

Britain's victims during Kenya's Mau Mau uprising expect compensation

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Thousands of Kenyans are expecting to receive reparations for the abuses they suffered at the hands of British imperialism, during the suppression of the Mau Mau resistance movement.

Negotiations with the British Foreign Office are reported to be near completion.

Gitu wa Kahengeri, the spokesman for the Mau Mau War Veterans Association, explained, "They have offered to negotiate out of court. We have agreed. Then it all depends what offer they are going to give."

The talks are the product of a 14-year legal battle by the Mau Mau veterans seeking justice and recompense for war crimes committed against them in the 1950s during the closing days of Britain's rule in Kenya.

Dan Leader, a partner with Leigh Day, represents three Kenyans seeking compensation, which will set a precedent for many others.

The Foreign and Commonwealth Office (FCO) declared in a statement of truly breath-taking cynicism, "We believe there should be a debate about the past. It is an enduring feature of our democracy that we are willing to learn from our history."

If the British government does settle the case, it will be the first compensation settlement resulting from officially sanctioned crimes committed under colonial rule. It would have broad implications for thousands of people who suffered under the illegal and inhumane methods used by the authorities in Britain's former colonies. More than 10,000 Kenyans are expected to file claims, likely to cost the government tens of millions of pounds. It will pave the way for many other claims from Malaya, Palestine, Aden, Cyprus, Uganda and Zimbabwe.

The announcement follows a landmark ruling last October when a judge granted three elderly survivors of the insurgency the right to a full High Court trial over allegations of British government complicity in torture, and thus the right to seek an apology and compensation. It

was the first time the court had allowed colonial victims to sue the British state, and the decision rested upon the likelihood of a fair trial given the lapse of time, as opposed to the validity of the claims. As such, it was tantamount to the first official acknowledgement by the British government that torture had taken place during one of the bloodiest chapters in Britain's retreat from empire in Africa.

The judge overruled the FCO's objections to such a case, saying that a fair trial was possible. Justice McCoombe pointed out that there were the more than 8,000 documents in a secret Foreign Office archive and "ample evidence even in the few papers that I have seen suggesting that there may have been systematic torture of detainees during the Emergency."

A vast archive of files from 37 former colonies, held at Hanslope Park in Buckinghamshire, has been kept secret for years. The files seen were only discovered after historians called as expert witnesses during the preliminary hearings into the case realised that the government's disclosure of information was incomplete.

A damning memo from Kenya's attorney general, Eric Griffith-Jones, described the mistreatment of the detainees as "distressingly reminiscent of conditions in Nazi Germany or Communist Russia." Despite this, he agreed to draft new legislation that sanctioned beatings, as long as the abuse was kept secret. "If we are going to sin," he wrote, "we must sin quietly."

Both the colonial officials in Kenya and the government in London knew that their counter-insurgency strategy based on illegal collective punishment and consisting of interrogation and detention practices was causing widespread abuses. Rather than put an end to the practices, London covered it up, both at the time and for decades afterwards.

The Royal Air Force carried out bombing raids to crush the guerrilla insurgency of 1952 to 1956, resulting in the

deaths of around 11,503 Mau Mau fighters, according to official British figures. However, Harvard professor of history Caroline Elkins, Pulitzer Prize winner for *Britain's Gulag: The Brutal End of Empire in Kenya*, estimated that more than 150,000 Kenyans were killed. By comparison, there was a loss of less than 200 British lives.

The colonial authorities' attempts to suppress the rebellion 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.

They used 25,000 troops 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 militarised "protected villages" with 23-hour curfews. More than a million rural Kikuyu people were forcibly resettled into what were little more than concentration camps.

They ordered the "screening" of the entire population by violent interrogation to force confessions of Mau Mau oath-taking.

Thousands of people—estimates vary between 80,000 and 300,000—were detained in a network of prisons and forced labour camps, where atrocities were committed wholesale. Suspected rebels were transported with little 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.

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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".

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

Last October, in a last-ditch attempt to sweep Britain's crimes under the carpet, the FCO said it would appeal the judge's decision. A chance of a settlement came only after considerable international political pressure. The United Nations special rapporteur on torture, Juan

Méndez, had called publicly for the UK government to "provide full redress to the victims, including fair and adequate compensation", and had written to Prime Minister David Cameron to warn him that Britain's position was undermining its moral authority across the world.

He wrote, "In our view the response of the British government to vulnerable and elderly victims of (acknowledged) British torture is shameful."

The recent election of Kenya's new president, Uhuru Kenyatta, caused further embarrassment. His father Jomo Kenyatta, Kenya's first president and head of the Kenyan African Union (KAU), was imprisoned by the British. Britain banned the KAU and arrested him on charges of running the Mau Mau rebellion, even though it is now widely believed that he was opposed to the Mau Mau. After a flawed trial, he was sentenced to seven years' imprisonment with hard labour and indefinite restriction afterwards, and only released in 1961.

Finally, the FCO wrote to Leigh Day last month, saying that it would adjourn its appeal against the High Court ruling and would like to negotiate a settlement.

The vast number of colonial-era documents discovered in an FCO archive meant that the government had little chance of winning an appeal, and they and everyone else knew it. Crucially, a full hearing would reveal to the public, not just in Britain but all over the world, the brutality of British colonialism and give rise to new investigations into its criminal record and bitter legacy in Africa and Asia.

This is all the more dangerous for Britain's rulers, as they have again turned towards neo-colonial wars, mouthing humanitarian rhetoric while committing similar brutality in Afghanistan, Iraq, Libya, and potentially Syria and Iran.



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