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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION HELD ON TUESDAY, 15TH
NOVEMBER, 2011 AT TOWN COUNCIL OF RUMURUTI SOCIAL
HALL (Women Public Hearing)**

PRESENT

Margaret Wambui Shava	-	Presiding Chair, Kenya
Gertrude Chawatama	-	Commissioner, Zambia

(The Commission commenced at 11.20 a.m.)

Ms. Ann Kiprotich: It is such a pleasure that women have come out in large numbers, which is a demonstration of their trust in this Commission and the need to share their experiences today. Without saying much, I would want to request one of us to lead us in prayers so that we can begin today's meeting.

(Opening Prayers)

Ms. Ann Kiprotich: Thank you very much. I would like to take this chance to welcome the Commissioners who have joined us so that they can greet us and explain to us how we are going to proceed with the sitting.

The Presiding Chair (Commissioner Shava): Good morning. Thank you very much for coming and for turning out in large numbers. I, first, want to acknowledge the commissioner who is here with me. I would like to start with my sister, Judge Commissioner Gertrude Chawatama. She is a High Court Judge from the Republic of Zambia and she will greet you.

Commissioner Chawatama: I greet you all. I am so happy to be here. I am a woman and a wife. I am a mother and in my other life, I am a judge. I have a passion for women affairs and one of the things I would like to be remembered for on this Commission is in the way I will conduct myself in as far as women issues are concerned. Feel free to speak and I thank you.

The Presiding Chair (Commissioner Chawatama): My name is Margaret Shava. I am a Kenyan; I was born in Kenya, educated in Kenya and in other places. I have also worked in Kenya and in other places. I have worked a lot with women and many issues to do with women's human rights and I feel very strongly about those issues. Wherever we are in our lives, whatever positions we have, whatever work we do, whatever our social circumstances are, we are all women. Whether we are single mothers, whether we are widows, whether we have never been married, whether we have children or do not have children, whether we have education or do not have education, there are things that happen to us, there are ways in which we experience life which is just because we are women and that binds us together.

This is a space for us to exchange views and information so that we can see how we are all living, how have we experienced life in Kenya and how do we think we can make it better for ourselves, our daughters, our mothers, our sisters and our families and society at large. This space is for you to speak out because when we write our report, we want you to include the things that you have said. The report that we are going to write is going to say what Kenyans have said and you are Kenyans. We are not here to talk at you. We are here to listen to you so this is your space. Rebecca and Ann will be leading us in this conversation. Ann will now tell us how we are going to proceed.

Ms. Ann Kiprotich: Thank you very much, commissioners, for joining us. We have explained to the women that these sittings are for them and when a chance is given to them, they should use a short time to explain what they would like you to hear. We should not repeat what has already been said by others. I would ask the woman who had asked to speak first because she has a sick person waiting for her at home to start and, then we can open up for the other women. If you want to speak, please, raise up your hand and I will give you the microphone so that you can speak. You will start by telling us your full names and then you can continue.

Ms. Penina Chege: My name is Penina Wanjiru Chege. I am a widow.

The Presiding Chair (Commissioner Shava): I think that even as Mama Penina is speaking to us, the other participants would like to see her when she is speaking. Perhaps Mr. Nash can place himself accordingly, so that Madam Penina can stand there and all of us can see her.

Ms. Penina Chege: I was married to Major Kabuthu of the Air Force and he died and left me behind with many problems. He had a kidney problem that he had suffered for a long time. When he died, he left many debts behind. I have tried to look for a way of getting assistance, but I have not managed to get. What has been paining me for a long time is that there is a plot I bought in Nanyuki and paid the full amount for it and little did I know that the person we had bought from had a loan from the bank. When we had finished paying the money, the bank came and wanted to take the land but I cried and told them how my husband is suffering and how I have been educating my children with difficulties. They listened to me and told me that I should be paying Kshs10, 000 per month. At that time, my husband was getting Kshs7, 000 and I had children in school.

I have been paying the debt to the bank and I finished. I even have receipts from the bank. When my husband was sick, he wrote a letter to them telling them that we had finished paying the debt. After we finished paying the bank debt, this woman went and took the title deed and refused to give it to me. When I went to ask for the title deed, she told me that I can take her anywhere I want to. I am a widow, I am not strong enough, the children are in school and I do not know where to run to.

I am thankful today for this Commission because I know that I can now address my issue here. That is why I have come here today for you to help me so that I can know how I can

get my title deed. We have paid back all the money owed to the bank and I have the receipts and letters from the advocates. She has the letter that she signed but she has refused to give me the title deed. She is a woman who has money and I do not have money. I was left with problems like paying the hospital bill and my children are not employed. One of my children has not even finished school because of the problems.

I am grateful to be here today so that you can assist me to get the title deed so that I can develop the land. I am not able and I do not have anywhere to run to and I do not have money to hire a lawyer. But I am grateful that God has given me an opportunity to come here today to present this issue.

Secondly, women in Laikipia have been suppressed for a very long time because of tribalism and that is the major problem that we are facing here. It is better to elect a stupid person because he is from my tribe instead of electing a woman who is brilliant to help us address our issues. If we could have a woman whom we can appoint, she would sit with me and listen. We look at the families of the people we elect. It is better to choose a person who is from the grassroots but can help us. If I want to go to Nairobi, which office would I go to? The people we have elected cannot help me and they do not even give us space to address our issues. We have remained stupid because we are looking at tribalism. It is better to appoint somebody who can help us to address our issues to higher authorities. We have lagged behind as women because if I have a problem, I cannot come to you because I fear you since I do not know you and yet we are all created in the image of God. If God had wished us all to be Kikuyus, he would not have created other tribes but God created us and brought us all to Kenya. So we should live as Kenyans. We are living in tribalism but in heaven, there will no be tribes.

I am just appealing to the women today to stay as women. That is when the problems we are facing at home will be reduced. We have problems at home and we do not have anywhere to take the children. If I have a problem, I will take the child to a woman who is my friend. What about the one who does not have a friend? It is better for women to stop looking into tribes but look into a woman who can address our issues and lead us and guide us forward. We have elected people for years and years in the Maendeleo ya Wanawake but we have not made any steps in life. We are just appointing people and yet we continue to lag behind. We are just benefiting the people we elect. Let us look for a good woman with integrity even if she is from a minority tribe so that she can guide us on the way forward. I do not have much to say. That is all from me. Thank you.

The Presiding Chair (Commissioner Shava): Before you sit, I did not understand because you were speaking quite rapidly. I want to understand about the title deed. Who has your title deed?

Ms. Penina Chege: The woman whom we bought the plot from has the title deed. She is called Beth Wanjiku Marago.

The Presiding Chair (Commissioner Shava): So she has been paid, but she refused to hand over the title deed?

Ms. Penina Chege: We paid her and we even paid the loan she had taken from the bank. I have all the statements. We finished with the bank, but she went and picked the title deed from the bank. The bank gave her the title deed because they said that the land is registered in her name.

The Presiding Chair (Commissioner Shava): Thank you very much.

Ms. Wambui Kamau: My name is Wambui Kamau. My house was burnt in 1992 in my shamba in Thindura. I have six children and I do not see two of my children any more. We have done a lot of work for the people who had been hired in 1992 and we have become their wives. They have been doing bad things to us, so I have so many problems. I came here and became sick because of the bad work that they did to me. I do not have money to hire a lawyer and I have so many problems. I have children in Kandutura. One of them was battered and I was left with two children and there is nothing I can do. I am suffering a lot. I request the Government to come and visit us in our homes to see how we have been suffering since 1992.

All my property was burnt. I have lived with all those problems since then. I am suffering a lot and I do not even have money to hire a lawyer. They would come to our house and break through the door, stick with you for about four days and then burn the house.

Commissioner Chawatama: I do not know if I missed something. I want to know who broke the house, stayed with you for four days and then burnt the house. Who were they?

Ms. Wambui Kamau: They were thieves. They had come at around 10.00 p.m. and started battering us. They would evict us and since 1992, I have been suffering. I do not have anything to feed my six children. In 1992, I left my house and came to Kandutura and we have been working in the shamba but we do not harvest anything. We have stayed with those problems since then. I have children who go to school but do not have support.

Commissioner Chawatama: (*Off-record*).

Ms. Wambui Kamau: I came from Burnt Forest. I was living in a place called Vidura. They burnt our house and we went to a white man's place and then to Nakuru. That is how we found ourselves here. That is how I have been suffering since then. I do not have a place to stay and I do not have money. They have been asking me for money to get a lawyer but I do not have.

Commissioner Chawatama: (*Off-record*).

Ms. Wambui: He died during that time of war. I do not even know where my first son went to.

Ms. Anne Kiprotich: We would like another woman to speak.

Ms. Lucy Wangeci King'ori: My names are Lucy Wangeci King'ori. I come from Nanyuki in Laikipia County. I was here yesterday but did not get a chance to speak and I was so oppressed. However, during the time the judge welcomed us for these hearing, I was happy and knew I would speak my issues as a woman on behalf of the other women and myself.

In Nanyuki, there is a place we were chased away from. The village is called Kwa Mbuzi. Our parents used to live there. There came a time when we were forced to flee. We had a lot of trouble and I feel pain in my heart because we did not have anyone to help us. From 1989, we have lived complaining about the areas we used to stay. When we fled, some of us went to rent houses and some went to ask for places to stay. Some people stay in Gichuga in Nanyuki. We got a lot of problems because we did not educate our children. Our children could not continue with their studies because we started a life of suffering and moving around. We did not get a good place to stay so that we could educate our children.

Our children started roaming around. The girls became maids and started giving birth and returning the children home. Some were rapped. They had a lot of problems. Nanyuki has a lot of street children. These are the children who were chased from that village. We were more than 900 people who were chased from that village. Most of those street children were born by our children and our small children also became street children because of lack of help.

When I saw I would get a chance to come to this Commission even if our issue has been presented, I said I would come and speak because our women are suffering from that time to date. I am lucky that even if my husband died in 1994, I am a widow but he helped and I got a company that sells supplements. I started doing that work and that is what is helping me. However, there are others whom if you see, you will feel pity for them. They have a lot of problems.

The women sent me and told me to come and tell you that they have a lot of problems. I decided to come and speak because I see the problems the women are facing in that village. Most of the time, we meet when we have problems and when people die, we come to the municipal council or the Government to talk about our problems.

I would like this Commission to look into the issues of those women who were chased away from that village because they are the ones who carry a lot of problems. Their husbands ran away and started casual labour but the women were left. All the homes were burnt and the women have nowhere to stay.

Tribalism has also made us have a lot of problems. I thank God who has brought this Commission and I pray for you day and night.
That is all I have to say.

Commissioner Chawatama: You say that you were forced to flee. Who was responsible for you leaving your village?

Ms. Lucy Wangeci King'ori: The police from the chief's office are the ones who came and chased us away.

Commissioner Chawatama: Do you know if the village you left is occupied by other people now?

Ms. Lucy Wangeci King'ori: No one is there.

Commissioner Chawatama: Were you given reasons for being evicted? We do not even know why they chased us away.

Commissioner Chawatama: I know we heard from your chairman but are you able to represent a memorandum on behalf of the women in detail to assist us?

Ms. Lucy Wangeci King'ori: We got problems because when we were chased men left and went to look for casual labour. Some women are sleeping outside. The women really suffered because some were raped by thugs and even the police officers. Some of them gave birth in the forest. A few were helped and are now doing small business but most of us have problems. Some men died like my husband. Children started roaming around and got HIV/AIDS infections and some left their children to their mothers and until now, they have problems. They stay in Rikie, Majengo and Lukia and Wakanyonyi. They are the ones who burn charcoal to sell. That is all I wanted to present to you. Thank you.

Commissioner Chawatama: Thank you very much. Anne, we would still like her detailed memo of what happened. I would also like to know why the chief did not assist you.

The Presiding Chair (Commissioner Shava): As you are going to write us a memorandum, I would like you tell us again the name of the village.

Ms. Lucy Wangeci King'ori: It is called Kwa Mbuzi.

The Presiding Chair (Commissioner Shava): You said your parents also lived there?

Ms. Lucy Wangeci King'ori: Yes, they are the ones who started living in that village but they are not there today.

The Presiding Chair (Commissioner Chawatama): Do you know whether they had a title deed or a letter of allocation or anything like that?

Ms. Lucy Wangeci King'ori: Yes, there is a letter but there is no title deed. The letter was given by the council at that time. They were given an area to live in.

Ms. Anne Kiprotich: Thank you very much for giving out your statement. I can see one hand in front and then go behind. I will ask the women behind to settle down. I will come there so that we are able to continue.

Ms. Tina Winnie: My name is Tina Winnie. I am here from Samburu East. I am here a victim as well as a witness and a first responder to hundreds of human rights violations that happened over 18 months from February 2009 to September 2010. The first thing that happened was that two children from our community were kidnapped. When our community went to respond, two security officers were shot trying to recover them

A few days later, the Kenya Police came in helicopters and with lorries. When the community ran out to meet the police, because they thought they were helping them to recover their lost children that were kidnapped, instead they were shot at by helicopter which struck at them from the air. There were six helicopters. They rounded up all the cattle in the community. They beat people with clubs and raped women. They stole the goats including my own. They poured chemicals on top of small children from the air using helicopters. The children tried to hide from the bullet.

They also deliberately herded the cattle into an 80 year old mother in order to kill her. She, however, survived for one year in hospital. After that, the police systematically went to 12 other communities and did exactly the same thing until every single cow was removed from Samburu East. Over 6,000 cattle were lost. At least, three times a week they came to the communities after everything was removed. When they had nothing, they took what they had and tore the clothes. They shredded the clothes. They took any small food that they had and poured it on the ground and stamped on it so they would not even be able to recover the food.

They raped hundreds of women and castrated our boys. They illegally arrested young boys for no reason. They are now imprisoned for no reason and killed others. Two young boys were stabbed in the neck and the back of the vertebrae; one died and one survived.

Another situation is that there were very many terrible houses burnings. People were displaced from their homes. One morning the police arrived at 5.00 a.m., and got everybody out of the homes. They ordered them to lie on the ground on their stomachs and stood over them with guns, beat them and raped them. They also stole everything they owned.

One mother was nursing a small baby and could not run long enough for the Administration Police officer. This happened every week for 18 months and we still do not have security in the area. There are still some threats to security.

Hundreds and hundreds of people have been hurt, killed, raped and have lost everything to remain completely destitute. In one community south of us, the people were displaced from their land. They refused to allow them back onto the land. Just recently, this past week, we learnt that they sold the land to make the new Laikipia National Park. This case was being heard in court and has not been determined but they stole the land from these people. I just wanted to tell you this story. There are many other stories. That is all.

Commissioner Chawatama: You mentioned the dates February 2009 to September 2010, looking back; I do not know how long you have been in that community.

Ms. Tina Winnie: I have lived in the community for seven years since 2003. We have documents that this was planned for three years prior to 2009. We had several human rights organizations which investigated this, both international and Kenyan. They were able to come through. The United Nations also investigated. Mr. Anyah found documents that this event was pre-dated.

Commissioner Chawatama: In the seven years that you have been there since 2003, what other incidences have you witnessed?

Ms. Tina Winnie: This was the worst one. I just cannot stand it. It was pretty secure before that. The first thing that happened is that they built a big road into the area and we heard that there was going to be development in the area. There were problems like water and food. There was very minor insecurity with inter-tribal conflict. It was very minor like someone taking two cows or such. However, this was 12 communities that were brutalized constantly.

Commissioner Chawatama: And in trying to put their lives back together again, there was no help whatsoever from the Government?

Ms. Tina Winnie: There was no help whatsoever. There is not an NGO or any Government response. They have not had any cow replaced. They literally left them completely destitute with nothing and no way to recover. Their children cannot go to school as a result of that. They cannot pay fees as the cattle was the only livelihood for most of the people. They cannot send someone to hospital. Actually I have taken the burden upon myself because they have nothing now.

When this drought came this time, they are suffering more because they were already so severely compromised.

Commissioner Chawatama: When you say that they cannot take people to hospital, is it because there is no hospital or they do not have money?

Ms. Tina Winnie: It is because they do not have cows or anything for their fees.

Commissioner Chawatama: Okay, it is not because there is no hospital?

Ms. Tina Winnie: They are very few, but they cannot get there because they do not have any money now. Even one time when I was trying to deliver food to one community, the police came and stole cattle while we were donating people food. We were really distracted.

Commissioner Chawatama: I do not know if there are any women from your community who are here. Why do they not stand so that we can recognize them?

(Several women stood up in their places)

Mrs. Veronica Chamukai: When the police stole the cattle, they killed a lot of people. My name is Veronica Chamukai.

Police killed many of us and they took all our young sons. We went to talk about the cattle they stole and the young boys they killed.

Mrs. Rebecca Lemukai: I am Rebecca Lemukai from Samburu East. I am one of the affected people. Just as Tina has said, all those issues are true. I cannot repeat what she has said because it is very painful. When such violence happens, it is we, the women, who are affected the most. If you do not have cattle, you are the one who suffers because you will not have food to give the children. We are also the ones who cry a lot because our husbands die. Our young boys also die. Therefore, we women suffer a lot.

We are pained a lot because the Government has forgotten that there are people behind there. Even as these things happened to us, we say the Government made us suffer. No one has come to see us. Right now, we do not have money to go to hospital. When somebody is sick, we do not even go to hospital. We do not even have money to take children to school. We have been affected a lot and we are suffering a lot. Most of us in Samburu East do not have husbands. All of them were killed. The youth were taken away and young girls raped. Even now, we have a lot of rape cases. We have a lot of problems.

There are also traditional practices that affect us, as women. We would like to ask the Commission to help us women from Samburu because we are really affected. We cannot own any property and we do not have the rights as women. If you are a girl, you are sold at a young age. You go for circumcision or FGM and married off very early. There is also rape even in marriage. If this Commission can listen to us, it should help us. We have been silent about the issues for a very long time but now, we want to talk about them.

I will give chance to another woman to continue now. I would also like the Commission to follow these cases and ensure that those who lost their livestock be compensated. We have evidence for all those people who were killed, those who were raped and those whose houses were burnt down. If you come to the ground, you will see the evidence. Thank you.

The Presiding Chair (Commissioner Shava): I would like to say that the things that you are raising are very and they are things we have not heard. We really urge you to get together with our regional coordinator for Rift Valley; Anne Kiprotich, and write these things down with dates, names, details of the property and all these things. These are very new things that you are telling us. We do not know, for example, why this happened. Maybe you can write it down for us. What is it that triggered this kind of operation? Who was behind it? What did the Provincial Administration do? Did they warn you? Just draw the picture for us because what you are telling us are very serious things. You are also drawing for us a picture of how women are now living in Samburu East. We would

really like to get the whole story from you. Because we do not have that much time and there are many women in the room who want speak, I think two of you have spoken on behalf of the group. We recognize you and really thank you for taking your time to come all this way to talk with us. Thank you.

Ms. Ann Kiprotich: Thank you, Tina, and your group, for giving us that information. From the guidance from the commissioners, you can see the women are still very many. It is better for them to be given an opportunity so that we can hear different issues being addressed. We are urging you to write the memorandum so that you can explain your issues in detail.

Just take around five minutes because the women are many.

Ms. Lengesi Enkarima: My name is Lengesi Enkarima. I come from Wamba. What brought me here is the pain I had. When I was young with three kids, I was beaten by whites. We were two. They beat us until we were unconscious and slept in the forest. Three people came and took us to a goat farm. We went to report this but no one took action. This case happened to a lot of people around that place and not only me. I have been seeing that problem there for a long time. I have been seeing people cutting others with knives. They have been bribing the police not to arrest them. I have my child who has been cut by knives. The child cannot do anything. The person has never paid me for that.

I went to the police but no action was taken. We, Samburu ladies, have no say. You cannot tell your children anything. That is why I am asking the Government to help us. They just come and take things forcefully from us because we are women. That is reason I came here.

That is all I can say.

Ms. Anne Kiprotich: Thank you very much. Let us be very brief so that we can hear different issues being addressed. We have seen the issue of grabbing of property, loss of life and ownership of land. We also want to hear issues affecting the disabled. This is your day and we have to hear from different people from different places. I am appealing to you, if you get the opportunity, to use it well. Let us give the old woman a chance.

Mrs. Julieta Leglelei: My name is Julieta Leglelei. We heard that there is some assistance here. We have come here today because of conflict. I cannot say why we were evicted. I had built our myself but everything was destroyed and burnt down. My husband died from shock because there were gunshots. We are now staying at a secondary school without a house. I am not strong enough to work anymore and I have a child who is an orphan. I came because I know we can help each other. I do not have a place to stay, I am not strong enough to work and my husband died a long time ago. The aggressors were our neighbours.

Ms. Anne Kiprotich: Thank you very much and we are very sorry. I want to give the microphone to the people at the back.

The Presiding Chair (Commissioner Shava): Mama Julieta, I would like to know who evicted you. When you say your neighbours, who are they?

Mrs. Julieta Leglelei: We could not understand. There were just gunshots. Houses were being burnt and even the church that I had built was destroyed.

The Presiding Chair (Commissioner Shava): Where were you living?

Mrs. Julieta Leglelei: I just heard that the Pokots were fighting with the Samburu. They used to fight with everybody.

The Presiding Chair (Commissioner Shava): Which secondary school are you living in now?

Mrs. Julieta Leglelei: I am just in there. The secondary school is up here. I am not in the school but near the school.

Ms. Anne Kiprotich: Thank you very much and we are very sorry. I will give chance to another five people.

Mrs. Grace Ng'endo: I am going to speak on behalf of the Kikuyu community in Laikipia region. My name is Grace Ng'endo. I live here in Rumuruti.

I would like to talk about rape of women in our area from Ndurumo to Mutamaio. All those women are with me here. I would like to say that women are raped by force. This started in 1992. The problem began during the elections. That was when the women were kicked out of their shambas, their houses were burnt and all their property was sold. The women ran away and came to live in Rumuruti Town. We have rented houses in Rumuruti. Our young girls and women were raped even in front of their husbands which is very bad according to Kikuyu culture. Women to be raped together with their children in front of their husbands is bad. Our husbands were sometimes killed and women remained without husbands.

Young girls became mothers without expecting to. They were not ready to be mothers yet. Separation came from the taking away of the men. Many houses were destroyed. Many of them were killed. Young boys of 18 years suffered a lot. Many of them were labeled Mungiki and killed.

So, our women especially the Kikuyu have many problems. It is the women in Laikipia who suffer most. Another woman's husband was killed about two months ago. He was killed by people who are unknown and the woman was left alone. We are killed using bullets. In Laikipia, we, women, do not carry any guns. We do not carry any weapons, even spears. We are killed for no reason. We would like to ask the Commission, through

the Government, to look into women's issues, especially during elections when this problem comes back. Women carry a lot of burden in their homesteads. Women die, girls are raped, they become mothers, those children are unwanted and do not go to school. Since that time, children do not go to school. Others do not have money; most of them rent houses here and you know how hard life is in Kenya today. We have many problems as women and we would like to ask the Government to look into our issues, especially security issues during times of elections. Election periods are very problematic, especially here in Laikipia.

Madam Presiding Chair, most of our children do not go to school. We would like to ask, as women in Laikipia, at a time like this, look into our issues, especially insecurity. Our issues should be looked into because we suffer a lot. You hear that others do not go to school and illnesses, especially from rape – HIV/AIDS has become rampant here. Children and women are sick and there is nothing that we can do. The campaigns are beginning and these cases have been reported over and over again to the police stations. Several cases from Ndurumo, Ayam, Mutamaiyo and even here; many have been raped, mothers get babies from rape, families have broken down and many do not have places to live. Many of us rent houses with no places to go. A woman like that came from her place and she has no one to assist her. She goes to do casual labour in order to pay her rent. So, we buy milk because our cows were taken away; our houses were burnt and our goats were taken away. As you know, women take care of the houses and a woman will never leave a child behind.

Commissioner Chawatama: Let me ask you a question. You have mentioned the fact that there have been many rapes of women and girls and you have also said that these matters have been reported. I would like to know what kind of action, if any, have the police taken or how have they treated people who have gone to make reports to them?

Mrs. Grace Ng'endo: When the problem began, many cases were reported to the police and many women do not speak out because they are afraid that when they speak out, their husbands will not live with them. So, the women have been afraid, even on the road. When we go to our shambas, there is no security. We have many problems.

Commissioner Chawatama: Mama, I would like to understand. The matters that you have reported to the police, have the police assisted? Have some matters ended up in court, for example? Have people ended up being sent to prison at all?

Mrs. Grace Ng'endo: I think most of the cases that have been reported here – and other women who reported the cases are here from that region---. Two cases have been reported here in Africans Location about a mother and a little girl, and the case is with the police. I do not know how it went after that because we did not hear of any arrest.

The Presiding Chair (Commissioner Shava): I would like to say one thing because of what you are telling us; rape is something that every woman fears – I do not know whether it is wise to think of yourself, your child or mother being raped – but when such a thing happens, in order to protect ourselves from HIV/AIDS, it is very important for us

to know that whoever else we hide from, we should not hide from ourselves. Go to the hospital because there is medicine that you can be given but within a 72 hour period. So, within 72 hours, if you go to a hospital, even in Government district hospitals, the medication is free in order to prevent HIV/AIDS. We see very sad stories, because if a mother is raped and then she dies of HIV/AIDS related complications and then she leaves behind young children, the problems continue. So, we must try, at least, to stay alive. So, I thought that I would just share that piece of information; that within 72 hours, go to the hospital even before you go to the police station.

Mrs. Grace Ng'endo: I would like to say that there is a case that was reported and went all the way to MP Shah Hospital and the girls were assisted in good time. But most of us do not have that kind of assistance because many are raped in the forests. Others just keep silent because many of us do not know where to go; very few have that information. We are glad to know that.

Ms. Anne: Commissioners, Grace has a memorandum that she wants to submit.

The Presiding Chair (Commissioner Shava): Thank you very much for the memorandum. But there is also a woman behind.

Ms. Namaris Lemuna: My names are Namaris Lemuna and I want to use Samburu. I will start by greeting you guys. If it is not for God, I would not have been here. The first thing I am saying is that we should respect each other in order to hear what we are saying. What I have is a painful thing. I come from Rumuruti Location of Sosian, Maulumere. I live in a place called "Lorora" in Samburu where goats are kept. The problem with women there is that we have a lot of problems. I have to talk about that and see whether you guys can take that and find ways to assist us, because I have run away from the problems there because of the fight. That is why we went and crowded there. We do not have farms there; we do not have anywhere to take our children to school. That is the problem we have as women there; it is not only one woman. We have problems and yet we have children. All these women who are here, there are few who have not lost children. When we have problems, the Government still adds more problems to us because when you take a report to the police, the only thing they do is that they come and arrest women and beat our elders. What I want to tell the Government of Kenya is that, they should see the other side of women because we have a lot of problems as women. There is a woman here who said that women come here and then they leave. Women are arrested everywhere. What is here is that the Government cannot see. When people fight between each other, like Pokot and Samburu--- I will speak about Laikipia because there is a border between here and Laikipia. And I tell the Pokot "You cannot cross over here" and they tell the Samburu; "You will not drink this water and there is no other water." When Samburu cows go to drink, the Pokot come and fight there. When you come to this office in Rumuruti to tell them that people are fighting, they just carry the bodies of one part. They take them to report and they do not report the others. I do not have a house there and I do not know where to take my children to school.

I want to tell the Government of Kenya that as we are here, I want my rights as a woman. I want women to get their rights as women because we do not have rights. We, Samburu women, if we have one son and three daughters; we take the son to school and leave the daughters at home, and yet these are children of one person. I would like to tell the Government that in Rumuruti, it is good to leave the operation of boys and take the girls to school because a child is a child. The father tells the mother “What you will do is that, you will just leave and go to your home.” That is why I want my rights, because that father could not have been there if it is not me. When we met, no one had a house and we started a home. We bought cups, plates and we got children together. Why is it that I do not have my rights? I want that right to be given to all the women. I also want ladies and women to be leaders. I want them to be given space for leadership because they also come from Kenya.

There is only one thing I want to say before I sit down. When we are here like people from Mt. Meere, when you come here to take our identity cards, we have problems getting those identity cards. Before you are given the identity card, you are photographed. This photo is from the father and the names are from the women. We have that problem as Samburu women and it is our Government that is doing this. I will tell you that there are other tribes here and I want them to see that, at least, the names and the photos rhyme or go together because there is no other thing that I can use to vote than that identity card. That is the only thing that makes me to be a Kenyan. That is the only thing that is needed in Kenya, and it is an important thing. Why do they not give me the identity card and yet I am a Kenyan?

And my birth certificate, they have not given us in Laikipia and I am a Kenyan! Even if I am in Samburu, even if I am in Laikipia; even if I am in Nyeri, I am still a Kenyan! That is what I have to say and I am going to sit down now.

The Presiding Chair (Commissioner Shava): Thank you, Mama. As the last speaker, she brought up so many issues and I would encourage her to take a few young women under her wing to speak to them and to encourage them because I believe that she is a woman who can help in instilling certain values and also encourage those who want to be future leaders. So, we thank you on behalf of the Commission for what you have said – a lot of words of wisdom – and we thank you for making time to come to speak to us.

Anne: Thank you, Madam Presiding Chair. There were hands raised behind here.

Mrs. Esther Muthoni Mureithi: Madam Presiding Chair, my name is Esther Muthoni Mureithi from Laikipia. I greet you all. I have suffered for very many days because in 1992, I was one of the people who were evicted. They burnt my house, took my property and I was left with nothing. When I came here for a few years, they claimed that my children had done something wrong and they were arrested. The person who had accused them was our neighbour. When he had been battered, he blamed my children. So, my children were arrested. So, they have been jailed at Kirima in Naivasha. For me, I live on the side of Nanyuki and I do not have anything. My husband died after he was shot with arrows. The disease worsened and killed him when he was shot with an arrow. I was left

with the children. So, I am a widow. But I am still grateful for this moment because this Commission has remembered us, women. We are very many of us who were evicted from different areas of the nation. Some of us are from Eldoret, others from Molo and others from Burnt Forest. All those children from people who were evicted are just loitering around because they are living in a very small house. So, we usually wonder what to do. For example, I have a daughter who I took to school but she is not very bright. When I am with her, especially when the schools have closed like right now, I will be leaving her with other people and they will always keep disturbing her. So, I took her there. Sometimes I feel like crying because of the problems that I am facing.

I am requesting that you remember us so that we can get settled so that we can get a place where we can keep our relatives and our families. We are very many but we are like nobodies. Our children look like street children, but that is not our wish. It is because of the poverty and the problems that we are facing. If you can look into our issues and get us a place, then we will be happy. I am grateful.

The Presiding Chair (Commissioner Shava): You said you came from where?

Mrs. Esther Muthoni Mureithi: Thank you. I do not have more to add to that. I came from Rikuroni in 1992. I came and stayed in Molo and I was evicted again by the most recent violence. That is when I came to Laikipia.

The Presiding Chair (Commissioner Shava): When a human being begins to see themselves as not a person or, indeed, when a citizen questions whether or not they are citizens of a particular nation which is their nation--- We are happy that we are here to hear from you that we have given you an opportunity to tell us what you have gone through. Indeed, we have met many women who have been evicted and we have heard about the problems that they face and the losses that they suffer. It is very sad, indeed; very, very sad, because in all the displacements, it is the women and the children who suffer. I would like to know if you know what offence your sons were charged with and how long the sentence meted out to them is.

Mrs. Esther Muthoni Mureithi: When the person who was battered and claimed that--- One was taken on 26th February and the other one was arrested in May in Nakuru. That is when they were taken to the other side. I usually go to pay them a visit. I was told that for him, he was not arrested for any other reason, and that he was taken there so that he can be preaching to other people. So, people usually encourage him and tell him to be patient until the day he will be discharged.

The other one also decided to get saved. They were about three – one was our neighbour and my two sons.

The Presiding Chair (Commissioner Shava): What you should do is to give us the names of your children. We know that they are in Naivasha Prison. Let us just have their names.

The second I will ask you is whether or not you owned land in Molo or in Rikuroni.

Mrs. Esther Muthoni Mureithi: I had land in Rikuroni.

The Presiding Chair (Commissioner Shava): Did you have a title deed for this land?

Mrs. Esther Muthoni Mureithi: Yes, I had it but I left it there.

The Presiding Chair (Commissioner Shava): Do you think you will be able to get a copy of the title or at least some information that is on the title so that we can see the best way to assist you?

Mrs. Esther Muthoni Mureithi: For my land, after my husband died, because of the various clashes, it is like he had even hired the land to someone else. So, there is someone else who has that land and he is even the one who is picking tea. So, even when we try to inquire about the land from him, he usually switches off his phone. So, the person whom he had hired the land to---

The Presiding Chair (Commissioner Shava): Are you saying that your husband had hired the land or he had sold it?

Mrs. Esther Muthoni Mureithi: No, he had hired the land. No, he had not sold the land. He had hired it out.

The Presiding Chair (Commissioner Shava): What we would then want to do is to know from you; even if you do not have the title deed, we want to know from you where the land is. I am sure you can describe it. Because that title is registered in the Ministry of Lands knows who the owner is and a fresh title can be issued to you. So, those are the kind of details we would like to get from you.

Mrs. Esther Muthoni Mureithi: The land is in Rikuroni.

The Presiding Chair (Commissioner Shava): What are the names of your sons and where they are in prison so that we can see later how we can help? Is that okay?

Mrs. Esther Muthoni Mureithi: The son is Richard Gathogo---

The Presiding Chair (Commissioner Shava): Tell the lady who is standing behind you because she will take down those details and then give us these papers and we will take the matter forward.

Mrs. Esther Muthoni Mureithi: Thank you.

Anne: We are very sorry. Thank you for your testimony. As I can see, we have around half an hour so that we can finish our meeting. I would like to give one opportunity to one woman who has raised her hand for a very long time.

Mrs. Cecilia Ngeesi Leelokulayn: My name is Cecilia Ngeesi Leelokulaiya and I come from Laisamis. I do not have a lot of problems, but I will tell you; among the women who are here, they have a lot of problems than my problems. The women have a lot of problems because a woman carries a baby for almost ten months when she is pregnant. The husband cannot count that; the husband cannot count the problem. It is like there is nothing the woman is doing. She is the one who will make that baby grow. They do not see that we, women, are doing a lot. It is better for women who have learnt to wake up and help us. That is what we want. We want our rights! One, we used to circumcise our girls, but now we have stopped that practice.

(Technical hitch)

The Presiding Chair (Commissioner Shava): I am very sorry, we are experiencing some problems with our interpretation, but we are working on it.

Can I remind our interpreters that this meeting will run according to the language which the participants are most comfortable speaking. So, we are not going to run this meeting according to our own convenience; it is according to the convenience of the participants. I hope I am making myself clear.

Yusuf, are you ready to proceed now?

So, maybe I will tell you first what has been said. What Mama has been saying is that a woman carries a baby for nearly ten months, but this is not valued by men or husbands.

It is better that educated women should help uplift their fellow women so that we can achieve our rights. What Mama Cecilia was saying is that young girls were being circumcised but that practice has now stopped.

Mrs. Cecilia Ngeesi: Secondly, there are young girls who procured abortion. We no longer do that. We used to kill them when they were in our wombs. There was medicine from hospitals that would be used for abortion. Take care of your children. Do not take those medicines. That is all I can say. Bye.

Ms. Ann Anabenyu: I am a mother who has little strength. I feed my children alone. When these children grow up, unfortunately, they die. I do not have strength to do work. My kids are still young. I do not have a farm. I do all manner of work in my neighborhood. I do not have a place to stay. Nobody takes care of me together with these children. We have no food. We just live like that. I have come before this Commission so that it can address my problems.

The Presiding Chair (Commissioner Shava): Please, tell us your names.

Ms. Ann Anabenyu: I am Ann Anabenyu. I stay here at Katutura. I have nothing to do. My children go to school here.

The Presiding Chair (Commissioner Shava): Do you live with your own children or are they adopted?

Ms. Ann Anabenyu: I live with my children and those of my sons. Some of the children died of hunger. I want the Government to help.

The Presiding Chair (Commissioner Shava): That is a very sad story. We have heard what you have said.

Ms. Ann Anabenyu: Thank you for listening to me. God bless you.

Ms. Veronica Wanjiru: My names are Veronica Wanjiru. I am a Kenyan citizen by birth. I stay here in Rumuruti. My family comes from around here. My father, grandmother and other relatives stay here. Before coming here in 2006, I was married to a Briton from England. Our marriage was not legal or official. There is no document to prove our marriage. The Englishman is not a citizen of Kenya. When I met him he was working with UN organizations. I started staying with him in 2000. I was going to college then. I did not finish college. In 2001 we got a child by the name Jelena Don. I have her photograph here with me. In 2000 I got another child called Cecilia. She was born in England because we had gone there to visit. We stayed in UK for about three years, but in November, 2003 we came back to Kenya. The children remained behind in England because social services institutions in England were involved. We settled down in Nairobi at Lavington area. We got a house and furnished it. We went back to England to bring the children. We settled down, but still things had not been done properly.

In 2004 we separated. We were still living in the same house. Most of the time he works abroad. When we settled in the house, three workers were employed. There were two nannies to take care of the children. My father was called to live with us in the house. He was given a room. This caused me depression. I was wondering why all these people were in my house. These people never used to consult me. We never used to talk. People were just employed without me having a hand in it. I started suffering from depression. He would go to work and stay away for a very long time. I got somebody else as a friend and he impregnated me. I gave birth to another child. I could not understand what was going on with me. He found out that I was pregnant around July, 2006. I was chased out of the house. He told my father to come and pick me. He agreed with my father about my support. They agreed that I would be given Kshs10,000 through my father. The child is now a big person. He said that I would only see my children in the presence of my father. That has been my case and that is how I have been living up to now.

I miss my children, but I am not allowed to go see them when I am alone. The watchmen do not recognize me and so they cannot open the gate for me. Recently, my father was asking for the birth certificates of my children. He had remained with my passport. He said that the documents had got lost in the House. These are domestic matters of concern and the parties involved are Mr. Mike Don, who is the father of my children, that is Jelena Don and Cecilia Don. There is Mr. David Mwangi who is my father. The workers

are two ladies. There is also the manager of the family. I will give you all the information I have written down.

My father manages the money I get. He collects the Kshs10,000 in Nairobi through the manager. I have to sign a booklet. He cannot issue the money without me signing. He is paid Kshs12,000 on a monthly basis. My support started in August, 2006. There was no agreement between him and I over my support and his living with my children. Jelena was born at Aga Khan Hospital in Nairobi and Cecilia was born in England.

The Presiding Chair (Commissioner Shava): Are you going to leave us with some documentation?

Ms. Veronica Wanjiru: Yes.

The Presiding Chair (Commissioner Shava): Because of time, tell us how you would like us to help you.

Ms. Veronica Wanjiru: The last time I saw my kids was in July, 2009. Now it is my father who goes to see them as he collects my money. I want help from you so that I have access to my children whenever they are here in Kenya. I am afraid that if these children are taken to the UK without me being notified they will forget me. I do not lead a good life right now. We are suffering. Even the money that we get takes a long time to come. I have four children in total. I have a baby of seven months right now. I am a single mother. I want your help in terms of support. If you can give me good support I will be able to build my life now and in the future for my children.

Commissioner Chawatama: Veronica you have raised so many issues, amongst them the issue of marriage and access to your children. It is clear that you have not been to court. The best we can do, based on the information you have given us, is to link you up with groups that are able to help you, so that you take the matter to court. It is best that there is a court order allowing you access to your children, and requiring that your children cannot be taken out of the country without your knowledge; the court order should also touch on the issue of maintenance which cannot be only Kshs10,000 in view of the changes that are taking place. We will put you in touch with experts in this area, so that they help you.

The Presiding Chair (Commissioner Shava): Veronica, you are courageous to come here to tell us all that you have said. We are all women here. We are all human beings and we all make mistakes. There are laws that govern what can and cannot happen to your children. If we do not intervene, the man could do what you fear, that is take them out of the country. What are the names of your children?

Ms. Veronica Wanjiru: The first born is called Jelena Marie Don and the second one is Cecilia Ann Don. The third one is Jecinta Njeri and the fourth one is Michael Mwangi.

The Presiding Chair (Commissioner Shava): What were you studying in college?

Ms. Veronica Wanjiru: I wanted to do sales and marketing or business administration.

The Presiding Chair (Commissioner Shava): How old are you now?

Ms. Veronica Wanjiru: About 31 years.

The Presiding Chair (Commissioner Shava): Speak to our co-ordinator and give them the necessary details, so that we can see how we can help you.

Ms. Veronica Wanjiru: I also want to add one thing. I have been living in fear. I do not know if my children are suffering psychologically and emotionally due to our separation. Again, I am fearful that they could be mistreated. They could be going through some form of physical abuse. Those are my concerns. Thank you.

The Presiding Chair (Commissioner Shava): In the interest of time, I would like to know from the organizers how we should proceed.

Ms. Ann: Presiding Chair, we will listen to two more people.

Ms. Sikuyale Mei: My names are Sikuyale Mei. I am a resident of a place called Kaptura. I also have a lot of problems. I do not have a place to stay. I suffer from TB and I am also disabled. I am the leader of the disabled here in Rumuruti. I do not know if my children can get any assistance. I have a child who is sick. I also have a child who is disabled. The child does not have any education. I do not have food to give to the baby. I do not have a husband who could help me, let alone a friend. I come from Narok. I came to Laikipia to see if I could make it. My Samburu husband brought me here. The child who got TB is in Class VI. He benefits from the Free Primary Education. I got a friend from Italy and that is how the child managed to get to Class V. My friend stopped helping me. I was told that the Government has to help me.

When I went to the disability centre, I was told that I had to help my children. No one is ready to help me. I have not seen a leader who can help us. I take care of my own problems. If the Government is there, let it help me please.

Personally, I do not see if there is any Government that can protect and help me. It is as if the Government says that I should handle my own problems by myself. That is all I can say. Tell the Government to recognize me as a Samburu.

Commissioner Chawatama: What is clear is that as leader for the disabled, you are in great despair because there are no facilities for the disabled. There are no teachers and no special schools. The message is clear. I thank you for your contribution.

The Presiding Chair (Commissioner Shava): As the next speaker comes in and for the sake of the record, the translation was that the last speaker was lazy because she has no

cattle or land. I think that the proper translation, although I do not speak Samburu, should have been “idle” rather than say “lazy”.

Ms. Anne Kiprotich: The next speaker will be the last one. If there are any issues you can ask Commissioners.

Mrs. Akiru Airia: My name is Akiru Airia. I have many problems especially regarding the welfare of my children. My child was killed but we do not know why. Everything in my house and also the animals were stolen. My child also died and even to transport the body from the mortuary was a problem. Seventy head of my animals were taken. My child was killed in the process. That is the cause of my problems. I was about to hang myself. I am now bringing this issue before this Commission. I do not have anywhere to stay. The house that I had was torched. I also have two other children in school. I want the Government to help me. I do not even have enough strength to walk. It is only the heart that is talking but the body is weak. I do not have money to educate my children. I want to say thank you so much for listening to me. I am crying for help. I do not even have a heart to speak. There is so much I have forgotten. I am appealing to the Government to see me and help me. I wish I had land where I could farm and get food. I only had one son whom I depended on. Even the clothes that I am wearing were bought by him. Nobody else can assist me. I want the Government to think about how to help me. I thank you for listening to my problems.

Ms Anne Kiprotich: Thank you mama. We are very sorry for you.

Commissioners, this is our last speaker.

The Presiding Chair (Commissioner Shava): I can see two more interests. I want to give each one minute.

Mrs. Paulina Katoroi: My name is Paulina Katoroi. As you can see, I got injured in November, 1985. Since then, I have been living in a pathetic situation. My first born is a girl. She is now married. I also have three sons who live in Nairobi doing casual jobs. They do not have good jobs. I had land but the owner came and took it. I was in hospital for almost one year. I moved from Nyeri, Nakuru then to Kenyatta National Hospital. My leg was amputated. One of my daughters died leaving behind her children. I do not have a farm or anywhere to stay. That is my life. My leg was broken when I was 37 years old. At the moment, I cannot walk because when I do, I feel pain. I am also very hungry. There are very many problems that I face. I depend on one of my daughters but she also has a family. Recently, I was evicted from where I used to stay.

The Presiding Chair (Commissioner Shava): You said that your leg was injured by an animal? What happened and did the Kenya Wildlife Service (KWS) compensate you in any way?

Mrs. Paulina Katoroi: I did not get any compensation? I only got Kshs10,000 when I was in Nyahururu. I was injured by a hippopotamus.

The Presiding Chair (Commissioner Shava): I am sorry, Mama. We are going to take the documents and the copies. We have heard you and we will take your issues into consideration.

Ms. Anne Kiprotich: I am sorry, Mama Paulina. Let us hear from the last speaker.

Mrs. Maria Emuria: My name is Maria Emuria. I have come here to say the problems we face from our enemies. The enemies chased us from Baragoi. So, we are now here. My husband was also shot dead. The Government evicted us and we came here. We used to stay in *manyattas* belonging to Turkanas. Our children do not go to school because it is very far. I just want to tell you of those few issues and may God bless you.

The Presiding Chair (Commissioner Shava): I want to thank you all for your contributions. We have heard many issues from different women from different communities. We have heard about issues related to conflicts like cattle rustling and how they affect women and children. We have heard how it affects young men. We have heard of the injuries that have been inflicted on young men by the security agencies. We have heard how families are breaking down because of sexual violence. Women and young women are raped in front of their husbands and fathers. We have heard of how women are utilizing survival mechanisms which may be harmful even to themselves and their families. We have heard about the difficult in basic survival in these areas. It is difficult to get food and the schools are very far. If the children do not get education, their future will be bleak. We have heard about the difficulties of children with special needs and the lack of educational and rehabilitation facilities for them. There is need for us to get information and education on how we are going to survive in this environment. We need to know what our rights are, how to articulate and defend them. The information should range from land rights, the Provincial Administration, in-laws and the need to protect our space. The way to do that is to know our rights in whatever circumstances we find ourselves.

Where we go, we are usually accompanied by members of Kenya National Human Rights Commission (KNHRC). It is a Commission which will be in existence even after the life of this Commission. They are there to help in educating us all on what our rights are.

We will be picking up these issues with them to see what we can do in future. Despite the difficult things we have heard, I am encouraged because the women of this area recognize that we are women first and if we are not united, then we will never win the battle. I am encouraged because you are all here today showing that you have hope and you have faith that your future will improve. I would like to thank you for coming and speaking to us. What you have said will enrich our report so that when this Commission finishes its work, the things that you have said you would like to see can become a reality. I will now ask Commissioner Chawatama to speak because I am only a lawyer, but she is a judge. So, even though I am the Presiding Chair of this session, when we are in the court, I must bow to her.

Commissioner Chawatama: Thank you very much, Commissioner Shava. I thank each and every woman who came. On behalf of the Commission, we thank you for your contribution. What has been most interesting for me is the age range of the women that we have had today. We have heard words of wisdom from the elderly and I am really encouraged that the young people of this area are in good hands. We have heard all that you have said. We are really sorry for the losses that you have suffered and continue to suffer. There is nothing worse than the feeling of being forgotten. Through this Commission, the rest of Kenya will hear your story. They will hear your experiences. You have given us specific messages to take back to the Government. We have a duty to ensure that the Government remembers you. Thank you very much for your participation. If I do not see you again, I will see you in heaven. Take care of each other. I have met some very powerful women. I have a friend there, please stand. When you are looking for women who can lead you and women who are not selfish in any way and those who understand your troubles, when she speaks, listen to her. I also encourage you and say that your success will be based on how many other women you empower. So, continue to empower each other and encourage each other. We wish you God's blessings.

Ms. Anne Kiprotich: Thank you very much Commissioners. On behalf of women, I also wish to say thank you very much. When we began in the morning, we sang and danced as we waited for the Commissioners to join. Even as you leave, I believe we will close with a dance. For now, I request the women to allow the Commissioners to leave so that they can attend another meeting. We will remain behind so that we can have a snack and a drink.

Commissioners, you may leave.

(The Commission adjourned at 2.05 p.m.)