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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION ON WEDNESDAY, 21ST
SEPTEMBER, 2011 AT KERICHO TEACHERS TRAINING
COLLEGE**

PRESENT

Tecla Wanjala Namachanja	-	The Acting Chair, Kenya
Margaret Shava	-	Commissioner, Kenya
Berhanu Dinka	-	Commissioner, Ethiopia
Gertrude Chawatama	-	Commissioner, Zambia
Ahmed Farah	-	Commissioner, Kenya.
Ronald Slye	-	Commissioner, USA

IN ATTENDANCE

Rev. Lawrence Bomet	-	Commissioner, NCIC
Dr. Samuel Tororei	-	Commissioner, KNCHR

(The Commission commenced at 10.15 a.m.)

The Acting Chair (Commissioner Namachanja): Welcome to the third day of the TJRC hearings in Kericho. Today is 21st September, 2011. On behalf of the Commission, I would like to thank the audience for the peaceful manner and the patience which you have shown this Commission as you participate in this process. You have been listening with a lot of respect and patience. At times, we have gone up to very late, but you have been here with us. I want you to continue to maintain the same patience even at times when we do not agree with the testimonies that are being shared.

As I said, during the first day, this is a Commission that is governed by the principles of impartiality. Therefore, we provide a platform to everybody who has recorded statements and wishes to appear before the Commission. Yesterday, we had a very fruitful meeting with women. I was told that the same happened here. You will bear witness that on the first day, the second day and yesterday, nobody walked out of this hearing. However, we have heard rumours that a certain community walked out of the TJRC hearings. You are our witnesses here. Such a thing has never happened. For those of you who were in the women hearing yesterday, you bear witness. The rumour-mongers are the people who do not like peace in our country. That should stop. So, we would like to commence our hearing. Today, we have a full house and all the Commissioners are represented here.

*(The Acting Chair (Commissioner Namachanja)
introduced herself and members of the panel)*

Before we start, I would like to check if we have any counsel present. None. Please, the hearing clerk, can you proceed and swear in the first witness.

(Ms. Daisy Chepchirchir took the oath)

(Ms. Margaret Njoki Karanja took the oath)

Ms. Belinda Akello: Good morning and welcome to today's session. For the record, kindly state your names.

Ms. Daisy Chepchirchir: I am Daisy Chepchirchir.

Ms. Belinda Akello: Daisy, where do you live? What do you do for a living?

Ms. Daisy Chepchirchir: *Ninaishi Kashini lakini ninafanya kazi---*

Ms. Belinda Akello: Daisy, you remember, you recorded a statement with the TJRC.

Ms. Daisy Chepchirchir: Yes, I can remember.

Ms. Belinda Akello: Kindly take us through that statement that you had recorded.

Ms. Daisy Chepchirchir: On that particular day, on 19th January, 2008, we were in the house with my husband. We had lunch together. After that he decided to go out for a walk. While he was still watching over the hill, he saw some policemen walking around the mountain. He was shot. The two people he was with ran away and he was left alone. We also ran away because there was no peace. While I was walking, I heard people saying Elijah had been killed. Some of them knew I was his wife but they kept that information secret. I slept in someone's house in the neighborhood.

The following day, I went back home. I was told what happened. I asked whether his body was in the bush. His relatives told me it was there. The body was brought home and the following day, it was taken to the mortuary in Kericho. He was buried on 23rd January, 2008. From that time, I became a widow. As a widow, I have very many challenges. The first one is when my husband left me. I had just started college for ECD training. I still have other challenges. I face stigmatization. I have a child and I will start with that child. He is called Brian Kiptoo. He is in class two. I have been left with my child. When he is in school, at times, they talk about family members. Other children tell him that he does not have a father. So, my child gets disturbed. He comes to ask: Where has my father gone to? When he asks me this question, I do not have an answer for him. However, I know with God's mercy, I will be able to explain to him what happened.

On my side, once it happened like that, I lost people's respect. I cannot say anything because I am widowed. I am looked down upon as if I am useless. That is why I said I lost respect.

Another thing is to do with prostitution. Since I do not have a husband, I am being accused of moving around with other women's husbands. So, I do not have a say in

anything. In fact, my child is suffering in school. Nowadays, we all know that without education, there is nothing much you can do. So, I think if I do not educate my child, then I will not be helping him. I know he will not have a bright future without education.

Another thing is with regard to medical attention. If I cannot afford to take care of my body, then there is nothing much that goes on. Once you are left alone, you cannot do a lot of things. A child needs parental love. When a child does not have love, he gets disturbed.

Another thing is about balanced diet. At the moment, I cannot afford to give my child a balanced diet. He will not get a good life. Another thing that I want to say is about guidance. We have been left alone. I am now a widow. I cannot guide my young boy alone. A father usually talks well to his son and that helps him to know a lot about what is going on in the world. There is also inheritance. In our tribe, when you lose your husband at this tender age, you will likely be inherited by someone in the family. I personally find it difficult. I am still studying. I would want to do something so that my life continues well. If I accept to be inherited by somebody else, then the other wife will not be happy with me. There will be no peace in that family.

I would also like to talk about negligence. In a family or in a community, you are left to do your job on your own. Nobody will bother what you are doing. I find it impossible for me to be inherited. It cannot happen to me.

I also want to talk about poverty. In this particular place, when you do not have any strength to do anything, you just remain like that while others continue with development. I, therefore, look at myself and say, I wish I had died. When you think about so many things, you end up suffering from diseases like ulcers or diabetes. We have been told that ulcers comes about as a result of too much thinking.

The other thing I would like to talk about is the frustrations a widow in my community undergoes. She does not have a voice. She does not get any help from any quarters. When she talks nobody listens to her. That is what is bothering me. I feel disturbed. I have been told, you cannot talk because you cannot even help yourself. Therefore, we have a lot of problems. I may think of getting married again but I have children. Where do I take them? Nobody can take care of them. It seems I will remain a single parent forever. There is no help from other family members. Yes, they can help but they are not willing. Once your husband is gone, you remain single. I have asked God to take care of me. I pray that he gives me strength to enable me take care of my children.

Ms. Belinda Akello: Thank you very much, Daisy. Presiding Chair, with your permission, please allow us to have the next witness give the testimony. You can make clarifications and classifications you have prepared.

The Acting Chair (Commissioner Namachanja): Go ahead.

Ms. Belinda Akello: Before that, the witness has something that she would like to talk about.

Ms. Daisy Chepchirchir: On my side, now that you have come here, I have said from the beginning that I am here to ask for peace. What I am requesting the TJRC is that I continue with my education. What I am seeing is that education is going to help me in the future. Once I am educated, I will take care of my children and myself.

I have studied up to diploma level. I passed my examinations but I cannot obtain my certificate. I do not have money to pursue further education. I am requesting that I be assisted there, because my certificate is still in college.

On the side of women at home, they are people like me. So, I request for help. I request the Government not to forget the widows. We know it is a mother who takes care of the children. Once they are grown up, they will become leaders of this country. I urge the Government to assist widows. Thank you.

Ms. Belinda Akello: We welcome you to today's sitting.

Ms. Margaret Njoki: My name is Margaret Njoki.

Ms. Belinda Akello: Margaret, where exactly do you live?

Ms. Margaret Njoki: I live in Kamwingi.

Ms. Belinda Akello: What exactly do you do for livelihood?

Ms. Margaret Njoki: I am a farmer.

Ms. Belinda Akello: How long have you lived in Kamwingi.

Ms. Margaret Njoki: I have lived there for more than 30 years. At the moment, I live at the shopping centre. Before the violence, I was staying at a place called Mwendere.

Ms. Belinda Akello: Why did you leave Mwendere for Kamwingi Centre?

Ms. Margaret Njoki: Our houses were burnt so we had to move to the shopping centre.

Ms. Belinda Akello: What led to your houses being burnt? Do you know those who burnt your houses to make you move out?

Ms. Margaret Njoki: Our houses were burnt because of the disputed election results in Nairobi.

Ms. Belinda Akello: Do you remember the date?

Ms. Margaret Njoki: It was on 1st.

Ms. Belinda Akello: Could you tell us exactly what happened?

Ms. Margaret Njoki: I cannot tell you the exact time. But I know it was on 1st. From morning there were signs of unrest. But by about 10.00 p.m. or 11.00 p.m, there was a lot of unrest. We were at home together with my husband and children. While we were sitting down, we heard a lot of noise coming from Kamwingi Centre. So, we asked ourselves why there was a lot of noise. I was the first one to go out to check and we could not see anything. We advised the children to take cover on the other side.

When you come from our place, you will see one side is inhabited by the Kikuyu and the other by the Kalenjins. By that time, we had received a report that there had been a young man who had been speared near our farm. So, the children went there to take cover. My husband and I remained in the home. But from around 10.00 a.m. we heard a lot more noise coming up from the centre. When we checked, we saw a lot of smoke spreading up and we came out. Where we used to live, we had put up a fence. On one side, we had a wooden fence. So, I went to the fence. I slept outside the compound. I left my husband in the home. I kept hearing people scream. I tried to sneak away confidently observing the situation. You could see very far because there were not so many trees in the area. It was around the time after the harvest. There was not a lot of maize in the field. The noise seemed to be moving from the centre to where we lived. We lived near the road. I went up to the road and saw a very huge group of youths near the road. I went down until I reached where there was some bit of incline just creeping along the fence. I noticed everybody was going towards the road away from our homes. I kept observing each side while being careful. Then eventually I saw my husband coming out of the house. He left the house and moved just about 5 metres. He entered his brother's compound. I could still see from where I was standing. But all of a sudden, I could not see him. He was out of my sight. I watched as all this was happening slowly. It was not anything that was happening too fast. So, I asked myself, where people could have gone. But on the upper side of the compound, the brother had a kiosk near the road. The group of youths came and burnt down the kiosk. I noticed smoke billowing out of the kiosk. I thought to myself, this place must have started burning. So, I moved and heard noise from my neighbor's house. They had started taking dry maize stocks to put into the compound while screaming at the same time. So, they kept picking dry maize stocks. They struck a match. I did not know where to go; I was transfixed where I was.

The fire was now big and it was burning my neighbor's house. So, eventually---

(Ms. Njoki sobbed)

The Acting Chair (Commissioner Namachanja): Would you like to have some time to recollect yourself or do you think you can go on?

Ms. Margaret Njoki: So, when I looked at my brother's neighbour's farm, I noticed my husband had his hands up and he was walking in that state. When I looked back again, I noticed that there were three people near him and his hands were up and he was walking down slowly. I do not know whether they were talking to him. I noticed that he was just

moving and they were moving closer to him all the time. One of them brought out a machete and chopped him and he fell down. When he fell down, the other three started hitting him with clubs and the one who had cut him, cut him again and then they started ransacking his pockets. I do not know whether they took away his phone. I was not sure whether they had killed him. I could not move because I was transfixed and weak. I then noticed that I could run away to another side. I tried and God helped me to get to the other side where I stood and watched. I was just observing what they were doing. I slowly moved away and went closer to the road where a number of people had gathered to observe. So, I went to join them. I did not know who to talk to so I just sat there. At about 12 o'clock, I noticed that his brother had arrived and he told me that my husband had passed away. I could barely talk to him; I merely asked him if he was sure and he told me that he had seen him and that he was dead. He told me that he had moved the body somewhere under a tree. I could not believe him but he insisted that my husband had died.

The person who chopped him was called Robert and there was another youth called Michael. While I was standing next to the road talking to his brother, many people started gathering there, asking what had happened and asking the brother what he would do. Assured that he was dead, we wondered what to do with the body. My son came and told me that his dad was dead and that he had tried calling his phone, but he could not be reached. I told him it is true he is dead. So, my son told me that he was going to call a policeman from the chief's camp at a place called Miti Tatu so that we could report what had happened. He called the policeman and the policeman, who is a corporal, said that he was not near and that he was in town. He asked what had happened and the boy confirmed that the dad had died. The policeman promised to come later. We just sat at the center and watched as they went round burning down houses and we could do nothing. At about 3 o'clock, the policeman arrived in a vehicle. So, we had to go back to our side of the settlement. They took the body to the road where the vehicle had stopped, put it in the vehicle and took it to the mortuary in Londiani. We stayed there for one week as we prepared for the burial. We never went back; we went to the other side. We got a neighbor who kindly agreed to accommodate us. We arranged the funeral from there and buried him. After that, we had to look for an alternative place to live. The only place I could get accommodation was at a school where I spoke to the headmaster. I explained the problem to him and he allowed us to stay in the school compound for about four months. That was from January to April. But when the schools reopened in May, the Deputy told us to leave because we were living in the house where the teachers used to convene for their meals. So, we had to leave. Since then, we have been there with many problems.

I would like to ask the Government to do something for us widows. We have no homes and we have nowhere to live. I have a big family and I have no way of starting to rebuild after all these years. I cannot pick up from the beginning because I have no energy to start building from nothing. Life has to go on. I would like to ask the Government to make sure that such a thing does not happen again. That is because we have experienced a lot of atrocities which have left people in abject poverty. When we were being fought on 1st, I asked myself: If the Government had done its duty and taken the early warning signs and offered some protection, this would not have happened. We were attacked on 1st and

we did not see any policeman or any security forces up to the 3rd. On 3rd is when they started again at about 1.00 o'clock and they burnt the houses that were left. It is only on 3rd in the evening that we saw some security forces. If the Government had reacted to the letters that were threatening some tribes with eviction, then this would not have happened. That is because there would have been security forces on 1st. Second, why was the Government silent? If they had come in on time, would they not have saved people? When people were leaving their homes and running to churches and schools, if they had been surrounded, they would have killed everybody but the Government was quiet. It has to take care of its citizens. Everybody in Kenya has a right of protection from the Government and we could not have incurred losses if the Government had done its work.

We had our own homes but now we are renting houses and my years do not allow me to start again from scratch. My husband used to do construction. I cannot manage to do that as a woman. I have children who are in school and last year, I had many problems. I had to pray to God to take me because of the problems I had. Last year in April, I was walking in the rain and fell down and my hand was dislocated in several places. So, I was like a lame person. I had to take myself to the hospital and they bandaged and plastered my hand. The children were coming from school with their demands and I had no way of responding to those demands and there was nothing I could tell them or do. The people who killed my husband are in their homes. They are our neighbours and they have never been arrested. They are people we meet every day on the way to the farm.

I would like to urge the Government to think about the widows and not just me because there are very many widows. I would like to ask the Government to consider the widows as citizens of this country and assist them. That is because we have no one else to face apart from the Government. I would like the Government to be careful because we are heading towards elections again. The Government should try to beef up security so that the citizens are not at risk. We need security so that people can stop thinking about tribes because we are all Kenyans. We should stop thinking about our ethnic origins and if the Government does its work well, we will not look at each other in terms of tribe. I have nothing else. Thank you.

Ms. Belinda Akello: Presiding Chair, we request for one minute as we confirm if the translator for her native language is there.

(Ms. Helen Atieno Nyabera took the oath)

Good morning Helen and welcome to today's session. For the record, kindly state your three names.

Ms. Helen Nyabera: My name is Helen Atieno Nyabera from Kuniyak.

Ms. Belinda Akello: What do you do for a living?

Ms. Helen Nyabera: I just do some small business.

Ms. Belinda Akello: For how long have you lived at Kuniyak?

Ms. Helen Nyabera: I have lived at Kuniyak for so many years.

Ms. Belinda Akello: At Kunyak, what is the name of the exact location where you stay?

Ms. Helen Nyabera: It is called Gilmori.

Ms. Belinda Akello: You do recall that you recorded a statement with the TJRC statement taker about what happened to you.

Ms Helen Nyabera: Yes, I do remember.

Ms. Belinda Akello: Briefly take us through the account of what you went through and the statement that you recorded.

Ms. Helen Nyabera: It was on 31st of 2007 when my husband was shot while searching for one child who had left. When he reached the Gilmori center, he met some police officers who were patrolling. One of the police officers asked him where he was going and my husband told him that one of his children was missing. Then the police officer did not understand what he said. He was with our first-born child and some of our neighbours. My husband raised up his hands and pleaded and asked them why they wanted to kill him and yet he was one of the residents of that area. The police officer did not want to listen to that. Then my child told his dad that they must run away. The neighbours asked why they should run and yet they had not committed any crime. Then he told the police officers to allow him to go and search for his child because things were not good. Our first-born said that the police officers told him that he was big-headed and as he tried to pass, he was shot on the leg. He was shot not far from where we were living. He dragged himself towards one hut that was around that place and the police officer followed him and added more shots into his body. I was not in that place because I was in the house. One of my neighbour's children came running and told me that there was something that had happened. I asked how he was shot but she was afraid of telling me more because she was trembling. Our first-born came running and when he came near me, he just fell down because he was shocked and a stone was thrown at him, injuring his knee. He was bleeding profusely and he told me that his father was calling me.

The neighbours told me to look for a sack to carry my husband to the hospital with. I was really shocked and I fainted. The people around there gave the boy first aid because the knee had split and he was seriously bleeding. I tried crawling towards where he was.

The Acting Chair (Commissioner Namachanja): The witness is overwhelmed by emotion, therefore, we have to give her a chance to recollect herself. So, please, be patient.

Ms. Helen Nyabera: After that, I moved out and when I was about to reach where he was, I heard him asking a neighbour why his wife had not arrived. I thought that he was still alive and when I was just about to reach there, he told one of our neighbours that when my wife comes here, tell her that I have already gone. My neighbour asked him where he was injured and he told him that he was injured in the abdomen. When I arrived there with the sacks, I asked my neighbour to help me put him on the sacks so that we could carry him. It forced me to go back to my house to get some sheets. I took my

children to that place and we spent the night there until morning because I could not leave him alone. When it was about midnight, another group of youth came around. Many of them were from the Kikuyu tribe and one of them asked us what we were doing at that place. One of the neighbours who was staying with us asked them why they were asking for answers. Since people had heard that my husband had been killed, they migrated from that place and went into the nearby school. I was left there alone with my children. At about six in the morning, my neighbour suggested that we carry him to the house. I told my neighbour that it was not safe and his relatives would not know that he had been shot.

In the morning, I went to the nearby police camp and I found the police officer who had shot him brushing his teeth. When the corporal saw me, and because they used to know me, they grabbed me with his wife and took me to his house. That police officer was also taken into one of the rooms because many people were coming with stones. Then I told the corporal that because my husband had been killed, I did not have any strength. I told him that he should be taken to the mortuary. The corporal called the Kipkelion Police Station and in a short while, police officers came in a vehicle. They went to where my husband was lying and they tried to ask that police officer why he shot him twice. He did not answer. Those people put him in a Land Rover and when I tried getting into the vehicle, they told me that it was not safe and I could not come back. They told me that they were taking him to a safe place. They took him to the mortuary at Kericho. He stayed for two weeks in the mortuary because things were not good. I got an opportunity to go and prepare his body after the two weeks were over. When I got there, I found that his body had already decomposed.

The Acting Chair (Commissioner Namachanja): We know it is painful *mama*.

Ms. Helen Nyabera: When I went to the hospital, I called his mother who came with his sister. When they saw the body of my husband, they said that that was not their person because the bullet had gone through his body and split the small intestines. I found worms inside his body. After that, we prepared the body and went back home. We went and looked for a vehicle but we did not get one that could go to Siaya because things were very bad. The driver of the vehicle we found asked for Ksh30, 000 to transport us from Kericho to Gilmori and because we did not have the money it forced me to tell my in-law to go and sell one acre of land so that we could get money to come and make preparations. The vehicle we got that was to take us from Gilmori to Siaya needed Ksh45, 000. As we were coming to pick his body from the mortuary in Kericho, the mortuary attendant told us that we could not pick the body before a postmortem was done. The body had decomposed, so I had to call those police officers who had taken his body there to come and witness as he was checking the body. We transported the body home and while I was at home in Siaya, everything was left at Gilmori, where we used to live as we traveled to Siaya. I left my sister there to take care and some people came at night and scared her. She ran away and everything was taken away. They even removed the roof of the house. When I came back, I stayed in the kitchen and that is where I am staying up to now because there is no way I can construct a new house.

Since my husband passed away, I have had many tribulations and I have been suffering for a long time. There is one lady neighbour who came and told me that since I had

suffered for a long time, she was going to take me to a group. I became a member of the Kenya Women Finance Group and I applied for a loan that enabled me to do some small business. My husband had not completed payment of the land where we live. He used to work with the research people but he had resigned from his job. We used all the money that he had been paid as capital to start a small business at Gilmori. Everything was burnt down and he left me with a very big debt because the owner of the plot where we are now living still needs to be paid Ksh50, 000. Our plot at home was sold to cater for the funeral expenses. When I took the money from the Kenya Women Finance Trust, I used a little amount to do my business and I used the rest as school fees for our children.

I have struggled like that and one of my children is in Form One and the other in Form Three. In June this year, I got an accident while on a motorbike and I have been on treatment the whole of July and now there is no way I can assist myself. Even as we speak now, my children in secondary school have not gone to school because of school fees. After I got injured, I could not get money to enable me get a piece of land somewhere to cultivate and it really pains me because my child in Form Three wants to leave school because of the fee problem. I am requesting the Government to find a way of assisting us because when my husband passed away, I started suffering from ulcers. When I hear something that shocks me I get to the point of death. It rains in the kitchen where I stay because I am unable to construct a bigger house because our house was burnt down and demolished. I have no other means of living. My husband left me behind with five children and I do not have any other place to go to.

I am an orphan and if my parents were around, they would have assisted me. My late husband's parents have also passed away so I feel a lot of pain as I am suffering. Sometimes back, it used to be difficult and I just used to look for something small for the children to eat and some little money that could assist them in school fees. As I speak now, I have a candidate who is going to sit for exams in Standard Eight and I see this child despairing because she sees what the other children in secondary school are going through because they are not in school right now.

Since I was injured, I cannot do anything and I still have some debt at the Kenya Women Finance Trust and I cannot get more money to continue with my business. I am requesting the Government to find a way of helping us because one can even die because of stress and leave children behind. There are so many diseases now and my heart pains when I think about how I have been suffering with my children. We invested all the money my husband got when he left his job in the business that was burnt down at Gilmori. I am just asking for assistance to repay my debt at the Kenya Women Finance Trust and to complete payment for the piece of land that we bought. I have nothing more to say.

The policeman who shot my husband is called Patrick. The corporal who assisted me by providing a vehicle to take my husband to the mortuary was called Biwott. Patrick had a colleague called Omwami. He asked Patrick why he shot my husband but he did not give any answer.

Ms. Belinda Akello: Presiding Chair and all Commissioners, this is the last of the third testimony. We have heard from three widows, all of them apparently from the three

major warring communities in this area who were engaged in a lot of violence. What is evident is that the pain of a widow does not choose the tribe and some of them were actually helped by the people from the other tribes. I have no question but we have the three of them here. If any of the Commissioners has any questions or clarification they could ask them.

The Acting Chair (Commissioner Namachanja): Thank you my sisters and Leader of Evidence. I will start with Commissioner Farah.

Commissioner Chawatama: When we as a Commission hear the testimony of widows, it has proven to be the most difficult part of our work. Your testimonies were so vivid. You took us back to the time and the scenes when you witnessed the deaths of your husbands. It is important that the people of Kenya realize and appreciate the pain that the women have suffered for the loss of their husbands, their lovers who were also their friends and the fathers of their children and the gap that these deaths leave.

I am happy that Commissioners from the Kenya National Commission on Human Rights and the National Cohesion and Integration Commission are here and that they know that in future, there is a very heavy burden for them to carry after our work is done. It would also be important for us in this Commission to celebrate the lives of so many people that the three witnesses have mentioned, that is, the corporal who came to the help of the third witness, the neighbour and the head of the school who came to the help of the second witness.

Commissioner Chawatama: The first witness is one so young and yet a woman with so much wisdom who was able to address the challenges of all widows in a way that it brought the reality of the situation to this Commission. I salute you, my sisters. I thank God that even at a time when you thought that your lives should be over, you are still alive and soldiering on. I believe that a nation that does not look after its widows, its orphans and the poor, is an abomination to the Lord. Rev. Bomet, you have a job to do and you cannot shy away from this work that you were called upon to do.

I had questions but I do not think I am in a situation to ask those questions but just to encourage you never to give up. You all mentioned your faith in God. I also heard your fears because you are not through with what happened during the last election and already your minds are on the election that is to come. We just pray to Almighty God that He will intervene and that this time round, there will be peace.

I thank you.

Commissioner Dinka: I think it is very difficult to add anything to what my colleague, Commissioner Chawatama, has just said. The three stories that we heard this morning are human and tragic stories and have impacted on the lives of not only the three witnesses but on their entire family and probably dozens of families. I do empathize with the three of you. It is a very heavy burden that you are all carrying and as the preceding speaker said, the weight is even heavier on the organizations that the two commissioners with us represent.

I just have one or two questions in terms of truly celebrating people who do the right thing and condemning or at least asking why, to people who have done the wrong things. I just wanted to ask the second witness; Margaret Karanja; since that tragic day, have you ever seen the two persons who you mentioned; Robert and his friend, Michael, since the day your husband was murdered?

Ms. Margaret Njoki: Yes, I have seen them.

Commissioner Dinka: So you know where they could be found.

Ms. Margaret Njoki: Yes.

Commissioner Dinka: Thank you very much. It is just to make our records complete. I will ask Ms. Hellen Atieno the same question. Have you met since that day or would you know where this person Patrick and corporal Biwott could be located?

Ms. Helen Nyabera: Yes I know a person who can direct us where they are.

Commissioner Dinka: Thank you very much. I think that completes our records for us and I thank you for your testimony. I would like to sincerely express my empathy with your sufferings and pain and for your courage to come out here and go through your pain again to help this Commission get a better insight into what happened in the Rift Valley.

Commissioner Shava: Thank you Chair. Those are very sobering stories. I would just like to say that Commissioner Chawatama and Commissioner Dinka have also spoken for me. All I would to add is that the problems faced by widows in this country have been very heavily and well brought out by the witnesses.

I think there are probably some women in the audience who are listening and thinking that this reflects their own story, not just in this room but the wider audience with whom this Commission is speaking. It is true that once this Commission finishes its work, the work has to continue in this country. What is very important for the Truth, Justice and Reconciliation Commission to take note of is the manner in which these lives were so tragically transformed. There is clearly a problem with our police operations. There is clearly a problem that we have as Kenyans in living peacefully with each other. There is also clearly a problem in the way that justice is delivered in this country because all our witnesses lost their husbands in circumstances where the husbands were completely innocent. They were bystanders just watching a situation and it is not a crime to stand somewhere.

One witness told us that people were asking each other why they were running when they had not done anything wrong. Whereas another witness was basically removed from his family home and cut down and the people who committed these acts are, but we have to ask ourselves, how comes they continue to walk around? We have to ask ourselves that if we continue in this country to allow this kind of thing to happen, how will our children live? There is a saying that goes: "Ask not for whom the bell tolls, it tolls for thee". When the bell is ringing, you think it is somebody else who has died. If you do not correct the situation next time, it will affect you in that same manner.

I think for me what I take away from these stories is just for each one of us to examine ourselves as to how it is that we can improve the situation as Kenyans.

Commissioner Slye: I would like to add my voice to those of my fellow commissioners in thanking each of the three of you for having the courage to come here and share with this Commission and with the public these stories of your life. I think it is right to say that your stories are just three of probably hundreds of stories that we could hear from people here in this hall, people in this community and people in this country.

I am sorry that we were unable to locate or to encourage the individuals that you have mentioned; both those who contributed to your loss and those who aided you during your loss, to hear their stories as well. I think what you have told us presents a challenge to us as a Commission, to our sister Commissions that are here listening to your testimony and may be even more importantly, to all the individuals.

We take it that what you have told us will help to guide us in moving forward to create a more just, peaceful and united Kenya. That challenge concerns the specific things that you have spoken about; education for yourselves and children, ability to provide food and shelter to your children. While we do not have the power to give those to you, I hope that working with our staff, we can put you in touch with organizations that might help you. I hope that the members of the public here who have heard your stories and those who have similar stories of their own will also redouble their efforts to assist you, themselves and fellow Kenyans.

Thank you very much.

The Acting Chair (Commissioner Namachanja): Thank you very much Daisy, Margret and Hellen. From our research, the voice of women is normally left out in such processes. I want to thank our regional coordinator, Anne, and the statement takers from this region for ensuring that we learn from the past and the voice of women gets heard by this Commission. As my sisters, Margret Shava and Chawatama, have said, you have shared not just your stories but you represent the voices of each and every woman gathered here and those who did not make it.

Right now, I just want to encourage women wherever you are, can you just stand up so that we acknowledge you?

(Several women stood up)

Let us clap for ourselves and sit down.

My sisters, in Kericho region alone, we received over 1,500 statements and about 100 memoranda. You are well represented in them. Unfortunately, because of the time constraints, we could not conduct hearings for each and every one of you. Forgive us for that. However, I hope that as you sat there as Hellen, Daisy and Margaret were narrating

their stories, you could see yourselves in their stories. Be assured that when the record of this Commission will come out, your stories will be reflected there through the statements you made. When you stood up, you are almost more than half of the audience here but I know that did not come the easy way. A deliberate effort was made to ensure that you participate in that process. It was spearheaded by the Kenya National Commission on Human Rights (KNCHR).

I would like to acknowledge a young lady by the name Stella, who has ensured that you do not lose out in this process. Stella, please stand up.

Thank you so much. By the way, you should know that she did that on voluntary basis.

For the rest of us, Kenyans, it is the shoe wearer who knows where it pinches most. A lot has been spoken about historical injustices and, more so, post-election violence. It has been abbreviated as PEV. For researchers, it is a very juicy area to research on but for the women who have shared, they have helped us to really know what this means. It means widowhood, poverty, rape and landlessness.

Through this Commission, they have shared with you their stories so that you never ever forget the impact of such atrocities to Kenyans so that we see a way of preventing the future. Daisy may be in her 20s, but from her sharing she might never marry again. She does not know how she is going to bring up a son who needs a father figure. That is what it means.

Thank you, my sisters. Over to the Leader of Evidence.

Ms. Belinda Akello: That is all from our desk. We are done with the witness and ready for the next one.

(Mr. Wilson Gachoki Njenga took the oath)

Good afternoon and thank you for having come at the invitation of the Commission to attend our hearings.

Mr. Njenga, would you for the record state what you do currently?

Mr. Wilson Gachoki Njenga: I am a District Commissioner.

Ms. Belinda Akello: What is your station currently?

Mr. Wilson Gachoki Njenga: Thika District.

Ms. Belinda Akello: Could you also confirm what your occupation was around 2007/2008 and at which station?

Mr. Wilson Gachoki Njenga: I was the District Commissioner, Kericho.

Ms. Belinda Akello: Mr. Njenga, in relation to today's hearing and after our invitation, what would you like to present to the Commission?

Mr. Wilson Gachoki Njenga: I would like to present to the Commission a statement of affairs relating to the PEV in Kericho District in 2007/2008.

In my statement, I have an introduction to the matter at hand and then I have tried to explain the situation before the 2007 elections in the district and the situation after the elections. I have also covered the causes of the PEV. I have also done the statistics of deaths and property destroyed in the district during the violence.

I also have a catalogue of the property which was burnt and categories and numbers of people who were displaced from the district. I have also covered the number of arrests that we made and the types of offences which were committed.

I have also given an account of the action we took as the District Security Committee (DSC) to contain the violence. I wish to present the statement.

Ms. Belinda Akello: Thank you very much, Mr. Njenga, for presenting this statement.

Presiding Chair, I ask that the same document be admitted as part of the records of this Commission.

The Acting Chair (Commissioner Namachanja): It is so admitted.

Ms. Belinda Akello: We thank you very much, Mr. Njenga, unless you have anything else to add.

Mr. Wilson Gachoki Njenga: No, I have nothing to add.

Commissioner Farah: I just want to know whether the lists of things you have given include the number of people who were killed.

Mr. Wilson Gachoki Njenga: Yes, I have included that. That is on the statistics of deaths and property destroyed. I have given an account of those who were shot, those who burnt in their houses and people who died as a result of stoning.

Commissioner Dinka: Does the report contain the security situation in your district prior to the violence; that is, the year 2006 and so on?

Mr. Wilson Gachoki Njenga: I have given the situation before the elections in 2007.

Commissioner Dinka: How far before?

Mr. Wilson Gachoki Njenga: I went up to August 2007 because that is when the violence started in the district.

Commissioner Dinka: The whole of 2007?

Mr. Wilson Gachoki Njenga: From August 2007.

The Acting Chair (Commissioner Namachanja): Thank you very much, Mr. Njenga.

Once we have read your report, we shall call you for any further information or testimony.

Is that all from you Leader of Evidence?

Ms. Belinda Akello: Presiding Chair, that is all for the public hearing.

The Acting Chair (Commissioner Namachanja): Thank you.

(The Commission adjourned at 12.30 p.m.)