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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND  
RECONCILIATION COMMISSION ON SATURDAY, 24<sup>TH</sup>  
SEPTEMBER, 2011 AT THE ACK CATHEDRAL, NAKURU**

**PRESENT**

<b>Tecla Namachanja Wanjala</b>	-	<b>The Acting Chair, Kenya</b>
Anne Kiprotich	-	Rift Valley Coordinator
Nancy Kanyago	-	Director, Special Programmes
Rebecca Mutuku	-	Coordinator

*(Opening Prayer)*

*(The Commission commenced at 10.40 a.m.)*

**Ms. Anne Kiprotich:** I want to welcome you to our hearing today. We shall start with the national anthem. It is not our tradition to sing the national anthem in the women hearings but since it is a request, we shall stand up and sing it.

I would like to take this opportunity to welcome my colleague Rebecca so that she can lead us in today's hearings.

**Ms. Rebecca Mutuku:** Thank you very much. My name is Rebecca Mutuku. I thank God for giving us a chance to be together today so that we can talk as women. We shall speak about issues concerning women. We do not want to talk about our children or families. Let us speak about the personal issues that affect our lives. When we were taking statements from Kenyans, not very many women came to give theirs. As we are seated here, how many people gave their statements?

*(Some women raised their hands)*

Those who did not write their statements but would still want to do so, I advise you to see the coordinator.

Let me take this opportunity to welcome our Commissioners. They are our fellow mothers and understand the problems concerning women. I will invite them here to speak to us. I would like to request you to switch off your mobile phones to avoid interference.

The Acting Chair, Commissioner Namachanja, this is your chance to greet women before we officially start our today's hearing.

**The Acting Chair** (Commissioner Namachanja): Good morning fellow women. As sister Rebecca has said, today is our day. As you know the Truth, Justice and Reconciliation Commission (TJRC) has been holding sessions here in Nakuru. Today is a special day for women. I know that women have their own special way of expressing themselves. We are

going to express ourselves while standing, while sitting or even through singing. I have worked with victims of tribal clashes in Bungoma and before we hold any meeting, I would pray and one woman would volunteer and sing a song. That song explained all that they underwent. The song also expressed the love that we had amongst ourselves and our neighbors. The song could also talk about the love for our children and what happened to the love. In the evening, I would ask one of the young people to pray. The prayer expressed what they went through. They asked God to take care of them and give them good produce in the farm. They would also pray for those who were travelling.

Those meetings were usually led by the District Commissioner (DC), the late Rendile. It reached a time when the DC could ask me to tell people not to pray. The reason why he was telling me that is because in those songs that the women were singing, they were asking the DC why he never provided security when they were being killed. In the hearings that we have been having with the women, they express themselves better than in the public hearings. Today is your day and I ask you to feel free. The men who are here are our staff and are recording whatever is said so that it goes into our report. So, do not be ashamed to speak about what you underwent. So, when we will be reporting about what people have undergone through this country in terms of human rights, we shall be having a record. As the women of this region, you should not be left behind. We had a public hearing yesterday and we also have very many statements. We have about 30,000 statements from Kenyans. So, we could not look at each, but I am assuring you that what you wrote would be in the report that this Commission will write. As you know, time is very limited. We are supposed to be through with our work next year. So, even if it is a Saturday, we should have this forum so that the few who manage to come will represent others.

So, you are welcome. With me is Ms. Nancy Kanyago, the Director of Special Programmes. She ensures that all the problems of women are considered and investigated.

**Ms. Rebecca Mutuku:** Thank you very much. We really appreciate the words of wisdom that you have told us. Without wasting time, I would like us to start immediately. You will raise your hand and then I will give you the microphone and you will talk to us. As our mother has told us, do not feel ashamed because this is our time. There is no any other time. This is our opportunity to speak out. You will raise your hand, stand up and say your name before you proceed.

**Mrs. Eunice Njoki Mwaura:** Good morning to Commissioners and all the women. My name is Njoki Mwaura from Menengai. I am very grateful for this opportunity to speak about our problems as women. I will start from the rape incidents. It is a very painful issue. There were so many women who were raped and they have children out of wedlock. Women should be respected because we are the women of the nation. If a nation does not have women, where will it get children from? The issue of rape should be taken into consideration and given special concern. We were raped and got pregnant. This is very painful. It is better you die instead of being raped by a person you do not

know and become infected in the process. That is a very painful issue and it should be looked into.

Let me now talk about what we underwent in Ng'endo. We have undergone serious violations. We are squatters there and our houses are grass thatched. I do not know whether people still have such houses in this era. Those houses are not even fit for a pig. But those are the kind of houses that we are still living in up to now. We have stayed there since the colonial days. We used to be workers there but a conflict arose over that land. Then we were denied our salaries. Our children could not go to school due to lack of school fees. I would like to tell you that we are even ashamed to say that we are Kenyans because the life that we live is very painful. We are squatters and unemployed; children are not going to school and so on. We have to struggle for a child to go up to Standard VIII. We are also very frustrated where we live. I got married in 1971 but I cannot cultivate any land. Even when we go to the chief or the police, we do not receive any assistance.

In the recent clashes, we were evicted from that place. We ran away to the District Officer's place but we were told to go back when peace had been restored. They told us that the Government will protect us but since then, we have never seen the DO. So, nobody is supporting us and we are suffering. Many children have died but we do not have a place to bury them, unless you buy a place in the graveyard. We are undergoing problems that you cannot even talk about. Sometimes, when you hear me talking, you might think I have gone crazy. But it is the problems that we undergo. We hear that the place belongs to people calling themselves Ng'endo. The directors have brought problems in that land and have grabbed the land. They allege that our children are taking over the property and are arrested in the process. The court cases are not even handled properly.

During the clashes, the Government did not give us even a single cent. We were not compensated although we heard that some people received Kshs10, 000. When we went to find out about it, we were chased away by the chief because our houses were not burnt. That is not true because our houses were destroyed. They are grass thatched houses. We were also turned away by the DO. When we went back, we did not even find things like blankets and other items that could assist us. We were also told not to build on that piece of land. We are just staying like that. I do not know what to say because we have suffered so much. There is a time we met the Commissioners in Solai and told them that the DO and DC had refused to recognize us. We are not even proud to be Kenyans because we have many problems. The Government has never compensated us. We are just told that the land belongs to someone else. We cannot afford to buy land and we do not know what to do. Our children do not proceed with school after Standard VIII. I thank President Kibaki because he has enabled us to take the children up to Standard VIII. But we cannot afford fees for secondary school. We cannot even afford to pay for food in the secondary school.

Since this Commission is fighting for human rights, I am appealing to the Commissioners to come to our village and see how we live. They should see the true picture of that place.

You can come and see how people live with their children. We can even refuse to vote because the Government is not even assisting us. Those are the problems that we have undergone. I wonder if it is possible for the Commissioners to come to the village and see how we live. To live in a good house that does not leak is a dream. The Government does not recognize us although we were also victims. For those whose houses were burnt, nothing is being done about it and we are wondering if we are really Kenyans.

I got married at that place in 1971 and got children. We were workers in that farm and they never paid us our salaries. We tried to follow up the matter and we even took it to court. We went to Nakuru by foot and went to Hon. Koigi Wamwere's office. He went to Parliament to present our case but he did not succeed and up to date, we have not been compensated.

We do not have any other way out. Our grandchildren have been buried there. We do not know where to go. I would like to appeal to this Commission to make a follow up. Our money is still being withheld and we are being told that we can be chased away at any time. Even if we do not receive the money, we could be re-settled. If not so, let us be given our salaries. I do not have more to say. Thank you very much. God bless you.

**The Acting Chair** (Commissioner Namachanja): Thank you very much, *Mama* Eunice, for trying to explain your issues. I know that you have spoken about very many women. You said that women were being raped. How were they being raped? In which situation were they raped? Was it during the conflict?

**Mrs. Eunice Njoki Mwaura:** During the conflict, very many women in the country, including where I stay, were raped. It is very painful. It arose from that situation; we should be considered because it is painful for women to be raped.

**The Acting Chair** (Commissioner Namachanja): Approximately how many women were raped from your particular area?

**Mrs. Eunice Njoki Mwaura:** They are not many from my area. I know of one woman who is my neighbor. I am speaking on behalf of those women who were raped because I have seen one victim. I hear of such stories when listening to the radio and I feel very painful. That is why I have come to shed light on that issue.

**The Acting Chair** (Commissioner Namachanja): You also said that you are living like squatters. In whose farm are you squatting?

**Mrs. Eunice Njoki Mwaura:** We are squatting in a farm owned by a certain Briton. Those are the people who brought the name "Ng'enda". They called it Ng'enda. Those are the people we started living with since 1975 up to now.

**The Acting Chair** (Commissioner Namachanja): Are you still staying in the farm of that Briton?

**Mrs. Eunice Njoki Mwaura:** Yes, we are still living in that farm.

**The Acting Chair** (Commissioner Namachanja): How many people are squatters in that farm?

**Mrs. Eunice Njoki Mwaura:** We are 183 people.

**The Acting Chair** (Commissioner Namachanja): That farm is about how many acres?

**Mrs. Eunice Njoki Mwaura:** It is about 700 acres.

**The Acting Chair** (Commissioner Namachanja): You also mentioned that you took your case to court? Did you have any lawyer or were you just fighting by yourselves?

**Mrs. Eunice Njoki Mwaura:** We just went there by ourselves through the Labour Office. The case was then presented there by the lawyer of the Labour Office.

**The Acting Chair** (Commissioner Namachanja): Is the Labour Office based in Nakuru?

**Mrs. Eunice Njoki Mwaura:** Yes.

**The Acting Chair** (Commissioner Namachanja): Can you remember the case number?

**Mrs. Eunice Njoki Mwaura:** No, I cannot remember the case number.

**The Acting Chair** (Commissioner Namachanja): Can we get it from the Labour Office?

**Mrs. Eunice Njoki Mwaura:** Yes, you can get it from the Labor Office.

**The Acting Chair** (Commissioner Namachanja): In which year did you take the case to court?

**Mrs. Eunice Njoki Mwaura:** It was in 2003.

**The Acting Chair** (Commissioner Namachanja): Our sister here is a lawyer. We are going to make a follow up of that issue.

**Ms. Rebecca Mutuku:** Thank you very much, *Mama* Eunice. We are very sorry for what you are going through. You may now sit down. You have effectively expressed yourself, and we have heard you.

There was another person who had raised her hand.

**Ms. Susan Chesina:** Good morning, fellow women. My name is Susan Chesina from the Foundation for Women Rights, Nakuru. I am the chairlady.

We are very grateful to the Commission. Thank you very much, *Madam Tecla Namachanja* for struggling for the women's plight. We have heard about you for so long. We have seen you on television. We are very happy to meet you face-to-face today in this forum so that you can listen to the problems that women are facing.

Those of us who are seated here as women, our problems are almost the same. Women in this country have suffered since 1963 and even before. I know that the problems that women are facing are more or less similar. Way back in 1963, when the Government carried out re-settlement of people on farms in Kenya, women were not considered. It was only men who got funds. Women were not given funds. They were left out.

The same discrimination has continued to date. The situation has become worse even for married women, including those who have wedded in church and those who have given birth to children and raised families. If a husband dies today, a widow is chased away tomorrow by her in-laws. She is told: "You do not have anything here." She is chased away and without being given any of the family's property. This happens because the family land is in the name of the husband. Women have not been given an opportunity to inherit the land they struggle to buy with their husbands. When it comes to registration of such land, it is registered in the name of the husband. So, technically, the land belongs to him.

If the husband dies, the widow is not allowed to inherit his land. If you claim that it is yours, you are told that it is not yours. The in-laws say that the land is for their brothers or for their son. Many women have been chased away from their husband's homes. They have left their properties and gone away with their children. They have really suffered. You are chased away from your house, where you have lived for between 20 and 30 years. You leave the house without anything. You only take the children with you. The children will not go to school. That is why there are very many street people today. Children on the streets are being raped by everybody.

What happens to the girl-child on the backstreet is even worse than what we see on the streets right now. They cannot go to school. If a woman is chased away from her own farm, how is she supposed to start life afresh? She suffers. Her children will not go to school. She cannot even provide food for the family. She does not have anything. So, we are asking this Commission to take seriously issues relating to inheritance, so that the names of women can also appear on the documents of family land, so that they can become co-owner of any parcel of property owned by the family.

There are several other farms I can mention, which date back to 1963, or even earlier. There is Banita Sisal Estate, where people worked for the white men for very many years, generation after generation. Even the fifth generation is working there. Those people find themselves going to court every now and then. When the white men left, the people who were working on those farms were told that they would be allocated pieces of land since they were squatting on those farms. However, other people came and took the farms and sold the land. The squatters were allocated an acre of land each and told: "For that one acre plot, you must pay lease of Ksh8, 000."

These are people who have lived on that land for so many years. They worked for the white men until they retired on that particular farm. Banita Sisal Estate has 183 squatters. I can remember the acreage but the cases are in court. Banita squatters registered their names with the Government. They were everywhere but when it came to subdividing the farms, politicians came in to reward the people who voted for them but who do not belong to Banita Farm. So, other people benefitted but the squatters are fighting for themselves to date. Every day, a person is killed and a car is burnt but nothing has been done to date. People have really suffered. Others are not living in their villages yet they were born there. They raised families there. Their grandchildren are there. They do not know where to go. It would be good if that issue could be considered, so that the squatters can get help.

There is also another issue, but I do not know whether it is part of the IDPs issue. Very many women who are here are victims of the post-election violence. A woman and her children have been staying in IDP camps for four years. It is just like staying outside. We have seen the tents at the IDP camps. People are being rained on together with their children. Rape cases happen there every day. Mothers and children are being raped. Even young boys have been sexually violated. They do not go to school. They do not have clothing. They do not have food. They have not had anything in those camps for all this period. They have lost their livelihoods. Their lives will never be the same again, whatever the case. This is because you cannot do the work that you could have done if you were at your home. Their lives have changed. I do not know how this Commission is going to normalise the lives of these people who are still staying in the IDP camps.

For the sake of truth, justice and reconciliation, I would like to say that what is happening now is more hurting than before. The things that are happening at the International Criminal Court (ICC) right now are hurting us even more than helping us. This Commission is supposed to come up with a plan so that we can sit down and give our evidence and reconcile. You cannot tell a person to go back to his farm when his assailants have not even apologised for what happened. There is still pain in the peoples' hearts. We are heading for another General election. I do not know how people are going to vote. There is nobody whose heart has been healed. If anything, people's hearts are being broken day in, day out. We need to come up with a way for these people to ask for forgiveness from one another.

Even as I speak, there are people who are coming from the reserve. These are not the women who were violated. There are millions of women who went through hell but cannot even afford transport to come to these hearings to explain to the Commission the atrocities that were committed against them. They are just crying. You can get the real stories from those women. They are very many. They are in the forests and in their homes. They have not got a solution. They have not even got any counseling. They have a lot of pain in their hearts to date.

The IDPs do not have shelter. They do not have food or medicine. They do not even have sanitary towels. They do not have clothes. Women are people who would want to dress smartly. They would want to make their hair. Look at these women? They have put on



head scuffs because they do not have any money to make their hair. They are living a life different from a woman's life. Your children have eaten what they wanted to eat. All these women are just like that. They do not have anything. They do not get any help. I do not know what will happen so that they can get help.

Another issue I want to talk about is re-settlement of the IDPs. I do not know whether the Government got an accurate list of the IDPs. The Government did not get an accurate list of the IDPs. They got a list of IDPs who are not genuine IDPs. There are people whose houses were not burnt but they are in the IDP camps. There are people whose houses were burnt but are not even in the camps. They just went to live with neighbors and relatives. They are just integrated there. They have not got any assistance from the Government. In the IDPs camps that were established, like the ones in Rongai and Gilgil, it is people from a particular tribe who were settled there. Other people who are also victims of the circumstances have not been given anything.

I can give an example of the IDPs around Mau Forest and those in Marakwet and Mount Elgon. All those are victims of the post-election violence but they have not been re-settled to-date. The Government re-settled IDPs from a few tribes like the Kikuyu. In the Rift Valley, the Kalenjin and the Turkana people have not been re-settled. People in the North Eastern Province and other ASAL areas have not been re-settled to-date either.

There are so many squatters in this country. Every part of this country has squatters. Even recently, we witnessed those people who died in the Sinai slum fire tragedy. There are people who have big farms which are not even productive. People are living like animals. Why does the Government of Kenya let its own people live like animals? Why can the Government not distribute the land equitably so that everyone can be proud to be Kenyan? We have land on which wild animals live yet we people have no farms on which to cultivate food crops. As a fellow woman said, she is staying on a very small piece of land which is not even hers. The Government should ensure equity in distribution of land amongst Kenyans and ensure that women also get land.

Another aspect of equity we have not achieved is political representation in this country. Every election year, you see that political seats are given to men. Women always lag behind. Women have not got any assistance because they do not have anybody to represent their issues in high offices.

Lastly, I would like the Government to enhance women's rights in this country. We want the Government to ensure that there is gender equity in employment. We want gender equity in education. We want sexual assault prevention, so that women can be protected from rape. Even when women report rape cases and the culprits are arrested, they subsequently bribe court officials, and they are left free. In many cases, victims of rape realise that they are infected with serious STDs. Some women get impregnated in the process of the rape ordeals and have to bring up children who are not their husbands'. Such a woman wonders what to do with such a child – whether to kill it or not. We want women to be protected from rapists.

We want women to be protected from violence. If all these women stand up and tell you the kind of violations they have suffered from men, you will cry. Many have been beaten up. They have been violated. It is even worse than when the person violating you is an outsider. Women are violated by their brothers, their husbands and other members of the family. They are just like persons who have been jailed for the rest of their lives. We want the Government to prevent men from beating up their wives.

Women also want protection from sexual harassment, even from their own husbands. The Government has also allowed people to sell alcohol anyhow. I am not sure whether women are happy with this arrangement. Since that authority was given, the media has been publishing news of deaths related to alcohol consumption. The media has had no other news. We have just been seeing coffins and graves being dug. Women are crying because they have lost their children and husbands. They have lost all their families because of alcohol consumption. I do not know what this Commission will do about this problem because it is very painful for women. We do not have anybody to liberate us. We do not have husbands any more. We do not have brothers. We do not have anything for ourselves. We are just there. The Government has contributed to this problem by issuing people with licenses to sell alcohol. I do not know what to do. Alcohol is just finishing the country. We are even finished because we do not have children to support us.

I have a lot to say but I want to give chance to other women to also speak. Please, TJRC, let us have something which will heal our hearts because our hearts are broken. We are suffering from pain which we cannot express. Give us a way forward, so that we can reconcile amongst ourselves so that we can continue with life. If something is not done, the situation in the coming General election will even be worse than what we witnessed in the last election because people's hearts still ache.

Thank you very much.

**The Acting Chair** (Commissioner Namachanja): Susan, there is a question for you. You have expressed yourself in a very eloquent way. You have also spoken on behalf of very many women. Earlier on, you talked about women from the sisal farms. Did the Commission get any memorandum from those squatters?

**Ms. Susan Chesina:** Acting Chair, I think they have submitted a memorandum to the Commission but the case is still pending in court. The cases were filed by squatters from Marina and Banita sisal farms. The squatters were not settled. Those who got land in those farms were non-squatters. You will investigate and find out whether you have got a statement from there. If that is not the case, you can facilitate so that you can get a statement from that particular area.

Thank you very much.

**Ms. Rebecca Mutuku:** Susan, I thank you very much for all the recommendations you have given to the Commission. We will now have the next woman to speak. Please, speak briefly, so that we can give everybody a chance to speak.

**Ms. Selina Chepkosgei:** My name is Selina Chepkosgei from Mbarare. I thank God for this day and for bringing us together in such a forum. The first thing I would like to talk about is for us to reconcile amongst ourselves. I have also asked God for forgiveness so that I can forgive my fellow Kenyans.

I was a resident at Lari. I had been staying in that area since 1970. I was staying with members of the Kikuyu community. We were living in harmony with the Kikuyu people. In 1998, conflict arose. My husband was killed in a very brutal way. Even when I was speaking today, I just started crying but I prayed to God to give me strength and forgive my brothers. My late husband, Kipruto Marindany, was my only husband. I was not married to many men. Kipruto Marindany was slaughtered. He was told to eat the ear and the hand. He was told to eat all the parts of his body. Lastly, he was murdered. Let God rest his soul in peace.

The rest of us should not give up. Those were just the devil's ways. We had been living in peace. My husband was brutally butchered. Even now his children cry. When they hear of a certain issue that has arisen, they just cry. The children have been traumatised. I just ask God to help my children. The children are crying to date. Let God help them. What can I do? Kipruto Marindany was killed outside. He was going to a chemist with the children. On the way, not far from him, I saw one child running back. She was called Khadija. The other one is Fatuma. They ran back crying. I asked them: "What has happened?" I did not even go into the house. I did not even wear any other dress. The children were screaming. I told my daughter-in-law that things were not good.

When I went to look at my husband, I was shocked. He was already killed. He was slaughtered. I also fainted. There was nothing I could do. I just listened to what the children told me. I just saw my husband being killed. I witnessed the incident. Even as I speak, people wonder why I speak in such a way. Let God forgive me. Kipruto Marindany was brutally killed. The children slept in hospital. You can even look at the letters I have. I could not articulate many issues, the four children slept in hospital. They were taken to hospital by Chelaitte, Christine Mutinda and the chief. By that time, there were IDPs who had already gone to Kigono. Those were the people who helped the children to identify them.

My leg was also injured as I was beaten up. I fainted. You will also see some of the documents from hospital. There was my daughter-in-law. If it had not been for my daughter-in-law, the injuries I sustained could not have healed.

*(A cell phone rung)*

**The Acting Chair** (Commissioner Namachanja): Women, let us put off our cell phones so that we can listen to our fellow women speak.

**Ms. Selina Chepkosgei:** That was when I fainted. I was six months pregnant. As I was being beaten, I was stepped on my stomach. I was also raped by ten men. They should

also ask God to forgive them. What could I have done? It was during the conflict. When people see something good, they think that they are happy, but it is not happiness.

I am very grateful to other women who have also spoken about their rape ordeals. Why are we being molested in such a way? Our husbands were just beating us up. What can you do? You cannot strangle the child. Doing so is wrong. In future, that child can buy clothes or sugar for you. This matter should be taken to Parliament so that such issues can be looked into once and for all. Our properties should not be taken away. They are also our children. It is shameful. It is very painful indeed. To date, I have a problem. I go to hospital every now and then. I will give you all the documents from hospital. It is not a lie. I did not write them myself, and I was not happy. I was not happy for being raped. Even my neighbors were also killed. I do not want to speak much about it.

My neighbors were killed as I witnessed. During that time, there was a woman called Suzana Chebochu. We were with our ten children. Six children fled but they have since come back. All of them have come back. Today I do not cry. It is just happiness because even if you cry every now and then, you will just go on crying and crying. Even God will wonder what is wrong with me. At times, even if you hear other issues, you just clap your hand. What can you say? I have even forgotten those who raped me. I identified at least two men, namely, Gikonyo and another one who my children used to call “Kimbolo”.

Even if I go to visit my friends, I am not concerned because I just forgave them. Even the children have inter-married. What can you say? That is the way it is. Even if you say: “I do not want you to get married to men of this tribe,” the children who are getting married will not change their mind. So, it is okay. The two men I identified were Gikonyo and Paul. I forgave them completely. I am not even concerned about them anymore.

Let me now talk about the neighbours who were killed. Samuel was my neighbour. He was brutally killed after being tortured. He was slaughtered until he died. He tried to run to the house of the next neighbour but he died. That one was Samuel and his brother. Stephen Chebocho was son to Suzana. The son was burnt to ashes. Even when people went there, they just picked the ashes. Suzana’s hand was cut. She is now maimed. She cannot even wash anything properly. We were friends because she was my neighbour.

There was also another woman called Helena who was with my children. Her three children were slaughtered at the chief’s place as my children witnessed. That was the same chief who took my children to hospital. They witnessed the killings. They ran to the chief’s place for security. Chepkoit lost three family members – a son, her mother and her husband. They were elderly people. His son had come to see his grandmother. He died. There was also an old man who was called Kipruto Rono. He was also cut. I slept with my children in the ward.

I am also going to talk about a son of Rono, who was called Steven. I am not going to mention very many names. I am just going to talk about a few. Steven was also shot in the stomach. Up to now, he is sick. I wish I had the list I handed over to the Commission yesterday so that I could read out the names properly. There was also another person who

was shot. There is another person I had come with yesterday. You can just check on the list because, at the moment, she is not present here.

Very many people were killed. Even if I try to mention their names, I cannot finish them. They were more than 70 people. There were also women. The DC said what? You can bring any assistance to the women – anything you feel is good for women. Those women are feeding their children in a very difficult way. I cannot mention all the people because they are very many.

In the case of Mbego, there was one person whose son was killed. Even the intestines were removed. If the lady brings the list, I will show you the name in the list. It was after the elections. We were happy. Instead of getting hope so that we could move forward, we incurred a lot of losses.

It was after the elections and we were happy. Instead of being bought soap or anything so that we could move forward, we really incurred a big loss. I am just appealing to the Government, in any General election in Kenya in future; please, it should take into consideration the women and all of us. Not only the women, even the youth were being killed. Who will help us with work, who will marry our children? There are very many issues which are really disturbing. I do not have much to say. I will just submit my documents so that I can get assistance.

We appeal to the Government to see if we can be compensated. If we can be given anything, it will just be okay. Whatever the Government can see fit for us, it will be okay. We are not forcing, what they feel is good for women, let the Government give us. That is all. I do not have much.

Concerning the documents which I have, I hope you have read them. There are others - God help me to get the six acres of land which had been subdivided to the side of the river. You will just read through the document and then see how I can be assisted, especially for my children to get education. I have also not paid for the title deed. I will also request that you assist me pay for it so that I can get back land.

I have very many children at home. I have four girls who never got married. I am a mother and father and therefore, I have to do all the household chores. I do not have much to say but to wish you a joyful day.

**Ms. Rebecca Mutuku:** Thank you very much. We are very sorry for what you went through with your children. We are thankful to God because He gave you the heart of forgiveness.

**Ms. Selina Chepkosgey:** I have completely forgiven them. When I meet them, I usually greet them. Let us forgive each other completely. Thank you very much. I just feel relieved. May God bless you.

**Ms. Rebecca Mutuku:** Did you write a statement with the Truth, Justice and Reconciliation Commission (TJRC) when the statement takers were going round the country?

**Ms. Selina Chepkosgey:** Yes, I wrote a statement.

**Ms. Rebecca Mutuku:** Give us the letters. I do not know whether the Acting Chair has a question to ask.

**The Acting Chair** (Commissioner Namachanja): She said that her leg was injured. Are we in a position to look at the injuries?

**Ms. Selina Chepkosgey:** I am not ashamed.

**Ms. Rebecca Mutuku:** Sit down. Let us continue. I want to give a chance to one person on the other side and then I will come to this other side.

**Ms. Teresia Messia Waruguru:** Thank you very much. My name is Teresia Messiah Waruguru from Solia. I experienced many problems and I even wondered what would have happened to me during the time of the conflict. I have two issues to talk about and I feel pain in my heart.

During the fight, I had two girls who called me grandmother and both of them were pregnant. On that particular day, we had cooked ugali. There were eighteen sheep in the compound. I told the girls to serve ugali and I went outside because I do not like staying inside. Because my husband died, I went outside to at least hear what could be going on because I am at the borderline. My farm is at the boundary and there is a road on that boundary line. I saw fire in the first house.

I had a panga under my armpit. I told the girls to come out. The two of them were calling me and both of them were pregnant. They came outside and I told them: "As you can see, there is fire!" Fire was all over. We left my daughter in-law because she said she could not sleep outside that day because we used to sleep outside. I told her: "My daughter in-law, can you come out? She insisted that she wanted to sleep in the house. I was told that I had to safeguard the home. She said: I have to sleep in the house because I usually see you staying outside. She asked: Why are we staying outside? Today, there is no fight as the Kikuyu are just fighting people in Nakuru. The *Mungiki* groups are the ones fighting. I felt that I could not sleep in the house, and that is when I went outside. I started persuading my daughter in-law to come out. I told her to bring my grandchildren and the two girls.

We started walking away. I just carried a panga and nothing else. We walked a long distance in the bush until we came across a neighbor's house and found the mother's leg had been cut. The head was chopped and the face was injured, then the hand and the leg. We just passed that place very fast and went into the bush with the two girls and my two grandchildren. We just stayed in the bush near the road.

One girl told me; “my grandmother, I feel bad in the stomach.” She complained about the stomach. I saw that she was almost delivering and there was no any other help for her. I just knelt down and prayed to God. I called another woman who was passing by. We went together with her and my daughter in-law to a certain trench and one of the girls slept down. She peacefully delivered a baby, and there was nothing to cover the baby with. I took some leaves called *Mukinduri* and used them to wrap the baby. Behind us, there was fire all over. People were just crying, I told the children to be very silent. I took the baby and wrapped it with the leaves. I cut the umbilical cord with the panga and left the placenta and everything there. We continued with our journey. It was a long journey and we were going round. I wanted to come with the child but it was still very young. We walked for about five kilometers. The other one was also crying: “My grandmother, my grandmother, I am dying.” She fell down. I held to the baby and I asked God: “God, look upon us, God have mercy on us, because we do not any option!” The panga was still stained with blood. I held the girl on the ground. She also delivered the baby girl and I thanked God for that because I believe that those who pray to God do not go astray. I held the baby and took the leaves from the bush and wrapped it. The girl had a small shawl. I tied her waist and then I prayed to God to look upon me. I again used the panga to cut the umbilical cord. I cut a piece of my cloth and wrapped the baby with it and we continued with our journey. We walked for around eight kilometres. Along the way, it was about dawn when we heard that my neighbor had died.

We went all along until we arrived at Bahati Police Station. We stayed along the road and the children were blood-stained. I wondered what to do. I thought I was going to be arrested. I went to the gate of the police station and I saw Lucy Njeri passing by. I ran and got hold of her and I told her: “My mother, come.” When she came and looked at the children, she went back and brought them shawls and blankets. We put the new born babies like twins and then we wrapped them together. I was then taken to the camp where I was given some more blankets. I also covered myself because of the cold. As we were walking along the road the whole night with the children, they were profusely bleeding. Sanitary facilities were brought. Lucy Njeri really struggled to assist us and the children with clothing. I felt relieved and thanked God for that. Even at the moment, I thank God. One of the children also fell ill after one week because of the unsterilized panga I used to cut the umbilical cord.

The clinical officers came and tried to help the children with medication. The children woke up at 2.00 a.m. at night and were dressed up properly in the hospital. Lucy Njeri used to come and visit me and the children became okay. If you see the girl now; she is a very beautiful daughter. We stayed for one year in the camp and we were told that we will be given money. I was given Ksh10, 000 and the children did not get anything. Fifteen people did not get any assistance. After being given Ksh10, 000, we were asked to move out of that camp.

I wondered where we would go because the house on the other side where I used to live was burnt down. I was on the boundary and I feared for my life. I asked myself: “Where will I go?” I rented a house with that money and it got finished. We did not even buy a

mattress, not even a blanket. It was only the two blankets that I was given at the camp, because of Lucy Njeri and the two children. It was only the two blankets for the children and they were big size.

I told my children that the children who had been born should call me “mother”. We waited a little bit until they told us that they were going to build a house for us. After we left the camp, I walked for ten miles and at 7.00 a.m., I got a job as a house help and they built for me a house. I just went there and slept in the house. Some of us sleep outside. We do not have anything to use for cooking. When it rains, we still sleep in the house until morning.

I still have my grandchildren and my daughter who has eight children. Some of us sleep outside and the rest in the house. The young ones sleep with me in the house, but the others sleep outside. That is how it is. I have so many problems; coldness, scars from beatings and all our property was taken by the people who chased us away. My children are suffering. I even wonder who were given Ksh15, 000 because even the Ksh10, 000 I was given did not suffice to buy even a cloth.

Since then, I am one person who has had a long journey. I went to that shamba in 1991. That is when we went to that shamba in Nyandarua. From there, my husband died. I also have a child who is sickly. I do not get any assistance from anyone. Before I had gone to that shamba, I had been raped while I was pregnant at Ndaragua. I went to the chief and reported the matter. They took the case to court and that person bribed his way out. The judge had said that the person would support the child and be giving me Ksh20, 000 but that person bribed his way out. He never supported me. I now have nothing and the case got lost. No one educated that child. I am the one who took the responsibility to educate the child. I had given birth to that child when I was still at home.

After they raped me, one of my legs pains from the thigh downwards. Sometimes I get severe headache and I really do not know what the actual problem is. Now I wonder whether the Government, which is usually supposed to take care of its people, really cares for us. I have even filled in a form, I have recorded statements with regard to my problems but I wonder whether the people concerned with the welfare of people will ever come to my rescue. God is great because a person of God will never get to suffer. I have withstood a lot. I used to stand firm and say that it is only God who will come to rescue me out of the suffering which I have gone through. I have had a lot of pain up to today. I do not have food because I have tried farming but there is no hope. I do not have money for seeds and fertilizer. That is why I came here today to hear whether there is any assistance the Government can offer. Let God bless you and thank you.

**Ms. Rebecca Mutuku:** I wanted to ask you one question. What would you like to tell the Government in relation to all that you have said?

**Ms. Teresia Messia Waruguru:** I would like to tell the Government that because God has granted it power, they should try and help those people who are suffering. At least,



pay me or the other people so that they can feel that they are part and parcel of Kenya. Thank you.

**Ms. Rebecca Mutuku:** I would like to ask all those who will be given a chance to speak to take at most five minutes. Let me give this chance to the lady behind there.

**Ms. Virginia Njeri:** My names are Virginia Njeri. I live in Bahati and I am an integrated IDP. My house was burnt down in 1997 and I was left with nothing. The people who burnt my house were my neighbors. Initially, they were our friends. I do not know what sort of satanic forces came to them and they turned against me. I was left with nothing. After staying for some time, we started preaching about peace. I went and rebuilt my house. One year after building the house, there were more fights. Again, it fell on me. After breaking into my house, they found us with my husband and they told us to leave and go to Othaya. They told us that we were the people who voted for the President. I tried to tell them that we are Kenyans and that we should stop anything about ethnicity, but it did not work out.

They poured petrol on the house and wanted to burn it. I had already informed the chief about the matter. My husband opened the door because we thought it was better they shoot us using arrows than to burn the house. He went out through the door while I jumped through the window. Their main aim was to steal our property but we were not interested with property. Our concern was our lives. They were over 50 people who entered our house. They also went into the neighboring house and were told not to break into the house. We opened for them and they took everything from the house. I can tell you, men are different, though we live together. My husband still wanted to go and face them out of the anger of losing his property for the second time. So they got angry with him and they hit my husband on the head. That when I saw death coming. So, we decided to leave in peace.

After we left, we went to our neighbor to tell them that things were not good. So we went to a school. That is when we saw houses burning as they had been torched the previous day before the arsonist came to our house. We saw a car coming towards us and decided to go. If it were people coming to burn houses, we could still lie down, but if it were people who could help us, then we could ask for help. We crawled because we did not want anyone to see us. When we found that they were police officers, we told them that there were people in house who were picking our property. We told them we needed their help; we wanted to be helped to go back to the house and take some things like clothes. We went in the police car and they helped us get to the house but we found that they had started burning the granary. On going back to the house to pick our clothes and while doing so, imagine the police were restricting us on the amount of clothes we were picking from the house yet the property was ours. The police took us to another neighbor in town where other evictees were staying. The worst thing was that these people who were evicting us were our neighbors. But we took the police there and we decided that it was time justice should be done. So, we took some people who had stolen our property to court. It was painful to the evictees because the first time for someone who had stolen property was being taken to the courts. Out of bitterness they started threatening us but

they had to face justice. So, it was decided that we had rather handle the case peacefully. That is why I was chosen as one of the people to push forward for peace, but I decided it was important for justice to be done before we pushed for peace. After some time, we decided that it was important to forgive the people and let them free and forgive them. I forgave and even up to today, I had forgiven them. I know where my property is, because God has blessed me in a different way.

That is all I have to say. Thank you.

**Ms. Nancy Kanyago:** Thank you very much for that forgiving heart. We apologize for all that you went through. There are some few questions that we would like to ask you.

Thank you, Njeri, and all those who talked about forgiveness and reconciliation. But we would also like you to tell us how other people can also join in the process of forgiveness so that they can live together peacefully. You have decided to forgive by yourself; but I do not know whether you have formed committees or commissions with those people who were your neighbors? Have you gone back and tried to talk to them?

You also talked about the DC. Has the DC organized on how the people who were affected could come together and form committees to talk about forgiveness? If they are not willing to forgive depending on certain activities like returning the property that was stolen or when people ask for forgiveness, we would like you to tell us whether there is a way the Government can help people to reconcile.

**Ms. Virginia Njeri:** I would like to say that for our case, it is Bahati area for the integrated IDPs which was occupied by the Kisii and Kikuyu. They were around 134 people. That is the figure which is documented. For now, none has gone to that place except the Kikuyu who have been conducting peace meetings. But all the rest are out because they fear being burnt again because this was not the first time. These people usually sit down and say that they were led by the devil to burn houses.

So, we have no feeling of going back and building houses there because they can be burnt again. What I would like to say is that our Members of Parliament are bad people because they are the ones who trigger and incite people to burn other people's property. So, I would like the Government to come in and enforce laws on those people who incite others to violence. This will deter incitement. I would like to urge the Government to enforce strict laws against incitement.

**Ms. Nancy Kanyago:** Thank you, *mama*. I now want to give this lady a chance because she requested to be given one minute. Let me give her a chance to contribute.

**Ms. Jackline Ogutu:** Thank you very much for giving me the opportunity to contribute. My name is Jackline Ogutu from Highliken Nakuru Women Rights Centre. A lot has been said and I would not want to repeat what has been said. I have a report on the prevalence of transit sites from the Upper Rift Valley. So, you can get everything on this report. It has a list of widows and orphans. On behalf of the civil societies in Nakuru, I

would like to say that the International Criminal Court (ICC) process should bring justice to all the affected people.

We have criminals living amongst us and most victims actually know who their assailants are. That is all I had and thank you.

**The Presiding Chair** (Commissioner Namachanja): We are here to talk about women issues. Could you just highlight what is there concerning women? You cannot just make a statement about ICC and walk away. Just say in summary what is contained in that report.

**Ms. Jackline Ogutu:** The transit sites in the Rift Valley are Rongai, Jikaze, Minto and Maai Mahiu. I said that I do not want to repeat the same things the previous speakers have said. They have said that they are living in poverty and they do not have food, clothes and water. We are now concerned with the resettlement of IDPs. Only one tribe has been resettled and we are getting information that they are a lot of rape cases. Sometimes when these women go to look for casual jobs, they are usually asked for sexual favours. Our prayer or request is that the Government should give them some place to stay. If these district committees or peace commissions are effective, why are people being shifted from some places to others? For example, if you live in Nakuru, you are taken to Endebbes. If really these peace commissions are doing work, then people should be resettled to their initial land. What we are saying is that they are being resettled to bush places. This is a problem because the people who were initially staying there do not want new people because they feel like their land is being invaded. That is all I had and thank you.

**The Acting Chair** (Commissioner Namachanja): Apart from the district peace committee, what is the civil society doing to promote peace and reconciliation among the people?

**Ms. Jackline Ogutu:** Thank you for your question. We are standing in place of the people who are inflicted and are demanding that the local tribunal be done here because, as my friend said, the people who offended us are our neighbors. We know them very well. We know the assailants and that is why we are pushing for the setting up of a local tribunal to ensure that action is taken against the people who inflicted injury or suffering on us. That is why we are saying that a local tribunal should be set here in the country. That is how we are doing advocacy on the ground because we are nearing elections. During the elections, the issues are just the same. So, we hope the elections are going to be a little bit different this time because of the issues of devolution. Some people do not even understand what devolution is. So we are going to the ground and telling them that things are different and we want them to elect leaders of integrity.

Thank you.

**The Acting Chair** (Commissioner Namachanja): Thank you. We have received your report as a Commission. I thank you though you have taken more than a minute.

I would like to recognize the presence of the deputy mayor in our meeting and because she has said that they have a walk and that she has Safaricom T-shirts, I would like to give her about five minutes to greet and tell the Commission some few concepts in relation to the rights of women.

**Ms. Damaris Mbuvia:** Thank you so much. How are you all? I do not want to repeat what has been said, but I would like to take part in pushing for the rights of women. Now, as I look at the TJRC, a lot that is being talked about here is in relation to the post election violence, but I want to go back to the Independence period and say that women have been affected since Independence. We have been denied our rights and even when I look at our Constitution – except for now when the new Constitution has brought a difference – initially, the woman was not recognized. Even when we voted “yes” and wanted change, the voice of the woman was not heard. We have seen again that there are some shortcuts in the Constitution. Two weeks ago, we went to Nairobi and almost broke the gates of Parliament out of anger. How come we voted for the Constitution, yet they are trying to change it against what is written there? No, I am so angered as a woman because I wonder what they have seen now that had not been seen then. So, they have now looked at the Constitution and they have found that it favors women and they are going against it. I am proposing that changing the Constitution that favors women should be stopped forever. I was hoping that Parliament would be denied the power to change the Constitution, and that the Constitution should only be changed through a referendum because we, women, are many. If only a few people can talk and change the Constitution, we will not fight them. It is like they are now silencing us. I do not know where we are headed to.

Now you, as the Commission, have the power, on behalf of the women, to ensure that all the sections in the Constitution that touch on women are preserved. Since 1963, women have been negatively affected through religion and the church. They always see as if a woman is an obstacle. Women are affected negatively in so many ways. It is not your fault that you are from a certain tribe, but when you bring tribalism that is bad. A tribe is not bad, but you should not use your tribe to intimidate ours.

We would like the voice of women in advocacy. We want more women groups to come up. In the case of advocacy, we were able to deliver a petition to Parliament. In the case of the courts, we have appealed, as women, about the issue of one third representation of women in Parliament, but we have not been successful up to now. So, we have a problem in implementing what is written in the Constitution.

When we talk about reconciliation, the first word in TJRC is truth. But is this truth being said? The Commission is telling us that we reconcile but how do we reconcile with people who have your property? They may be having your cow and they are milking it – how do you reconcile with them? They need to come out and speak. They have not agreed that they stole your property; they have not agreed that they burned your property. Now, when they agree that there are injustices, then that is when reconciliation can prevail. Reconciliation starts from truth; speak what is in your heart, say the truth and say

the whole truth. We should stop covering up lies; people need to speak the truth. People need to speak what is in their hearts. Now, what really perpetuated the post-election violence? It is a long story from around 1963, but we have been covering it up. We cover it up and assume that there is nothing bad. We are nearing another election and the same leaders now want us to vote them back. What is the Government doing? What is the civil society doing? People just speak and they speak as a way of inciting clashes again, and they go scot free. So, we are asking, how do we reconcile? How do we reconcile unless we agree and honestly say the truth? We need to say: "I stole your property and I am returning it". This is the first step to reconciliation. But if we do not accept to say the truth, I am sorry to say that we are doing nothing and no reconciliation will take place.

Now, as the previous woman said, she already knows who has her property, how do you even sit down and start talking with such a person? The wound that is hurting inside needs to be exposed. What we are doing is like we are expanding the wound instead of healing it. The things that we had already forgotten are being revealed in the International Criminal Court (ICC). Why we are here and where are we heading to as a nation? Do not forget that next year, we have other elections. I was even saying that the TJRC should have sat a long time ago. It should have been given more time to move around the country. You were given a very short notice. As I look at this hall, I am wondering where the youth, who were used to burn houses, are? Where are they? All I can see are women who are of age and were actually victimised but they did not hit anyone. Where are the youth who were used to promote violence? In the sports clubs, we only have men. They still leave out the youth in decision making. When there is war, it is the youth who are called upon to fight. So, kindly, pay attention to the issues of the youth; involve them in the TJRC forums so that they can speak out their hearts. They will tell you where they were controlled from and told to fight. They will tell you what they were given so that they could fight. You are talking with the people who were victimized. What about the people who committed these acts? To have a good starting point, we need to involve the youth. We cannot start from the top yet the bottom has not been addressed. We need to heal the wounds; we need to relook at the cause because if we do not look at that, we are going to repeat the same mistakes.

I am a politician and I know that politicians are going to take advantage of that. Every time there is a problem, they go back to their people and cover their faces that way. We need to teach our people the truth; go to the ground and tell the people the truth. Who knows what integrity means in Swahili? When we will be electing our leaders, we need to elect respected leaders; humane people, not just people who say: "It is our people" when they want to fill their stomachs. We, women, are the majority in this country, so we should stop crying. We are the people who vote for these leaders because we are the majority. We know that someone is a thief, this person gives you Ksh200 or Ksh500 and you vote for them, then you end up crying for five years. We, women, are the people who can vote for peace and preach peace. We are the people who can bring unity. That is why a woman has no tribe and that is why a woman can get married to a Kalenjin, Kisii or Kikuyu. People who had intermarried really got a lot of problems. What is being done about it? What is being done to help the families that broke up due to post election violence? My husband was killed or my wife was killed and now children have been left

as orphans and wives are widows. It is high time we brought these people together. I will always say in various forums that this issue of saying that “I am an IDP; I should be bought land in Endebess,” that is the worst mistake that the Government did. Please, report this issue. You cannot burn a house in Molo and then you are resettled in Maai Mahiu. We know that there is TJRC; but why should I not be resettled back in Molo? Arrest this person and reconcile these neighbors who burnt others’ properties. What reconciliation are we doing? In actual sense, you are actually preaching ethnicity. It is like we are triggering ethnicity. It is like saying: You, Luhya who are living with married Kikuyu should chase them away because they will be bought land somewhere else. We have set a wrong trend in this nation. Our leaders from various ethnic backgrounds, especially the MPs, should have sat down, go back to the ground, talk with the neighbors and if they really want to know that the TJRC is doing something, then anyone who was evicted from their land needs to be resettled back to their original land. That is the only time we will say that in this country, we have preached reconciliation and people have gone back to their land.

Thank you.

*(Applause)*

**Ms. Rebecca Mutuku:** Thank you. Please, tell us your names?

**Ms. Damaris Mbuvia:** My names are Damaris Mbuvia. Thank you.

**Ms. Rebecca Mutuku:** There is a mother behind here and her hand has been up for a while. So, let me give her a chance. You have only five minutes.

**Ms. Jane Mumbi Chege:** I greet you all in the name of Jesus. My names are Jane Mumbi Chege. I am not one of those who were affected. I am more than affected because, for me, I do not know what Independence is; I do not know what unity is. Since I was born, I have known Independence We found our parents with some land in Bahati; we stayed with them there and we thought that was our home. The white man who used to live there used to give us food. We have not known any other place except there. We stayed there and then another white black man came in around December, 1998. We went to work and found that they had demolished all our houses. We did not have a place to live in by then. I was a mother of two children. We lived outside because they demolished our houses for about three days. On the first day, we decided to go and talk to the DC because the person who had demolished our house was the new owner of the land. We went to talk to the DC to see if he could help us. The DC came and went into the office of the new owner of the land. After meeting with the new owner, the DC never communicated to us. He just left us stranded. So, we had to leave that land and we were left with nothing. This issue even appeared in the newspaper but we did not have an advocate. We were just left like that, stranded and with no property. We were left worse off than IDPs because we did not even have food or settlement. So, we took the matter to court. I do not know what happened to the case, but somehow it was thrown out.

We have not found any root or ground. So, we always try to work here and there for one or two days. We do not get good pay and, considering that we rent houses and have other expenses, life is very difficult. Even our children are getting married very early because of problems. We use the only money we get to buy food. We live from hand to mouth. Our children are just employed as house helps, and some of us have been disowned by our husbands. Like for me, my husband left me. Although people say that poverty will end, I do not see it ending. When I get someone who can give me Ksh100, I just settle there because I need the money. I was affected and I do not have anywhere else to go. Others have even committed suicide because of poverty. All we do is get money to pay rent. It is hand to mouth life. The husbands do not have money; the wives do not have money. That is why some are even engaging in prostitution. We have so many problems and I do not even know if this Commission is going to help us. We just want you to help us. We sent Hon. Wamwere to go and tell the President about our problems when he was still our MP; that we have more problems than any other people. At least, there are people who have gone to their land and came back but, for us, it is just suffering.

There is no freedom because we have so many problems. For example, the old woman here who was from Kinoru has suffered a lot. She is now living in a single room. I am requesting the TJRC to try and help the people from Kinoru so that they can get help because we even have very old men there who are suffering with their children, and they have nowhere to stay. I am better off than them because I can work. Now, where we work, we are given a lot of labor and then paid Kshs100 per day. Let me tell you, there are people who are suffering and when we try to run, we find a wall. We cannot get through because we are not educated. For me, I only know how to pronounce my name, but cannot say anything more. When we sent our leaders to forward our cases, they do not go beyond a certain case. For example, we have really waited for President Kibaki. Our children really suffered and he did not even give the squatters a place to stay. We were given a place to just put our heads. All the work that we used to do ended and most of us suffered in the IDP camps. We used to work in the plantations where we did a lot of labor. We suffer; we become sick and do not even work the whole day. So, we are requesting that you help us. We are still Kenyans although we do not feel like we are in Kenya.

Thank you, Madam Acting Chair.

**Ms. Rebecca Mutuku:** Thank you very much. I do not know whether there is a question.

**Ms. Nancy Kanyago:** You said that there is a case pending in court. Could you explain to us?

**Ms. Jane Mumbi Chege:** Yes, there is a case in court concerning the houses but it was not taken into consideration. But recently, a register concerning the people was given to our heads according to the houses so that you can see what can be done to us.

**Ms. Nancy Kanyago:** The case is between which parties, so that when we start investigating about it we can see where to start from?

**Ms. Jane Mumbi Chege:** The case is by those who had rented houses and then we were left without anything; we were left without any settlement.

**Ms. Nancy Kanyago:** And those people whose houses were destroyed?

**Ms. Jane Mumbi Chege:** Yes, we have the names. It is Kinoru Farm.

**Ms. Rebecca Mutuku:** I thank you very much. I would like to give a chance to this woman in front, and then I can go back to the other side.

**Ms. Consolata Aoko Otieno:** Thank you very much. My name is Consolata Aoko Otieno. I am an IDP from Ahero IDP Camp. I would like to speak briefly about what happened to us in 2008.

We were really astonished one night on 28<sup>th</sup> January, 2008 because there were screams outside. Upon going outside, we saw fire lighting the sky from the other side and we ran away; I was with my children and husband. We were many women. We went to the bush and hid there. Our houses were burnt and policemen came and took us to Bahati Police Station. When we arrived there, our husbands were not there. We do not know where they went.

. Going back home the following morning, we found all our houses and property had been burnt, while some of our husbands had been slaughtered. My husband was injured and we did not even know where he was taken to. We were given notice from the people of that area, informing us that we should move out of that area by 3 p.m. and that we should go to where others - our fellow tribesmen – were, namely Kinoru Police Station. After a short while, we went to Ng’enda, arriving there at night. There was also fire there. We went to an old man called Gilbert Onyango where we also found fire burning. We went to another camp that was called Konata; that was where we joined the people of Ng’enda and Ambiga.

At the Konata Farm Camp, we stayed there for one year. The Government came and brought the Ksh10, 000 which the people of Ng’enda received, but we did not get this money. The Government chased us away from that camp and, finally, we did not get anything. Going to the DC and the Chief, we were informed that it was not possible to get this money. We waited from 2008 up to 2010 and at the camp. When there was the resettlement of people, we just stayed in the farm; we remained six families in the camp; we were being told to wait. We were rained on; we got other tents and those ones were destroyed.

As I stand here today, I am suffering. My husband, who was beaten, is mentally challenged. Even if you try to talk to him, after a short while he speaks things you cannot understand. We tried to get medication for him but it was not possible because I did not have money; I do not have anything. We stayed in the tents in the camp and we were rained on together with my sister and our children. We went to the chief but we could not



get any assistance. There is no Government that is looking after us. That has been the situation since last year around June. We used to live there with another woman. One night, we were really shocked. As my friend was saying, she observed a woman being raped – I am one of them. My daughter, Atieno, was raped in the tent and we had to move away and look for a place to stay. We were really shocked; I was really shocked and I even fainted. She told me: “Consolata, there is someone in this tent.” We looked around; it was raining and the tent was full of water. We did not have a match box – the matchbox had been rained on. To see someone who had made his way into the tent was impossible. We were really afraid. We asked him what he had come to do and he started insulting us by saying: “Dogs; within two days you have to quit from this place; you have to go.” So, we left the place and moved to a nearby chief’s camp. When we reached the chief’s camp, we found some policemen and we wrote some statements in relation to our night’s ventures. At night, the policemen went to where the man who had tried to rape us was. He was arrested and on reaching the police station, he did not even deny that he tried to rape us. From there, the case is still in court. We used to be insulted as to what we were doing in the chief’s camp. They really, really tortured us. We were also afraid because every time we were being threatened. We had to go look for a place to settle but we did not even have money to pay rent. We did not have food for our children; we did not have clothing and even the ones we were wearing we had been given by well wishers.

I am a Kenyan but I do not feel like a Kenyan because of the suffering that I have gone through. I have seen trouble and war; I have seen a lot. There is no time when we feel happy. For my sister, she has psychological fear.

**The Acting Chair** (Commissioner Namachanja): Is your sister here with you?

**Ms. Consolata Aoko Otieno:** Yes, she is here.

**The Acting Chair** (Commissioner Namachanja): Can you see your sister? If you have something to add, you can add.

**Ms. Consolata Aoko Otieno:** I have something little that I can say. When the guy who raped me was arrested, I heard that he was jailed for five years. But the other people are threatening that they will come and kill me. Now, I do not even know how I will live. Here is Susan, who was raped by the stranger.

Thank you.

**Ms. Susan Aoko:** I am Susan.

**The Acting Chair** (Commissioner Namachanja): Thank you very much, Susan, and your sister. Just remind me your name?

**Ms. Consolata Aoko Otieno:** Consolata Aoko Otieno.

**The Acting Chair** (Commissioner Namachanja): Thank you very much, Consolata, and we are very sorry for what you underwent. I want to thank you very much for expressing yourself in a very eloquent way and on behalf of your sister.

You spoke about issues of compensation of Kshs10, 000 that other people received and others did not receive. Was it in the camp?

**Ms. Consolata Aoko Otieno:** Yes, it was in the camp.

**The Acting Chair** (Commissioner Namachanja): Who are these that got?

**Ms. Consolata Aoko Otieno:** They were people of Ambiva; they were the people who received the Kshs10, 000 but the victims of Ahero and Ng'enda did not receive anything although we were in the same camp.

**The Acting Chair** (Commissioner Namachanja): So you are saying that the compensation was given to a certain tribe or you were still people of one family or one tribe, but you are came from different places?

**Ms. Consolata Aoko Otieno:** We were from different places and were not people from one family. The people of Mbiva and Ng'enda were squatters while we were IDPs who had rented houses at Ahero. That was where the houses were burnt.

**Ms. Nancy Kanyago:** My fellow women, even if we continue as a Commission, we have a question that you would like to get your assistance on. We have heard about people who were getting compensation from the Government but we also know that as we live together as a family of Kenya, if it is a man and a woman, perhaps the women cannot benefit in any way. So, as a Commission, if we are going to write our recommendations on how the people should be compensated, what kind of recommendations would you like? For example, if you say that the people should be given land, would you like us to say that it could be given to a certain family, so that it can be registered as belonging to a husband and wife, or which particular name? If this Kshs10, 000 that was given by the Government was given to women, it is because maybe the husbands had died. But if the husband is still alive and you are to be given that compensation as a family, what recommendation would you like us to make? What name should be used in the register? Can it be satisfactory for the name of the husband to be written on the register so that he can be in charge of the compensation? Or, do you want the report to show that it is the family consisting of husband and wife whose names will be written in the register? We would like to hear about that from you because the recommendation that this Commission will give is not from our own opinion; it is from your opinion; that is why we have this special forum for women.

**Ms. Zainabu Nyokabi:** My name is Zainabu Nyokabi. My recommendation is that both the husband and wife's names should be registered because women tend to be left out. You have seen that when our land has been sold; we are told by our children to go away. We do not know where we are going to. So, that is my recommendation.

**Ms. Nancy Kanyago:** Thank you very much. Is there another recommendation?

**Ms. Susan Njeri Kimani:** Thank you very much. I have heard a lot about this but what I had planned to say I am not going to talk about it here. But let me give my recommendations. It is better that this Commission gives its recommendation for the registration of the name of the woman for those who do not have husbands; for others it can be written both husband and wife, or it should be a person and her child because there are single mothers. Where will a single parent go? So, I am recommending that the wife's name should be the one to be registered.

**Ms. Nancy Kanyago:** Thank you very much. Is there another recommendation? I want a woman who has not spoken.

**Ms. Cecilia Nyambura Kinuthia:** Thank you very much. My names are Cecilia Nyambura Kinuthia, but Kinuthia is dead. My opinion is that, when you are registering the names, register the name of the woman because women are the ones who stand for their families. That is why I am requesting that.

Thank you.

**Ms. Nancy Kanyago:** Thank you very much. Last recommendation?

**Ms. Miriam Wamboi Kiarie:** Thank you very much. My names are Miriam Wamboi Kiarie and my opinion and recommendation is that it is better if both husband and wife are alive, then both their names should be registered because there is nothing that can separate the two, not money or anything else, if there is no other problem.

**Ms. Nancy Kanyago:** Thank you very much. We have got four recommendations and I think those are enough.

I would like this woman to address her issues because she has been saying that I have denied her the microphone for a very long time.

**Ms. Susan Njeri Kimani:** Thank you very much for handing the microphone back to me. I am very happy to see you because it is a long time since I was asking myself whether I would ever get such a forum to speak, because where I live, I am an IDP. That is in the show ground. I was given the Ksh10, 000 but I went back to the Permanent Secretary and he gave me a letter to take to the DC, Molo so that I could be given money to build a new house. My children have been affected. Those who are in Area 58 can back me because as the Chairlady has said, the people who are in Area 58 are just like squatters. Now, there is my grandchild whose father and mother are not there because they fled. I have taken care of her on the farm of my son, but I went away from that farm. I have other children and I am taking care of them. They will go back to the street and I feel that I could be given that.

I went back to the Permanent Secretary and said: “Let my children stay there; I can go back to the farm and they rebuild the house for me,” but he refused. So, I feel that in all these conflicts, the Government is also denying us our rights. We have stayed at a particular place with our families; we had our homes and the houses cannot be rebuilt for us. I am staying with my sons and daughters and I cannot even sleep. It is a plot for my son. It is not a plot; we are living just like squatters because it does not have anything. It is just a quarter of an acre. I stay there and I sleep in one room with my son and my grandchildren. At times, even those people can--- It is really disturbing! It is not correct! It is not right! I do not even sleep. I felt that if he was on the other side of the land, he could be having his own place and I my own place, but now it is impossible.

I plead with this Commission; it is good that it has come here, because we are just trying together. I do not even have iron sheets so that I can leave the sons on the other side, and then I can go to the other side with the girls. One girl is in Form Four. I do not have any other issue. That is all.

**Ms. Rebecca Mutuku:** Thank you very much; you have spoken well. We are running short of time; we are almost winding up the session because my mother should go back to the other hearings. I will let this woman speak; I am going to give a chance to four women to speak in a very brief way.

**Ms. Susana Kaverasi:** Thank you very much for creating such a forum. Personally, I greet you all. I was in a farm where I have been a casual laborer for 22 years. People came at 4 a.m. at night and destroyed our houses. Some were breaking the walls while others were destroying the roof and taking the iron sheets. I had two children in the house, Lydia and Sarah. I just tried to look everywhere to find out what was happening. I ran outside and found very many people who had runkus and pangas. I tried to look up and I saw a person called Munge, who was in charge of the people destroying the houses. I said: “Munge, why did you not give us notice so that we could take our property out of the houses?”

He replied; “Go where the white man and Philip are.” A man called “Mburu” ordered us to leave lest he chops our heads off. I saw a person whose house was being destroyed screaming and I asked myself where we were supposed to go at night. We agreed to go to the Chief’s Camp to get assistance. The chief was present and we told him our problems and he told us to go away. He told us that he had given us four hours to move out of that land. We stared at the chief blankly because we had nowhere to go.

We decided to go to the DO’s place at Bahati. We found him and we told him our troubles. He told us that he had a lot of work and he did not know how to help us. He opted to write us a letter which he told us to take to the Labor Office. I have the letter with me here. We spent the whole day walking up and down. The next morning we went to the Labor Office and found that people were being paid money. Some were being paid Ksh20, Ksh100, Ksh1, 000 and others Ksh2, 000.

The Labor Officer came and told us that he wanted to pay the women first and we entered his office. I was the first one to be attended to. When I was told to sign against my name, I said I was not going to sign what I had not seen. He told me that my money was Ksh1, 000 in form of compensation. What would Ksh1, 000 help me with? The Labor Officer held my hand and forced me to sign but I resisted. He threatened that if I did not sign he would return the money to the DC and it would be divided between the two of them. The men said that we should not take the money; we went away and took the issue to court. They promised to write us a letter which we would take to the company.

When we went back to court the following morning; we found a Turkana, and a Luhya. We asked them where the white man and Mr. Philip were. They said that they had been sent to work out the case. The judge had said that we had won the case and so we were to be compensated. We got a lawyer, Mr. Mburu Junior. He looked at our names and said that he did not think we had money to file the case in court. He told us to look for somebody who would help us file the case. We contributed the money and managed to file the case. The lawyer told us to go home and that he would continue with the case which had a lot of issues.

The following day the lawyer told us to contribute Ksh10, 000 or Ksh20, 000 and we were surprised. How could casual laborers like us get that amount of money when we did not even have bus fare? We were walking from Nakuru to Bahati every day. We told him that he would deduct his fee from the money that he would have helped us get. He told us that we could only get Ksh28, 000 out of the case and yet that was equivalent to what we should have paid him. He gave us an appointment on a later date. He had told a clerk to talk to us and tell us that he had gone to Nairobi. We had become tired of walking to Nakuru. Since that day, we have had very many problems. I have the court documents with me. We are not educated and those who are educated have to cheat us.

**Ms. Zainabu Nyokabi:** Thank you for this opportunity. We have a lot of problems and I do not know what to say. Please, remember us. I am one of those who were involved in the conflicts that made us run away to Bahati. I have eight children; one girl and seven sons. I stay with my in-laws. Our children did not get good education and so they decided to go to Kipkelion. They stayed there until during the General elections. They came back and all they do now is casual labor. Life is not satisfactory. My eldest son remained in Kipkelion, he married there and now he has three children. During the violence after the General elections I told my son to come back to Bahati lest he be killed in Kipkelion. One of the Kalenjin called us to tell us that a businessman had been killed in Kipkelion. He had gone to pick his property in a lorry and he was removed from the lorry and killed on the spot. He did not manage to take anything. I buried my son and it was difficult. I have buried two people. Because I cannot sustain my late son's wife the way he did, the wife and children left and I do not know where they went. She will be infected with disease and she will die. I always say I buried two people because I do not know where she is currently.

We have problems and I could not even write a statement because I am confused. We do not even know where the statements are to be taken. The Government was there when my

son was being killed. Is there no way of arresting his killers? I am appealing to the Government to assist the children who were left behind.

There is also a man whose son was killed. We are very many of us and it is only that we do not know where to go. What can we do? It is only God who will help us. My son had married a Kalenjin and they had three children. I forgave them but the wound has not yet healed. It is very painful to think of the death of your first born child who made you be called a wife. It is even painful when you know those who killed him. The Government should remember us.

Thank you for remembering us.

**Ms. Ann Kiprotich:** Thank you very much. All of us want to speak but with all due respect, I will give an opportunity to the Presiding Chair, our beloved mother to speak to us.

**The Acting Chair** (Commissioner Namachanja): How are you fellow women? There is a song I would like us to sing. If you know the song let us sing together.

*(The Commissioner and the women sang a song)*

My fellow women I know that one day we will talk our issues. We ought to have said all these things the day they happened to us and your heart would have healed. The bad thing is that we never talked to you about it. That is why our hearts are weeping. I would like to stay with you here longer until we exhaust the hurting of your hearts but I am unable to do that because there are other people waiting for me. I may not even have lunch because I have another meeting.

What you went through, some of you cannot say it publicly and that is why we have a private session starting at 2.00 p.m. I am grateful for those who managed to express themselves. If you have not spoken, just feel that what you would have expressed has already been aired.

Most of you had written statements. Those who have not should see the Regional Coordinator. There are two statement takers who are tasked with the work of taking your statements. Your recommendations will be noted in the Report. Do not give up.

I hope you agree with me and you have received my apologies in relation to that. We will write a Report that will feature all your recommendations. For now, please, allow me to attend another meeting. We have very many institutions here, including the churches, CBOs and others. What has come out here is that women have been traumatized. We need to help them start the healing process.

Thank you very much. We will do our best. If there is compensation to be given, we shall recommend that. May one of you pray for us.

*The Commission adjourned at 1.30 p.m.*