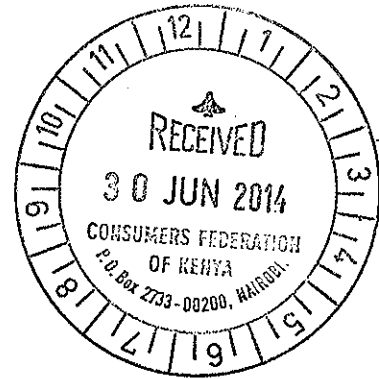


STATEMENT BY ROBERT WAFULA WAMALWA-FATHER TO CONSOLATTA NAFULA
WAFULA WHO WAS DEFILED BY MR HENRY NYONGESA-MCA BUMULA WARD.
12/04/2014:

NAME ROBERT WAFULA WAMALWA
SEX MALE
AGE 50 YRS
NATIONAL ID. NO. 9298136
VILLAGE SYEKUMULO
SUB-LOCATION BUMULA
LOCATION BUMULA
DIVISION BUMULA
CONSTITUENCY BUMULA
DISTRICT BUMULA
OCCUPATION PEASANT FARMER
NEXT OF KIN CLARE NAFUNA (SPOUSE)
ADDRESS C/O SYEKUMULO PRIMARY SCHOOL,
P.O. BOX 413 BUNGOMA.
TELEPHONE +254712540208.



I am the person of the above particulars and of sound mind; i am the father to the defiled Child- Consolatta Nafula (17), a form one student at Mateka Secondary School in Bumula District of Bungoma County. This statement has been made in the Swahili language which i understand well.

Backgrounds information

On 23/03/2014 while at home, my wife smelled something amiss with my daughter. She was very uncomfortable and not happy. At 12 noon, we questioned her and she revealed to us that she was pregnant. When we insisted on who is responsible, she told us that Mr. Henry Nyongesa the MCA Bumula Ward and my neighbor was responsible. This revelation puzzled us because the MCA is our neighbor and we had applied for a bursary to assist this child. He had even hired me to assist plough his land in readiness to plant maize.

On 24/03/2014, I woke up at 5am, yoked my oxen half-heartedly and went to plough for him- Mr. Henry Nyongesa. He had hired me a week ago and deposited two thousand Shillings only (kshs. 2,000). He was not at his home when I went to plough his land. When i came back home from ploughing, at around 09:00 am, i did not find my daughter at home. Her mother-my wife told me that, she has seen all her uniforms in the house and it appears she has not gone to School today. My wife told me that she has just discovered the uniforms in the house a few minutes ago and was not aware of her whereabouts. We started inquiring from neighbors for any information in vain. At about 2pm, my mother in-law **Margaret Nabangala** phoned me requesting to talk to **her daughter (my wife), Clare Nafuna**. I handed over the phone to her and she talked to her mother-my mother in-law in a raised audio-volume and I could perfectly hear the conversation.

My wife then repeated that her mother has informed her that, the **MCA-Henry Nyongesa** has just been at her home today in the morning and wanted me – **Clare Nafuna** to take a boda to Bungoma town. When I asked the reason, she told me that the MCA had told her that **Consolatta Nafula** and her **uncle Conrad Sikuku** have gone to Bungoma town and he the (MCA) wanted you (**Clare**) to follow them for unspecified mission. When I pressed her, she told me that they have just gone to Bungoma- about 30 minutes ago to procure abortion so that the MCA can avoid the public shame of having an affair with a school girl. This is so despite the child having refused. My mother in-law told my wife that, we have to move first and prevent that evil incident. She said Mr. Henry Nyongesa had initial approached her today in the morning to accompany the child for abortion but she refused prompting the MCA to leave in hast, which is why she was alerting us on what is happening. My mother in-law further informed us that we have to go and ask for the clinic of one Dr. Awolla situated around Chepkube Market on Bungoma-Mumias road.

After getting this information, from my mother in-law, I and my wife hurriedly travelled to Bungoma town. We straight away reported the matter to Bungoma police station to the OC crime. " That my child- Consolata Nafula has disappeared from home and was last seen in the company of my brother Conrad Sikuku and Mr. Henry Nyongesa- the MCA- Bumula ward. I briefed the police what my mother in-law has told us about the intended abortion. The police then requested for the telephone numbers of both my brother and the MCA and I gave them. The OC crime told me that they will use these numbers to locate them and will arrest them immediately. The OC-crime told me to call my brother, when I called he switched off the phone but when the OC -crime called him, he picked the phone and they talked. I overheard my brother telling the OC crime that he was at Chepkube Market in Bungoma town.

The police instead of going to arrest him told me, to come back to the police station the following day- **25/03/2014**. I told one officer that, if my brother who was last seen with my daughter has told you that, he is at Chepkube market in Bungoma town here - the suspected place of abortion, why can you assist me to arrest him? The OC crime told me that, he has told me to come back tomorrow, and that is the position period.

I and my wife left the police station, very disappointed. We inquired from people the location of Dr. Awollas clinic on Chepkube Market. We went up to Chepkube Market and located Dr. Awollas Clinic-AMUA CLINIC. We went inside and later sat outside the clinic up to about 5pm but we did not see my daughter or my brother Conrad Sikuku nor MCA. When i called my brother, the phone went unanswered until it went off. I thought they might have gone to some other clinic or out of Bungoma. The same day at around 6:30 pm, we reported the same incident to Bumula police station after being frustrated by the police at Bungoma police station. They asked me why we reported to Bungoma. We told them that we reported to Bungoma police station because my mother in-law had informed us that my brother and the MCA had gone with my daughter to conduct abortion in Bungoma town.

I went back home and arrived at 7:00 pm but my daughter was not at home. I was very discouraged by the actions of the police and i was very reluctant to go back to Bungoma police station the following day-25/03/014. First i had no transport to go back and secondly the fact that the police deliberately refused to apprehend my brother when he told them on phone that he was at Chepkube Market in Bungoma town- about 600 meters from Bungoma police station really eroded my trust. This was contrarily to the promise OC crime told me that they will use their telephone numbers to track them. I did not understand why they asked for the phone numbers.

On 25/03/014 at about 9pm, i received a call from my brother in-law **David Wanjala** that my daughter Consolatta Nafula was at his place in terrible conditions. I did not take chances, i told my wife and my son Dennis Simiyu and we left immediately. We reached there at around 9:30 pm, but because of the Bukusu customary laws i did not enter the house, safe for my wife and my son Dennis who went inside the compound. We left and went back home with my daughter.

On 26/03/2014, at 8a.m. i went with my daughter to Bumula police station and reported what has happened to my daughter and she recorded a statement. The police told me to take my daughter to the Bumula District Hospital which i did and she was treated and discharged. After treatment the police I and my wife went to report to Bungoma police station at around 2pm. While at Bungoma police station we recorded other statements, and the child was taken to Bungoma District

hospital for further treatment. The Bungoma Police station told us to go back to Bumula. The same date we went back to Bumula only to be told to go back to Bungoma.

While at home the child was still not feeling all right, I took her to **Marie stops Hospital in Kisumu** where she was further treated and was discharged on 29/03/2014. On 30/03/2014 the police further told us to go and record another statement at Bumula police station, but when we reached there the OCPD Bumula took us in his vehicle to Bungoma police station. The three of us recorded statements again at the police station. After that me, my wife and daughter-Consolatta Nafula who led the two police officers from the station to the clinic that procured abortion. My child led us all up to the AMUA CLINIC with two police officers. The victim- Consolatta then showed the police officers the Clinic ward in which she was admitted to procure abortion and told the police that it was DR. Awolla who administered the drugs to her. She further told the police that his uncle - Conrad Sikuku and the MCA were present in the clinic when the doctor administered the drugs. While in the same clinic, the two police even found a new victim of abortion in the clinic. When they asked the in- charge of the clinic for her record, it was not there. The police asked the name of the victim and cross checked it with the clinics records and did not find her name. They arrested the Doctor and went with him to Bungoma Police Station. After the child showing the police where abortion was procured, the police told us to go home. They said that they are still investigating and will inform us on the next step.

CHALLENGES TO JUSTICE AND THREATS AFTER THAT INCIDENT: On 30/03/2014 Sunday, I went back to Bumula Police Station and the OCS Bumula accompanied me to Bungoma Police Station where I further recorded another statement and back home. While at home at around 5 pm, one Mr. Stephen Makhanu-District Cooperative Officer- Busia came to my home and threatened me that I must abandon the case or I will not plough the land I leased from balonja clan.

On 1/04/014 Stephen Makhanu- District Cooperative Officer –Busia made his threats reality when he physical with other neighbors obstructed me from ploughing the land I had leased from Joseph Muganda-son of his brother and clans man to the MCA. He threatened me with dire consequences including forceful eviction from the area, if I continued to victimize the MCA. He accused me of being a stubborn migrant in the area. He told me to abandon the case against the MCA or will face the said consequences. Mr. Stephen warned me that if I do not listen to the voices of the Balonja Clan and abandon this useless case, we (Balonja) shall do all that is possible to expel you from this area to your place of origin.

On 2/04/014 Beatrice Nakhayo, a clan's man to the MCA, in the company of ten other people, chased me from ploughing the land that I had leased from Joseph

Nyongesa Mukanda- Uncle to the MCA; they echoed the statements of Stephen Makhanu.

All these incidents of threats were reported to Bumula and Bungoma police stations and no action has been taken. Because of these threats and intimidation from the clan's men of the MCA (Balonja who are the dominant clan in the area, I have neither ploughed nor planted anything in all the land I had leased from the relatives of the MCA and I strongly believe that the MCA has a hand in these threats thought not directly to me.

On 9/4/014 Mr. Henry Nyongesa went to my father in-law **Alex Barasa at Mateka**. He met him and my brother in-law **David Wanjala**. The **MCA** told them to request (me), to release my daughter so that he can assist to treat her. My father in-law told the **MCA** that he is not the father to the child and has no business with whatever happened. He told the **MCA** to go and talk to the parents of the child and not him.

On 10/014 at around 10am. **Mrs. Jacinta Khaemba- Sister** to the **MCA** came to my home and found my wife Clare Nafuna. She requested that the **MCA** has sent her to come and take Consolatta Nafula so that he can assist in treating her. Her mother refused the offer and in fear of the girls' security, vacated the girl from home.

On 11/04/2014 i went and reported the incident to Bumula Police station that the **MCA** has plans of abducting my daughter to unknown place. **OB No. 02/11/2014**.

My efforts to access justice have been frustrated by the Police. The police have been twisting me right and left by not telling me the fate of the case. When i go to Bumula police station, they refer me to Bungoma police station and vice versa when I go to Bungoma police for three weeks now. The police are jokingly asking me to show them the location of the suspects whom they refused to arrest after I recorded the statement. This compelled me to seek the assistance of the County criminal investigation Officer- Bungoma County who promised action.

According to the Hospitals Clinic card, my daughter is **17 yrs.** against an error on the birth certificate indicating **19 yrs.** The police are holding that they cannot arrest the **MCA** because my daughter is above 18 yrs. and that there is no crime the **MCA** has committed, even if the girl is a form one student and an abortion has been illegal procured by a known Doctor in Bungoma town. Furthermore, the police introduced a new irrelevant dimension that a Kimillili high School student, who is alleged to have slept with my daughter in August 2013, must also record a statement. I cannot understand how useful this is or is strategies to assist the perpetrators go Scott free. This is because my daughter clearly stated to the police that she slept with the **MCA** from December 2013 which clearly corresponds with her pregnancy. Then one woman police officer harshly asked her `` *Wewe musichana! Umewayi kulala na mtu mwingine?Ndio mwezi waa Nane 2013.* The police have insisted that there will be

no case if that high school student will not record a statement when it is very clear that there is no relationship between the pregnancy and the other boy according to the Doctors professional medical report that the pregnancy was about two months.

I have gone through this statement and confirm that it is a true statement of what I have given and what transpired to the best of my knowledge. This is what happened to my daughter and the challenges and grievances I have faced in the process of trying to access justice.

Signed;

Robert Wafula Wamalwa

Dated; 12/04/2014 at Bungoma –Kenya.