British Government Sued for Colonial Torture

Four Kenyan citizens are to sue the UK government for the treatment they received during the suppression of the Mau Mau uprising during the early 1950s when their country was a British colony. The case has finally reached court because the victims' lawyers have forced the British government to release documents it has kept secret for more than half a century.

In a historically significant ruling at the High Court of Justice in London, Mr. Justice McCombe granted Wambugu Wa Nyingi, Paulo Muoka Nzili, Ndiku Mutwiwa Mutua and Jane Muthoni Mara the right to sue. He rejected a request from the UK Foreign and Commonwealth Office (FCO) to deny the four, all now in their eighties, the right to sue. A fifth claimant died before the hearing took place.

The judge described the British government's behaviour as "dishonourable". The claimants, he said, "have arguable cases in law".

Justice McCombe said, "There is ample evidence in the few papers that I have seen suggesting that there may have been systematic torture of detainees". He described the evidence of torture as "substantial".

At the court hearing it was alleged that Mrs. Mara had been the victim of sexual abuse, both Mr. Mutua and Mr. Nzili had been castrated and that Mr. Nyingi was beaten during the Hola Massacre, an atrocity at a detention camp that led to 11 deaths.

The UK government denies responsibility for atrocities committed during the insurgency. It claims that the current Kenyan government is liable as the successor to the colonial authority. The FCO argued in court that too much time had passed for any claims to be brought.

The Kenya Land and Freedom Army (KLFA) was a peasant guerrilla movement, mostly drawn from the majority Kikuyu ethnic group, seeking land reform and an end to colonial rule. They were labelled "Mau Mau" by the white settler population in Kenya. The term had no meaning in any local language. It was coined to discredit the movement, which was called a "terrorist cult" that was "nostalgic for barbarism" by British government propaganda of the time.

The FCO has tried to hide 1,500 documents relating to the Mau Mau that were removed from Kenya to Britain due to their politically damaging content. Lawyers representing the litigants submitted a Freedom of Information (FoI) request in 2006 for "a final tranche of documents relating to the suppression of the Mau Mau held by the Public Record Office", which was denied by the FCO.

Professor David Anderson of the African Studies Centre at the University of Oxford has examined the documents. According to Anderson, there was "systematic withholding by [the government] of 1500 files in 300 boxes taking up 100 linear feet".

The documents were eventually released in January. They confirm that ministers were informed of details of systematic torture being carried out by the colonial government and British army.

Historians are continuing to sift through the documents. They estimate that 600 Kenyans may have a case against the British government.

British imperialism was prepared to fight a brutal war to retain control of Kenya. The colonial authorities prized the fertile hilly land of the Central and Rift Valley provinces. The British East Africa Commission of 1925 said the region constituted "some of the richest agricultural soils in the world, mostly in districts where the elevation and climate make it possible for Europeans to reside permanently".

The Kikuyu and other tribal groups were forcibly evicted at the start of the 20th century in what the academic Charles Cantalupo described as "the bewildering dispossession of an entire people from their ancestral land". By 1948 the infamous "White Highlands" policy gave 30,000 British aristocrats and retired military officers 31,000 square kilometres of valuable land. In contrast, 1.25 million Kikuyu owned 5,200 square kilometres of low-quality land. Many dispossessed farmers had tacit approval for a number of years to squat on white-owned land that was largely uncultivated.

The various tribes were forced into separate, overcrowded reserves with no medical or educational facilities. Lacking the technology for intensive farming, legally restricted from growing cash crops such as tea and labouring initially under coercion and later for a low wage on settler farms, a food shortage crisis soon emerged.

What became known as Mau Mau was detected by the administration by 1950. The Kikuyu population began to swear an oath to reclaim their stolen land. This "Mau Mau oath" became one focus of racist propaganda in the British and Kenyan press that aimed to convey Africans as atavistic savages.

A section of the Kikuyu population were made privileged "chieftains" by the administration, dominating land ownership and forming strong ties to the government. This laid the basis for the class rift that was to open during the subsequent repression as "loyalist" chieftains fought for the British and carried out interrogations.

Tensions rose and violence escalated with the formation of racist settler vigilante organisations and Mau Mau assassination of loyalist chieftains. The colonial governor, Sir Evelyn Baring, declared a state of emergency in 1952. Emergency powers were used to arrest 180 suspected Mau Mau leaders and stage show trials in an effort to decapitate the movement.

A four-year guerrilla conflict began, with the Mau Mau militants fleeing into the forests around Mount Kenya and the Aberdare mountains, fighting mostly with homemade weapons and machetes. British counterinsurgency tactics escalated in violence as the extent of the rebellion became apparent. Over 1,000 Mau Mau fighters were publicly hanged.

Overwhelming force was used against the KLFA as African soldiers from other parts of the empire, military police, often with settlers in their ranks, and British soldiers were brought in. Peasants were thrown off their land and burned out of their huts in the area around Mount Kenya, which was designated a "free fire zone" and heavily bombed by the RAF.

Collective punishments such as large-scale confiscation of livestock, fines and forced labour were ordered by local colonial officers to crush peasant resistance and break the ties between the KLFA and the masses. Entire villages were burned down and their civilian inhabitants massacred. Loyalists seized property at will with the backing of the colonial regime.

In 1954 a mass detention program began named Operation Anvil, aiming to uproot Mau Mau from the Kenyan capital Nairobi, believed to be its nerve centre. General Sir George Erskine commanded 25,000 troops to purge the city, sector by sector, of all members of the Kikuyu, Embu and Meru tribal groups 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 rapid pace of post-war capitalist development produced a boom in the population of Kenyan metropolises and general strikes shook Mombasa and Nairobi in 1947 and 1950. An overtly political general workers' union was established. The KLFA forged links with this militant working class, which drew its numbers from the masses of poor farmers.

The rural Kikuyu population was forcibly resettled into these regulated villages in a process called "villagisation". According to Professor Anderson, these villages were "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.

Baring and Erskine established dozens of compounds run by specially appointed settlers to screen the population, known as the Pipeline. Each detainee was classified as "white" if they collaborated, "grey" if they "confessed" to taking the Mau Mau oath and cooperated and "black" if they showed intransigence.

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

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

The rebellion itself was defeated by 1956. According to official British figures, around 11,000 KLFA 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. Emergency rule, which provided legal protection for perpetrators of repression, only ended in 1959. Historians estimate that between 100,000 and 300,000 Kenyans were killed.

Kenya became independent in 1963 with Jomo Kenyatta as its first prime minister and later

president. He had been imprisoned by the British for his supposed connection to the Mau Mau uprising. But he was to prove useful to them in establishing a semi-colonial regime that maintained close ties with the West during the Cold War.

Kenyatta's regime represented the interest of an expanding elite layer of professional Africans, landowners and native businessmen who had profited from their ties with British imperialism and maintained those links after independence. The history of the Mau Mau was suppressed. Kenyatta stated in 1963 "we are determined to have independence in peace, and we shall not allow hooligans to rule Kenya. We must have no hatred towards one another. Mau Mau was a disease which had been eradicated, and must never be remembered again".

The crimes carried out during the suppression of anti-colonial struggles in Africa are examples of the ferocious violence that the British ruling elite is prepared to employ in defence of its imperial possessions and profits. Atrocities carried out in other British colonies, such as Malaya and Cyprus, will increasingly be brought into the light, forcing a reckoning with the crimes of imperialism. This takes on greater significance given Britain's current turn towards neo-colonial policy in Afghanistan, Iraq and now Libya, all of which are scenes of appalling violence against the civilian population that is the logical conclusion of the imperial nature of these wars.

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