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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND  
RECONCILIATION COMMISSION HELD ON FRIDAY, 30<sup>TH</sup>  
SEPTEMBER, 2011 AT THE AFRICAN HOPE CONFERENCE  
HALL, NAROK**

**PRESENT**

<b>Margaret Shava</b>	-	<b>The Presiding Chair, Kenya</b>
<b>Gertrude Chawatama</b>	-	<b>Commissioner, Zambia</b>

**COUNSEL**

<b>Ms. Nancy Kanyago</b>	-	<b>Leader of Evidence</b>
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*(The Commission commenced at 11.00 a.m.)*

**Ms. Nancy Kanyago:** Commissioner Chawatama comes from Zambia, but she had been one of us. I believe that you will give her a name from the Maasai community. Before we finish today's hearings, you will give me a name to give to Judge Chawatama, so that she can feel that she is also part of Kenya. I would like us to start the meeting officially with a word of prayer.

*(Opening Prayers)*

As I had said earlier, my name is Nancy Kanyago and I work with the TJRC. This Commission was established in 2008 to look into human rights violations from 1963 to 2008 after the post election violence. This Commission looks into many issues pertaining to land, extra judicial killings and human rights violations against communities or specific people like the women or the disabled. We also look into issues pertaining children and women. There was a time when people were taking statements saying how they have been violated or the problems that they have undergone.

I had asked earlier if there are people here who had written statements but it seems there was none. We received more than 30, 000 statements and when we looked at those statements we found that less than half of the statements were from women. As women, have you been violated in any way? You have been violated but it seems that most of you did not get an opportunity to write statements. That is why we decided as a Commission to have a special forum for the women in every place we will go so that we can know what kind of problems you encounter. We said that we will give you an opportunity to speak in such forums even though you did not write statements.

We have been to various places in Kenya. We went to Western, Nyanza, North Eastern, Kericho, Nakuru and Naivasha and in every town we have met women who have told us their problems. We have seen women who have undergone very many problems. All these problems are similar though the women come from different religions, culture and

tribes. We will continue listening to the women and this is your opportunity. After giving out your views, we are going to write a report that we will give to the President in May next year. That report will have your recommendations and your expectations. What we are going to write will not be our personal views or the Commission's views but it will be your views. For example, we have heard women say that the IDPs should register using the names of both the husband and wife and not the husband's name alone because some of them are single mothers and others are widows. They have said that they have been violated in various aspects of life. We are going to write what the women are saying.

We know you have problems but we also know that you have solutions to these problems. We want to hear your views on how we can solve these problems.

The procedure we are going to use in this hearing is that if you want to speak, you will raise your hand and we will give you the opportunity and you will identify yourself by your name, where you come from and the problems that you have undergone as a mother. As I have said, the men have spoken and they have written statements but the women have not spoken and that is why we are saying that this is a special opportunity for you and that is why the Commissioners present are also women. That way, you can speak freely.

In various hearings, women have spoken about rape cases and they felt free to speak and those are the issues we want you to feel free to speak about. We also want you to give recommendations on how we are going to solve these issues. There are very many issues that we have heard. We have seen that there are good roads in this place but we do not know how that situation is in the interior. What problems do women encounter as women when delivering? How many women have delivered at home and is it your wish or is it because of lack of hospitals and dispensaries? We also want to know if your children are getting sufficient education and if not, why they are not getting it. Is it because of lack of schools or is it because of culture and traditions that hinder the girl child education? Those are the issues we want to hear. You will stand up, say your name, where you come from or where you live and then you will tell us your problem and what you would want the Government through the Commission to do for you.

Thank you very much.

**Ms. Philomena Chepkirui:** We want to thank you for coming to help us. I am a widow and there are others who have come with me. My husband died in 1994 and when he died, he had a big job. He was a business man with lorries and a wholesale shop. When he died, his brother came and disturbed us and took everything. My children suffered and he destroyed so many things. There were spare parts worth Kshs1.6 million in the shop. There were big and small vehicles and he chased us from home. We suffered a lot so we went to court and hired an advocate who died and we got another one. We are now on the fourth lawyer.

We are requesting that you help us for the completion of the case. There is another case over land. There are three pieces of land. My husband sold one piece and the person who

bought it, came back when President Moi was still in power. The person who bought the farm came and subdivided the land by force. He took ten acres and left me with six acres. I continued paying the loan on the settlement scheme farm which was under my husband's name. I finished paying the remaining loan recently and I am requesting for the discharge of my title and to be given back the ten acres that was taken. He sold some twenty acres of land and someone called Julius Tangu took it but when my husband died, he had not finished paying everything. He had only paid a small installment and he issued a bouncing cheque. The chief called him three times to come and talk to the widows but he refused to come. I want that man to return my land of 11 acres and I want him to move out and pay the money that is due.

The other land is the one that is near town. That land is next to Sotik Primary School and the school committee came and demanded part of our land. They have taken about one and half acres. We went to the Lands office and the surveyors surveyed the land but they planted trees on that share. That is all that was disturbing me. I want others to add to something to what I have left out. These are my fellow widows and they can add anything I have left out.

**Ms. Nancy Kanyango:** Before they can add on that, what is your name?

**Ms Philomena Chepkirui:** My name is Philomena Chepkirui and I am from Sotik. Everything is on this book.

**Ms. Philomena Chepkirui:** Yes, we have a copy and we will submit to the Commission.

**The Presiding Chair** (Commissioner Shava): Thank you.

**Ms. Rose Chepkemoi:** I thank God who has brought you here. We have come here so that you can help us, as widows. I have a small shop at Sotik and when I heard the announcement through the media, I closed my shop in the morning and decided to come. I said the God we call upon has revealed Himself through you. I asked others if they had heard the announcement over the radio. I took my Identity Card and came. I called the other women and told them we should come.

I went to a meeting and spoke yet I have never spoken in a public place. The meeting was in a church and people were very many. I talked about the problems that we have undergone. If I keep quiet, there is no day I would get an opportunity. Today is my day.

My husband had built some six houses on our piece of land. During the conflict, all the houses were destroyed. Houses belonging to the Luos, Kikuyus and Kalenjins were all destroyed.

We discussed how the land was grabbed and went to the lands office to look for assistance. The officer told us that at that moment there was no equipment that could be used to survey the land. He told us that we had to bring equipment from Kipkelion.

Our neighbors had encroached into our farms because they saw that we are widows and there was nothing we could do to them. When I heard about this Commission, I just came to speak.

In 2005, Dr. Tangu's farm was subdivided twice. They destroyed the banana plantation and dug holes. We have tried to look for assistance but it has not been possible to date. We have suffered. We were working with children on our backs.

When my husband died, somebody came and chased me from that plot. This was my property that I worked and sweated for. At the moment, our children are suffering and we have problems. I am unable to see and I have very many children. The three of us have more than 20 children. Our children never got education. This person was a teacher and his children are learning in big private schools yet ours are just outside. Even if this person took his brother's property, why could he not take his brothers' children in order to give them good education?

There is a time I was being disturbed by robbers at home but they did not even come to help me. I am a poor woman with children in school. I stay in rented houses and at times I almost get chased from the house.

There is a woman who is very prayerful and she prays even for other people. I have been known to pray and people tell me to pray for them. I have been praying for this in-law of mine to be arrested, so that he can bring back our vehicles and tell us where our property is. We have even told the chief about this. He said that when the children grow up, he will give them their father's property but will not give them to the women.

One time the children asked about their father's property but they were not told anything. I am saying that we have suffered. I keep praying and do not even sleep. My husband was wealthy and I cannot go to the streets to beg. I was married and bride price was paid. I have children and I cannot go to beg. I do not sleep. Even today, I woke up at 3.00 a.m.

God bless this Commission and wherever you go, help the women and children.

**Ms. Nancy Kanyago:** Thank you very much. You are saying that you are being violated because you are widows. You feel the properties that have been grabbed would not have been taken away if your husbands would have been alive. I have one question; are you and your husband from the same tribe?

**Ms. Rose Chepkemoi:** That is what I forgot. I am a Kikuyu who was married to a Kalenjin. I even went to school in Kalenjin land. I have a house that we bought with my husband. I have never even stayed in peace in that house. I just ask myself if it is this person who is betraying me. There is a time they came and destroyed my house. They took away the windows and doors. I did not even speak to them. I did not even sleep in that house. I slept out in the forest where there are snakes. I just rapped my children with blankets and we slept in the forest. I asked God who I wronged and what I did wrong. "God, why do you not forgive me? Why am I suffering like this?"

This person was asking me to give them Kshs1 million which my husband left. I wondered; if I had that kind of money, would I be cultivating from morning to dusk? I can easily be bitten by a snake. I have problems I cannot finish enumerating.

My son is in Nairobi. I paid half of the money and the child is suffering. He has called me that he is sick. I have sent him Kshs600---

*(The witness broke down to tears)*

**Ms. Nancy Kanyago:** We are very sorry, women!

**Commissioner Chawatama:** Just leave her and let her talk.

**Ms. Rose Chepkemoi:** I have suffered for a very long time. I just ask God who I wronged.

**The Presiding Chair** (Commissioner Shava): We feel your pain and we are very sorry about all that has happened. They saw that a woman is not like any other person. You are saying we are all people. My mother is a human being and has rights. This Commission is here to protect the rights of human beings especially those of women. We have heard all that you have said and we are going forward to listen to all those issues. Do you still want to speak?

**Ms. Alice Cherono:** My name is Alice Cherono. The last thing I want to say is that the judge told us that he wants a salary for six years equivalent to that of a bank manager. He is just threatening us and we do not have peace.

**The Presiding Chair** (Commissioner Shava): What is the name of this in-law of yours?

**Ms. Alice Cherono:** He is called Michael Laboso Samoei.

**The Presiding Chair** (Commissioner Shava): Continue.

**Ms. Alice Cherono:** We have really suffered and we do not have peace. I am appealing to you for help. Our children could not even go to school. Even those who could join Baraton University were not able to join. We have suffered, please just help us.

**Commissioner Chawatama:** Thank you very much.

**Ms. Rose Chepkemoi:** There is something we should make a follow-up on. I am a Kikuyu and this Kikuyu is the one who made all these other fellow women go to the High Court. They are the ones who paid criminals to come and rob me. They say I am the one who is clever and took the other women to the High Court. I had forgotten that but I have remembered it.

**Commissioner Chawatama:** Thank you very much for that. When a man decides to marry and they have children and they work, he is working for his wife or wives and the children of the House. So going to court was the right thing to do. We will also look at the way the courts are operating in Kenya. We will find out if the courts in Kenya are serving the citizens the way they should. We will also look at the courts to find out why there are so many delays in cases. Cases of inheritance are very important and they should be dealt with quickly before property belonging to beneficiaries is squandered. You have done well to come and tell us what has happened to you. Leave it with us and we will do our part as well. You were not wrong to go to court.

I am so sorry that you were attacked because you chose to exercise your right to go to court. We will stand with you and we will see how the court has handled your matter. We thank the three of you very much because even as you spoke, you have spoken for so many others; those who are here and some who have not even come. Be comforted and be assured that we will make recommendations that will improve the lives of the Kenyans.

Thank you.

**Ms. Nancy Kanyago:** I know the issues that you are discussing here are very painful but we are very thankful for your courage to speak. We will like to tell you that we are really taking whatever you said into consideration. As you can see, we are also taking records. Do not feel that it is just something that will pass. Whatever you are speaking is being taken into consideration.

Who else wants to speak?

**Ms. Hellen Wanguito:** I am Hellen Wanguito. I am from Wanguito family. My problem is that I have five children---

**The Presiding Chair** (Commissioner Shava): Interpreters are you ready to continue?

**Ms. Hellen Wanguito:** I am called Hellen. I come from Nguitos family. I am young. I am a woman who is married. My problem is that I have stayed in that home for many years with nothing. I have gotten everything on my own.

The problem I have is that my husband married another wife. When I was married we were two but now he has married a third one. The third wife is called Mary. He married a European called Mary. In December last year, I was sick and taken by taxi to where I was born and my children were taken by the European lady. I have two children and my husband has three. My husband is telling me that I will not go back to that home. I reported to the DC and it was taken before the Maasai Council of Elders. On Monday last week we had a meeting at Ewaso Nyiro. They were looking for a mistake from me so that they can chase me away.

My husband came and took all the elders from my area and gave them money. When we went to the meeting I was asked what we were fighting about. He was also asked the

same. The main thing is that they are saying I am a witch. They say that I bewitched his father because he was killed by an elephant. There was also a child from my co-wife who died of meningitis. They said I am the one who killed the child. They had to look for all mistakes so that I could be chased away in order for the European lady to take the kids from me.

While standing here, my children are in boarding school in Gilgil. During visiting days, I am not given permission to visit them. The three boys that are with my husband have been told that I am not their mother. The two children that I have are the youngest. I built a home but I have been chased from that home. I need to be helped so that I go back. The Government should help me go back to my family and look after my property. I do not want to live outside without a family. My father died. I have a problem because I live with my mom. My dad never left anything. When he died, my brothers sold the land and everything that we had.

If it is possible, the European lady should go back to her county. She took my husband and everything that I had from me. She told my husband to sell land and leave that home without anything. My husband sold the land that I had without my consent. I fought with my husband because I refused to sell my child to the European lady. My husband refused to take her to Nakuru to adopt children because I had children. He told her he would talk to me so that I can give her the child. When he came to me, he told me the child is wanted by somebody. I told him that the European lady should come and tell me why she wants to take my child from me. My husband did not want the European lady to come to me.

He came to me again and told me he wanted Rebecca. She was my only daughter. I had Rebecca and two other boys.

**Mrs. Hellen Wanguito:** I told him that if he wants a child, he could take the third born boy. They boy was in class three at that time. My husband then told me that he will not take the boy because he is grown. He wanted a small child who could not know the mother. I had a small girl and a baby who was suckling. I was told to give him one child. They wanted to take the girl and I refused. I also told them that I do not want to sell my land. When my husband sold the other land, we had not agreed. I came to know that he had sold the land after six months. I did not even know how much money the plot was sold for. At that time, I refused to give up my child. I was wondering because I had been told to go back to my home because I am a witch and yet my children are there. My children have been told not to call me their mother because I am a witch. They tell them that the European is their mother. I am asking for assistance right now because I want to go back to my home and stay with my children. I want to go back to my home and stay with my children. We used to stay in one house with my husband and the children. We even used to stay with my co-wife but we never fought even once. But when the European came, I was told to leave my home. Right now, I am not even in touch with my children. When I go to see them at school, my husband is not happy. He tells me that he is going to kill me by crushing me with a car, shoot me or hire thugs to kill me. I now do not have a place to stay. I want you to help me so that I can go back to my children and



live with them. I do not have anywhere to go and there is no man who can marry me now. I also do not want to get married now. I have five children and nobody wants them.

**The Presiding Chair** (Commissioner Shava): We have some questions for you. How old are you?

**Mrs. Hellen Wanguito:** I am now 37 years old.

**The Presiding Chair** (Commissioner Shava): Did your land have a title deed?

**Mrs. Hellen Wanguito:** Yes, but it was taken away by my husband. When I was taken away from home, he came and took everything from me.

**The Presiding Chair** (Commissioner Shava): Was the plot bought when you were still together?

**Mrs. Hellen Wanguito:** It was not bought. We were given the land by my father-in-law.

**The Presiding Chair** (Commissioner Shava): Is your husband still at home with the European woman?

**Mrs. Hellen Wanguito:** Yes.

**The Presiding Chair** (Commissioner Shava): Did your co-wife have children?

**Mrs. Hellen Wanguito:** She had two children.

**The Presiding Chair** (Commissioner Shava): Thank you.

**Ms. Nancy Kanyago:** I have some few questions to ask you. Where do your children go to school?

**Mrs. Hellen Wanguito:** They go to school in Nakuru.

**Ms. Nancy Kanyago:** I would like to encourage you to go to the Children Officer in Narok and report the case so that they can assist you to see your children. There are government officers who take care of the issues of children. There is a District Children Officer in Nakuru also. You should go there and explain to the officer that you have children, but your husband is denying you the opportunity to see them.

There is also an issue that you talked about regarding the selling of a child. That is a case that the children officer can handle. You should go there and write a statement over that matter. We are seeing how women are being violated. Hellen is living with her mother who does not have any property because her sons sold all the plots. It seems that widows and women as a whole are not recognized as people who have a right to inherit property from their husbands.

**Mrs. Teresia Kamau:** My name is Teresia Kamau. My problem is about my daughter. My daughter was admitted into the National Youth Service (NYS) and underwent training for two years. Later on, she was taken by the Kenya Forest Service. She was trained as a forest guard. She worked for three months during the last years of Moi's regime. She was posted to Narok here for three months. In those three months, she never received a salary. She was eventually sent away from work. My husband and I tried to make a follow up but did not find a way out. My husband and the girl went to the offices in Nairobi but they were chased away. My husband was told that the girl was pregnant. So, I said that even if she was pregnant, she should not have been admitted then. We went to hospital for tests and it showed that she was not pregnant. They went back again to Nairobi and eventually she was paid for the three months. My problem is that since she was sent away, she has not been employed anywhere else. She is now getting old and with no hope. As a mother, I am wondering if it is right to sack someone without any letter. When I heard that you were here, I decided to come and tell you my problem because I have gone everywhere but I have not received any help. I have come to cry before you so that you can assist me. I went to NYS but I was not assisted. At one time, my daughter wanted to run away. But I told her to take heart.

**Ms. Nancy Kanyago:** What is the name of your daughter?

**Mrs. Teresia Kamau:** Her name is Lilian Naserian.

**The Presiding Chair** (Commissioner Shava): Mama, you can give us the letters.

**Mrs. Teresia Kamau:** I have the letters but I left them at home.

**The Presiding Chair** (Commissioner Shava): Is your home near here?

**Mrs. Teresia Kamau:** My home is not near.

**The Presiding Chair** (Commissioner Shava): We have a regional coordinator called Anne. You can give her a copy of the letter so that we can follow up the case.

**Mrs. Grace Wanjiru:** My name is Grace Wanjiru. I am very grateful that you came to visit us. I have many problems because I used to live in Subukia and I was one of the victims. I was evicted from there and we went to Mayela. I never carried anything with me, not even clothes. By then, I did not even know where my children were. In the process, one of my children died and nobody buried him. I had six cows, goats, sheep and chicken but I left them behind. I never even carried any household items.

I stayed there for one year. We were taken to Kirigiti and told to go our own way. I went to Kiangari where I have been living since I came to Narok. I do not have anything. I saw my husband when I came to Narok, but he died after two years. I am now a widow. My children are still there. When my husband died, I experienced many problems. Nobody is there to help me. My in-law left me on my own. It is the chief who assisted me to get a

place to bury my husband. It was very painful to live like that because we had a lot of property. I was not able to educate my children the way I was supposed to. Some children dropped out of school at Standard IV and now, they are engaged in casual labour. The children who wanted to go to school did not get the opportunity. Right now, nothing makes me happy because I am not living the way I thought I would live. If you have property and it is taken by somebody else, you cannot live a good life. That is because every time you see them, you remember that they took your property. I live in a place called Fanaga. I was brought here by my son. I have decided to stay there because I do not have anything else to do. You have done well to come here so that you can help those of us who do not have shelter. I had land that I had bought and I used to live there. The land is still there and that is where I buried my husband. Unfortunately, that is not where I live. I am so happy because I heard that you are going to help us. Some of my daughters were married but they were kicked out by their husbands. I stay with one of them with her children but I cannot help her. The other one was married but unfortunately the husband died and she was left with three children. I want the children to go to school but I do not have the means to assist them. If you are able to help me, please do. I want to educate them because tomorrow, I will not be there. Even the ones who are supposed to help them never went to school. They just go around the estate to look for work. The time for them to go to school has since passed and they cannot go to school. I am here now and I do not have the strength that I need to assist my children.

**Ms. Nancy Kanyago:** Thank you very much, Mama. You have said that your land is still there. Why is it that you have not gone back to your land? Is it because of lack of security or has the land been grabbed?

**Mrs. Grace Wanjiru:** It is due to lack of security and the land was sub-divided and grabbed by another person who does not want me there. He told me to go away. So, I am afraid of going back.

**Commissioner Chawatama:** Do you have a title deed for the land?

**Mrs. Grace Wanjiru:** We bought the land with my husband. We lived on that land for over 30 years.

**Commissioner Chawatama:** Do you have any documents from the person you bought the land from?

**Mrs. Grace Wanjiru:** I had documents but they got lost. I only have one document. It is the first agreement that I used to purchase the land. I made copies but I do not have them with me here.

**The Presiding Chair (Commissioner Shava):** We thank you for coming forward. We hope that we are going to get the opportunity to listen to very many people. So, let us try and keep it brief and try to give other people a chance.

**Councillor Paulina Nyanguo:** Thank you for giving me this chance. My name is Councillor Paulina Nyanguo. I come from the Narok County Council and I am a nominated councillor. I am standing here as a mother. I got this report yesterday and I decided to come.

Thank you for giving mothers a chance. This mother is a Maasai. I was like these other traditional ladies but when I was a young girl, 13 years old, I was married to somebody. When I got married, I got into very many problems. I gave birth to five children. I did not even have a pair of shoes. I did not have education and my husband had many wives. He was old but he had many wives. At one time, he chased me away without anything. I only had two lessos. I came to Narok in 1993. I used to stay in a house made of cartons. I started selling maize in the town. I went through very many problems. I was called all names. I suffered for over 17 years. I thought about looking ahead and being focused. A famine came and wiped out the livestock. In Maasai, women and children do not have a say in anything. We cannot inherit anything.

After staying in Narok for some time, I started looking for ways of helping others. At that time, we started by grouping together with other women selling maize. We started a merry-go-round. That merry-go-round grew and became a women group. We had a membership of 142 women. I faced opposition from some quarters who claimed that I have spoilt other women and they are now prostitutes. I had to persevere because I knew that women have many problems and nobody listens to them. I went and registered that women's group and it is now a Non-Governmental Organization (NGO). I did not have education but I started empowering other women. I went to ActionAid and they gave us aid. We wanted to get women rights because as a Maasai woman, you do not have a right to inherit land from your father or husband. I wanted the women to be empowered so that they can also empower the girl child.

As a girl child, you are circumcised and married off without being taken to school. When I took that responsibility I wished I had gone to school. If you look at the Maasai women, only a few have gone to school. A Maasai girl is like a wholesale. If a man has five daughters, that is a lot of wealth. Therefore, the girls are not given a chance to go to school. That is why I started fighting for the girl-child. Right now, we take girls to school and return them to their father.

When we go to report that a girl child has got a problem, no one helps us to go to court. You are sent away and that girl is married off. Women have gone through a lot of suffering because no one recognises them. I now take the responsibility of educating widows, bringing them together and showing them the way forward, so that our children can be educated. That is why I am saying no one has problems like a widow. There is no one who has problems like a woman who has not gone to school. There is nothing as bad as a girl getting married off without education. We do not have money to take them to court.

Fellow women, God's face has already come here. I am a girl who was also married off in the same way. I want you to go back and help us. When you hear that we have a

problem, you will be our advocate. We did not get enough time to call all the women. We would have called many to come. Some of them would not even get seats to sit on. I was shocked to see women like you coming to find out the women's problems in this area and solve them. Our Constitution has really made us see ahead. I am standing here as a woman who has undergone a lot as a Maasai girl. I did not beg for this nomination. I got the nomination through a gathering of women and showing them the way forward. Then they said: "It is okay. She can be nominated." That was why I got nominated. That is why you can see the way I am.

So, even these other women can change. I was just like these other women. What these women have said is true. Why should your child be taken away, so that someone else can have him? Why did this European not come with her own child? Why is your own child going to be adopted by someone else when you are alive? That is oppression. It is corruption, and it should be dealt with accordingly. So, I stand here as a woman who was nominated councillor. I have undergone all the problems these women have gone through. That European woman should be taken to court. The man should also be taken to court for taking away someone's child to give it to another woman.

Even the other day, I heard a case of a girl who was bought by an Indian. She was born by an Indian. She left that child there and went away. The kid was brought to my office. I have not gone to school, but you see, I have an office. I have struggled with that office. I had to struggle and get 265 women and above. There are others I helped, for whom I would go and ask for aid because I am a volunteer. I have 1,300 children. We pay school fees, so that the girl child can go to school. We provide them with full uniform, blankets and bed sheets, so that they can get education. I reached only Standard Four. Later on, I enrolled in an adult education class. Even people called me "stupid woman", I did not give up. I just struggled and got where I wanted to get to. I struggled to go to school, so that I could stand for the girl child.

In ten years to come, where will this Maasai girl be? I want this girl to be where you are in ten years to come. We can also get lawyers in Maasai land. There are 11 districts but we do not have women who have gone to school. I was laughed at but I said: "Just laugh, but I will make sure that these ladies get their rights." I enrolled in an adult education class just the other day, so that I could know even how to read a name.

I was given money, and I made sure that that money went to schools at the grass root level. I am a volunteer, So, I do not earn a salary. I have workers in my office. I ask Europeans to help me pay their salaries but, personally, I am a volunteer because of the ladies you see here. The other day, I got an honorary degree from Germany. They looked at what I have done. They came to my office, looked round and said: "This is great education which has gone to the community and which has enabled women to ask for their rights."

Others asked: "For what is she being given this degree? I am taking it back to where it came from." It is an honorary doctorate degree. I am now Dr. (hon.) Paulina Nyanguo. I graduated the other day. They wanted me to go to Nairobi. I told them: "Let me graduate

at the grassroot level, so that these ladies can see that a lady is able, and that even if you have not gone to a formal school, you can acquire adult education, which can help you. I graduated there. There were lots of people. People came from Germany to Narok Stadium, where I was given the doctorate degree. So, what I want to say to you, my fellow women who are here, is: Try and go to Narok.

Commissioners, I am asking you to come again, so that we can call these women for you to listen to their problems. They have suffered a lot even in terms of not getting education. They have been oppressed. We also want to be recognised. We want to also inherit our parent's *shambas*. There are problems. This lady's husband passed away but she cannot inherit anything that he left behind. That is what we are fighting for, as women. I am a poor woman. I do not have a car. You should not see me dressed this way and assume that I have a car. I have not even built a house. What do we build with? What I want to tell you is that you should not see me doing my hand like this and think that I am driving a MUSO. I do not have a MUSO. I walk. For 17 years now, I have been fighting for the rights of women.

So, please, come and help us get an advocate for the lady standing here, so that we can stand with her, so that the advocate can fight for our rights. I am now fighting for peace. I have been given that doctorate degree certificate because of my peace initiative in this area. I fight for peace, so that a mother can be recognised as such. When a mother cries, she should be listened to. I do not want to cry. Let my tears get into my body, so that I can continue fighting for the rights of women. We want another chance, so that our women can come here, sit down and then we narrate our stories to you. We really have problems.

For instance, when I was chased away by my husband, my co-wife died and, out of sympathy, I took her children to school. There are eight children who belong to my co-wife in the house. A man marries and sires children and the children are the ones who suffer; but let us calm down and see if we can be helped. What we want to say is: Come and help us. So, if you see me like this, do not think that I am a rich woman. It is just empowerment that has helped me to put on the clothes I have put on. Even that lady over there and others look the way they are because of empowerment. So, we have lots of problems. Therefore, I am asking you to come back. If I had known, I would have given you something, so that when you go there, you can come back; we sit down together and listen to women, so that we see whether there is something we can do for them.

Thank you so much and welcome back.

**Ms. Nancy Kanyago:** Thank you very much, Dr. Paulina. There are some questions which I would like you to answer. Are there still women who are practising FGM in Maasai land?

**Councillor Paulina Nyanguo:** FGM is being practised by women. That is our culture. It is the mothers who do it. We practise it. It is a culture which has been there from time immemorial. It is difficult to eradicate that culture. However, with the education that I

have gotten, I want to go to the grassroot level and tell the Maasai people: Let the girl child go to school. Let her at least go through Fourth Form. After Fourth Form, come and talk to the child. If she accepts to be circumcised, that is fine.” If you circumcise her at the age of nine, like me, she will go and not say anything. I was circumcised when I was nine years old. I was married off when I was 13 years old.

If a child is left alone to continue with education until she reaches Fourth Form, and she refuses to be circumcised, that is her right. However, it is not easy to eradicate FGM. We have to carry out a lot of civic education, so that we can guide mothers and their children, and so that mothers can let their children go to school. Thereafter, the mother can speak to the child about FGM. If she agrees, that is okay. The Maasai girl child does not get to university. Mothers should let their children go to school first. After their Fourth Form, mothers can talk to them. There is another question you asked me.

**Ms. Nancy Kanyago:** You have assisted me a lot. Lastly, it is about girl child education. The Government has ordered that every child has a right to education. There is now free primary education. What problems make the girl child in Maasai land not to get good education? Is it due to lack of education or is it because of long distances that children have to walk to school? Is it because of the culture and traditions that are within the community? Is it because they have to take care of cattle? Respond in brief, so that you can give an opportunity to other women to speak.

**Councillor Paulina Nyanguo:** First of all, the schools are very far from homes. Nursery schools are also very far, and there are wild animals. So, a child starts going to school when he is between six and seven years old. That child cannot walk very long distances. So, we have a problem with the distances between the schools and the homesteads. The schools are very far from the homes. Hospitals are also very far. So, long distances have also brought about problems, and the Government is supposed to take such issues into consideration, so that we can have schools near the villages. Medical facilities should also be put up, so that when a child catches, say, pneumonia, we can rush him or her to hospital.

Another issue that contributes to children not going to school is that fathers of the girl children do not want their daughters to get education. Let me speak the truth. This is because they regard girls as sources of wealth. We are, therefore, appealing to the Government to take this matter very seriously and have parents of girls who do not go to school arrested. They do not have problems with boys going to school. The parents who take their daughters to school are those who live in urban centres. Those girls who live in the interior do not get education. I recommend the stopping of early marriages in order for girls to have a chance to get education, so that we can have lady DOs and clerical officers, like women in other communities.

**Ms. Nancy Kanyago:** Thank you very much, councillor. We expect to see you as a Member of Parliament when we meet next time. You are supposed to be the MP of this area, so that you can represent the women, who are voiceless.

We are running short of time. I would like to see how many people want to speak. I do not think everybody will get a chance to speak but we will try our best. I will give every person speaking three minutes.

**Commissioner Chawatama:** Nancy, how many people want to speak? We could just have the number, so that we can allocate time. Let those who want to speak stand up. How many are those? Can we have their number, please?

**Ms. Nancy Kanyago:** They are 15 women, Commissioners.

**Commissioner Chawatama:** If we give five minutes each, how much time will that be?

**The Presiding Chair (Commissioner Shava):** Ladies, we want to hear as many of you as possible because this is your meeting. We are only here to listen to you. So, if somebody has said something which is similar to your story, then maybe you can just add the bits which are different in your story, instead of starting from the beginning. We also recognise the fact that Narok is a cosmopolitan town, and there are people from many different communities – majority communities and minority communities. We would also like to hear from people who come from different communities and whom we have not heard from.

We have heard from Maasai, Kipsigis and Kikuyu communities. If there is anybody who feels that nobody has spoken in a way that covers their story, Nancy will pick up from that point. Everybody's story is very important but, because we have to travel, and because we would like to give everybody an opportunity to speak, we are asking you to keep your story brief. Tell us your story in three to five minutes, so that everyone can speak.

**Ms. Alice Wanjiku Kabaka:** My names are Alice Wanjiku Kabaka. The name "Kabaka" belongs to my father. I do not have a husband. I am very happy to see you, my fellow women, coming to talk to us here in Narok.

In 1992, I gave birth to a child by the road side. Everybody knows how it was. It was on the side of Mau. I found my daughter on the road. I was taken to the police station. I slept there. When things cooled down, I went back to my home. In 1993, I moved from that place to Narok Town.

**Ms. Nancy Kanyago:** Where were you living initially?

**Ms. Alice Wanjiku Kabaka:** Initially, I was living at a place called "Tukruto" but it was not my matrimonial home. It was just a rental house. When things cooled down, I came to Narok town. I went to the market and started business like any other woman. As our sisters said, I started by selling potatoes. In 2007, violence broke out again; it found me at the market. The daughter I delivered on the road side did not get education for around six years. I took her to school and she got little education. In 2007, again, violence broke out



in the whole of Kenya. Again, my daughter got out of school. She was in Standard Six. I transferred her to Nakuru. She persevered amongst the people. Nakuru is not my home area. We went there with neighbours and other friends.

Our market was the first place to be burnt down on the day when the election results were announced. It burnt down completely. We were left with absolutely nothing. As women, we were servicing loans. It was in December. It was almost the beginning of the year. As a women group, we had taken a loan from the Kenya Women Finance Trust (KWFT). It was January, and there was good business. We had used all the money in the business. The business burnt down in one day. We remained without anything, not even a single tin of potatoes.

The market was burnt down at around 9.00 p.m. You could not go and save anything. The environment was not conducive. While at the market, I heard that my home had also been burnt down. I remained with no clothes or anything else. I did not have even a blanket. I just slept on a table like this one for one month. I got a Good Samaritan who gave me a mattress, which belonged to his children. I had been a woman who had her own mattress and blanket but following the outbreak of the violence, I found myself with no business or home.

Many of us were in that situation. I was not the only one at the market. We were more than 112 people, who stayed there. We did not have any property. Since that day, our children could not access quality education. They are not educated anymore. Recently, I tried and took my daughter back to school. I was even given bursary from the county council after the county council heard my cries. I thank the county council very much. Our councillor is also here. I was given bursary and I took her to school. At the moment, she is not in school anymore. I do not have any fees to take her back to school. There is nothing at the market.

Fellow women, let me tell you that we have a problem. We are being asked to pay back the loan. Some women became sick due to stress. Others suffered from high blood pressure. Three women have died from HBP, because the KWFT have kept on telling us that they could have us arrested because of the loan we owe them. Some of us ran away. We do not have money with which to repay the loans, because everything was burnt down but the KWFT do not want to know that. They just want their money back. We do not have anything to do. We do not have anybody to look after us. When they started tracing us in connection with the loan, we went to the DC and explained our problem. We told him that some of the women had died and asked what we could do? He gave us a letter and told me: "Take this letter to the officers of KWFT." We took the letter to them. They said: "He wants us not to harass them! How are they going to pay?"

We do not have any means of paying back the loan. Our Government did not even consider us. We have a Government, and we know that all those incidents came about because of the Government. Who could have taken care of us? How are we going to pay back the loans? Some women have died. We are being harassed every now and then. As you see me here, do not imagine that I am employed. I am not. I even eat by the grace of

God. We have been given the dresses we are wearing by Good Samaritans. We have not gone back to business to date.

The county council did very well. They looked for a place for us to do business. We were taken to a different market. That is very good. They gave us a market but we do not have stock with which to start business. We do not have anything to sell. What will you sell even if you are given a market? We do not have vegetables. If you go back to the farms, where we used to get stocks, you will not be given anything. We cannot step in those farms because of the debts we have. We are afraid of going there. Women and issues about the market are all in these documents. We have tried to go round but we do not have anything to eat. We do not have potatoes or maize or anything.

Truly speaking, since that day to date, there is nobody who has come to find out how we are doing. Nobody has given us even a single tin of maize. We heard that people were being given blankets. Nobody has ever come to give us blankets or even a cup for drinking water. We have just stayed like that. We have just been praying to God. We prayed the whole night. We were at the county council premises together. We said: "You told us to come here today. We have prayed the whole night, so that the day could break very fast, so that we could come and meet you."

We have never seen anybody who has bothered to even ask us whom we wronged. Only one person asked us at the county council what we were going to do, and we told him we were going to sell things. They gave us the market but nobody asked us what we would sell. I hope each one of them could say just one word, if possible.

**The Presiding Chair** (Commissioner Shava): What we will do, mama, is for those who have gone through such problems to stand up, so that we can acknowledge them.

*(Several women stood up)*

Just say your names, so that the names can go into our record.

*(Naomi Njoki, Hanna Waithera, Susan Wamboi Kamau,  
Christine Wanjiru Njoroge, Miriam Kisio, Nairushi  
and Lucy Muthoni introduced themselves to the  
Commission as directed by the Presiding Chair)*

**Ms. Lucy Muthoni:** Commissioners, my name is Lucy Muthoni. I would just like to add one thing. We are business ladies, and work together. What has been said here is true. There was a problem on my side. My son completed Fourth Form in 2006. He was learning at Lolonga Boys High School. He had performed very well. When the conflict arose on that tragic day, that boy was injured on the head but he did not know who had injured him. He sustained a fracture. I went to Kenyatta National Hospital (KNH), so that his head could be scanned. The scanning was done and he was admitted for about one month. We tried to pool resources together with my husband, hoping that he would recover. We tried our best. We could not report the matter anywhere because we did not

know who had injured him. There was no assistance at all. So, my son could not go anywhere. He would not even do hard labour. We are with him. He is around 23 years old.

Another problem arose as we were taking care of the son. My husband fell ill and after two days, he died. He left me behind with that son. There are other children who are in school. I do not know where to start from and where to finish. When my husband died, I had the KWFT loan. He was assisting me to pay back the loan. I could no longer pay back the loan because of this ill son. It even reached a point when I could not buy medicine for him. Sometimes he falls down. I am not strong enough. My son is at home, and my husband died. I was being harassed every now and then by KWFT because of the balance of the loan I have not paid. I could not continue servicing it any more.

The KWFT officers came home and threatened to arrest me. I tried to explain my problems to them. Initially, they understood me but they have now reached a point where they cannot understand me anymore. They said they would come to take my property. I still have a problem. My son is sick. He is now a grown up, but he is just like a child. Even providing food at home is a problem. I do not even know how to feed them. I am asking for assistance for my son because I do not have any source of income. I cannot repay the loan. Even putting food on the table is difficult. I go to my business friends for help. Somebody can give me potatoes today. Tomorrow, someone else may help me. It is just struggling with life. I am asking God to help me not to have HBP. I stand by God. I do not stand by a human being. My son is now a grown up but I am staying with him at home.

**The Presiding Chair** (Commissioner Shava): Thank you very much. We are very sorry. Even when we were in Kisii and Kuria, people spoke about the KWFT. They said exactly what you have told us. By the end of this meeting, you should explain to us what you want us to tell the KWFT officials. They are supposed to understand the situation in which you are. It is not that you have run away with their money. It is not your wish that you are not repaying the loans. You had set up your business. You were prospering and just in one day, the entire business was burnt down. Even though the county council has given you a market, you do not have any stocks and the KWFT still wants you to repay the loans. I want you to recommend to us what we can tell the KWFT officials.

**Ms. Nancy Kanyago:** Thank you very much. We have heard from the people who were affected at the market place. I would like to empathise with you.

Let us listen to that old woman and then I will come back to you. However, if you feel that the issues you want to raise have already been articulated, please, we want to hear different issues. That does not mean that your case is not important, but because we want all the issues to be dealt with.

**Ms. Tito Nakanaiya:** I am Tito Nakanaiya. I come from Trans Mara. What brought me here are problems. We have a lot of problems. I have never been to Narok before today. This is my first time to be in Narok.

In Trans Mara, there is a place where we sell beads to white people. It is a nice place with everything. We are people who were doing our own work. We have big shops. We have hotels. We have a *manyatta*, where we sell beads. A person called Wiscon ole Kigaga came and destroyed our stalls. He came at 3.00 a.m. We thought that they were the Metendes from Tanzania. Our husbands got up. When they went there, they found that it was not the Metendes, but they were Government people.

There were so many security personnel. They were about a million of them. It was dawn. There was nobody who was doing anything. Everybody was running there, to see what was happening. All the children went there without even clothes. All the cattle ran away to be eaten by wild animals. At 8.00 a.m., our houses were burnt down. There was nothing which was removed from the houses. We had hens, which were consumed by the fire. Even the cows, goats and sheep were burnt by the fire. Nothing was rescued from those houses. They then came and killed one person. They killed another one. They stepped on him until he died. There was a lot of damage. The Government has brought us a lot of problems that have caused so much damage.

**Ms. Tito Nakanaiya:** I tell you the Government brought a lot of problems to us and even damaged our houses. That is why we do not have any houses to sleep in; we only have blankets. Whatever little we have are houses built of leaves. We live on a hill as we were taken back to where we used to live. Is it good to stay on a hill or somewhere where we can have food? We are here with a small child who cried when she saw what was happening that day. There were people worshipping God and that is why we were not burnt. We could have all died, if we had not gone there to worship God. God saved our lives because we were worshipping Him.

I want to tell this Commission today that problems have brought us here. We have come here because of those problems. We are praying that you help us because we do not have anything of our own. The Government did all these things and it is not helping us when we go to it for help. So, we have come here because of the problems. People died; women took their children there and others died. For example, we have the grandmother of the child who died that day and that is what has brought us here. We want them to be helped.

**The Presiding Chair** (Commissioner Shava): Can we ask them all to stand up. All the people who came from Trans-Mara, please, stand up! Were you only two? All those who came from Trans-Mara, please, stand up!

**The Presiding Chair** (Commissioner Shava): We have heard you say that some of you may have not come to Narok. We thank you very much for taking the trouble to come. This is because the things you have come to talk to us about are very difficult. I have seen the child; we saw him yesterday in the public hearing and all the Commissioners greeted him by hand. So, we have seen you all.

We will now ask the next speaker to contribute briefly.

**Ms. Maria:** I am here because of problems. It is the Government which killed the people. We were beaten at around 3.00 a.m. and we woke up thinking that they were still there. When we woke up they were the same people. I could not see because of the flames of fire that were there. The children who ran away were mine and the boy who died was my grandson. Those who died were all mine, including my daughter. When I went to tell the Government about it I found out that the ones who were there before are the ones who were fighting me. That is the reason why I am here today. I want to be helped because the children are at home due to the problems we are facing and we do not have anything that can enable us pay school fees for our children's education.

We are poor and the children who are here lost their parents. Some of them do not have parents and they are poor because somebody by the name of ole Kijabe came and took our land. He took our land and later came to beat and kill us. He came with the police from Kisii and they destroyed our homes. That is why we want to be helped.

**The Presiding Chair** (Commissioner Shava): We are very sorry. In view of the time left, Nancy, please, come so that we can confer a little.

*(Ms. Nancy Kanyago consulted with the Chair)*

**Ms. Nancy Kanyago:** Because of time we are going to give three people chances to speak.

**Commissioner Chawatama:** Nancy, that lady is from the market and we have already heard testimony from the market. Why do we not try and give those people whose stories we have not heard; because everybody wants to speak and we have heard almost all the stories? We have heard some of them. I am just asking if we could, please, in all respects, give the opportunity to those people whose stories have not been told at all. We have given a lot of chances to those people on that side; we also need to move to this side. So, I would think that we sort of move towards the front, then this way. I can see a hand at the back. Maybe find out what story that lady has. I think now we are wasting time. Please, can we give other sisters the opportunity to speak because we have already heard about the burning of the market?

Nancy, we have heard about the story of the market. We do not want to enter into the same story again.

**Ms. Naomi Njoki:** My name is Naomi Njoki. I want to talk about how I am not being assisted. Last December, I got a problem; I had two children in Standard Eight. One of them sat for the KCPE but never lived to get his results. I was told that my child had been killed and when I went to the Government for assistance, I was told to go back and look for the person who killed my child. The Government did not help me! I stayed for seven days and when I went back to the Government for help, they told me to go and look for the person who killed my child and take him to them. If the Government cannot assist me when my child has been killed, who can assist me? My child died nine months

ago and he had just sat for his KCPE. The other one has dropped out of school. The one who died was called Amos. He was knifed and I did get anybody to assist me. I was being told to go to the home of the boy who killed my son. I went and looked for my cousin who went to the home of the boy who killed him but he did not find the killer.

My son was killed on 2<sup>nd</sup> December around 7.00 p.m. in the evening. I have never been assisted up to now. Nobody even tried to help me. I got stressed and I could not even walk. I do not have any employment and the children are just there, they do not go to school. They do not have anything to do, they have become street boys. I am just asking God to help me.

I do not have any place to stay and that is why I am asking the Government to assist me. The other day, I went back to the market because God has helped me. I am selling vegetables and I am very much stressed because there is nobody ready to assist me. The children are outside, just loitering around, that is all I have and, I am asking for help.

**Commissioner Chawatama:** Could we have the full names of the boy who killed your son and the name of the police station where you reported the matter; the school that he was attending and the family name of the boy who is alleged to have stabbed your son?

**Ms. Naomi Njoki:** He was attending Masikonde Primary School and I reported the matter to Narok Police Station. The one who is alleged to have killed my son is Denis Okaya. He is a grown-up person of 25 years old and he is doing his own job. If I see him, I can identify him. I even wrote a statement when the postmortem was done. I have the postmortem report in the house.

**The Presiding Chair** (Commissioner Shava): Nancy, just come here with that lady in a red dress. I am very shocked to hear that the police told you to do their work. You have terribly suffered injustices. Somebody has killed your son and you have done the right thing to go and report to the police and then the police ask you to produce the killer of your son. That is not your work, but the police! As women and mothers, we really empathize and sympathize with your situation. We will be taking up this matter. Please, make sure you leave all the details with our staff so that we can pursue the matter on your behalf.

**Ms. Esther Meli Sankale:** Good afternoon! My name is Esther Meli Sankale. I thank God very much because he has brought the new Constitution to help women. I thank you so much because you have remembered to come and help us with our problems. You would have stayed here even for one week to listen to our problems because we have suffered a lot. I want to talk about the problems we have and I can talk about them the whole day. I thank you so much for coming to help and, kindly, help us.

From 1972, I have been away. I was a small girl when husband, who had a lot of cattle, died. He left a lot of cattle to me. I was only with one child at that time. After his death, I was chased away and my cattle taken away. Despite being chased away I refused to

leave. I was born on the other side and got married to this other side. I usually go to the other side to work and help my children and then come back.

Even if those people took away my cattle, I would still go back to my home. I stayed in my home until 1992 when I came back this side. I remember it was in August when I came to this side.

Now, it reached a time when I was told that my daughters had to stop going to school so as to look after cattle. I protested. Then they told me: "If you do not want these children to take care of cattle, then go away because we do not have a place for them to stay and food to give them". Then I decided I would struggle for my children. I would work all over, doing business of selling firewood in order for my children to go to school. In fact, one of my girls had been sent out of school.

I was forced to move to this shamba of Lambo Bele but I found that it had been taken away a long time ago by other people. One of the people who had taken the shamba had six wives. Our husband had a share there but there was no woman who had been given a share there. When he died we started going to court. These people did not want me. They said that it was their shamba and that I had no place there. I went to the chief and he told me that the shamba belonged to Sankale. He said that it was the mother who gave out the shamba. The chief struggled with them but when they were summoned by the council of elders, they refused to appear. They were summoned again and then the council of elders took this matter to court. When they were summoned to court, they still refused. They were given one month to appeal.

When I asked them whether they had appealed, they said they had not. So, I was given a court order so that these people would not interfere with the shamba. I took the court order to the chief. These people left the land, but they went to court. There was no single day they called me to appear before the court. Now, they also brought another court order. So, after this I went to the High Court. Once again the High Court summoned them but they did not appear. We went to Nakuru and they did not come.

**Commissioner Chawatama:** We will collect all the papers that you can give us and we will carry out investigations and establish what transpired. I think there is only one question that I can ask you: Are you now occupying the land?

**Ms. Esther Meli Sankale:** Yes. I am on that land up to now. But still they are telling me to move out because they have sold it. I do not know how they sold it while the case is still pending before court.

**Commissioner Chawatama:** Let us have the papers.

**Ms. Esther Meli Sankale:** We had put the caution but they removed it. Then they subdivided the land and sold it. The other day I went to the land's office and I asked for the file. The file was opened and then I was told I had not stated that there was a dispute on

the shamba. I told them that the caution came from Nairobi so that the land could not be sold. That is not right when the case is still before court.

**The Presiding Chair** (Commissioner Shava): Thank you very much. I think we have time for two more speakers. We would like those who are given opportunity to speak to be brief. If you can give us a brief testimony, please, come forward so that you can start speaking. If you are able, please, give us the status. Just let us know what it is that you would like us to do. What are your recommendations? Just in three minutes.

**Ms. Esther Maria Nyaringo:** I greet you all. My name is Esther Maria Nyaringo. I come from Kisii, Nyanza Province. I work with the Ministry of Education, Trans-Mara District. I have complaints against the Government. I started working on 22<sup>nd</sup>, 1990. Early, 1991 Dr. Ouko died. I was working in the Office of the President then at the DC's Office. When I was working at the District Provincial Office (DPO), the Commission of Inquiry into the death of Dr. Ouko was formed.

Then we used to attend the proceedings of the Commission. There was a boy by the name of Osure--- Many people died that time. Of all the people who were in that office, I am the only one who is lucky to be alive. I am alive not because I am better than others, but because of God's grace. I was talking to an old man by the name Robert Ongocho who told us not to talk about Dr. Ouko because if we did, we would face consequences. Since that time, we stopped going to the Commission. After that, I started feeling feverish and tired. I did not know that I was pregnant. On June of that year, I delivered a stillborn. After recovering, I just stayed alone in the house for two months. After that, I went back to the office; at 9.00 a.m. I fell down and five policemen came and carried me away. I cannot tell the distance we covered as I was in a police Land Rover. I did not know anything till August, when I was brought back to Kisii.

In Kisii, I was not given any respect as a Government official. When I got to the office people would stop talking and when I got out they would start talking. Even the water we used to drink in the office; when I used a cup, no one could use it again. The cup would be thrown away. I had to buy my own disposable cups. There was no way I could be helped.

When there was a meeting, I could not be allowed to attend. One day, when hon. Raila came to Kisii, I said to myself: "I am a Government employee and nobody can stop me from talking to Raila." So, as he was standing at a distance, I told him about all that had been done to me. I cannot tell you all that I told him because there is no time.

I remember what I told Raila. It was about HIV/AIDS because I have it and I am infected. I talked about industrialization and decentralization of services because I know my problem. When you are educated, you can do long-distance studies, but if you are in a place like Trans-Mara, there is nowhere you can learn. When you are in Nairobi, you can do any course. I said a lot of things. From there I started marching although I was not conscious of what I was doing. I was used to doing police work so I knew how to march. I left them to go and then I followed them. When I got to the office, I started praying.



After that, when I looked around the office, I saw very many people. I started walking away. When I got to the Kisii Stadium, and on looking back, I saw the Clock showing 3.00 p.m. I saw a yellow colour and walked to my house which was not far.

When I got into my home, I told my neighbour who was a police officer what I had encountered that day; then he told me to sit and rest so that the children could prepare a meal for me. The children were young then but they cooked and gave me food to eat. In the morning, I got back to work.

Now, I am telling the long story because I was tortured and I have even forgotten the torture I went through. I was given some medicine after which I slept. When I went for a checkup, I was told that I was not infected. When I went to another hospital they said I was infected. If you look at me now, would you say that I am HIV/AIDS infected? I am still on drugs.

I am requesting you to ask our Government; if they have wronged someone they should accept it. If somebody has wronged the Government, they should forgive him/her. When I go to hospital, I should be treated like any other person. I should not suffer all my life as if everything in my life has got spoilt. I have suffered a lot and my children are attending very bad schools. I am given drugs and alcohol so that I can forget, but there is nothing I have forgotten. I would have told you my long story in detail, but I cannot because of time.

I am asking you to pray for me so that I can be sober and get respected like any other Kenyan so that when I go to the office, I should not be abused or denied my rights. The other day, I went to process a birth certificate for my child. No one wanted to tell me how to get it. When I went to the office of registration of births and deaths, I was told to go to one person and when I went to that person he referred me to yet another one. It took me a whole week without getting assistance and I had to go to Kisii for assistance. From Trans-Mara to Kisii it costs one Kshs300 to Kshs500 in terms of bus fare; and my salary is so little. So, if someone has wronged the Government, they should accept that person. There is nothing we can do! They say: "Give way to whoever is strong." I even do not know who did this to me and that is why he is following me. Whenever I go to work in the morning, they disturb me. They should just leave me alone. A Christian should be given his or her rights.

Thank you so much.

**The Presiding Chair** (Commissioner Shava): Thank you very much. We are here to give each other strength. I would like us to remember that this is a meeting for us women; it is a meeting where we can feel free, open our hearts and say things which we have never said before or said to anybody else. In that spirit, I would ask us to respect each other; the things that we say here should remain with us. They are not supposed to be things that we are going to use later to try and use it against other people, or to go and talk about them somewhere else. The spirit of this meeting is one where we can share our experiences and try and give each other courage and strength. So, let us keep it that way.

**Ms. Nancy Kanyago:** Madam Presiding Chair, I will take the last two.

**The Presiding Chair** (Commissioner Shava): The last thing that I will say, maybe for our last speakers, is that you still have the opportunity to write a statement and present it to us, and we will look at that statement. So, if there is anybody who wants to tell their story, do not feel that because we are gone, you do not have your opportunity; you can still write your statement even now. Please, speak to our co-ordinator, Anne, who was here but I think she has not come today.  
Please, continue.

**Ms. Elizabeth Ndilai:** Thank you very much. I think I will be very brief because the case is according to my mother, who is dead. My name is Elizabeth Ndilai and my mother was staying in a place called Kisiriri in Narok District. In 1992, she was assaulted when there were clashes. Some people went to her home where she was staying with her brother, who was the only bread winner in that family. It was at around 1.00 p.m., and all the cows, sheep and everything else were raided; every property was taken away. She started screaming and the only person who was there was the son. The son went out and ran away, trying to follow the animals. When he met the raiders, they slaughtered him. He was bleeding profusely. When the mother saw that the son was not coming back, she also went out to follow the son. She found him lying there unconscious. She cried and the people who came to take him away came after a very long time and after he had bled profusely. He was taken to Narok Hospital, where they said that they could not treat him. He was taken to Kijabe District Hospital. He was a mason and he used to build in order to help his mother and his children. When he was taken to Kijabe, he had a fracture on the right hand, which was the hand he used to work with. He also had a broken leg. He was admitted for six months at Kijabe. We tried all means to help him while in hospital, even to pay the hospital bill, but the cows, sheep and everything had been lost; we never recovered.

After he was discharged from hospital, the mother was as if she was mentally disturbed; she was just screaming every now and then. If she saw a group of even five people, she would just start screaming. The son came back home; he is still living in that state up to date and he cannot manage to work. He came back home and he depended on the mother, who was now mentally disturbed. It was really difficult for them as they had many problems. Because of those problems, my mother passed away three years ago. Now, my brother is just there with his four children. Because he is not able to help himself and his children, none of his children have gone to school; all of them are just at home staying like that; he depends on his children who go out to do some manual labour. My mother died in that situation also. That is my cry; I should get my rights. Can I get my rights for my mother who passed away in that situation?

**Ms. Nancy Kanyago:** Thank you so much. We are going to talk to the last one now.

**Ms. Mercy Soit:** I am Mrs. Koech, and that is my mother. My dad was polygamous. In 2002---

**The Presiding Chair** (Commissioner Shava): I am sorry. Could you tell us your name again?

**Ms. Mercy Soit:** I am Ms. Mercy Soit. She is my mother. My dad died in June, 2002, leaving me in Class Seven. He died when he was 107 years old. He was a polygamous man and at that time, he had already separated. My mother was the third wife and all of them were living--- He had sub-divided the land and given it to his wives. My mother was given parcel 12 and others were given different parcels. Because of our culture, my mother's name could not be written on the title deed because my father was polygamous. So, the title deed has the name of my father. We stayed for seven years without problems and then the step brothers came and started demanding the land because the land had the name of the late, who was also their father. It had to be divided into three portions according to the number of wives, which was not fair. First of all, they used ways which were not good. They cheated my mother to release the title. When the elders sub-divided the land, there was confusion.

For seven years, everyone was staying well with his portion and there was no interference. But in 2007, they went to the chief for a letter and then they wanted to sub divide the land that we were living on without our consent. The chief called my mother and my mother asked the chief to call the council of elders. But the council of elders did not listen to her. They were arguing that my mother had ten girls and no boy, while the other women had boys. Since we were only girls, we did not have the right to own the shamba. From there, they started doing that case. When the elders told them not to come and interfere with us, we went for succession, which went through. When I was in Mt. Kenya University doing Clinical Medicine in 2009, they started coming to fight us. They could come and attack us in the evening. When they knew that I was the one who had the title - I do not even stay home – they had come to attack me twice but, luckily enough God has helped me, and they have not killed me. We have been waiting for confirmation for six months. Then I went back to school. I do not know the procedure they used, but they came and took our--- My mother called me, saying that she had got a letter from the Ministry of Lands saying that we were supposed to sign some documents, so that her name could appear somewhere. I took the letter and went to the DC and to the court. The confirmation was also given to the other person and the applicant was my mother. I went and took my mother to the Chambers, and the Magistrate revoked the case. The case stopped for a whole year; it kept on being adjourned until the Magistrate was transferred. Then they went and got an advocate and they said that the court had no powers over land. They used my mother's signature to claim that my mother had agreed, so that they could take a half of that land. Then someone's finger print was put there. When we found out I told my mother's advocate to ask so that we can be given permission for verification of the document. The Magistrate came and we were given; it was investigated and it was proved that the signature did not belong to my mother; it was a paper that had been accepted in court and as a result, we were almost losing our land because the ruling that was given favoured the other party; it said that the confirmation that was awarded could not be valid. So, we went to the High Court. The land could have gone by now.

In 2009 when we wanted to start cultivating the land, they would throw arrows at us. How do you deal with an enemy whom you do not see but who sees you? So, in 2009, we went round and round and round; I went to the DO's place myself and we were helped. Those who attacked me were then arrested. When they went to court, it was just done away with; the case was not taken anywhere. Now, we have a problem – they do not value us as people with a right to inherit that property. Even if we go to court, it just goes round and round and they do not give us the land; we do not know why. It is all over; we are rejected. When we go, we are told “Come tomorrow”. Do we not have a right? No one considers us. We are always chased out of those offices and they do not want to hear what we have to say. So, we are asking for help, for that case has given us a lot of problems; it has made me drop out of school. My mother is the one who is following up the cases in court. Since 2009, she has been in and out of hospital many times. Even the other day, she was in Nakuru and she is here.

**Commissioner Chawatama:** Thank you very much. Could we have documents that will help us understand, so that even if we take it up with the court, we are able to speak with authority? But as you spoke, it made me think that if our daughters are sent to school and then to university, they can actually fight our battles for us. You have done very well; you have stood by your mother's side; you have helped her and it is also because of the exposure you have received because you have gone to school, and on to university. Even when you speak, you speak with authority. Do not be discouraged. We thank God that we are here today to hear from all of you. Please, educate your daughters! Both Commissioner Shava and I said this even yesterday. Now, it is the daughters who are looking after their parents. So, do not do anything that will discourage your young women from going to school, because you do not know what the future brings. Even if someone marries you, they cannot guarantee that they will not divorce you. We heard from our sister here; her husband left her. There is also death. Educate your girl children, please!

**The Presiding Chair** (Commissioner Shava): I just would like to add my words of encouragement to the last speaker, Ms. Mercy Soit. Indeed, you are doing the right thing; do not get tired. Please, make sure that you speak with our area co-ordinator, Anne. Anne, I have been talking about you, but you were not here. Maybe you can stand up so that the people can see you.

*(Ms. Anne stood up)*

That is our area co-ordinator for the entire Rift Valley. Also, Ms. Nancy Kanyago, who has been running the meeting, is our director of the Special Support Unit. So, between these two people, if anybody wants to write a statement or to present any documents, these are the two people that you should speak with. Nancy will be able to tell you about some of the partnerships that we have developed with organizations such as Kenya National Human Rights Commission (KNHRC) and Federation of Women Lawyers Kenya (FIDA). We should also remember all the time that even though it takes a long time to change our attitudes, culture and practices, as our counsellor has told us, there is already the law. The Constitution says that girls and boys, men and women have equal

rights to inheritance. So, that is not a discussion; it is not something that the court is going to think about and decide whether you do or you do not. The court must follow the Constitution. So, do not get tired and keep fighting for your rights. This organization, the Truth, Justice and Reconciliation Commission (TJRC) is here to help you to do just that. Now, we wish we could stay here, as we have been asked and invited to do for the next few days and just have more discussions because they really help us to think of how we are going to move forward as women and as a country, but we have to go to the next place. So, unfortunately, we have to end this session. I will just ask my colleague, Judge Chawatama, to give us a few words of wisdom as we close the session.

**Commissioner Chawatama:** Thank you very much, Madam Presiding Chair. It is such an honour and a privilege to serve on the TJRC, and to be a part of a group of people who are listening to people such as yourselves and the experiences that you have gone through. I consider it an honour because there are so many people in this world; even others who may be better placed than I am.

What I want you to know is that I do not take this work lightly; I do not take what you say to us lightly. I know that you are talking about issues that are dear to your heart. I see your pain and I have seen you tears; thank you for pouring out your hearts. It is my prayer that for some of you, there is a healing that has begun to take place in your lives. For some of you, from what we have heard, some of the things that you have experienced have brought your lives to a complete standstill and you have not known what to do. I hope that as a result of our presence here, you are able to take even that one little step. Do not despise that little step that you are able to take, because tomorrow you will take two and the day after, you will take three until you reach that place where you will remember certain events, and the pain will not be as much.

Thank you for leaving your homes and coming to be with us this afternoon. I pray that God Almighty may continue to watch over you; that He might continue to provide for you. When he created us, he did not say that we are lesser beings; he created man and he created woman in His own image. So, today, let us celebrate being women; let us celebrate being mothers and let us celebrate the lives of our daughters. I do not know if I will ever come back again, but one day, I want to read the newspapers or watch the television and read about the number of Members of Parliament who are women in Kenya; I want them to say that they come from Narok. I would like to hear that there is a president who has come from Narok and is a woman. I hope that I am prophesying something good and I hope that it is God's will. Do not give up! Do not give up! Never, ever give up! You are going to influence a generation of women. If practices are bad, talk about it; if it is FGM, talk about it! it is not all the time that because we have done something for even 100 years, that it is a good thing or it has to be done. Talk about it and talk about its disadvantages frankly! Also, talk about the fact that early marriages are bad. I cannot imagine having a child at 15, because I was a child myself at 15!

So, begin talking about these things as women, and being truthful in sharing with others what has happened in your lives. You underwent FGM and married at 13; you at 13 got married to a man in his 50s or 60s; you do not even think the same! This person has lived

his life; he does not value your life and the next thing he does is just to walk out on you. He chases you away with your children and then you suffer. Let us rethink; let us put things that have caused us pain aside and forge forward. We are women and we are strong.

I thank you so much.

**The Presiding Chair** (Commissioner Shava): Thank you, Commissioner Chawatama. We have come to the end of our hearings in Narok, and I think it is fitting that we have ended by talking with women. We have heard what the issues are; we have heard of violations carried out by the Government; we have heard how the Government has raided people's homes using the Provincial Administration and other security officers; we have heard how the Provincial Administration has been unhelpful, and also helpful. We have heard how the police have been unhelpful; they have not done their work and have added to people's pain. We have heard how people within the community have discriminated against others; you have helped us to understand the nature of the experiences here. When we hear about land – a lot of you today have spoken about land – the way in which a man would speak about land and how he has experienced violations with regard to land it is very different from the things we have heard today. When women talk about land, they talk about social and financial security; they talk about the educational opportunities for their children; they talk literally about a roof over their heads.

There is one woman who said to us: “Women build the home; they are the ones who give birth to children; we are the ones who enable men to be called ‘*baba fulani*’. At the same time, we do not seem to have anything in our hands; when your husband or your brother-in law or some other man decides that you should not live there, it is as if we do not seem to have any power to say anything to the contrary.” The good thing is that the law is there, starting with the supreme law, which is the Constitution. The good thing is that the Government has realized that we cannot, as Kenyans, keep sweeping these problems under the carpet. There was, if some of us can remember – I think it was earlier this year – a woman who was trying to join the military and she was denied the opportunity on the basis that she was pregnant, a claim which could not be proved. Parliament took up this issue to the extent that the military bosses were called to explain.

So, when a mother stands here and says that her daughter was removed from the job of being a forest guard at the Forestry Services for the same kind of reason, and she can get no other job, and there is no explanation as to how she left her job, then we say that there is the law and the law shall be applied. That is our work and that is why we are here.

We want to assure you that we have heard you; we are going to study all these issues. We have our Research Department and we have a Director of the Special Support Unit, who is here with us, Ms. Nancy Kanyago. We are going to continue to find ways to discuss with you what you think should be done about these issues, so that when we write our report early next year, those recommendations will be there. In the meantime, we will look for immediate ways in which we can assist you.

So, we feel honoured that you have spent this time with us. It has been an honour to listen to you. We wish you all the best and we are still with you. I hand over now to our Director, Nancy, to tell us how we will proceed next.

**Ms. Nancy Kanyago:** Thank you, Madam Presiding Chair and all the Commissioners. Thank you all for coming here; thank you also those who have come to listen. Even if you did not get a chance of talking, do not be discouraged because we still have those who will come to help you to write your statement, if at all you would like to do it. We have the Regional Co-ordinator, Anne, who is going to assist you. Anne, could you stand up, please?

*(Ms. Anne stood up in her place)*

Anybody who wants to write a statement, kindly, see Anne.

*(The Commissioner adjourned at 2.40 p.m.)*