

Mau-Mau verdict exposes crimes of British imperialism in Kenya

By Jean Shaoul
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In a landmark ruling, a judge last month granted three survivors of the 1950s Kenyan “Emergency” the right to a full High Court trial over allegations of British government complicity in torture. It is the first time the court has allowed colonial victims to sue the British state.

Mr. Justice McCombe ruled that a fair trial was possible and drew attention to the thousands of documents found in a secret Foreign Office archive containing files from dozens of former colonies. Last year, the judge had said there was “ample evidence even in the few papers that I have seen suggesting that there may have been systematic torture of detainees during the Emergency.”

This new ruling enables the three former Mau Mau insurgents to seek an apology and compensation from the Foreign and Commonwealth Office (FCO) for their torture and maltreatment, which the FCO does not dispute took place. This is the first time that Britain has officially acknowledged that such tortures took place in what was one of the bloodiest chapters in Britain’s retreat from empire in Africa.

Paulo Muoka Nzili, 85, described how he was stripped, chained and castrated, with large pliers normally used on cows, at Embakasi detention camp, near Nairobi. He said: “I felt completely destroyed and without hope. I have never had children of my own and never will have. I am unable to have sexual relations with my wife.”

Jane Muthoni Mara, 73, described how when she was 15, she was beaten and subjected to sexual abuse with a glass bottle containing scalding water inserted into her vagina at Gatithi detention camp. She had felt “completely and utterly violated”. The pain “has been bad ever since the beatings and has worsened as I have aged.... I do not understand why I was treated with such

brutality for simply having provided food to the Mau Mau.”

Wambuga Wa Nyingi, 84, was held in detention for nine years, and in 1959, was whipped and beaten unconscious during an incident at Hola, a Nazi-style concentration camp, in which 11 other prisoners were clubbed to death.

A fourth claimant, Ndiku Mutwiwa Mutua, died before the High Court ruling.

The suppression of the guerrilla conflict that lasted from 1952 to 1956 involved show trials resulting in the public hangings of more than 1,000 Mau Mau fighters, collective punishments such as the large-scale confiscation of livestock, fines and forced labour, the torching of entire villages and the massacre of their civilian inhabitants.

A total of 25,000 troops were used to purge the capital Nairobi of Kikuyu people who were placed in barbed-wire enclosures. In a two-week period, 20,000 male detainees were sent to be interrogated while 30,000 women and children were placed in the reserves, ultimately to be moved to militarized “protected villages” with 23-hour curfews.

The rural Kikuyu population was forcibly resettled into villages that were, according to Oxford University professor of African Politics David Anderson, “little more than concentration camps to punish Mau Mau sympathizers.” In little over a year, “1,077,500 Kikuyu were resettled in 854 villages”. The entire population was to be “screened” by violent interrogation to force confessions of oath-taking.

Wholesale atrocities were committed at prisons and forced-labour camps. Suspected rebels were transported with scant food and water and no sanitation. Malnutrition and disease were rife. A brutal regime of interrogation developed, including beatings,

starvation, sexual abuse and forced labour. Among those who were tortured was Barack Obama's grandfather.

Work camps were established, whose conditions were described by a colonial officer as "short rations, overwork, brutality, humiliating and disgusting treatment and flogging—all in violation of the United Nations Universal Declaration of Human Rights".

The Royal Air Force carried out bombing raids to crush the rebellion, which was defeated by 1956. According to official British figures, around 11,503 Mau Mau fighters were killed while British losses were fewer than 200. There were 1,819 African civilian deaths on each side and 32 white civilian deaths. But Harvard professor of History Caroline Elkins, Pulitzer prize winner of *Britain's Gulag: the brutal end of empire in Kenya*, estimates that more than 150,000 Kenyans were in fact killed.

Emergency rule, which provided legal protection for the perpetrators of repression, was not lifted until January 1960, a few years before independence in 1963.

As well as bringing out Britain's criminal record in Kenya, the High Court ruling potentially opens the door to thousands of similar cases from Kenya. Victims in other former colonies such as Malaya, Palestine, Cyprus, Aden, India, Zimbabwe and Uganda, where Britain used illegal and inhumane methods to suppress anti-colonial struggles, will now press their claims for compensation.

Martyn Day, a defence lawyer, said, "This is a historic judgement which will reverberate around the world and will have repercussions for years to come. The British government has admitted that these three Kenyans were brutally tortured by the British colony and yet they have been hiding behind technical legal defences for three years in order to avoid any legal responsibility."

The ruling takes on greater significance given that Britain has again turned towards a neo-colonial policy in Afghanistan, Iraq, Libya, Syria and Iran. Violence and criminality flow inexorably from the imperial nature of such wars and colonial campaigns of destabilisation.

Strenuous efforts are being made to once again sweep Britain's crimes under the carpet. The FCO has announced that it will appeal the decision, arguing that

the normal time limit for a civil suit was three to six years and that too much time has passed—with the key decision-makers dead and unable to give their account of what happened—for a fair trial to be conducted.

This is absurd. The facts are not disputed and were well known to the British state. In 1953, General George Erskine acknowledged in a letter to the British secretary of state for war that revelations about the conduct of British officials in the camps "would be shattering"—and warned them to keep quiet about it. His report remained classified until 2005.

There is no question but the abuse and torture were systemic, acquiring the new name "dilution technique," which allowed officers to use "compelling force" against suspected Mau Mau to force them to confess or provide information. Many died from the beatings. Several thousand, who had not been broken by the "dilution technique" were held in Hola.

The FCO spokesman put pressure on the Kenyan government not to back the Mau Mau veterans, saying, "We are now partners [with the Kenyan government] and the UK is not only one of the largest bilateral donors in Kenya, but also Kenya's biggest cumulative investor, and a key partner on security and other issues of benefit to both countries.

Day, speaking for the defence lawyers, said they would be pressing for a trial "as quickly as possible", but would also try to reach an out-of-court settlement with the government. The FCO spokesman responded by saying, "We are committed to resolving this litigation in the best interest of all concerned".

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