave us that are not perfect so we are going to perfect ourselves by subjecting girls to circumcision? Many of you have gone through very bad experiences because of this circumcision. Why do you still inflict it on your girls? Many of you are suffering because you did not have an opportunity to go to school. So why are you continuing to allow the girl child not to go to school? I am one of three daughters born from my mother. She did not have boys but even when I was growing up, my father said education is important for me. He said, “You can marry a rich man who can take care of you but there are so many things in life. There is divorce and death. What will you do if one of these things happens to you?” That is the question that I am asking you. By the time my child is nine years or ten years, the girl is very young. To subject a girl of such tender age to a marriage is unfair. We have heard that when they turn 18 years, they then find themselves in a situation where they say that this is not the life that we want. Why not let them finish school, reach the age of 18 years so that when they go into these marriages, they work hard?

We have heard your cry. We have heard how you have been disadvantaged because of people giving you funding and how when you cannot repay, you are mistreated. We have also heard how you are treated in your homes and even in the community. I come from a country called Zambia. My husband comes from a different country called Zimbabwe. Our languages are so different. Our cultures are so different. But I think all that these people would want is to ensure that I am a good wife and to help me to become a good wife. It is not a sin nor is it a crime for a woman to be married to someone who comes from a different clan or community. In fact, such marriages strengthen relationships between clans, families and communities. In order to succeed, you need to work together as women. Everywhere we have gone the people who suffer most are the women. So, you need to really come together and weep before God and ask Him to help you. Ask Him for forgiveness and see how you can carry on as women in this community.

I do not know if I will come back here again but if I do, I would like to sit in this very chair and I would like to hear of how you have prospered in business, of how your girl children have gone to school and now they are doctors, nurses, teachers and judges. You will tell me a lot of other things. You will even invite me to your homes to come and eat so that I can see that you have prospered. That is my prayer for you that you prosper in all areas of your lives. Thank you.

Mrs. Esther Wegesa: My name is Esther Wegesa Mahando from Maeta. I was born at Gitonguruma and got married at Maeta. My husband was arrested by Sungu Sungu in
January 1998. I have forgotten the date. He was arrested at around 4.00 a.m. in the morning. They claimed that they were taking him to their cells. In the morning, I followed them. When I reached there, I found him. He had been beaten. They came and took our cows claiming that he had killed somebody. They released him but took away the cows.

When they released him, he stayed at home for two days. One day in the morning he got up but they came back for him again saying they had been sent by the DO. They stopped my mother-in-law from following him. They told her to go back but I followed them. My mother-in-law came to Kegonga and I went to Komorama. I found they had beaten him and he was helpless. When I went he only asked me for water. When I brought the water to give him, they beat me and told me to get out.

I got out just like they had said. I decided to run and see my mother-in-law. When I reached Kegonga I started crying. People carried me and went to call my mother-in-law. We went up to the DC’s office. The DC said he had not sent those people for my husband. We then went back and learnt that he had already passed on. After that, we went to the police. The people who killed him were arrested. They stayed in the police cells and then they decided that everything was to be solved at home.

The cows that they took from us were big ones but they brought back calves. My mother-in-law refused to take those calves. We just left the issue like that. When we left, those people were released and everything ended there. Because we did not have money, we could not take any steps. My husband left me with four children. I am a human being and I have added more. However, they are suffering because their father was killed for no good reason.

The Presiding Chair (Commissioner Shava): It is very sad because what you have told us is that what is classified as an unlawful organization claimed that they were working with the Provincial Administration. They are the ones who took your husband after which you never saw him alive. It is a very shocking statement for me that the Government is working with this outlawed organization.

There is one thing I did not understand. You said that once it was discovered that your husband was dead, they decided to deal with the matter informally. Who decided and did you agree?

Mrs. Esther Wegesa: No, I did not agree with that.

The Presiding Chair (Commissioner Shava): But who was it that decided and started bringing you cows? Is it the Sungu Sungu or the DO who said it should be solved informally?

Mrs. Esther Wegesa: It was Sungu Sungu and somebody called Manga. Manga was the then area MP.
The Presiding Chair (Commissioner Shava): Thank you very much for that clarification.

Mama Esther, thank you very much for coming and telling us your story. It is a very painful story. We are happy to see that you are still alive and your life is continuing. You have not told us what it is that you would like us to do for you.

Mrs. Esther Wegesa: All I am asking for is help. I have children. All our cows were taken away and I am suffering. My children were used to taking milk and tea but now, I have nothing. I just farm using my hands. I want you to help me find a way of how my children can go to school.

The Presiding Chair (Commissioner Shava): Thank you very much, Mama Esther. We have heard you.

Mrs. Rebecca Protus Marwa: I would like to talk on behalf of the women who were raped by soldiers. We get many problems because this is not someone you have entered into an agreement with. He just comes and rapes you. You have no choice. You have nothing to say. You cannot defend yourself. When you look at him, he is dressed like a chief and there is nowhere you can go to report a military man. You cannot take him to the police. You just sit and wonder what to do.

When women are raped, they get into a lot of pain. We have many health issues disturbing us. We are beaten and stepped on and there is nothing we can say. They take a piece of cloth, cover your face and tell you your husband is a thief and they want guns. You might not know that your husband is a thief. Many husbands are not even thieves but the soldiers just come and kill our husbands. They even kill our children. That is why when you look at our children, we have gone back to poverty. Our children run away to work for those who are able. When you try to get them from there, they will ask where you are taking them. The children were used to taking tea and eating meat but after the death of their fathers, they cannot eat the same.

They even rape women who have delivered only a week earlier. The women would bleed for a whole year. In the Kuria culture, we fear to admit rape especially by soldiers. So we just keep quiet. They take our money away and loot everything from the house. So how will you even go to hospital? This is why when you ask women if they went to hospital, they will tell you they did not because we did not have money. We are really hurting and have different problems in our bodies.

We are requesting the Government to listen to us. These people who are doing these things to us are soldiers. We are requesting that we get any help. We are neither going forward nor backwards. Most of us have been abandoned by our husbands after the soldiers raped us. They tell us to take our children and survive with them.

Many of the women have died as a result of HIV because they were infected. Many women have died because of STDs like gonorrhea. They are neglected and just live in pain until death.
Some impregnate you and you get children who are not your husband’s children. These children do not get any education. Even though we are really working hard to educate our children, they do not reach the level they would have because we are not getting any assistance.

We are requesting to be helped, especially us women who were raped, we have problems. The kind of pain we are undergoing is serious. Please, remember us. We have tried to educate our children although they have low levels of education. Now that we have been sent away by our husbands maybe this child will help me in future if he gets education.

We do not have businesses, we do not have ways of getting money, and we do not even have land to till. We do not have education like the rest of women so that we can get employment so that our children can go on with schooling. We are kindly requesting that see what help you can give to us. Some of us are in real pain. Our stomachs and backs ache. If you look at the men when they are raping you, they just spit at you. This is terrible. The men are not even the age of one’s first son. What the Government is doing to us is bad. That is all. Thank you.

**Commissioner Chawatama:** Thank you for sharing such painful experiences with us. It is hard to understand what happens in the mind of a man who rapes a woman. There is not a man on this earth who is not born of a woman. It is sad to hear the experiences that many of the women have gone through. It is very sad.

I would like to know when you talk about these cases, is this something that happened once or is it something that continues to happen all the time? Could you please tell me your name?

**Mrs. Rebecca Protus Marwa:** This is something that keeps going on every time soldiers come because of conflict or when a crime happens in a place. This is what they do to women. It is not something that happened once. People have different experiences in different years and different months.

My name is Rebecca Protus Marwa.

**Commissioner Chawatama:** Rebecca was there a time when it was worse than other times? Can you remember a period when a lot of rape took place and what incident triggered off the mass rape?

**Mrs. Rebecca Protus Marwa:** I remember during elections, this happened because they were saying that it is a good time to do bad things to people. Even if you kill someone, no one will report. They killed without any offence. Our homes are burnt down and they loot our things. People just invade your home and you do not know at what point you had a conflict with them.
Commissioner Chawatama: In your understanding, do these rapes happen to different women from different communities or is there one community that is targeted?

Mrs. Rebecca Protus Marwa: I do not know whether when they go to other places, they do the same to other women. However, when they are here in Kuria, it is rampant. They say that the Kuria will not admit that they have been raped. She will conceal and hide that. You hide so that your husband does not know that you have been raped. You just persevere with serious pain because if the husband knows, he will leave you. Many people have been abandoned and suffer with the children. Because you do not want to be abandoned by your husband because of rape, you just keep quiet and persevere.

Commissioner Chawatama: Do you know whether the men are ignorant of what is happening to you as women?

Mrs. Rebecca Protus Marwa: Our husbands or the rapists?

Commissioner Chawatama: Your husbands and just the men in your community generally. You said that many of these rapes take place when there are conflicts. What we have heard in the last few days is that a lot of the conflicts arise because of cattle rustling. I do not think women go out to steal cattle. If the men go to steal cattle and the other side wants to revenge, I take it that one of the things they would do is either beat up or rape the women. Do the men sit and discuss the fact that they are aware that as a result of some of their actions, women are actually raped?

Mrs. Rebecca Protus Marwa: When we are invaded, they take men to the chief. The women are left behind and raped. We are usually left at home and we do not know whether the husbands go to steal or not. It is not that many of us are cattle rustlers. A few are criminals but you would not know one. The soldiers go to every home and when they find a woman, they rape her.

Commissioner Chawatama: Thank you very much. I do not have any more questions.

I would like to thank you most sincerely. I realize that this was not an easy topic to discuss. I know it is not easy to discuss even in front of women, let alone men. Our report will reflect the fact that there are certain decisions that are made by our men that impact us, as women, in a very negative way. I hope that the women in this community will work together to educate their men on the consequences of some of the actions that they take.

On behalf of the Commission, we would like to thank you for making time to come and speak to us. We wish you God’s blessings.

The Commission Secretary (Ms. Nyaundi): I have a list here with 12 names of women who wish the Commission to recognize that they are survivors of rape. I pray that you admit this onto the record of the Commission.
The Presiding Chair (Commissioner Shava): The list is so admitted. I would like to thank and honour those women who have come forward and put down their names.

I think this is the point at which Commissioner Chawatama and I will need to proceed to our next meeting. We would just like to thank you, the women of Kuria, so much for coming here today and speaking from your hearts. You have really touched us. We have understood better what it is like to be a woman or a girl living in this part of Kenya. We have talked about the conduct of security officers in this part of the country when there is a conflict or even in daily life. We have heard about sexual violation perpetrated upon women by members of the police including Administration Police, Anti-Stock Theft Unit and the General Service Unit. We have heard of sexual violation against women by members of the Kenya Military. We have heard about how life is for women senior citizens: if God gives us life, then one day we will all be senior citizens. So it behooves all of us to be concerned about how all of them are living and it does not sound like a good picture at all.

We heard of destitution, living a solitary life and generally not coping very well. We have heard of how evictions from the Rift Valley have affected women. In the public hearing, we heard from many men about how those evictions had affected them. We have heard today how it affected women. In the course of such evictions, women have been sexually violated. They have then progressed to a situation of destitution and poverty where property that they have worked for has been taken by others and they have been left unable to provide for themselves and their children.

We have spoken very importantly today and several women have spoken about the issue of FGM. This is such an important issue and so difficult to talk about. We thank all of you who have raised that issue because it is impacting on the lives of women and girls in a negative way. It is undermining their potential. We have spoken about the issue of education for girls. I would also add education for women because if an 84 year old man like Maruge can go to school, then we should also not be discouraged even if we are older, from seeking educational opportunities.

We have heard how the issue of financial empowerment for women is a challenge despite the existence of various micro-finance institutions and Government funds. We have heard the issue of extra-judicial killings by officers of the Government of Kenya and by militia and how it has impacted and affected women’s life.

Very importantly today and for the first time, we have also heard from a very courageous woman who has spoken to us about disability. It just makes you think that because there is a part of your body that is not like everybody else, does it mean that you are not a woman? Does it mean that you should not be respected in the society? That courageous woman has continued to live her life as a woman and we salute her.

We have heard also about the issue of widowhood. We have heard quite a lot on this and the ways in which women have been turned into widows and how this affects their land and property rights, the difficulty that they then face in educating their children and about
the social status of the woman who is a widow. One day, you are a wife and the next day, you are told you are a widow and the way people treat you changes completely.

We have heard about gender based violence in the context of inter-clan hostility and conflict. We have heard today that it affects girls from an early age, so that as the mother is being attacked, the girl is also being attacked, carrying injuries and then we do not know what the injuries that she carries inside are. This, then, becomes a learnt behaviour, so that we are taught from an early age to accept violence; that, that is just the way it is. This is something that we need to seriously question.

We have heard also about the issue of women in leadership. I must say that I am completely shocked to hear that the Women’s Enterprise Fund Committee (WEFC) has no woman. That must change now. I will tell you a story. When we were working on the issue of sanitary towels and how expensive they were in this country, and the fact that it makes girls not go to school because in different parts of Kenya, girls have to adopt coping mechanisms that are available to them--- So, in some parts of Kenya, you will find that girls would spend the entire three days, five days or one week squatting over a hole in order to deal with the menstrual flow and during that time, boys are going to school. So, the girls lag behind and we thought this was a very important issue. Some of us went to discuss with the Treasury in Nairobi on why sanitary towels are priced so high and they were very shocked. Sanitary towels; Stayfree was taxed at that time at the same rate as luxury goods such as whisky and cigarettes. The Minister was very shocked and he said that he thought that it was mafuta that we used for our hair. But, you see, on that committee that was deciding on the budget, there was no woman, and we told him: “You see, you have a wife and daughters; and this cost is also affecting your pocket. So, you need to think carefully about this.” And you see now how things have changed; everybody is donating sanitary towels. These days, people talk about it and the prices are coming down. But unless we talk about these things and represent ourselves, our situation will not change. So, really, in the WEFC, I would expect to see a minimum of 99 per cent representation of women.

We have heard also about the issue of public services in these parts of the country; schools, health, the Judiciary, the police and the Provincial Administration. All those issues are funded by your taxes. It is your right to know how this money is being used to benefit you. So, we would also like to see women in the CDF Committees.

We also heard about the issue of infrastructure, so that even if you are doing your farming – and as we have heard from one woman who is growing her bananas to educate her children--- How do you get those bananas to the person who is going to buy them if there is no road? So, as women, we need to get interested in these issues. So, that has been the basis of our very rich discussion today, but there have also been very good things we have heard. One very good thing is that we are all here. Is it not a good thing that we are all here and we are all alive? Can we cheer for ourselves that we are all here and we are all alive?

(Applause)
I was also happy to hear from the woman who was being attacked by a man who was young enough to be her son, but one person who came to assist her was also a man – the man who passed on his motorbike and said that he should stop beating her.

We have heard also about the Kenya Wildlife Service (KWS), as an employer, which three years later has continued to support the woman who was widowed through an extra-judicial killing. That is a positive thing.

Despite the problems of microfinance, we have heard that women are now organizing themselves in groups to advance themselves financially and not relying on other people or men. So, that is a good thing.

We have also had silence on issues which are difficult for us to talk about; things which are traditionally taboo – we do not talk about female genital mutilation (FGM) and we do not talk about rape or sexual violation – but now we have realized that if we do not talk about these things, we will not help ourselves. When we talk about these things, we listen to each other because none of these things happen to somebody who goes to look for it. It is something that happens and life has to continue. So, we must listen to each other, support each other, strategize and figure out how we are going to help each other to continue living so that these things stop happening with the frequency with which they are happening.

Finally, I heard somebody say that in terms of the political leadership in this area, women have not benefited; women have not seen that the political leadership in this area has helped them. That is a good realization, because it means that you have to make a choice; will you continue to sit and wait for them to help you, whatever “they” are? Or, will you decide that it is you to help yourself? Are women now going to organize themselves for political leadership? There are organizations that help people to do that and I hope that, that is also going to be part of your discussions after we, the Commissioners, have left the room.

I will stop there and say, once again, thank you very much for coming to discuss with us today. We will put what you have said into our report, as our Chief Executive Officer has said, so that other people in Kenya and in the world will know what has been going on here and what you think should be done about it.

Thank you very much.

(The Commission adjourned at 2.20 p.m.)