

7-9-2011

## Public Hearing Transcripts - Western - Bungoma - RTJRC09.07 (Bungoma County Council Hall)

Truth, Justice, and Reconciliation Commission

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### Recommended Citation

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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND  
RECONCILIATION COMMISSION HELD ON SATURDAY, 9<sup>TH</sup>  
JULY, 2011 AT BUNGOMA COUNTY COUNCIL HALL**

**PRESENT**

<b>Gertrude Chawatama</b>	-	<b>The Presiding Chair, Zambia</b>
Berhanu Dinka	-	Commissioner, Ethiopia
Ahmed Sheikh Farah	-	Commissioner, Kenya

*(The Commission commenced at 10.00 a.m.)*

*(The Presiding Chair (Commissioner Chawatama)  
introduced herself and the other TJRC Commissioners)*

*(Opening Prayers)*

**The Presiding Chair** (Commissioner Chawatama): Please, be seated. On behalf of the Truth, Justice and Reconciliation Commission (TJRC), I welcome you to our sittings on the second day here in Bungoma. The TJRC thanks you for the warm welcome. It was an honor and privilege to have heard witnesses yesterday who touched on various violations which included torture, murder, wrongful or unfair dismissal and the issue of land. As a Commission, a picture is emerging on some of the violations that have taken place in this region. We thank all those who gave us statements. We also thank all those who willingly and freely accepted to testify before us.

Sometimes it has not been easy. We have seen people break down. We have seen a lot of emotions exhibited. Often even us, as commissioners, have broken down because we have been moved by the testimonies that we have heard. So, it is very important that when witnesses are giving their testimonies that we give them the respect that is due to them. It is not always easy to have to repeat violations that one has gone through. So, I ask you, as members of the public, to ensure that when testimonies are being given, you show respect to the person giving that testimony even if you do not agree with what they are saying. We saw from yesterday that one person might speak, maybe even two or three, but they represent so many other people who were not even here. We heard from husbands who have wives, children, grandchildren and other members of the extended family. So, they spoke on behalf of all those people and they also spoke on behalf of many Kenyans.

We will ask you if you have any cell phones, please, switch them off because they do cause a lot of disturbances. If you have a pressing issue to attend to, please, step out and attend to it. We would like these proceedings to run smoothly. I would like to hand over to the leader of evidence at this point. Are you ready?

**Ms. Emily Kimani:** We are ready to proceed.

**The Presiding Chair** (Commissioner Chawatama): Could the first witness please be sworn-in.

*(Pastor Peter Chemaswet took the oath)*

**Ms. Emily Kimani:** Could you clarify to us that you are before us today because you forwarded two memorandums about the Bongomek and Tachoni? Is that correct?

**Pastor Peter Chemaswet:** Yes.

**Ms. Emily Kimani:** Also, seated with you are two other colleagues. Do you mind introducing them to us today?

**Pastor Peter Chemaswet:** On my right is Mr. Edward Chepkotin. We also have a Ms. Tecla Kazi.

**Ms. Emily Kimani:** I wish to request you to tell us your full names for the record.

**Pastor Peter Chemaswet:** My name is Pastor Chemaswet Peter.

**Ms. Emily Kimani:** You wish to make a presentation on the Bongomek Community. I also wish to confirm that you wish to talk about the history of the people.

**Pastor Peter Chemaswet:** Yes.

**Ms. Emily Kimani:** Mr. Chemaswet will talk about the issues that affect the Bongomek Community and Ms. Tecla will take us through the recommendations.

**Pastor Peter Chemaswet:** Yes.

**Ms. Emily Kimani:** Having confirmed that, please, take us through the brief history of the Bongomek Community.

**Pastor Peter Chemaswet:** I want to thank the Commission for giving us this opportunity to talk about the predicaments and problems that the Bongomek and their cousins, the Tachoni, have gone through in the current Bungoma County and Trans Nzoia.

The problems and challenges being faced by the world leaders more so in Africa, particularly in Kenya, have nothing to do with ethnic hatred. They stem from how land matters were handled in the past during the colonial days or immediately after Independence. In some places, trying to look at the historical injustices from 1963 is just like trying to bake a loaf of bread without ingredients like salt, sugar or maybe baking powder. To get a proper understanding of the historical injustices, especially in our country Kenya, we had to look back to the time when the settlers started the British System of Government and that was in the 1890s. Thus the problem of the Bongomek

Community and their cousins, the Tachoni, started when they became alienated from leadership of their land. It started at that particular time. To look into this matter, it makes sense that we go back beyond 1963 as stipulated in the TJRC Act. We are not trying to change history, but we do try to solve a persistent murmur from Bongomek and Tachoni communities in Bungoma.

This has happened elsewhere in the world. The Aborigines of Australia did not demand the evacuation of the white man, but they demanded recognition and being included in the day to day governance of the land. The Aztec or the Red Indians in Latin America demanded to be recognized as the owners of the land, but not the evacuation of the Spanish. In the same way, the Bongomek and Tachoni do not request, but it is a demand for them to be recognized as the original owners of Bungoma or the natives and thus be included in the governance of this county. The Government should, therefore, take affirmative action to bring these people into the limelight in this country. It should be known that relying on the democracy will put these people off and they will never be part of administrators in the said county.

This affirmative action should also look into their livelihood. So, land should be set aside to settle them. Secondly, education-wise, their children should be given full scholarships, especially those who join institutions of higher education. They should be nominated to the county government in various levels.

The latest question that we may ask now is: Who are the Bongomek Community? Sometimes in the history books, they are called the Elgon and sometimes, Maasai Elgon and sometimes Sabaot. If you come across this, it is just talking about the same people.

In elaborating and bringing about a clear understanding about the Bongomek, we look at what Prof. Were, a prominent historian in this country, said. In his book, “Historical Text of Western Kenya”, this is what he said and I quote:-

“The Bongomek (Abangoma) are related to the Kony, Bok and Sebei. They are a branch of the Kalenjin speaking people. The dialectal differences apart, their language is basically the same. The Bongomek Kalenjin dialect is called Kibong’om and the Luhyas say Olung’oma.”

He continued giving the genealogy of the Bongomek. He said: “Arap Kubomong’ was the ancestor of the Bongomek. Makhayo Kituyi was the son of Kimusar, son of Kipkemei, son of Kipsengwer.” On the Tachoni, this is what Prof. Were had to say: He said when the Batachoni came from Egypt, they spoke Olung’oma. Their genealogy, Kiborit, was the ancestor of Abatachoni. He was Tachoni’s son. Abraham Wiromondi is the son of Kitheu, the son of Sifuna, the son of Yeya who died at Kisiluni; son of Monyei who died at Mwarie which the Bongomek call Mworie.

To confirm this, we will have to look at what the DC, Nyanza Province said about the Bongomek and the Tachoni, including the entire Elgon people. In his memorandum before the Kenya Land Commission in 1933, Mr. C.B. Samson, District Commissioner

for North Kavirondo in Nyanza Province gave the origin of the Sabaot to be Kitale and Bungoma in relation to the tribes as follows: North Kavirondo District is inhabited by Bantu tribes referred better by the name Bantu Kavirondo. In addition to these tribes, there are a number of Wamia Teso, the Elgon of Mt. Elgon, a handful of Uasin Gishu Maasai north of Malakisi Elgon are also to be found the Borkek from Mt. Elgon are people of similar origin to the Elgon. This is what he said particularly about the Tachoni and Bongomek: South Kitosh is stated to have been the original home of Bungoma and Tachoni tribes who live in the neighbourhood of Sangalo East. In the same way to affirm this, we will have to look at the names of places in Bungoma County to show that most names are actually Bongomek names.

On page 61, for our better understanding, etymologically, 99 per cent phrases in Sabaot end in consonants. The names of places in Bungoma and Trans Nzoia District analyzed below give proof of this. I will go to page 62 to show the names of these places. Barak is written as Baraki in the Bukusu way of pronunciation. But the right pronunciation is Barak. We have Bokoli. We have Bong'om which has now been written as Bungoma District, but Bongomek called it Bong'om. Chepkulo which is written as Chegulo. Chebonge and Chebongen which now called Mukweya. Chebos which is now referred to as Chebosi. Chepkerienh is now called Mayeni. I do not want to go into the details because this copy is with the commissioners who are people of integrity. They will read and understand.

Going to page 65 confirming what the settlers did at the advent of the white man when choosing paramount chiefs, they always chose the indigenous people. For example, when arriving in Bungoma in 1890, Chief Kimengich signed an agreement with Imperial British East African Company. That was on 2<sup>nd</sup> February, 1890. He was the 68<sup>th</sup> person to sign an agreement placing himself, his people and his land in the protection of the British people. At his death in 1898, Manyiror arap Kipkebei was appointed by the colonial Government as an administrator. But unfortunately, he was killed when he went to attack other people in a raid. It took 10 years before another a chief was appointed. At this time, the white men brought a man called Murunga Shiundu, son of Mumia from the Wanga people. He became the chief of Kimilili, Malakisi which is pronounced as Morigis in Bong'om. In Bungoma, Sudi Namachanja was appointed. This was the beginning of great troubles and problems for the Bongomek people. In 1910 around Kimilili, Murunga forced the Bongomek and their cousins to plant trees and to build the road from down Lwakhakha towards Kitale. The Sabaots and the Bongomek could not stand this work. They were forced to do it. They were beaten. At that time, these people used to plait their hair just like the Maasais. Nyongi is an age set after circumcision. At around 1920s, they were forced--- Due to this kind of harassment, the Bongomek and their cousins moved out of Kimilili. They got scattered into Trans Nzoia. Right now, there are Bongomek who are in Bukoba in Tanzania. There are some in Mara in Mwanza; others are scattered in Sebei in Uganda; others are in Bugiri, Muwayo, Kabilikeni in Busoga. They are suffering and they would like to come back home. If you look at the document which I have presented to you, these people placed complaints petitioning for their land. The first petition was in 1925. Someone might ask whether they actually complained. Yes, they did. Chief Tendet disputed Sabaot's land and boundary in Kimilili, Malakisi that is

Morigis with demand for recognition of Kamukuywa-Misikhu border near Webuye that is Kiribot. That was their border between the Bongomek and the Tachoni. That was at Misikhu. The original name was called Kapnyogowet, that is Misikhu. That was the border between the Bongomek and the Tachoni. But the border was moved across to Kimilili. So, Chief Tendet disputed and complained that that was wrong but the colonialists with Chief Murunga could not listen to him.

I just want to summarize and then allow my brothers to speak. The second petition was in 1933. Chief Tendet raised the same contentious issue of Elgon Kimilili boundary at the baraza which the PC held at Kimilili Town. He said the Sabaot deserved to have their own territory with clear demarcation based on the ancient Sabaot Tachoni boundary at Misikhu. The old route at Kimilili Government post had replaced the first Sabaot boundary with Tachoni thus prompting the old man and the Sabaots to complain. The third petition was in 1947. The Sabaot petitioned the colonial Government over their lost land and territorial boundaries at Kimilili post in the presence of Eliud Mathu from the Legislature Council (LEGCO) and DC Anderson but still, nobody listened to him. So, the appeals and the complaints of the Bongomek people did not start yesterday. It started in the 1920s and they have written a lot of memoranda to the Colonial Government, Kenyatta Government and even during the Commission of 1962 which established and put in place the eight provinces of Kenya. The Bongomek and their cousins requested to be moved to the Rift Valley. That was very clear but still the Government could not listen. I just want to end there. The story is long and the suffering that these people have gone through is a lot. They have lost leadership. The land is theirs. It is their ancestral land. If you go to a place called Mwibale after Sang'alo, there are footmarks of Kibomong's son's cattle called Kumurior and the Luhya failing to pronounce Kumurior, they say Kumuria. They are still there at Mwivali proving that the land belongs to the Tachoni and Bongomek.

It is not that we are demanding that anybody should be moved. It is not a change of history but we want to be recognized that this is our place and let us join hands together and build our new county. That is what we demand.

Now I would request if you can allow my brother here to give a brief statement.

**The Presiding Chair** (Commissioner Chawatama): We note from the memo that you have dates going up to 1975. We thank you for the rich history. It has laid a good foundation for us to hear the issues and the recommendations. We will allow the second speaker to speak on the issues. May he be sworn in, please?

*(Mr. Edward Jepkotit Aramungu took the oath)*

**Mr. Edward Jepkotit Aramungu:** Hon. Commissioners, it gives me great pleasure to appear before you to present pertinent issues concerning injustices meted to our people, the Bongomek. Before I give the key issues I just want to support what the pastor has just said. It has been a long journey. We have appealed to all successive governments, but no help has come forth. So, the Commission comes as a beacon of hope to our people that

finally justice shall be done. Therefore, the Commission is a last resort for our people. If the Commission does not help us, then we will lose hope. Already, it seems as if they have lost hope.

As the pastor has said, we are the indigenous people of Bungoma. Someone will ask, are you indigenous? Using the approaches used by the African Commission on Human and People's Rights dated 2005, it gives key characteristics of people identifying themselves as indigenous, marginalized or minorities. One of them is that their cultures are under threat, in some cases to the point of extinction.

In the 2001 UNESCO report, the Bongomek Language was classified among 16 Kenyan languages that are endangered or becoming extinct. Secondly, that indigenous people suffer from discrimination. For sure, this is what we have been going through from colonial times and post-independence.

Thirdly, indigenous people live in regions which can be accessed. They are geographically isolated and suffer from various forms of marginalization both politically and socially. They are subjected to domination and exploitation within the national, political and economic structures that are commonly designed to reflect the interests and attitudes of our national majority.

As we appeal to you, we know we have international recognition on the rights of the indigenous or marginalized communities and minorities. This can be best explained by UN Universal Declaration on the Rights of Indigenous People and a UN General Assembly Resolution 45 and 164 of 1993. Also in the International Labour Organization Convention No.169. Lastly, the ILO Convention No.111 includes the African Commission on Human and People's Rights.

Hon. Commissioners, let me take you through the predicaments that our people have faced. The first one is the forceful eviction from our ancestral territories, Bungoma.

In Kenya, between 1991 and 1992, our people living in Sang'alo, Chebukwa, Rocho, Kabuchai and around Bungoma Town, Malakisi, Naitiri, North Kabras in Kakamega District, Sikhendu and Kabuyefwe in Trans Nzoia District were displaced. About 13,000 families were displaced. There was loss of lives especially around Kabuchai and Malakisi. A lot of property was either looted or destroyed. Efforts by the Government to escort us back to our ravaged homes failed because of insecurity and lack of material support. Therefore, they trekked to Trans Nzoia and Mount Elgon districts to live among their cousins. While here, they camped at market centres where they lived on charity from the locals; unfortunately the Government of the day never extended a hand of help nor did NGOs.

When peace was restored, we dreaded going back home. Therefore, we resorted to selling our land for development to our brothers, the Bukusus, who took advantage of the situation and offered low prices and paid us in installments. As I said earlier on, we were living on charity from the locals. They could not sustain us for long. Therefore, the

proceeds from the sale of the land were used for our upkeep. Many of us, therefore, ended up buying uneconomically small holdings while others were permanently landless.

Since 1992, the Bongomek people have been scattered and now live as internally displaced persons in Mount Elgon and Trans Nzoia districts. Appeals for help from the Government have never borne any fruit, and we are surprised when we see the victims of 2007 being resettled, yet we have stayed 21 years in the wilderness like dogs. It pains. Our people are currently living in isolation and abject poverty. They cannot afford the cost of education, adequate food, clothing, health care and shelter. The information we gathered from 354 displaced households out of the possible 13,000 families is summarised in the table below. The total number of people displaced in 354 households are 3,377. Land previously owned by displaced people in 354 households in Bungoma measures 1,945 acres. Current land owned by the displaced in the 354 households is 341.26 acres. Current landless people from 354 households are 1,735. The total value of property lost or destroyed in clashes is Kshs242,151,575. From the above table, the number of displaced Bongomek from Bungoma and Kakamega, including children, is estimated at 60,000.

Maybe at this point, I should revisit a point that I left out. A census done by UNESCO in 1970s indicated that the Bongomek were 2,500. Another one done in 1994 showed that the number had gone up to 30,000; the estimated population now stands at 60,000. Over the years because of fear and intimidation, some people were scattered in Uasin Gishu, Trans Mara, Tanzania and Uganda.

Let me move to our appeals to successive Governments in Kenya. We have made several appeals to our Government but up to now, no one has ever heeded our appeal. For instance, in 2002, we sent a memorandum to the then Mt. Elgon Member of Parliament, hon. Joseph Kimkung, because we had been given land in Trans Nzoia to settle people. Unfortunately, no single person was considered. In the same year, we sent a memorandum to the Constitution of Kenya Review Commission (CKRC), otherwise known as the “Ghai Commission”. In the same year, a memorandum was sent to the former Head of State, hon. Daniel Arap Moi. Nothing was forthcoming. In 2003, we sent another memorandum to the then Lands and Settlement Minister, hon. Amos Kimunya, so that our people might be settled. Nothing happened. We sent a letter to the Head of Civil Service and Secretary to the Cabinet. Again, we sent a letter to His Excellency Mwai Kibaki and there was no action. In the same year, we got the first reply ever from the Permanent Secretary, Provincial Administration and National Security. They promised us that our issues were being investigated and they would give us a feedback. Up to date, no other communication has come from the said office.

We never gave up. In 2004, we sent another memorandum to the then Acting Minister for Lands, hon. Kivutha Kibwana. There was no response. In 2009, a memorandum was sent to the Committee of Experts (COE) on constitutional review. In the same year, a memorandum was sent to hon. James Orengo, the Minister for Lands. We never received any feedback. In 2009 again, another memo was sent to the Head of the Civil Service and Secretary to the Cabinet, and, as usual, there was no communication. In 2010, we sent



another memo to the Interim Independent Boundaries Review Commission (IIBRC). In the same year, we raised concern regarding the recruitment of our people to the armed forces. We started with the Administration Police Commandant. We took these letters ourselves to the headquarters in Nairobi, but up to now, there is no communication. We sent another one to the Kenya Prisons Commissioner pertaining to the recruitment of our people. Fortunately, he responded but he only encouraged us to try our luck. Another letter was sent to the Head of Civil Service and Secretary to the Cabinet and another one to the Defence headquarters, to the Kenya Police Commissioner, Director of Kenya Wildlife Service and another one to the Chief of the General Staff of Kenya Armed Forces, but no communication came from them. In 2011, a last letter or appeal was sent to the District Commissioner (DC), Bungoma South. We have attached all these letters for your perusal in our memorandum.

The second plight of our people is that we have been suffering from lack of representation and discrimination like other minorities in Kenya. Because of our numbers, we cannot elect one of our own to civic and parliamentary seats. Since independence, none of our own has been elected to local authorities and Parliament. The Bongomek have been discriminated against in the recruitment to civil service, military, police and admission to public colleges. In the Provincial Administration, since independence, the Bongomek have had only one chief in Bungoma Town Location. Surprisingly, when he was appointed as an Assistant Chief and Chief of Bungoma Town in 1991 and 2009 respectively, objection was raised on his appointment, and a delegation and memoranda were sent to various offices, including to the Provincial Commissioner, Western Province. Maybe because of time, I will just quote a few. You will have an opportunity to read the memorandum. This is a memo that was written to the PC, Western Province, through the DC, about the Bongomek Chief. He is called Joseph Chengoli and he is here. I would like him to stand up in order to be seen by the commissioners.

*(The Chief stood up in his place in the Hall)*

**The Presiding Chairlady** (Commissioner Chawatama): We acknowledge your presence. Thank you very much.

**Mr. Edward Jepkotit Aramangu:** Maybe to just quote something, this was to the DC, Changole. It states:

“We hear you were bribed with some cows by Mr. Chengoli and you claim that Bungoma is for the Bongomek. Let us assure you that it is not and it will not be for Bongomek. Bungoma is for the Bukusu and it will remain for the Bukusu. Stop dreaming like Mr. Chengoli.” This letter was signed by the chief.

They gave him up to 15<sup>th</sup> February 1992 to revoke that appointment, or else something bad would happen to the chief.

Before I move to the third point, there is something I want to finish with. The consequences of discrimination have made our people to abandon their tribal names and are adopting Bukusu names in order to conceal their identity. When they acquire identity cards, they do so as people from Mt. Elgon and Trans Nzoia districts, because they know that here, they will be discriminated against. Fortunately, through lobbying and presentations to the Constitution review bodies, the rights of minorities and marginalized groups have been entrenched in the new Constitution.

The third issue is the problem of identity and recognition *vis-a-vis* language and culture. In the first place, language gives an identity to a people. It also promotes unity among our communities. Unfortunately, the Bongomek Language is on the verge of extinction. Seven out of ten Bongomeks speak Kibukusu. That is in the UNESCO Report of 2001. Maybe to crown it all, I have presented this memorandum to you with a strong belief that the ghost of injustices that has been tormenting the Bongomek will finally rest, and all Kenyans will be treated equally and live in peace and love, so that we can proudly say “God bless Kenya”. God cannot bless Kenya when we are exiled in our own land. I thank you all for listening to me. Thank you.

**The Presiding Chair** (Commissioner Chawatama): We thank you for raising those issues; and even as a Commission, we ensure the promotion of peace, unity and healing and reconciliation is there in everything that we do. You have raised pertinent issues on land, marginalization, discrimination, displacement, security, education and other issues that affect your people and all that you have mentioned falls within our mandate. We thank you. We would like to hear from the third speaker on recommendations but maybe, the third speaker could also touch briefly on the impact on women of the Bongomek people.

*(Ms. Tecla Kazi took the oath)*

**Ms. Tecla Kazi:** Presiding Chair, Commissioners present and all the public with us, I want to thank God because of this opportunity. It is one of the opportunities that we have been waiting for and God has made it possible today. As a Bongomek mother, I experienced the effects of clashes in 1992. It was painful because there was a lot of interference in one’s rights; nobody had planned for the same. Just as my colleagues have already said, a lot of property was destroyed. I do not want to go back to that. The education of our children was interfered with as some children could not continue with the learning; that resulted in many dropouts from the Bongomek community. That was because of high poverty levels after being displaced from where we were staying.

Another issue is that there was a problem with the girl child. The girl child in the community was really endangered as some of our daughters fell in the trap of early pregnancies, others got married early which denied them a right to education for all as per the Sessional Paper No.1, Policy Framework on Education, Training and Research, page 39. The Bongomek community got scattered all over. Therefore, they lost their binding ties. Some families separated because of lack of support from the partners. Some wives got married elsewhere. Some men disappeared from their homes and abandoned their children and wives; they claimed that they were looking for greener pastures to support

their families but they never came back. Therefore, children and women suffered. Many people died in the new environment.

We have recognized that up to today, there has been change of climate. We are worried because we are burying so many people. Another issue is that during the early days of Independence, the Bongomek used to have their cultural days; they used to have special clothing and weapons which were used during those ceremonies. All those were very expensive items and there was a time when the administration--- I can remember the year - 1975 when one of the administrators in Bungoma here said that he wanted the Bongomek to give him the weapons, the attire and other ornaments to be used during national functions. He collected them and went with them; he has never returned them. Up to day, some cultural activities cannot be conducted without those items; therefore, to prepare the same, we need some money.

I, therefore, now go to the recommendations. Recommendation No. 1 is that we are appealing that the recommendations should be taken seriously, so that the mothers do not continue crying. The Bongomek who lost property during the 1991/1992 clashes in Bungoma, Kakamega and parts of Trans Nzoia should be compensated and the landless resettled by the Government. We prefer to bring back our people to their ancestral land from all parts of the world, because we have them scattered in Uganda, Tanzania and many other areas. Two, in line with the new Constitution, the Bongomek should be given special representation in Bungoma County government and the legislature since they are an indigenous minority. Three, whenever there is recruitment to the Civil Service, the military, the police, the Prisons and colleges, the Bongomek should be given special consideration as a minority and disadvantaged group. Four, the Government should put mechanisms in place to revive the Bongomek Language by starting special schools and cultural centres in Bungoma as well as protect sacred shrines of the Bongomek in places like Kapchai. Bongomek indigenous place names should be restored. Six, the Government of Kenya (GOK) should consider and acknowledge the existence of Bongomek community as Kenyans. Seven, on gender, women from the Bongomek community should be given chances in leadership by the government of Bungoma county. Eight, the GOK should lower the cut-off mark or grade for the Bongomek to any institution, for example national schools, colleges and universities. Nine, the GOK should compensate the Bongomek for the loss of their traditional attire and weapons, which were taken away by the then Assistant Chief, Mr. Wanyama Tatasi in 1975.

Thank you very much.

**Ms. Emily Kimani:** Thank you very much Mama Tecla, for taking us through the recommendations; I also want to salute the other two - pastor Peter and Edward, for their very articulate presentation on behalf of the Bongomek community. I now wish to proceed with my questions and I wish to start with Tecla. I have a few questions for you.

In your presentation before us today, you have talked about some weapons which were taken away from your community. What are some of those weapons?

**Ms. Tecla Kazi:** Those were shields and spears; I think others can be named in my language; my colleagues can do that.

**Ms. Emily Kimani:** Then with regard to the ornaments which were taken from your community, you said that currently, there are some cultural practices that cannot be performed without them. Could you shed light on some of these cultural practices that you are talking about?

**Ms. Tecla Kazi:** For example during circumcision, when the children are supposed to be circumcised, there are age sets of the fathers of the children that come together and their women have to put on a certain attire. The men have to have the spears. They also carried a very sharp *panga* on both sides. They also used to have other items which were so important that when the elders talked to the children, the children felt that, surely, they were ready for the circumcision the following day. At some point, it is also used to give some guidance to the children after circumcision, so that they know that they are moving to adulthood. Now, those are no longer there and that was done by special people.

**Ms. Emily Kimani:** Thank you for that. Also as part of your recommendations, you said that the Government should lower the cut-off marks for the Bongomek, so that they can go to national schools. What is the premise for that issue?

**Ms. Tecla Kazi:** I said that because of the disadvantage the learners have. Our children are not able to get good education and as a result, when they write KCPE or KCSE, they cannot perform. Some of them go to day schools and in those schools, the child cannot achieve much. That is why we are saying that we are the disadvantaged group. Those few that have been able to get the minimum grade to enter university or to join colleges can be given priority so that we also have people in the community who are enlightened.

**Ms. Emily Kimani:** Tentatively, about how many schools have the Bongomeks?

**Ms. Tecla Kazi:** We do not have special schools for the Bongomek.

**Ms. Emily Kimani:** What about in the areas where they are more densely populated? I know that they are not so much of a big number because Edward has told us that they are about 60,000 but there must be some areas like Mount Elgon and Busia District where you will find more of those.

**Ms. Tecla Kazi:** They are a bit scattered. Just as we have told you, even if they are in Trans Nzoia, they are in different parts of Trans Nzoia. If they are in Transmara, they are not in one place because they are scattered. Initially, we went to one place but later on, the other people would not continue taking care of us. People had to move and look for way in which they could take care of their families.

**Ms. Emily Kimani:** Thank you very much Mama Tecla. Commissioners, through the Chair, I have no further questions for this witness.

**The Presiding Chair** (Commissioner Chawatama): Commissioner Dinka, do you have any question for this particular witness?

**Ms. Emily Kimani:** With your permission, I will proceed with my question.

Edward, I have a few questions to ask you in light of your presentation and from the memorandum that you have presented to us today.

You talked of the displacement of the Bongomek people between 1991 and 1992. What was the core reason because I understand that at that point, there was an election nearing. What was the backdrop of the displacement that occurred at that time?

**Mr. Edward Chepkolit:** That was the time of the advent of multi-party politics in Kenya. So, I believe that politics had a hand in the clashes because communities rose against each other country-wide. We were attacked by our brothers, the Bukusu because of what was happening nationally.

**Ms. Emily Kimani:** So, the core reason for the eviction was the political alignments?

**Mr. Edward Chepkolit:** The major reason was politics. Secondly, in Rift Valley where our Kalenjin brothers live, there was also war; so, we became victims of circumstances because they were revenging on us. The Bukusus in Trans Nzoia were affected; so, the Bukusus felt that they could equally evict us from Bungoma.

**Ms. Emily Kimani:** I know that you have also touched largely on the animosity with your brothers from the Bukusu tribe. Is this animosity still prevalent as we speak and what do you think should be done to address the animosity if it still exists?

**Mr. Edward Chepkolit:** It is not largely pronounced because most people have left and others were assimilated. There is an issue of concern when it comes to representation because we are regarded as foreigners and yet we are not foreigners. Another issue of concern is language. There is intimidation. Someone knows that you are a Bon'gom and yet he will speak Kibukusu to you but the reverse is not true. When you talk Bon'gom to him, he will downplay it and ask what language you are speaking but for them, they will just speak and that is what has led to assimilation. Most of us have shied away from speaking Bon'gom and most of us speak Kibukusu.

**Ms. Emily Kimani:** Once again touching on the clashes that happened between 1991 and 1992, you talked of deaths. About how many people were killed during that time?

**Mr. Edward Chepkolit:** That time, they were not very many. In Kapchai, three people were killed and in Malakisi, six were killed but what we lost most was property. We sold our land at a throw away price. In terms of deaths, that is the number.

**Ms. Emily Kimani:** In light of the statistics that you have given and the evictions, did the people, prior to the eviction, have title documents to the land?

**Mr. Edward Chepkolit:** Yes, most of them had but there were exceptions, especially those who bought from others.

**Ms. Emily Kimani:** Another issue that you have raised in your presentation was about the assimilation and winning traditions and culture of the Bongomek people. I know you have said that the Government should take cognition of your people but what efforts have you made in preserving your culture?

**Mr. Edward Chepkolit:** We have started with home grown solutions. We have formed a Community Based Organization called Bon'gom Language Project to look into issues that concern language and culture. We are conducting research in the language but we are limited because of education policy. Kibon'gom cannot be taught in our local schools and so, we need special schools. But because of limited resources, we cannot do that. We are appealing to the Government and other well wishers. We need special schools so that during holidays and weekends, the language can be taught. We also need to develop language materials but without resources, it will not be possible. So, we are limited.

**Ms. Emily Kimani:** You gave us figures for the lost property in the memorandum. What informed those figures?

**Mr. Edward Chepkolit:** We had claim record forms that every individual who was affected was helped to fill by the organization's officials. It indicated the name, the clan, the former locations where they were living, the total acreage of the land owned, the acreage they have where they are currently living or whether they are landless, number of children and what was lost. Some lost cattle, houses were burnt or destroyed and therefore, every individual person was giving an account of what exactly happened.

**Ms. Emily Kimani:** Is it possible for you to avail a copy of those claims to buttress your presentation today?

**Mr. Edward Chepkolit:** I did present 354 forms on 20<sup>th</sup> to the Commission's officials. So, I believe the copies are with the Commission. They were few because we could not reach everyone because they are scattered and that is why we are saying that we need time. We also need statements to be taken from individuals and you will need to advise us on what exactly we need to do. Most of them cannot be reached because they are scattered. So, because of limited resources, we could reach only 354 and as we said in our presentation, the estimated families stand at 13,000. If we have reached only 354, what about the rest?

**Ms. Emily Kimani:** Thank you very much all of you for the very detailed account of the travails of the Bongomek community. I have no further question but before I hand you over to the Commissioners, I wish to ask you whether you wish to present the two memoranda, so that they can become a record of this Commission. Do you wish to produce the same?

**Mr. Edward Chepkolit:** Yes. Actually, we came here to present this memorandum before the Commission.

**Ms. Emily Kimani:** Thank you very much Pastor. Chair, I request that the same be admitted as a record of this Commission.

**The Presiding Chair** (Commissioner Chawatama): The two memos are admitted and the 354 samples are a good enough number for us to be able gauge what has happened.

Now is the time for Commissioners to ask questions or clarifications or just offer a word or two of encouragement. I would like to start with Ambassador Dinka. Do you have any questions for any of the three witnesses?

**Commissioner Dinka:** I have some direct questions for some of the individuals but I also have some for the three of them which any of them can answer. Before I do that, I would like to thank the three of you for your testimony, starting with the Pastor who has given us a very detailed historical background to enhance our understanding of the problem or the history of the Bongomek and the other two for their contributions as well.

My first question is to Edward. You said that the total population of the Bongomek is about 60,000 and they are spread all over East Africa, including Tanzania and Uganda. What is the population of the Bongomek in Kenya?

**Mr. Edward Chepkolit:** The 60,000 population I mentioned did not include Tanzania and Uganda. It is only those who are in Kenya stretching from Bungoma, Mount Elgon, Trans Nzoia, Uasin Gishu and Transmara. We have those who are completely assimilated but in the last census, the Government accorded us a tribal code 602 among the Kalenjin. Unfortunately, those who are in Transmara are assimilated and they have become Maasai. So, most of them were giving information as Maasais. That is why we are appealing that if possible, we need to carry out a census because the last census indicated that we are around 3,000 and that is not valid.

**Commissioner Dinka:** Which area in Kenya is most densely populated by the Bongomek?

**Mr. Edward Chepkolit:** I will give a general statement. Those in Bungoma and Trans Nzoia are almost the same.

**Commissioner Dinka:** How many Bongomek are in Bungoma and how many are in Trans Nzoia? Which has the highest number?

**Mr. Edward Chepkolit:** I would say it is Trans Nzoia, though we also have a good number in Bungoma. We do not have exact figures but they are roughly over 10,000 in Trans Nzoia and around the same number in Bungoma. But they are slightly more in Trans Nzoia.

**Commissioner Dinka:** When you say assimilated, does that mean that they have completely lost that language and the culture and taken the language and the culture of the area where they are located?

**Mr. Edward Chepkolit:** I will use the two sides. On one side, we have a few who can still speak the language fluently but majority, especially those who remained in Bungoma, speak Kibukusu because of inter marriages and the influence of the mother. We have a good number of those who have completely lost their language and culturally, they practice Bukusu culture. Some even circumcise like the Bukusu.

**Commissioner Dinka:** Madam Tecla, I see that most of your recommendations are important but there is one question that bothers me a bit. You mentioned about bringing back all the Bongomeks to one place. Can you expound on how you intend to do that a little bit?

**Ms. Tecla Kazi:** The Government could buy for us a particular place because our people are used to hot climate. We felt that if it is possible, we can be brought together on that piece of land.

**Commissioner Dinka:** But that piece of land must be a very large one. Do you think that there is land of that size available that is not occupied?

**Ms. Tecla Kazi:** I am sure that our brothers whom we live with are willing to sell. If they are willing, then there is no problem.

**Commissioner Dinka:** This is directed to the three of you. Do you think this is the right way to go in Kenya, especially under the new dispensation where the attempt is to re-emphasize tribal sentiments and create a strong national cohesion? Do you think this kind of bringing one tribe in one place together tallies with the spirit and the letter of the new dispensation? Secondly, is it even a good idea?

**Ms. Tecla Kazi:** I have already said that it is possible for some of our colleagues that we used to live with within Bungoma District. There are those who are willing to sell parts of their land. We can enter inside there. We have no problem as long as we get some place where we can settle and intermingle with them. The reason why we want that is because we want to conduct our cultural activities at very important areas like shrines that we are talking about at Kapchai. We can only do that if we have a number of the Bongomek within. Others can be given land and settled elsewhere as long as they are not far from Trans Nzoia and here.

**Pastor Peter Chemaswet:** To add on what Madam Tecla has just said, in the current dispensation that we have in the country, it is true that tribalism should not be encouraged. If we look at the backbone of Kenya's problem, you will see that it is tribalism. It is the way the colonial Government and the African Government that came after independence, handled land issues. If they handled land in a positive way--- For example, the Government took Kapkuya, Naitiri and Tangoren schemes and settled one



community. If the Government mixed people because the said land that I mentioned is Bongomek, Tachoni and Kony land--- If the Government brought Luhya, Sabaot, Bongomek and all those people together, there would be no problem. Another example is Nyandarua District where one million acres was hived off by the Government and that is where the paramount chief Olonana signed an agreement with the Imperial Government of the British People in 1905 and they moved the Maasai from that place which was called by the Maasai, Ongata Olpolosat. Immediately after independence, the Government hived that land from Rift Valley, took it to Central Province and settled only one community. If the Government brought in Maasai, Kikuyus from Central Province and the Kalenjins and mixed them, there would be no problem.

What my sister said is true. The Bongomek need to be brought together so that their identity, culture and practices may not get lost. We can borrow a leaf from what the Government is doing in Nakuru where there is an IDP camp called Nagawa. It is a piece of land that the Government bought and settled only Kikuyus. Why can the Government not do the same thing and buy land for the Bongomek and settle them either in Trans Nzoia or even in Laikipia because the constitution says that Kenyans are free to live anywhere? The Government is moving Kikuyus and placing them in one place so as to preserve their culture, language and unity. So, the same thing should be done to other communities also.

**Commissioner Dinka:** Thank you very much. My last question is: I understand that the Bongomek had a lot of difficulties; I want you to tell me whether the troubles and tribulations were directed at Bongomek alone to get them out of the community or was it politically related to the election upheavals? If it is related to political difficulties, it has been experienced by almost everyone in this country. But is it directed at a minority just because they are a minority and nobody wants them or is it to take over their land and property?

**Mr. Edward Chepkoi:** One point should be put clearly; that, we are looking for national integration but that does not mean that the Maasai, the Luhyas and the Luos did not have a place where they lived. For us, our ancestral land was Bungoma. So, if we are evicted from our ancestral land, where do we go? But it is different from an incident where you have migrated from Bungoma to Eldoret and you are evicted. There is a difference between eviction from ancestral land and those who were evicted from where they migrated to. If you are evicted from your ancestral territory, where do you go? It could be political or it could be because of social rivalry but the key point is that we were displaced from our ancestral land and we are laying claim on our ancestral land. It is up to the Government to put us on a round table discussion and where possible, if we can be resettled here or elsewhere, we need to agree.

**Commissioner Dinka:** I wanted you to tell me whether whatever had happened, happened to the Bongomek just because they are Bongomek or was it related to political upheavals like the others in the rest of the country?

**Mr. Edward Chepkoi:** We were evicted because we were Kalenjins in Luhya land. So, it was tribal.

**Commissioner Dinka:** The Commission has heard other people who suffered the same thing, but essentially because they voted in one direction. If that is the case, it is not directed as the persecution of the Bongomek. It is politically motivated and so, it was post or pre-election violence. That is what I wanted to know.

**Pastor Peter Chemaswet:** In the 1991-1992 clashes in Kenya, the country was on transition from a one party state to a multi-party state. At that time Kenya was divided. There were people who supported multi-party at that time and there was a party called Ford and KANU. There were KANU supporters and Ford-Kenya supporters and those who supported Ford-Kenya needed new blood in the leadership of the country and those in KANU wanted to support the Government at that time. During the campaigns, there was some shoulder rubbing because the Bong'omek being Kalenjin tended to support KANU and the Bukusus supported Ford- Kenya. If you look at 1992, it was not tribal but it was because of political upheaval that created that. In 2008-09, what happened cannot be termed as tribal. It was political between those who supported ODM and those who supported PNU. When they announced that PNU had won, there was no fight between Luhyas and Kalenjins or between Luhyas and Luos. But there was a problem between Kikuyu and Kalenjin and others because Kikuyus supported PNU. We can say that, that also had a lot of things to do with politics but not so much tribal.

**Commissioner Dinka:** What are you then saying about the troubles of the Bongomek? What is part of that political upheaval?

**Pastor Peter Chemaswet:** If you look at the Bongemek history from 1898 up to the death of Kimengich and then Murunga coming in as the chief and Kukubo in Malakisi, those ones alienated the Bong'omek from leadership and sometimes they would deflate the tyres of the bicycle of Murunga and they would say that it was the Bong'omek who did it. They would then beat the Bong'omek and fine them and if you failed to give out three cows, you were imprisoned for no reason. So, this made the Bong'omek to move out. At that time it was tribal animosity that was normal all over the world where people tend to support their own. It is impossible to say that we can create a country of total uniformity. In England, they do not look at black people as people and according to reports, the most threatened President of America is Obama. That is because he is associated with black people. It is good to practice positive tribalism than the negative side because the negative side is the one that caused animosity. If we practice the positive side, we will look at one another as one people and in elections we can even elect a Bong'omek. We cannot eradicate tribal languages because it is God who gave them to us. It is impossible to create one Kenya with one language. The only thing is that people should have an understanding that this one is also a human being who needs representation in this county; and we should work together as a people in one country. That will save us from a lot of animosity and problems.

**Commissioner Dinka:** Thank you very much all of you. I have no further questions.

**Commissioner Farah:** I am a little bit worried because from the historical perspective of this document, you have dwelt on the Sabaot of Mount Elgon. I do believe that the Sabaot are your relatives. When we were in Mount Elgon, the Sabaot told us how they were marginalized by the Bukusu and the document details about how the mzungu noticed that the mountain originally belonged to the Elgon Maasais although later on, the Uasin Gishu Maasai also came there. I all along knew about the Sabaots and the Bukusus but now has emerged the Bong’omek. The way I see it and pardon me for this, my view from whatever you have presented, like the mzungu settler described the Sabaot before, it is the wrong word to use, a dying tribe and a dying language. I hope I have not demoralized you by saying that but it is a fact. You had alternatives. The alternatives you had was to stick with your Sabaot kith and kin and solidly your stay where your original land was. But the unfortunate part of it is that quite a number of you have been absorbed by the Bukusu. I have not seen anything in the write up here or in the presentation where some of you have been absorbed by the guys of the mountain.

We at the TJRC are supposed to study the historical injustices but at the same time, we are supposed to recommend for national integration, cohesion, healing and co-existence in a peaceful way. You have described about a piece of land bought in Nanyuki to settle the Kikuyu. The Kikuyu is a very large tribe not like you where you have 10,000 here and 10,000 there, those are millions.

And quite a number of them unfortunately and, I have feelings for them. They were attacked and made IDPs from their original farms in Burnt Forest and other places. If the Government did that, that was in another context. It is really two parts now, namely, one is your own effort to make the tribal clan survive. Today, I would have liked to hear from the presentation that Kimilili to Sirisia is your original land and you were evicted from it. Then we could have seen it in that light. Up to now, my confusion is in your presentation. I cannot know the name of the town where you were evicted from. If you were evicted from there, when was it and where were you taken? The word “ancestral land” exists, but it has gone through evolution. The modern Kenya saw some land left by the Mzungus, like we had some presentations here yesterday, in Sitatunga and others where President Kenyatta issued a decree and settled a mixture of people. That was the right way to go when he was settling those people because every tribe was involved. So, we are devolving into counties. Should you fight for your survival within the county which is coming like the Munjamani are doing which we have advised them? You can share the seats and say, this takes the seat of the governor and the other the seat of the deputy governor. That way, you co-exist in one county. Do you think it is viable for us to recommend to the Government to start institutions and schools where your language can be taught afresh? If that happens, how many of you can attend with your children and what will be the views of the others that you will be settling with within the new country that is coming up?

**Mr. Edward Chepkotit:** Thank you for the question. I will start with the last part. The issue of an endangered language is of international concern and there are international standards that are used. It is not only the Bong’omek. If you go to Elmolo, Yaku and the

Abasuba, despite the fact that they are there, most of them speak Luo. We have an education policy that from Class One to three, the language of instruction should be the dominant language of the catchment area. Therefore, since we are a minority, it will not be possible. It has happened elsewhere in the world and we can have a cultural centre and specific special schools distributed. Language could be taught either during weekends or when schools are closed. Also language materials should be developed. There is no other way. You cannot teach in the mainstream learning. What do we do because the language is dying? Should we just sit and it dies completely? Language is very crucial. It gives us our identity. Like in Idedecha, there are some groups like Maluku where when they lost their language, they contemplated committing mass suicide because they were desperate and they did not have an identity. So for the sake of continuity and the future generations, we need the help of the Government.

Secondly, on the issue of county, we are laying strong claims because as I said, we are indigenous. This issue has also raised international concerns. There are some standards that need to be used as yardsticks. We do not want the Bong'omek issue to be handled in isolation. You can use, for example, the UN General Assembly Resolution on Indigenous People, the African Commission on Human and People's Rights, which have elaborated how this issue should be handled. Therefore, we want representation in this country in line with the new Constitution. The new Constitution has protected the rights of the minorities and it stipulates clearly that in the County Government, minorities shall be represented. I appeal to this Commission to make a key recommendation that the Bong'omek would wish to be included in the category of the minorities in Kenya. We do not want to live in isolation but we just want to be given our right.

**Commissioner Farah:** I have no problem with that. You have convinced me about the language because as you say, it is internationally defined and one can recommend that language should not be lost, but you are not living in a defined geographical position. You have disintegrated. Some of you will belong to the Trans Nzoia County and others to the Bungoma County. When you are saying that the Government should buy a piece of land and settle you there, is that viable?

**Mr. Edward Chepkotit:** That was an appeal but we can discuss and say that because of national integration, we want to integrate the nation and bring all the communities together. Therefore, we can recommend that, for instance, Trans Nzoia will be okay for us. We can be resettled alongside other communities. We have no problem, but at least, we need to have a home because some of us do not have homes. We did not mention, but for some of us, even to bury our dead is a problem. There are two issues that are intertwined. First, we are talking of representation and we want to be represented in Bungoma and not Trans Nzoia. Secondly, resettlement can be anywhere. With language, it depends on where our people are. We have those in Teso because in this territory up to Uganda, our people are there, but we are saying that because they were living in some groups, if we have funding, we need to take this language learning to where they are. We need to look at it broadly in the sense that there are three key issues, namely, representation in Bungoma and resettlement anywhere. But for us, Kapchai is our sacred shrine. The new Constitution clearly protects the language of the people of Kenya. In the

same spirit, we want our language to be protected. The approach does not matter as long as the language is protected. I repeat that we want representation in Bungoma because it is our ancestral land.

**Commissioner Farah:** The language part of it, we are in total agreement, but representation comes out of when you have a defined geographical area of settlement. Did you present anything to the Ligale Commission of boundaries?

**Mr. Edward Chepkotit:** I mentioned and it is in one of the attachments that we presented a memorandum because the mandate of the Commission was to review the boundaries including the names. We said that we wanted to live harmoniously. Last year, there was an international conference on indigenous place names in Norway and the key note was that by recognizing indigenous names, we are giving political inclinations and identity to these indigenous people. Therefore, we recommended that since we were indigenous minority in Bungoma, we should be given representation in line with the constitution. Two, we said that we want the indigenous names to be used. We have no problem because we know that the Bukusus are the majority. In fact, we have intermarried but we are just asking for fair treatment when it comes to recruitment. If they are recruiting 20 people in Bungoma, why can they not give us three slots so that we can live harmoniously? It is said that the majority will have their way. We just want to have our say. We do not want anyone to be moved. We are also God's children and we need fair treatment. Our main point is that we are God's children and we need fair treatment.

**Commissioner Farah:** I have agreed with you in that, but a while ago you said that you have the Bong'omek in Trans Nzoia and you want them to settle there. So the question of getting all the Bong'omek people into one place is where my problem is. We should allow them to remain in Bungoma as the minority and be given some nominated positions because when it comes to elective positions, you will always be defeated. That I can understand. In the same manner also in Trans Nzoia, but bringing all the Bong'omek families and buying a piece of land from other people and settling you all there, we are going retrogressively. We are going backwards. In your opinion, do you think the Bong'omek Tribe is a dying tribe which will be assimilated and consumed by the Sabaots and the Bukusus in another 50, 60, 70 or 80 years from today or do you think that because your traditions are so strong and your culture is so strong, the candle will always be burning?

**Mr. Edward Chepkotit:** As I said early, the Bong'omek language was classified by UNESCO in 2001 among 16 Kenyan languages that are at risk of extinction. Therefore, we are vulnerable. Those who moved to the Maasai speak Kimaasai, those who are in Bungoma, majority of them speak Kibukusu and some of those who have gone to Trans Nzoia speak Kisebei and others Kisabaot. If we are not helped as you have rightly put it, it is a dying language and a dying tribe.

**Commissioner Farah:** That is my last question.

**The Presiding Chair** (Commissioner Chawatama): Thank you very much, General. I would like to ask Madam Tecla a question. I want to understand the role of women in the Bong'omek community. Are women heard?

**Ms. Tecla Kazi:** Thank you, Madam. I am a teacher by profession. I am an Educational Officer, Trans Nzoia. In fact, when I was here some years back when I started teaching from 1983 up to 1992, I was a wonderful teacher. I applied for promotion several times and I could not be given. But when I went to Trans Nzoia, I think God had a purpose. Although I went with sorrows because everything of mine had been destroyed, I did my work and there is where my work was recognized. That is why I am working as an Educational Officer in Trans Nzoia.

**The Presiding Chair** (Commissioner Chawatama): In the community I come from in Zambia, the women are very powerful and they participate in decision making. Can the same be said of the women of Bong'omek?

**Ms. Tecla Kazi:** In the Bong'omek community, I am one of the women representatives in the council. I am the spokeswoman for the Bong'omek ladies. I also do other duties in Trans Nzoia. I am a Constituency Aids Control Council member and the treasurer.

**The Presiding Chair** (Commissioner Chawatama): Assuming a Bong'omek woman married to a Sabaot man. What are the children? Are they Sabaot or Bong'omek?

**Ms. Tecla Kazi:** The issue of the Sabaot and the Bong'omek, the Sabaot is an umbrella of the Bong'omek. It includes the Bong'omek, the Kwony, the Somek, the Bor, Bok and the Sabei.

**The Presiding Chair** (Commissioner Chawatama): The question therefore is: If there is a mixed marriage; whether it is the man and the woman or the woman and the man, to whom do the children belong?

**Ms. Tecla Kazi:** For example, I am married to a Bong'omek and therefore, the children are for the Bong'omek although I come from the Kwony dialect.

**The Presiding Chair** (Commissioner Chawatama): I would like to ask the pastor a question that will help this Commission. What, in your opinion, are the things that you see triggering animosity in future in this region?

**Pastor Peter Chemoswet:** I will start by giving examples of what has happened elsewhere. Let me quote what happened in Burkina Faso. In Burkina Faso, there was a problem immediately after Independence with the Bukinabe people. There is a community that moved and occupied beyond their borders and intimidated or sidelined those other communities. Later on in the 90s, there was a big problem. The problem was not that these people were hated, but because they wanted to be everything. The same thing happened in Ghana among the Nongomas and the Nanumbas. The Nanumbas are a few people and the Nongomas are many. They moved into the Nanumbas' territory and

there was a time they wanted to elect a paramount chief because in West Africa they put more emphasis on paramount chiefs. It is not like us. So, the Nanumbas said that they had to elect their own because that was their homeland and the Nongomas said “no, we are the majority and so, it is us to elect a person”. That brought a problem. In future, if the question of land is not looked into properly in this country, not politics but land, which is very important, the problem will not be solved. Land was the first gift given to man by God and second were animals and then the woman came to crown it all as the third gift to assist man to take care of all these things. So, land cannot be alienated from a tribe. The last example is that after Rwanda got Independence, the Hutus kicked out the Tutsis.

For so many years, the Tutsis applied, “please, brethren, we want to come home. Please allow us to come home”. They were told there was no place and the land was full. They were in Uganda and the Ugandans were not disturbing them. They have the same language with the Banyankole, Bachika, but home is home. At last, it resulted in what we know. It is a simple thing that if we can understand and decide to solve it amicably in the right way, we can solve it, but if we overlook it, our children in the future, even if they are assimilated, we will suffer. I can name the clans that are within the Bukusus who are actually Bong’omek. For example, Bakarati, the Batukwika, Bakwangwa, Basomini, Basengeli, Basilikwa and all these are our people. So if they want to reclaim the land, it will be problematic. Let us look into the issue of land with care and try to get solutions amicably.

**The Presiding Chair** (Commissioner Chawatama): Thank you very much, the three of you, for your testimony. We have heard all that you had to say and as a Pastor, I know that you are called to the ministry of reconciliation. My prayer is that you take that particular calling seriously and play a large part in reconciling the people of Kenya. We thank you for making time and for the memorandum that you have presented before us this morning. In your memoranda, there were five recommendations, but when Madam Tecla gave her recommendations they were nine. Do I take it that the three of you are aware of the additional recommendations and that you adopt them as your own?

**Pastor Peter Chemoswet:** Yes, we are aware.

**The Presiding Chair** (Commissioner Chawatama): So, the record will show that there are five typed recommendations and an additional four.

**Pastor Peter Chemoswet:** Yes. Thank you and God bless you.

**The Presiding Chair** (Commissioner Chawatama): God bless you too. Leader of Evidence, we will take a health break for five minutes and then you can prepare the next witness. Thank you.

*[The Commission took a health break at 12.25 p.m.]*

*[The Commission resumed at 12.35 p.m.]*

**Ms. Emily Kimani:** The next witness is Witness Code 1 as per the cause list.

*(Pastor Fredrick Stevenson Wanyonyi took the oath)*

**The Presiding Chair** (Commissioner Chawatama): Leader of Evidence, allow me to just welcome the witness. Pastor, it is good to see you again and you are welcome to the Commission. We have heard your request on wanting one or two of the children to testify but I would be failing in my duties if I did not inform you as a Judge that there are special circumstances under which a child can testify before any tribunal and there are certain rules and laws that have to be observed and this is not the appropriate forum for the children. We know that your voice is sufficient and you will be able to articulate the issues concerning the children. An opportunity will be created for us to hear them. So, please feel free and comfortable.

**Ms. Emily Kimani:** How are you Pastor Wanyonyi?

**Pastor Fredrick Wanyonyi:** I am fine.

**Ms. Emily Kimani:** Kindly for the record, please tell us your full names and what you do for a living and also where you come from?

**Pastor Fredrick Wanyonyi:** My names are Pastor Fredrick Stevenson Wanyonyi. I come from Kimilili. I am a pastor and also a farmer.

**Ms. Emily Kimani:** We welcome you to our sitting today. Seated to your right is a lady who I kindly request you to introduce to us.

**Pastor Fredrick Wanyonyi:** The lady besides me is my wife, Pastor Ruth Riziki.

**Ms. Emily Kimani:** You recorded a statement sometime in May about the Grace of Calvary Church Orphanage Project in Kimilili, which is the main reason you are seated before us today. Is that correct?

**Pastor Fredrick Wanyonyi:** Yes.

**Ms. Emily Kimani:** Kindly take us through the background on how this came into being and the issues that face this home.

**Pastor Fredrick Wanyonyi:** First, I thank the Commissioners for visiting the orphanage. We were really comforted and we feel loved. We also feel that we have been accepted in the society. May God bless the Commissioners because they did a good job for us. Before I give my speech, I know that this is the TJRC and when the Commissioners came to visit our orphanage, I was informed and within a short time, you arrived. You just got me the way I live. As a pastor, I know that you are doing the truth job. If you could inform me earlier, I could have organized myself but unfortunately you visited me abruptly. This shows that you are not a corrupt Commission and you care. I believe that through this



Commission, Kenya will change. I believe and trust that God is going to bless you very much. I wish you the best as you continue with your work in the Commission. May God bless you.

I started this orphanage from the cries and the problems the children were encountering. From 1963, there has been a very big problem in the Mount Elgon region. At that time, I was a very young man but I saw the problem. People had been fighting in that area. After every five years, whenever we had a general election, there was always violence and later war between the Sabaots, the Bukusus and the Tesos. As a servant of God and a Luhya, I could not incite the people. I want to tell the truth that we have undergone a lot of problems because of our politicians. What they have been telling people from the Sabaots and the Bukusus is not something that can encourage people. It has caused fights and that is the reason why most of the children have suffered. I cannot say the Sabaots are good people nor the Bukusus, but the words they utter have been inciting people. We have heard so many bad words from our politicians trying to say that we should uproot all the weeds. This is something that has been spoken by our politicians. They have always said that we should remove all the spots. They have said that you should lie low like an envelope when you are living in a land of another tribe. As a pastor, I know that all the people are mine.

Politicians are really using people badly. After uttering such words, it would take just a short time to start a fight. That is the time we started getting IDPs. The IDPs are now housed in market areas and have continued giving birth. After giving birth, they die because of the problems they encounter. We have had problems with children who have nobody to defend them. This has come about because of the greed and selfishness that our politicians engage in. I come from Kimilili Town in Bungoma County and some of the MPs, for example, hon. Kapondi, has said that there are no IDPs in Bungoma. Dr. Eseli Simiyu said that we do not have IDPs in his area. Today as I speak as a servant of God, we have thousands of IDPs in these towns. Some weeks ago, we buried three IDPs in Kimilili Town. The cemetery in Kimilili is full. It has been said that some bodies have been exhumed so that we can get space to bury others. The people have left children out there and some of these children have been jailed. They have been left with nobody to care for them. There is no way that they can earn a living but to engage in theft. There is a young man, an IDP of between 14 and 16 years who has been jailed for life. His parents died and he had nowhere to run to. He has not been educated. These are the problems that the children encounter.

I am really touched to say that people have been fighting in Mt. Elgon using arrows and spears. After fighting, they came together. But in 1992, something terrible happened. I lost my dad, my mother was chopped with a *panga* and other people were killed. It was surprising when we saw people with AK rifles. That is something which had never happened before in my area. People died in large numbers and children were greatly affected. When you look at these children, honourable commissioners, you feel pain. I really wonder whether we could not have a special meeting where children could explain themselves. Who can help these children? Those people who killed the parents of these children have been elevated into good posts in Government and they have ignored the

children. Although there is talk of people going back to their land, the residents have a lot of problems and they are dying just like that. The cause of all these problems is land. The issue of land has made all these people to live in fear and has also created tribal animosity. We used to live in some areas but now it is not possible. I as a servant of God, I only pray that the government helps us in such kind of issues so that we can live in peace and be patient like Kenyans. We should be called by names.

Now, as we talk, we have internally displaced people totaling almost 3,000 from Mayanja, Namwera, Chwele, Kimilili and some other areas. All these people are living in market areas and some of them are sick. This issue has not been addressed. They have been ignored. Who will save this situation, commissioners? They still continue giving birth in those deplorable situations they are living in. Women are dying and leaving their children. What will we do? The HIV/AIDS scourge has increased in the camps and there is nobody coming there to help these people. The last time, the Government sent a Permanent Secretary who promised them that they would be given Kshs10,000 each and another Kshs25,000 later to help them build their new homes. When the Kshs10,000 came, Government officers wrote the names of their people and that money did not benefit the IDPs. As we are speak today, some people have never received even the Kshs10,000. About the Kshs25,000, only a fraction of people got the money here in Mayanja and some areas have never received any money.

The Government of Kenya should give some money to ensure that all the IDPs go back to their land so that all the problems the children are encountering can be solved once and for all. But I hear that in some other areas, people have been given land but nothing has happened to this area of Bungoma. Honourable Commissioners, that is not justice. The Government is not doing justice to her people and God is not for that. The Ministry of Education officials came and said that all children should have birth certificates so that they could be admitted to school. Someone like me, I have so many children and I do not know their parents because they died. We have here a witness whose children saw their parents being killed. Here, I am now being asked to secure their birth certificates, so that maybe all the documents can be preserved. Where will I get these birth certificates? Will these children do their examinations or not? Are these children not Kenyans or not? Had these children applied to be Kenyans? Because of this, I only pray the Commissioners to tell the Government that we have Kenyans who are living in Bungoma just as we have Kenyans living in Nairobi. Because of these problems, all the Kenyans who are living in Bungoma are tired. We are dying and I do not know whether the Government is waiting for us to die before it can act to help these children or its citizens. What should these IDPs do because any time they try to demonstrate, they get intimidated. They have not been given any opportunity to be heard.

That is the reason I took these children because they have nobody to care for them. They are being killed on the road and they do not have anybody to defend them. As a church, we came up with a plan to feed these children. I thank the Commission because when you visited us, it brought some changes. Those students ate and drunk and up to today, they are still praying for the Commission. They know there is a Commission which cares for them. It is my prayer that this Commission will take care and help us so that we can have

the basic needs for these children. It had been a problem to have a home and a school there. We have been forced to register the school and the orphanage. I am living in a plot which is measuring 50 by 100 feet. However, to register a school, you must have over one acre of land. What will we do? They want to remove those children from there because the environment is bad. Where will they go? I have tried and my church also has tried to that extent. I would be happy if the Government can thank us for what we have done and to make sure that these children who are Kenyans from Mt. Elgon and Bungoma have a place.

Before I continue, hon. Commissioners, I am accompanied by my wife who works with me. She works with me and she is like a mother to these children. I pray to the Commission to give her a chance to say something about the situation of these children. Thank you very much, commissioners.

**The Presiding Chair** (Commissioner Chawatama): Thank you very much, pastor. Again on behalf of TJRC, we celebrate your work and recognize the work that you have done and continue to do and that you are truly a man of God and that you have exhibited the heart of God. We will give an opportunity to your dear wife to address us. We thank her for coming. Please, let her be sworn in so that she can speak.

**Ms. Emily Kimani:** Chair, with your permission, I would kindly also maybe guide Madam Riziki as she makes her presentation, she also touches on the issue of widows and women and not only on the welfare of the children.

**The Presiding Chair** (Commissioner Chawatama): When she is sworn in, then I will also emphasize that. Thank you.

*(Ms. Ruth Riziki took the oath)*

**The Presiding Chair** (Commissioner Chawatama): Welcome to TJRC and thank you for making yourself available to come and give your testimony. Apart from the issue of the children, we would also like you to touch on the issue of women and also on issues of the widows. Thank you very much.

**Ms. Ruth Riziki:** I take this opportunity to thank the Commission and the way today's session has been organized. I also thank my husband who has been with me for the care of the children. Concerning the women, a majority of whom are widows, they have gone through very hard times because of the war that has been in Mt. Elgon. Most of us are also affected because of that war. It made so many women to be widows today. Besides being widows, it has been hard for them to help their families because some of them do not have jobs. They are just working for other people or doing domestic work. They also find it difficult to meet their daily needs. In addition to that, even some of them are compelled to work in bars as prostitutes so that they can help their children. This has caused the spread of HIV/AIDS which has led to many deaths thereby leaving their children being total orphans. In such kind of a situation, we think that this Commission could help us on behalf of the children and also, their parents. It is becoming hard

sometimes to bring up a child who is a total orphan because his parents died of HIV/AIDS. So it becomes very hard to accept the situation.

It has also forced the girl child to go out and indulge in prostitution. This has made them to fall into some bad habits after dropping out of school. Some are engaged as housemaids to get their daily bread and also maybe to help their families. This has proved to be a bit heavy and it is causing sorrow in the community. On top of that, you will find that life cannot go on due to maybe the high cost of living. This has made people to commit suicide; people commit suicide because they have lost hope. I only pray that besides the fact that the church has been helping and also praying for them, but they need to be helped. They need somebody who can lead them and who can help them to continue with their life and also help the children whose life is in danger. If we try to check, we find that these are the leaders of tomorrow. If they will not be recognized, they will not have a good life in future. We expect to see children growing up with good manners by getting their rights and also to be identified as children. Tomorrow, these children will need identity cards so that they maybe can vote for their leaders. Even themselves, they will be leaders if God will help them to grow in a good way but we need somebody to help them.

**Pastor Fredrick Wanyonyi:** Is there any question? If there is any I can answer now?

**The Presiding Chair** (Commissioner Chawatama): The Leader of Evidence will ask both of you certain questions after which the Commissioners will also either put questions to you or seek clarification. Thank you.

**Ms. Emily Kimani:** Thank you, Chair. Thank you, Pastor Wanyonyi, for the very spirited accounts of a wide range of issues. You have tried to take us through the cause of conflicts in Mt. Elgon area which range from political interferences to land. Thank you for that. For purposes of clarity, do you wish to confirm to us that you started this children's home as a result of these problems that the people face in Mt. Elgon?

**Pastor Fredrick Wanyonyi:** Yes, I can confirm that.

**Ms. Emily Kimani:** Then in your presentation, you talked about the issue of IDPs in the Mt. Elgon area. You said that some came from Mayanja, Kimilili and you said that some are still in the markets. Which markets are these and how many are they in number?

**Pastor Fredrick Wanyonyi:** We have Mayanja, Chwele, Kimilili, Sirisia, Mukuyuni and Tongareni. We have some who live in some small towns but they are more than 3,000.

**Ms. Emily Kimani:** You also talked about people being given AK 47 rifles. Who specifically gave them the AK 47 rifles?

**Pastor Fredrick Wanyonyi:** What I know is that people were given guns. It is the Government that knows the people and it is the same Government that provides security to the people. During those days, the Sabaots were in KANU and the Bukusu or the

Luhya were in FORD-(Kenya). So it was really critical when they started changing to go to ODM. That is how things came. I believe the guns were given, though I cannot mention who gave them because the people in Mt. Elgon used only to have arrows and spears. But now there came a time when you find that almost everybody had an AK 47. The fact that the Government could not resolve the problem of 1992 clashes resulted in the 2007/2008 violence because the same weapons they used to fight their enemies were turned against them.

**Ms. Emily Kimani:** Thank you for that answer. Now I want to ask you a few questions in light of the orphanage which you have just confirmed came into being as a result of the atrocities that were meted on the people of Mt. Elgon area. How many children and widows do you currently have in the orphanage?

**Pastor Fredrick Wanyonyi:** I have 35 with whom we stay together. We also have other children we are visiting in various camps. So we have 52 orphans. We also have the other orphans that we go to counsel in different places. This is also a big number. They are about 31 children in the other centres. So these are the children that we have been going round counselling because of what they experienced during the clashes. In 2007, the *Janjaweed* or the Saboat Land Defence Forces members could not just kill by shooting. When they entered a house, they made sure that all the people stood up and they chose whom to kill. They would cut their victim into pieces in full view of their children. So, the children witnessed this brutality. For sure, that is the problem which is there. We have been going into those camps to try to remove the stigma on the children because this could bring a lot of problems.

**Ms. Emily Kimani:** From your statement, you not only provide a home for these children but the same also doubles up as an educational facility. Is that correct?

**Pastor Fredrick Wanyonyi:** Yes.

**Ms. Emily Kimani:** How many teachers do you have at your disposal?

**Pastor Fredrick Wanyonyi:** Right now, I have four teachers.

**Ms. Emily Kimani:** Are these volunteer teachers or do you pay them?

**Pastor Fredrick Wanyonyi:** They are volunteers. We even have one here, Mwalimu Mercy.

**The Presiding Chair** (Commissioner Chawatama): We acknowledge your presence, Madam. Thank you very much for coming.

**Ms. Emily Kimani:** Maybe you could shed light on the situation about the educational facilities. Do these children have ample space to play? Also, in light of their classrooms, what is the situation like?

**Pastor Fredrick Wanyonyi:** Thank you, Commissioners. The situation that the children are in is fair considering where they were because they were on the road stealing and doing many funny things but for now, we are in a plot which is 50 by 100 feet. We have put up a temporary structure which has four classes. Now the issue of learning materials is really bad because it is not easy for me to get the facilities. I have been going from one place to the other to borrow books for my teachers to use and then I return them. We also have a problem getting exercise books. Most of the time, the children come to the school without books and they start crying around me. Eventually, I find myself crying because I cannot help them yet they deserve to be helped because they are Kenyans in a very free country. So we do not have learning materials and neither do we have a playing ground. That is one of the lessons which could make those children to be fit. So, Commissioners, it is really a problem. Through you, I believe these children are going to have a good home and a very good school. I believe it will bear special fruits because of the problems that we have gone through, and we have to solve them. Thank you very much. God bless you.

**Ms. Emily Kimani:** Thank you very much. Still with respect to the children facility, does the Government give you any support? Are you registered as it stands right now?

**Pastor Fredrick Wanyonyi:** Honourable Commissioners, the Government is aware of this issue. Not once or twice, my wife and I have visited the Government offices to get help for these children but the answers we get from those Government offices is that we are there illegally and we are not supposed to be there. They also want to know who allowed us to have those children there. Do we leave them in the streets to steal so that they can be killed through mob justice or by the police? This question has not been answered. Instead of appreciating and even coming to visit their children we are embarrassed. So I wonder what type of a father will bear children and later on, he does not care if they survive or die.

Hon. Commissioners, the school is not registered. We have sought help from Government offices and we have not got anything. There was a time when I visited one of the officials. I only needed some condemned trees in the town that I could cut and make timber for their beds and also get firewood. But he told me that because I am not registered, I did not deserve that assistance. The last time when you came there, we were somehow harassed after they realized that the Commissioners had come to our place. They asked me who had allowed us to invite visitors to that place without informing them. I told them that it was very open and that I had informed them but they did not come. Also, the TJRC officials came there and I informed them and they came. So who is now having a problem? I kindly say there is no help. If that spirit continues here in Bungoma, we are going to have thugs or thieves. Why? The IDPs are still giving birth and yet they are not resettled. Nobody is caring about those children. I have seen many street children being killed because they have stolen from other people. They will attack those people who have money. That is my response.

**Ms. Emily Kimani:** Thank you for that very detailed answer. When you talk of visiting Government officials, which offices did you particularly go to?

**Pastor Fredrick Wanyonyi:** The highest office in our place is the DC's Office, the DO's Office, the chiefs and the assistant chiefs and the area elders.

**Ms. Emily Kimani:** From your statement, I understand that some of the people you took in are above the age of majority. Have these managed to get identification cards?

**Pastor Fredrick Wanyonyi:** Thank you. None of them has acquired an ID card because the birth certificate is needed and sometimes cards from churches are also needed. And according to the laws of the land, you must give clear evidence showing that you know this child. I do not know these children. What can I do?

**Ms. Emily Kimani:** You have also touched on some officials who came after the Commission visited your place. Would you kindly shed light on those people who came?

**Pastor Fredrick Wanyonyi:** First, we were questioned by the officers in charge of social services and another one was the officer in charge of children and gender.

**Ms. Emily Kimani:** Thank you. You have taken us through the issues that face your facilities. What are your expectations from the Government? What are the things that you want to see put in place so that you feel that the Government recognizes what you are doing, and also in light of the children's benefit?

**Pastor Fredrick Wanyonyi:** Commissioners, my expectations for these children or this home is to have a home for these children because the place is not fit. Another thing is provision of food so that they do not go breaking into other people's houses. I expect to see the Government help these children to get education. They should also be helped to get treatment as other children in Kenya.

Let me say something I had forgotten. After the Commission had left my place, it was unfortunate that three quarters of the children fell sick. Even my wife and myself, we were sick. I took my wife and all those children to the nearest hospital; Kimilili District hospital. I found that the number was so big and I did not have money to buy even the books for prescription. I went to the hospital administrator. I want to say the truth before the Commission because I am a Christian, that man chased me out of his office. He asked me who had authorized me to be collecting children from the streets and put them in my place. He said I had done that illegally and that he would have them treated only if I brought their documents. I was at a loss on what to do. Tears ran down my face because those children were in a very bad shape. My wife was sleeping there. I was totally confused. I asked him a question---

I asked him: "Officer, if I found somebody in a comma on the road, would I not bring that person here? Would you say that I must produce whatever documents?" It was so painful. God did a miracle. I got another well wisher who helped me to take those students to a private hospital. So, they were treated at a private hospital, instead of being

treated at the Government hospital, which is run on the taxes that we pay. I pay tax, and other people pay it.

**Ms. Emily Kimani:** Thank you very much, pastor. I have no further questions but before I hand you over to the Commissioners, who may ask you a few questions for clarification, I want to tell you that we praise you for the work that you and your wife have done, of giving those homeless children and widows a home. May God bless you for your work! May He give you strength to keep fighting for them! Thank you very much.

**The Presiding Chair** (Commissioner Chawatama): Again, I will now ask the Commissioners if they have any questions for you. Gen. Commissioner Farah, do you have any questions for the witnesses?

**Commissioner Farah:** Pastor, mine is only to commend you for the good job you are doing. However, when we first arrived in Bungoma, we saw a Children's Officer. I do not know whether he has been transferred or he is still around. We even had an exchange with him about children giving evidence to the Commission. He looked like a positive man. I do not know whether you contacted him.

**Pastor Frederick Wanyonyi:** I am told that he stays in Bungoma but he works in Kimilili. Anyway, he might have done it to please you because when he visited our home, he found that my wife was sick and the children were sick. What the officer could have done was to sympathise with those children and ask in which way he could help us, so that those children could be treated. However, he came and said: "I have been told that you are keeping children here. By whose permission are you keeping the children here?" I said: "I reported to the police and to all the offices I have gone to." He said: "You are not right. I do not have that report. So, I would like, if you allow me, to take the children somewhere else." The children were listening. They said: "No, we cannot go".

So, it was not in good spirit the way he approached the issue because we were unwell. That is my answer, Sir.

**Commissioner Farah:** In your view, where did he want to take the children?

**Pastor Fredrick Wanyonyi:** I also wondered because in our town, we have many children who are suffering on the streets. They sleep on verandas of the shop; they do not have anything to eat. We have heard stories that some were killed. We wondered where he wanted to take them. Why had he not helped those on the streets?

**Commissioner Farah:** Thank you very much. I have no further questions.

**The Presiding Chair** (Commissioner Chawatama): Commissioner Dinka, do you have any questions?



**Commission Dinka:** Pastor and Madam, I sincerely thank you. Like my colleagues here, I salute your courage and your dedication. It is a very serious responsibility. I have just one or two questions.

Pastor, you mentioned two or three other orphanages, which you visit. Are they also taken care of by you or by different people?

**Pastor Fredrick Wanyonyi:** What I have said is that we were visiting children who were in different markets. They stay there with well wishers. We usually just go there to encourage them. We tell them about the word of God, that God loves them, and that one of these days God will help them. We say we are willing to help but we are not able: “We could have taken you to our place, but we are not in a position to do so”.

That is what we normally do. They are not orphanages.

**Commissioner Dinka:** Pastor, you have 35 children under your care. Are they completely dependent on your own resources or is anyone, including the church, helping you?

**Pastor Fredrick Wanyonyi:** The children are in our hands, and in our church. I work with my wife. What we are able to supply, we supply. On Sundays, when our church members give offerings, that is what we give them. Sometimes we get well wishers. Like when you visited us, you did a great job. You made us feel relieved, and the children enjoyed. So, sometimes I approach friends. When they feel that they can support, we support the children. We are like beggars. We move from one place to another.

**Commissioner Dinka:** Thank you very much for what you are doing. You are a role model for many of us. Thank you very much. I have no questions.

**The Presiding Chair** (Commissioner Chawatama): Thank you very much. I would like to ask Madam Ruth a question.

You have spoken of the plight of the widows. In your quiet time, when you pray for them, what do you think would be the best thing to do for the widows? How can they be helped, so that they do not fall into things like prostitution and other vices?

**Ms. Ruth Riziki:** Thank you very much, Commissioners, for giving me a second chance, so that I can talk about the women who are widowed. It is sometimes very painful when you do not have a husband.

There was a time when my husband was very sick, and I went through very hard times because he could not do anything. He even wrote a will and said: “I am dying, but I am leaving the children and the church in your hands”. At that time I was still a very young lady. I thought about how I would become a widow at that age, with very young children who were not educated.

So, it was a very painful experience for me. I prayed while we were in the car, on our way to hospital. While in that car, I prayed: “God, please, help me, so that my husband does not die and leave me a widow. I am still a very young woman”. I thank God. It is not that I forced God to do something, but because of his grace, my husband is still alive and we are still serving God together.

When I try to review that kind of situation as I look at the widows, whose husbands never died of any disease but were killed, sometimes I feel very painful. While in such prayer, I try to think of ways in which a woman who is widowed can be helped, so that she can get a farm, a home and, maybe, have some livestock that can help her meet her daily needs. For example, she can rear dairy cattle.

Maybe, to start her life afresh, she can be helped with seeds, so that she can plant some food crops. That is something which can help very much, instead of getting into prostitution.

There was a day I saw widows who were IDPs, and who were singing a song. In that song, they were saying: “We have been infected with HIV/AIDS due to lack of land; we were chased away from our land because our husbands were killed; this has forced us to sell our bodies”. In that song, the women were saying that they sell their panties. Whatever such women say means a lot. Even to feed a child from proceeds of prostitution is very painful. I can only ask if this Commission can help by forcing the Government to identify with such women. That way, the lives of such women will change. When sometimes women in the society see widows and IDPs, they feel that since those women have no husbands, they are out to take their husbands. So, it is sometimes very painful.

Whenever a widow who is an IDP passes somewhere, it is as if she smells trouble. She does not have good relations with other women, such as being encouraged by other women who have their husbands. Such a woman feels that she is isolated. Any time she talks to a married man, she is suspected of wanting to snatch that man from the other woman. It is sometimes very painful.

I can only ask the Commission to help us help these women because we live among them. They are people who have voters’ cards. Tomorrow, leaders will be asking for their votes. If such a woman cannot be identified and helped, will she see the need to vote? Will she feel that she is a Kenyan? Is there anywhere in the world, apart from Kenya, where a woman who is widowed can go and live in peace?

I ask this of our leaders. They should go back to the ground and talk to people. There are people who are suffering out there, people who have gone through difficulties. If they can be helped, we will thank God.

Thank you very much, Commissioners.

**The Presiding Chair** (Commissioner Chawatama): On behalf of the TJRC, we would like to thank you for your testimony. To the people who were a little bit upset by our

failure to visit, we will visit you tomorrow. Whenever we are here, we shall continue to visit you. We are not answerable to them. We are here to seek truth, justice and reconciliation for every Kenyan. We are not going to discriminate against anybody. The work that you are both doing is very commendable. Callings from God are not easy. So, I encourage you to be strong and keep up the faith. Please, tell the children that the Commissioners are coming tomorrow to just see how you live. There was something very real about the situation that we found.

Thank you very much.

**Ms. Emily Kimani:** Pastor Wanyonyi, I have seen you refer to lists of the children. Do you wish to adduce the same as evidence to this Commission?

**Pastor Fredrick Wanyonyi:** Yes.

**Ms. Emily Kimani:** Do you also have a compounded memorandum that you wish to present to us today?

**Pastor Fredrick Wanyonyi:** Yes, I can give you the list of names and the memorandum.

*(The Commission adjourned at 1.50 p.m.)*