

DECLARATION IN SUPPORT OF ASYLUM APPLICATION

I, ELSBETH E. NGWONO, hereby declare:

I was born on May 15, 1970, at Embu, Kenya.

I am a born again Christian. I have a daughter, Jasmine J. Ngwono, who is still in Kenya, whose twelfth birthday will be in September 2003.

I was an employee of the National Convention of Kenyan Churches (NCKC), a Christian organization for ten (10) years, as I wanted to work in a Christian environment where I felt strongly that the Lord had led me to work there and to serve my countrymen. I am a businesswoman and accountant by profession, and began work as an Assistant Accountant with the NCKC in 1987 in its regional branch office at Nakuru, Kenya.

I was promoted to Assistant Manager of the Small Scale Business Enterprise (SSBE) program at NCKC's regional branch office at Kisumu, Kenya, in 1990. The SSBE program strives to promote community-based small-scale business ventures, particularly those run by women, by providing loans and business counseling. As the program is facilitated by a Kenyan Christian organization, and financed by overseas Christian organizations, funds are only offered to individuals who are Christians. Church membership is required and certain other restrictions are attached to the granting of a loan for the beginning of a small business; in particular, individuals (and their sponsors) applying for loans must not be promoters of female genital mutilation (FGM) or woman inheritance, nor may they be members or supporters of the political group called "Mungiki" or the religious cult upon which that group's beliefs are based, the so-called "Tent of the Living God."

The Mungiki group is an especially violent movement composed largely of men of several Kenyan tribes who are united in their belief that women should be completely dominated

by men and subject to their authority, that women should not have any rights not given them by their husbands or male relatives, and that the inhumane and degrading practices of FGM and woman inheritance (an abhorrent practice where upon the death of her husband, a woman is “inherited” by that man’s brother or relative and forced to have his children) should be maintained and promoted.

In order to determine the ability of a group to repay the loan as well as the cohesiveness of the group, a large part of the SSBE’s function was to regularly meet with the group (composed of those who would own and operate the proposed business venture and their sponsors) in their community. As an Assistant Manager in Kisumu, I would sometimes “go to the field” to visit these communities in place of my supervisor when he was unavailable. As the NCKC’s SSBE representative at these gatherings, it was part of my job responsibilities to inform and instruct the group regarding the terms and conditions of the loan, including the restrictions against supporting or practicing FGM or other pagan practices harmful to women and girls because as a Christian organization we fought for a better quality of life for girls and women equal to that of men.

At one of these gatherings in Kisumu, I was informing the group participants on our policies. Kisumu is in the western region of Kenya where traditional cultural practices harmful to women, such as FGM, have a very strong hold on the people. At this gathering, I learned that one of the women loan applicants had recently been widowed and was now going to be inherited by her husband’s brother. The family of this widow’s husband was pressuring her to become a second wife or concubine to her brother-in-law. This practice of “woman inheritance” is so degrading to women, where a woman is not only forced to have sexual relations with and bear children for her dead husband’s relatives, but also to be bound to them in the social position of

second (or third or fourth) wife or concubine that is even lower than the already low societal position she has as a woman.

When I discovered this woman was about to be “inherited” I was not only shocked and dismayed for the hardship this woman would suffer, but I also realized that this would disqualify the whole group for eligibility for the loan they so badly needed to improve their economic situation. I reminded the group of NCKC’s stand against practices like woman inheritance and counseled them to not allow this to happen, not only for this woman’s sake, but for the overall good of the group. I did not realize that a brother of the man who was to “inherit” this widow was in the meeting, and when I was saying these things, he came up and grabbed me and threw me to the ground, shouting, “What are you teaching our women?!?” Fortunately, other members of the group came around me to protect me from any further physical harm, but this man continued to shout at me. This was a common reaction and belief held by many throughout this region, and I lived in fear of additional confrontations.

While I lived and worked in Kisumu, I counseled many women and girls against submitting to the FGM rituals and I encouraged them to go to school so they would not have to continue as second-class citizens. I spoke to women and girls in their communities when I visited, and they also came to seek my advice at the NCKC office. During my time in Kisumu, I had a young woman living with me in my home for six (6) months while she hid from her father. She had run away from her parents’ home because her father wanted to force her undergo the brutal female circumcision rituals and then to marry a 65-year old man!

In 1993, I returned to the Nakuru office as Manager of the SSBE, where I stayed until 1997 when I resigned from my position with NCKC due to the constant and increasingly disturbing threats to me by the Mungiki for my religious beliefs and my dedication to counseling

and educating Kenyan women and girls. Nakuru is deep in the interior of Kenya in the Rift Valley province, where there are many tribes that continue to be heavily involved in supporting or practicing traditional rites such as FGM. In my capacity as the SSBE Manager, I worked with people from the Masai, Nandi, Kikuyu, Kalenjin, Samburu, Luos and Luhya tribes. As in Kisumu, I often went out to the various communities and villages to visit with groups we were assessing for loan approvals to start small businesses and I would inform them of our policies regarding maintaining Christian morals and not encouraging or participating in heathen practices such as FGM. I continued to counsel women and girls, both in their homes and villages, as well as in my office.

I eventually resigned from NCKC in 1997, due to the constant pressure and increasingly frequent and more violent threats against not only myself, but against my young daughter and my sister as well, of death, gang rape, genital mutilation, and beating. As I worked for a Christian organization, everyone from Nakuru and the surrounding area knew where both my office and my home were. I used to allow girls and young women who were going to be forced to go through the circumcision rituals before arranged marriages to stay in my home so they could escape mutilation and continue with their education. Women who were being dragged by their husbands, in-laws, or their communities would seek refuge in my house and, at times, I did not have enough space in the house for all sought shelter. The surrounding communities were very annoyed with me for my stance against these revolting practices, and started to threaten my daughter (who was very young then) and my sister (whom lived with me), in addition to myself.

On at least four occasions, groups of five to fifteen men would come to the NCKC compound in Nakuru looking for me, but thanks to God each time I was out in the field working, and they never found me; these groups became so persistent and ugly in their demands for me at

the compound that the organization had to hire a security guard to prevent their entry into my office. Each time a group came looking for me at the NCKC office, they left messages for me which were threatening. I do not know how they managed to locate me but, I began to receive threatening phone calls on my private home telephone number, telling me to stop corrupting their women with my beliefs or they would hurt me and my daughter, first by circumcising us, then raping us, and if that didn't do it, then they would kill us. I had to change my phone number twice.

One two separate occasions, these men managed to find my home. The first time, about five (5) men came to my apartment compound around 6:30 a.m. My daughter and I were sleeping, and we awoke to the sounds of yelling and noise coming from outside. When I peeked out my window, I saw them hitting my car, and when they saw me at the window, they began to hurl insults at me, demanding that I stop speaking out against their vile practices. On a separate occasion, a larger group of them, about eight to ten (8-10) men, managed to somehow get into the complex and knocked at my door around 7 a.m. Not knowing who was at the door, I answered it, and they began to scream insults at me and to use very obscene and vulgar language, demanding that I stop teaching their women. I was so scared not only for myself, but for my daughter who was there, but I was fortunate that time because God protected me from harm.

I did not report the threatening phone calls or personal visits I had received in Nakuru from these Mungiki followers and others because I had been told by my female clients many times before that whenever they had gone to the police themselves seeking protection from the FGM rituals, spousal abuse, rape, or other horrid practices against women, that the police often refused to assist them. Women would be told to "go home and follow your practices," that these were domestic and community matters to be resolved by their husbands or fathers, not by the

police. These women would even be ridiculed by the police for their “Western world beliefs” when they were only seeking help and protection from grave physical and emotional harm. If my own female friends, colleagues, neighbors and clients could not expect to receive help from the police, even if they already had suffered severe beatings or rape, why would the police protect me from these awful threats and encounters?? The Kenyan government is all talk about helping women and girls, about protecting them from the demoralizing and excruciating painful and dangerous rituals of FGM and encouraging their education. The government talks, but no one is willing to help us Kenyan women—not even the police, who in other countries protect people from harm and bring offenders to justice.

I continued to live in Nakuru, but I began to make plans to leave the area and move to the capital city of Nairobi, some two and a half hours away by car, because I thought that finally I would have peace there as who would be able to find me in such a large city? I began a small business selling imported clothing and shoes in Nairobi, so that I would have the means to support myself, my daughter, and my sister in the big city.

In July of 1998, I was not expecting the Mungiki to find my new home in Nairobi because it is a much larger city than Nakuru, but a large group of them came to my house at about 9 p.m., all bearing crude weapons, machetes, clubs, thick sticks, knives, and torches. I heard them chanting and yelling outside the apartment complex, “Today is the day she will not remain the way she is!” Their words in my language are so ugly and they struck such fear in my heart because I knew they were referring to me and that they intended to circumcise me that night! Thanks to God that I heard them coming, as I managed to escape through the back door with my daughter and sister, and we went to sleep at my friend Alice’s house some ten (10)

minutes away by foot. I was so terror-struck that in my haste to flee my home, I did not think to wake the two (2) young women, Jackie and Sherisa, who had been staying with me in my home.

Those evil men broke into my apartment, and when they did not find me, they destroyed many of my personal belongings and then abused those poor girls. One later told me they had grabbed her by the hair and thrown her against the wall, the other, to my dismay, told me through many tears that she was raped and beaten. I felt so horrible that these girls had been harmed because Mungiki was looking for me, it had not occurred to me in my flight that they would be hurt because I knew the men were after me. I was terrified to realize not only that I had been found in Nairobi by these men, some of whom I knew were among my tormentors in Nakuru, but that their threats were now being followed by brutal action. I went to the police hoping that maybe in Nairobi, they would help me, but they only gave me some forms to fill out and I was told to make a written report, which I did, but nothing ever came of it, no investigation was made, and I felt again that going to the police in Kenya is absolutely futile if one is a woman.

On May 1, 1999, in the evening, the same incident happened. My daughter, sister, and I had just moved to another apartment complex, one that had a watchman/security guard, in hopes that we would not be found. The Mungiki fooled the watchman by giving him personal information about me, calling me by my nickname Liz and telling him they knew my daughter and I from a Christian organization. The guard let them into the complex and they came to my apartment where they broke in the door looking to harm me. God is so good though and he was protecting me with his angels because I was not there. A neighbor in the complex had overheard some Mungiki talking in the market about going that night to a woman's house to put her in her place and to shut her mouth. This neighbor told me he had heard enough of the conversation to have reason to believe they meant me, so he told me to get out of my home that night. I went

again with my daughter to my friend Alice's house. The Mungiki were so enraged to find that I was not at home, they destroyed what few personal possessions I still had and vandalized my apartment.

Again, I reported the incident to the police, but nothing happened because women are not given protection, but are humiliated, being told we are refusing to follow the culture, and that women are meant to marry and give birth. "No regards for girl child." I abused with very bad words. I had no one to turn to. This happened in front of my daughter and sister, and the humiliation of being belittled by the police and made to feel that I am nothing, even with my education and professional experience, was unbearable.

In July 2000, I attended a church gathering; a crusade where the church was evangelizing and promoting equality for women and girls. I was sitting in the front row of the assembly, when a group of ten (10) men stormed the church and demanding to be given "that criminal who is teaching our women not to go through the rituals." They were referring to me. They knew I was there because they had seen my car parked outside. This time, I did not have a chance to escape. They rushed up to me and grabbed me out of my chair, slapping me in the face so hard that I fell to the floor. They grabbed me up again and began to shake me, all of this in front of my young daughter, who had been sitting next to me. Before they could harm me further, my fellow Christians jumped up to protect me. Jackie and Sherisa were at that gathering, and on their way out, those angry men abducted them and dragged them away to be married to old men. Although I had been spared further assault, I was humiliated in front of so many people, as well as my own daughter, by this verbal and physical attack on my person in a place I thought I would be safe. I was threatened that I was going to lose my daughter if I did not change my beliefs. The group had also vandalized my car, and I had to get a ride home from a friend. The church

reported the matter to the police but nothing ever happened. I felt so frustrated and scared, and I did not know what to do.

Because I counseled and supported women and girls to pursue their education and to stand firm against degrading and damaging practices against women, and because of my Christian beliefs, my business was also threatened. The clothing store that I had started from Nakuru in 1997 was located in Freemarket, a large marketplace in Nairobi of about 200 stores, and my stall was near many other Christian businesswomen who were also Kikuyu and shared my beliefs. We thought the government was going to protect us at least as business owners; and because we stood by faith and prayed for God to remember us, we never expected what would befall us. On August 29, 2000, Freemarket went up flames and I lost everything: over £ 8,000 in losses of a new shipment of clothing and shoes alone, that I had just received imported from London, Hong Kong, Bangkok, and Dubai, and at least another £ 1,000 in losses of clothing stock I had on hand.

I knew this arson had to be the work of the Mungiki and that they had found my business as well as my home because men would sometimes come to my business stall and ask my employees for me. The times that my employees told them I was not there, the men would say to them, “tell your boss if she’s not careful, she’ll lose everything.” Once a man came to the shop while I was there alone and asked for me. He looked very suspicious and I was afraid of him, especially when he told me he was looking for a woman named ‘Elsa’, who was petite, wore glasses, and was a Christian. I had left my glasses on the counter and was not wearing them at the time. I told the man that I did not know any woman like that and he left. Two days after the fire, I received a call on my cellular phone, and a rough man’s voice said, “you see what happened. This is just the beginning... you think you’re beyond our reach.” I understood “you” to mean not

only me, but my sister and daughter as well because of his words. I reported all of this after the fire, thinking that finally the police would do something, but nothing came of it.

I knew I was still a target of the Mungiki, but I was financially clipped and needed money to support myself and my daughter. I immediately started to work on forming another business, and managed to secure a loan through old colleagues at Micropreneur Funding with whom I had worked from time to time back when I was employed by NCKK. When they heard of my plight, they helped me make arrangements so that I could quickly start a second-hand clothing store. My experience as a manager and businesswoman before had earned me the respect and reputation necessary to secure a loan so quickly.

However, only a few days later, on September 7, 2000, the Gikombe open air market, where I had set up my new shop among many other Kikuyu businesspeople, was struck by arson and most of business owners lost their property and stock to the flames. I lost stock worth £ 5,000 and from that time on, I was no longer able to support the girls and women who would come to my house every week seeking shelter, and was not even able to pay back my loan. From this time on, life became increasingly more difficult for me and we started sleeping at neighbors' houses, because the Mungiki were hunting me and were talking of beating me, circumcising me, my daughter and sister, and then raping us, probably even killing us. The Mungiki were succeeding in stalking me and harming me by taking away everything from me little by little: my means of financial support, my sense of security and personal safety, my belief that I could protect my daughter, and even my sense of personal dignity and self-worth. I certainly feared that they would take my womanhood, and that of my daughter, and even our lives next.

On July 7, 2001, Kenyan women were caught unaware on the streets by Mungiki followers and the majority were circumcised against their will, some forcibly stripped of their

clothing or raped, and several were killed. The newspapers reported the attacks. I received a threatening phone call on the day of the attacks, and I was afraid to leave my home. A month later, the Mungiki came to my home, asking for my whereabouts, but I had found out that they were coming and managed to hide at Alice's house with my sister and daughter. They broke into my apartment, vandalizing it and breaking whatever they could find. All of these things have really intimidated my daughter and she lives in deathly fear of being caught by Mungiki on the street or at home. She started refusing to go to school, because she feared that Mungiki would abduct her in the streets or from her school. She began to have nightmares constantly and always woke up screaming.

In an effort to try and improve my business and financial situation for myself and my daughter in Kenya, I came to the United States at San Francisco, California, on March 15, 2001, on a B-1 visa. I am still working on registering a company here and for that reason I requested an extension of my B-1 visa to allow me more time to develop my business venture. After I arrived in California, I met other Kenyans who live in the San Francisco and Santa Rosa areas. Although I am not accustomed to American culture, I started to realize how much more peace I have knowing that no one is going to attack me for my beliefs or come to rape and beat me in my home. I stopped listening for Mungiki outside my window at night. I feel safe to walk in public. I wish my daughter was with me here so that she would feel safe and stop having nightmares. Every time I speak with her on the telephone, she screams and screams. I have been extremely fearful of confiding in people here, even those at church and from my own country, about the problems I have suffered back in Kenya, however I did speak to one woman who told me about asylum and advised me to speak with an attorney. Because I truly believe that my safety and my

life is in grave danger in Kenya, as well as that of my young daughter, I decided to seek asylum in the United States.

Since my arrival in the United States, the life of my daughter has continued to be in danger, and my sister wrote to tell me that Mungiki is hunting for me and harassing anybody who used to associate with me. My sister is so fearful that Mungiki will abduct and harm my daughter as revenge against me that in April 2002, she enrolled my daughter in a boarding school an hour away by car where, hopefully, Mungiki cannot get access to her, but I still worry about what may happen to my daughter during the school holidays. She cannot stay at the school when it is closed for the holidays. What will happen to her when she returns home? I am depressed and frustrated to think of my daughter's life, which is in great danger. Please, I ask you for assistance urgently.

Women in my country are subordinate to men in everything. Not only do we not enjoy many of the same opportunities and access to education and personal growth, but many experience great physical pain and trauma, as well as lifelong scars, both in the flesh and the heart, from the unsterilized and jagged knife of traditional customs designed to oppress women and girls. As a Christian and a Kenyan woman, I have stood up against societal pressures to keep my body, and that of my daughter's, intact. I have fought to educate women and girls, as well as their husbands and fathers, to not submit to the demoralizing and vile practice of female genital mutilation or circumcision, and to resist practices such as woman inheritance, which make a woman nothing more than a piece of property to be used by a man however he wishes.

Because of my beliefs, I have been targeted by the Mungiki cult and other supporters of FGM and the oppression of women and girls; as a result, I have suffered public and private humiliation, physical assault and battery, loss of personal and business property, and loss of

security. More severe than these, however, is the very real threat to my life and that of my child. These men have come for me and broken into my home several times, by God's grace, I was not there for them to follow through on their threats to circumcise and rape me and my daughter. I believe these men are also responsible for the fires that consumed both my businesses. These men continue to look for me in my absence and to terrify my daughter in the meantime. I have changed cities and phone numbers in attempt to hide from them. I have sought protection from the police, but to no avail. If I return to Kenya, they are sure to catch me eventually and to carry out their evil intentions of brutal harm in order to silence my voice from speaking up for Kenyan women. I pray that God will provide me with continued protection in this country for myself, and one day soon for my daughter. Please grant me asylum.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct and this affidavit is executed on August 15, 2002, at San Francisco, California.

ELSBETH E. NGWONO