



**A GENDER GUIDE ON  
STATEMENT TAKING DURING THE  
TRUTH JUSTICE AND RECONCILIATION PROCESS**

*Knowing the truth of what happened will make it easier to achieve national reconciliation, so that in the future Guatemalans may live in an authentic democracy, without forgetting that the rule of justice as the means for creating a new State has been and remains the general objective of all.*

Prologue from "**Memory of Silence**";  
Report of the Guatemalan Commission for Historical Clarification<sup>1</sup> `

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<sup>1</sup>The Commission for Historical Clarification was set up in 1994. It completed its work in 1998 and the report was published on 25 February 1999.

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# Acronyms

<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CIPEV</b>	Commission of Inquiry into the Post Election Violence
<b>FIDA</b>	Federation of Women Lawyers
<b>GCDAF</b>	Geneva Centre for the Democratic Control of Armed Forces
<b>IASC</b>	Inter Agency Standing Committee
<b>ICC</b>	International Criminal Court
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ICM</b>	International Conflict Management
<b>ICTR</b>	International Criminal Tribunal on Rwanda
<b>ICTY</b>	International Criminal Tribunal for Yugoslavia
<b>TJRC</b>	Truth, Justice and Reconciliation Commission
<b>TRC</b>	Truth and Reconciliation Commission
<b>UN</b>	United Nations
<b>UNICEF</b>	United Nations Children's Fund

# Acknowledgements

This is a Gender Guide on Statement Taking during the Truth Justice and Reconciliation Process that is intended to provide a quick and comprehensive guide to statement-takers on statement talking; particularly highlighting gender dimensions to truth seeking. This Guide is also intended to ensure that women's stories are collected and constitute a part of the historical record.

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[Grace Maingi-Kimani](#)

Executive Director

With the objective of addressing the concerns over gross violations of human rights, abuse of power and misuse of office that had occurred in Kenya since independence, the Commission also seeks to give the people of Kenya a fresh start where justice is accorded to the victims of injustice, and past transgressions adequately addressed through a process that forges the spirit of reconciliation without encouraging impunity. The Commission's mandate requires it to manage a delicate balance between justice and reconciliation. The Commission must address the issues of conditional amnesty for perpetrators while ensuring on the one hand that it does not serve as a platform for vengeance on the part of the victims, and on the other hand that justice is done and seen to be done for the victims.

There is need for vigilance to ensure that the Commission is not operating solely under the broader political context that holds it hostage to the balance of power and political manipulations. The Commission must safeguard the rights of the victims in the process. One way of ensuring this is by taking into account gender differences that would not otherwise be considered because of a gender neutral the legislative framework.

The injustices and human rights abuses defined in the mandate of the Commission affect women and men differently. Women suffer an added layer of violation when they are prevented by discriminatory laws and practices from seeking justice for these violations.

The interpretation of the mandate of the Commission needs a gender dimension to enable all the victims participate effectively in the Commission. The experiences of women range from the issues that have affected them directly to those that affected them indirectly through the violations of the rights of their male relations, especially their husbands. Yet women tend to relate the circumstances of the violations of their male relatives without giving account of the violations that they suffer as women. Women's experiences should be understood as a consequence of the interrelationship of women and men's roles and statuses in the society.

There is need to interrogate issues such as the definition and parameters of the truth in relation to the Commission processes; the emerging forms of violence in the transition stages; and how these then affect the gender relations in the new dispensation to be created at the end of the process. In addressing the gender differences the Commission needs to look at the way society has located women and men in relation to all areas of their lives, such as the workplace, the domestic sphere and the civic life of the community. In the past and the present women have been and are subordinated to men. This constrains the full development of men and women. The recommendations of the Commission must be directed at restructuring all social relationships in all spheres of society as a means of transforming the gender imbalances.

## 2.0 WHY A GENDER GUIDE

### WHAT IS GENDER?

The term “gender” refers to relations in the society that connote the socially constructed designation of women and men, their roles in the culture-specific context and the relationship between the two sexes. Gender considerations are also evident in the cultural and political relations and interactions. At the individual level, the differentiations are manifested on the basis of opportunities and constraints and the consequences of these on the individual men and women also differ. Gender is however often erroneously equated with women.

The Commission shall refer to the findings of earlier commissions<sup>2</sup> that have for the most part worked with a narrow concept of gendered harm, violation or abuse and equated it to sexual violence against women. This was the case in the Commission of Inquiry in the Post Election Violence (CIPEV) which, despite having set out to incorporate a gender angle to its proceedings, only covered instances of sexual violence against women without addressing the gender imbalances in the underlying social structure, and the place of these imbalances in the violent electoral conflict.

<sup>2</sup> Examples include the Commission of Inquiry into the Post Election Violence, the Waki Commission; the Akiwumi Commission

Women are an integral part of the society and the physical violations that they suffer have far reaching consequences on the society. The violations against women must be addressed from the multi-dimensional context of society while covering the various contexts under which these violations occur, such as the violations of socio economic rights that are linked to the struggle for access to and control of resources. For example, a single act of sexual violation against a woman could lead to her exclusion from societal participation, or even death. Consequently, the social and economic interaction in her family and community could be changed fundamentally.

An element of the deprivation of the cultural, civil and political rights of her beneficiaries could ensue if she dies. Her orphaned children could perhaps be disinherited of her property. Where she survives the violation she may face challenges because of discrimination on the basis of gender in the judicial system, or be sent away from her matrimonial home by her husband<sup>3</sup>. If the husband marries another woman, the family property is fragmented to embrace the new relationship thereby disadvantaging the children of the rape victim socially and economically. Each dimension of the rearrangement of the gender relations brings with it an added level of the violation of the rights of the woman or her family members, in this case her children.

Against this backdrop, the participation of women in the Commission proceedings is important as it will prioritize the lives and struggles of women within the context of the human rights violations covered by the mandate of the Commission. The experiences of women in the internal displacement of communities, or as sole breadwinners because of the human rights abuses against their spouses and other male relations are important elements in the investigation of the gross human rights abuses under the mandate of the Commission. The role of women in the governance processes such as elections should be taken into consideration.

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<sup>3</sup>In the Report of the Commission of Inquiry into the Post Election Violence (CIPEV), an account is given of a woman who was raped *the man came, the father of the house and when he found that his wife had been raped and the same man raped his daughter and rapes his daughter-in law, he said I am finished with [this]; I cannot deal with this. I am going to find myself another woman, [b]ecause this is the biggest taboo in my home and I cannot even be cleansed and who are the perpetrators.*"

This gender guide on statement taking sets a precedent and will ensure that the concerns of women are taken into consideration in the Commission sessions to cover the physical and psychological abuses of human rights suffered by women and the discriminatory laws, practices and policies against women, the indirect violations of the rights of women through the violation of the rights of their male relatives. Examples of violations of the rights of women include political assassinations and detention of women that is direct and the assassinations and violations of the male relatives of women who then suffer indirect violation of their rights.

### 3.0 MANDATE OF THE COMMISSION: A SUMMARY

The Commission is established under the Truth, Justice and Reconciliation Act No. 6 of 2008 (the Act). The mandate of the Commission covers the period between 12th December, 1963 and 28th February 2008. It has the primary objective of promoting peace, justice, national unity, healing and reconciliation among the people of Kenya.

In outlining the objectives, functions and powers of the Commission in Sections 5, 6 and 7, the Act sets out investigation as a primary role. The function of investigation carries with it a corresponding role of documentation for trials, which may occur at a later date or simultaneously with the term of the Commission.

The mandate of the Commission encompasses accountability; official acknowledgement for crimes of the past and for victims' experiences of these crimes; establishing an inclusive history and citizenship; identifying victims for reparations; making a moral/ symbolic break with the past; contributing to the development of a culture of respect for the rule of law and human rights; making recommendations for institutional transformation; and serving as a platform for nation-building and reconciliation. Further, the Commission is mandated to grant conditional amnesty to persons who make full disclosure of all the relevant facts relating to acts associated with gross human rights violations and economic crimes that meet the requirements of the Act.

The Commission is also mandated to educate and engage the public through the provision of information so as to ensure effective public participation in the work of the Commission.

The Commission will thus facilitate acknowledgement for victims; establish accountability for perpetrators; shed light on the role of beneficiaries and bystanders, morally sanction the violation of human rights; write an inclusive history of a nation; counter denial; as well as provide a blueprint for a new democratic state through its findings and recommendations.

In addition, the Commission will serve as a forum to establish the rights to reparations of individuals. The make up of the Commission is such that its evidentiary burden is less rigorous as compared to the national courts of law. This is important, given the lack of evidence especially in cases of gender based violence. The Commission will therefore be able to move proceedings along faster than trials and make findings on the balance of evidence whilst also encouraging constructive dialogue in contrast to the adversarial exchange of a court. In moving beyond a narrow focus on criminal culpability for past violations the Commission shall also examine the moral dimensions, which includes seeking accountability or reflection from bystanders or beneficiaries or groups whose role would go unaddressed solely through criminal justice proceedings.

At the end of its sittings, the Commission shall compile a comprehensive report on the findings of their investigation and hearing of testimonies with a view to stemming the occurrence of such actions in the future. It shall further make recommendations aimed at achieving justice, national unity and reconciliation without prejudice to the provisions related to truth telling.

The statement taking process will broaden the reach of the Commission so that an increased number of victims are able to tell their stories, even where they are not able to appear in person before the Commission. This will assist the Commission to fulfill its mandate.

## A BIRD'S EYE VIEW OF THE MANDATE OF THE COMMISSION

- Promote peace, justice, national unity, healing and reconciliation among the people of Kenya;
- Serve as a platform for nation-building and reconciliation;
- Address the culture of impunity;
- Restructure the social and moral structure of the country to embrace accountability and respect for the rule of law;
- Investigate, document and address past abuses of human rights in order to make a moral/symbolic break with the past;
- Officially acknowledge crimes of the past and the experiences of victims and restore the dignity of the victims through its processes;
- Establish the right to reparations by those who suffered abuses;
- Establish an inclusive history and citizenship;
- Contribute to the development of a culture of respect for the rule of law and human rights;
- Ascribe responsibility to perpetrators of crimes and human rights abuses;
- Grant conditional amnesty upon application by perpetrators ;
- Make recommendations for institutional reforms;
- Sensitize the public on its role and mandate;
- Make a report on its findings.

### 3.1 AN INSIGHT TO THE PROCESS AND METHODOLOGY OF THE COMMISSION

The work of the Commission is to be guided by international human rights law governing abuses such as massacres, sexual violations, murder and extra-judicial killings. The Commission shall provide a forum for victims of human rights abuses and corruption to be heard and to have their dignity restored without serving as a platform for victims to seek vengeance. The Commission shall be a forum where repentant perpetrators could confess their actions in an effort to forge reconciliation. The Commission has the power to:

- a) Summon persons to appear before it and punish the refusal to obey such summonses;

- b) Enter into any establishment and call for the provision of any reports or records that it shall deem necessary for the effective fulfillment of its mandate;
  - c) Administer oaths as necessary and can also issue summonses to compel the appearance of any person to the Commission hearings;
- The Commission may enter into any collaborative partnership as it deems fit. It is expected to be very detailed in the investigations, scope and nature of the violations.

#### 4.0 SUMMARY OF VIOLATIONS UNDER THE JURISDICTION OF THE COMMISSION.

**S**ections 5 and 6 of the Act provide for the violations under the jurisdiction of the Commission. These are:-

- a) Gross violations and abuses of human rights.  
Which are defined to include abductions, disappearances, detentions, torture, sexual violations, murder, extrajudicial killings, ill-treatment and expropriation of property and massacres suffered by any person between 12<sup>th</sup> December, 1963 and 28<sup>th</sup> February, 2008; **Section 5 (c) and Section 6 (a) (r) (t)**
- b) Corruption; **Section 5 (h)**
- c) Violations of economic rights ; **Section 5(b), 6 (f) (g),**
- d) Grand corruption and the exploitation of natural or public resources; **Section 6 (n)**
- e) Crimes of a sexual nature against female victims; **Section 6 (h)**
- f) Irregular and illegal acquisition of public land ; **Section 6 (o)**
- g) Misuse of public institutions for political objectives; **Section 6 ( r)**
- h) Ethnic tensions; **Section 6 (s)**

The matrix below reviews the violations from a gender lens.

VIOLATION	GENDER POINTS TO PONDER
Gross violations and abuses of human rights including abductions, disappearances, detentions, torture, sexual violations, murder, extrajudicial killings, ill-treatment and expropriation of property and massacres	The gender of the victims and the perpetrators; the change in societal roles as a result of the violation of either gender; the impact of the change on men and women ; restructuring of the gender relations; the impact of the new relations on the social, economic and political wellbeing of the community.
Corruption	Manifestations of corruption; the gender profile of the perpetrators; the contributory factors and whether this is biased towards or against either men or women; impact of corruption on men and women separately and as members of the society.
Grand corruption and the exploitation of natural or public resources	Access to and exploitation of natural resources by men and women; impact of exploitation of natural resources on men and women and on the society.
Violations of economic rights	The extent to which the economic rights affect men and women separately and the impact of this on the society; economic roles of men and women and the impact on women of the violation of economic rights of men and vice versa.

Crimes of a sexual nature against female victims;	Profile of the perpetrators of the sexual crimes, nature of the crimes and whether crimes targeted at men through the violation of women to disenfranchise men.
Irregular and illegal acquisition of public land;	Effect of illegal public land acquisition on the rights and roles of men; how displacement resulting from such acquisition affects men and women and the long term impact on the society.
Misuse of public institutions for political objectives;	Impact of the non provision of essential services resulting from the misuse of public institutions and the effect on men and women separately and jointly as members of the community.
Ethnic tensions;	Place of women in ethnic relations; "citizenship" of women in cross ethnic relationships; effect of ethnic tensions on women in inter ethnic marriages ; long term impact of the tensions on the family fabric and the society at large.

## 5.0 INTERNATIONAL PROVISIONS ON PARTICIPATION IN PEACE PROCESSES

Statement taking is an activity aimed at ensuring the effective participation of women in the truth, justice and reconciliation processes. For their participation to be meaningful and effective, their statements should:-

- a) Address the offences covered by the Act and those not covered but which are included in the international instruments on human rights protection;

- b) Take into consideration the gender power dynamics in the community e.g. would a woman make a statement freely, touching on the issues under consideration by the Commission with the full knowledge of the men in the community? If not, steps should be taken to ensure that the women give their statements in confidence so as not to jeopardize the community relations after the statement has been taken.
- c) Take into account the sensitivities of the communities as they relate to public testimonies and discussions publicly on different forms of violations against their members e.g. would a rape victim be able to stand up and say that they were raped and identify the perpetrator without fear of community reprisals or ostracisation?
- d) Put in place mechanisms to address the psychosocial needs of the witness at the point of statement taking and in the actual testimony giving process of the Commission.

## INTERNATIONAL STANDARDS ON PARTICIPATION

The international standards governing the right to participation can be applied to guide statement taking. Participation is linked to the use of and access to information. Below are some of the specific provisions contained in the international law instruments with an explanation, in italics, of how these can be applied in the work of the Commission.

### **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**

The CEDAW provides in Article 7 that women should enjoy non discrimination in the political and public life of the country and have the opportunity to participate in non governmental organizations and associations concerned with the public and political life of the country. In Article 15, it provides for equality of men and women before the law. Women are to be accorded a legal capacity identical to that of men and the opportunity to exercise that capacity.

*The TJRC processes touch on the core of the political and public life as they interrogate issues caused or influenced integrally by politics and how these affect the private lives of individuals.*

### **United Nations Security Council Resolution 1325 (2000)**

This resolution “emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexual violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible from amnesty provisions.”

*The Commission seeks to address impunity. The crimes under investigation by the Commission include gross human rights violations, crimes against humanity and sexual violence.*

### **United Nations Security Council Resolution 1820 (2008)**

This resolution calls for an increased participation of women in the decision making levels in peace and conflict resolution and peace processes. This resolution also notes that sexual violence is a war crime and must therefore be addressed in the same way that other war crimes would be addressed.

*In the Kenyan context, sexual violence is a predominant form of violation against women in situations of conflict. The mandate of the Commission includes investigations into crimes of a sexual nature. In the statement taking process, the women should be made to understand that sexual violence is a war crime under international law and should therefore be encouraged to include their experiences of sexual violence in the statements that they make.*

### **United Nations Security Council Resolution 1888 and 1889 (2009)**

These two resolutions address the issue of cessation of sexual violence against women. They address the need to end impunity and to increase the level of participation of women in the conflict resolution and peace processes. They recognize that the integration of processes that take into account the vulnerabilities of women in light of the sexual violence that they are exposed to as a result of the conflicts.

*The Commission will address the issue of impunity and sexual violence. The statement taking processes have to take into account the vulnerabilities of women and accord them support and protect their dignity even as they prepare to testify before the Commission.*

In preparing witnesses to participate in the sessions of the Commission, it is important that the statement taker understands the mandate, role and objective of the Commission. The statement taker must ensure that the witness understands the mandate so that their participation can be effective. Such understanding ensures that the expectations of the witness are matched with the role, mandate and functions of the Commission so as to avoid a disconnect between the witness expectations and Commission objectives when the process gets underway.

The statement taker plays an informative role and guides the witness to give relevant information. The statement taker also acts as a buffer for the witness and must to this end be prepared, either individually or with the assistance of a counselor, to provide psychosocial support to the witness. The statement taker must be sensitive but also impartial and avoid making comments or leading the witness in a manner that can be perceived as confusing to the witness.

The process of taking statements requires asking the right questions so as to properly enable people to reflect their real experience.

### Steps in statement taking

- a) Take the statement in a non threatening manner e.g. should a witness feel intimidated by note taking, the statement taker should reassure the witness of the need to record the statement so as to give a faithful account of her experiences and that it is only then that the Commission shall be able to address the violations that she suffered;
- b) Explain to the witness the objectives , mandate and work process of the Commission in a manner that is simple enough, and in a language that the witness understands to enable her participate effectively in the Commission;
- c) Explain to the witness the remedies available under the TJRC Act so that the witness is clear as early as possible on the outcome of the process.

- d) Assure the witness that her statement will be availed to the Commission and for those who will appear before the Commission, the statement taker must clarify that they will be able to give their testimonies under circumstances that are most responsive to their circumstances including in a language of their choice;
- e) Ensure that the psychosocial needs of the witnesses are taken into consideration by providing professional support services such as counseling during the statement taking and when they present their evidence before the Commission<sup>4</sup>;
- f) Provide other forms of social support to the witnesses in so far as possible so that the witnesses are not discouraged from accessing the Commission due to constraints such as lack of transport to the venue of the Commission sessions. One way of addressing this will be to mobilize the victims through the help of civil society that has programs in the area where the statements are to be taken.
- g) Take the statement at the pace of the witness without hurrying her up or expressing impatience. In this case, where there are many witnesses lined up, the organization should increase the number of statement takers;
- h) Seek clarifications from the witness without altering the meaning of what the witness has said. An example would be for the statement taker to repeat their understanding what the witness has said and ask the witness to confirm ;
- i) In the event that there is a language challenge, then the statement taker should get interpretation assistance from a person who speaks the same language as the witness. The statement taker should then ensure that the interpreter understands the sensitivities of the process and the issues noted in clauses a-g above.
- j) Women seeking to make statements in the case of another victim, their husband or son or father, should also be encouraged to speak of their own experience of harassment, abuse, detention etc., and where this occurred.

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<sup>4</sup> The Commission has put in place a gender unit that will cater for the psychosocial needs of the victims .

The statement will assist the Commission secretariat in arranging the hearing schedules of witnesses. It will also assist the counsel in taking the oral evidence of the witness before the Commission. When the witness appears before the Commission, the statement taker and the counsel assisting the witnesses should take the following steps:-

- a) Familiarize themselves with the schedule of the Commission so that they appear with the witness at the right venue ahead of the appointed time;
- b) If the witness had indicated that she would like to give her testimony in private, this must be clearly indicated in the statement so that the Commission secretariat will have made the arrangements ahead of time. The Commission would however make provision for interpretation services as a matter of course;
- c) Provide the necessary support to the witness in the course of the testimony within the rules of procedure of the Commission;
- d) Ensure that the statement is accompanied by a sworn Declaration under the Oaths and Statutory Declarations Act, Chapter 15 Laws of Kenya. This would be necessary for admissibility purposes in any court cases that may result from the Commission recommendations.

## 7.0 IMPORTANT DETAILS IN THE RECORDING OF STATEMENTS DURING THE TRUTH, JUSTICE AND RECONCILIATION PROCESS

### Section 1: Witness Details

Where the Statement is recorded in the Truth Justice and Reconciliation Commission, the witness ought to include the following information on a template, which will be provided by the Commission:

- ✱ The date and place where the statement was recorded. This information is important as it helps the Commission map and locate where violations occurred or where witnesses migrated to after the violations and the scale of such migration.
- ✱ Witness details and in specific, the name, age, identification details, contact address including physical, postal telephone and email contacts where applicable.

The language, in which the statement is recorded if interpretation was required, is also crucial.

## **Section 2: The Statement**

In this section, the recorder of the statement must make every effort for the story to be told in the witness' own words. It commences with an opening paragraph that identifies the statement-maker, her narrative, taking keen note of the dates, specific locations and the name(s) of the perpetrators. The Statement-taker's statement may have a narrative of more than one victim or perpetrator or a combination. The categorization shall be made by the data-entry clerks of the Commission.

The Statement-taker should ensure that each page of the statement is signed by the witness and must also give their contact details. The statement must include age, gender, and marital status of the witness. The statement-taker must ensure that the witness has signed the necessary authorizations e.g. access to medico, legal records.

The statement taking protocol shall have a check list which should be completed by the statement-taker and the witness. The protocol will have a section for comments or observations by the statement-taker. Need for counseling, hearings in camera, specific needs of the witness etc, will be taken into account by the Commission.

## **Section 3: Analysis of the Witness Statement**

This section should entail the following details:

1. Whether the witness wishes to testify before the Commission
2. The nature of the violation
3. Details of the violation
4. Psychological support needed for the witnesses testifying before the Commission
5. Gender dimensions of the violation suffered and remedy sought by the victim(s):
  - ✧ Attribution of the causes of the violation
  - ✧ Impact of the violation(s) on men, women and the community

The signatures of both the witness and the statement-taker have to be appended on this Section.

#### **Section 4: Declaration**

On the final part of the statement for the witness, the statement-taker has to confirm that she/he has explained to the witness and the witness has understood the meaning of the statement, that she/he has read out the statement to the witness who has confirmed it as a true record of her statement and that she/he has recorded only what the witness has said and has not influenced her statement in any way.

In conclusion, the statement-taker has to declare that the statement has been made willingly and that all information provided is true to the best of her/ his knowledge and information.

**NB: The Statement made herein is supported by a sworn declaration under the Oaths and Statutory Declaration Act, Cap 15, Laws of Kenya.**

## Lessons from the continent

### A. SIERRA LEONE

The Truth and Reconciliation Commission (TRC) of Sierra Leone was mandated by the Lome Peace Agreement. It was set up with the aim of addressing and documenting the violations and abuses of human rights and international humanitarian law related to the armed conflict in Sierra Leone. The mandate of the TRC included addressing impunity and addressing the needs of the victims to promote healing and reconciliation and to prevent a repetition of the violations and abuses suffered.

The Act establishing it called on the Commission to “work to help restore the human dignity of victims ...” giving special attention to the subject of sexual abuse.

Special hearings were organized for women. In addition, the staff of the Commission underwent gender training on international law pertaining to sexual violence, the methodology for interviewing victims of sexual violence and issues related to the support and protection of women victims. Special effort was employed to create a comfortable and enabling environment for victims of sexual violence and to ensure their privacy and confidentiality.

The statements of the women victims were taken by the over 40 female statement takers. Victims were interviewed by the four female Commissioners and assisted to decide whether or not they wanted to testify in public or in private. The witnesses were given food and shelter so that none of them were stranded after giving evidence.

The TRC reached out to women’s organizations that were instrumental in creating awareness about the work of the TRC, organizing for and assisting women to testify before the TRC and pressurizing the government to implement the recommendations of the TRC.

## B. SOUTH AFRICA

In the TRC, one woman named Yvonne Khutwane decided “to speak out at the truth commission.” In her assessment of the work of the TRC Vasuki Nesiiah<sup>5</sup> notes that Yvonne “wanted to assert that apartheid was about fundamental rights and violations and she wanted her grandchildren to know her contribution to the struggle. In an interview after she gave her evidence, she noted that she told the commission about the human rights abuses that she had suffered under apartheid. She had been arrested, kept in solitary confinement, interrogated, tortured and beaten. Her house was burned and she was raped by a policeman. She testified to all this, while also speaking of her history of political activism through these years. She told the commission how she had been involved with the ANC since she was a young girl, and then she spoke about how she had gone on to take on a lot of political responsibilities working for the ANC underground. Ironically, in the Commission’s account of Yvonne’s testimony, this history of activism fades into the background even though it was clearly important to her own identity and self presentation and the legacy that she wanted to leave behind.”

In the report, rape was the only violation that was highlighted from the numerous accounts of violations that Yvonne suffered. It is argued that the TRC considered rape as the most traumatic of the violations that Yvonne recounted.

An analysis of the work of the TRC reveals that even though the TRC was committed to the gender agenda, not many women came forward to testify. Yvonne’s testimony was therefore considered prized testimony and more so because it also contained the embodiment of the TRC interpretation of gender violence – rape. Yvonne’s experience is also described as a story about the competing tensions between “truth as a product” and “truth as a process” for the women’s movement. Yvonne’s experience of resilience, survival and continued political commitment to the struggle against apartheid was effectively reduced to the “truth” about rape.

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<sup>5</sup>V. Nesiiah, “Gender and Truth Commission Mandates”  
<http://pambazuka.org/en/category/features/60353>

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