

5 'Restraint backed by good discipline'

Given the tendency to meet colonial rebellions with exemplary force, and international law's silence on the matter, British policy could have resulted in genocide. It has been claimed that the strategy pursued in Kenya amounted to genocide.¹ But there is no evidence for either an intention to eliminate the Kikuyu or that efforts were made to destroy the entire group.² With its available forces, the army could have killed a far greater number of people. Massive retaliatory measures by artillery or aerial bombardment were avoided when forces were available for pursuing these options.³ In all, the evidence is insufficient to entirely jettison minimum force in explaining army behaviour in Kenya.⁴

British military strategy in Kenya contained aspects of restraint from the beginning of the Emergency. The most significant restrained policies were the creation of legally defined zones with distinct engagement rules, initiatives to take prisoners, the fair treatment of prisoners and the use of special forces. These policies are assessed in [chapter 6](#); here the aim is to show how they rested upon the army's ability to maintain internal discipline despite much provocation. Crime exists in all societies, including the armed forces, so the occurrence of some atrocities in the campaign against the Mau Mau should come as no surprise.⁵ What is more important is how the army dealt with these offences, trying to maintain a well-behaved force. In the sections of this chapter, a detailed account is given of how the army in Kenya attempted to maintain restraint by exercising its traditional disciplinary functions. Through public announcements, orders, meetings,

¹ Elkins, *Britain's Gulag*, xiv.

² Weitz considers intentionality and physical efforts at destroying an entire group as critical criteria in any definition of genocide: E. D. Weitz, *A Century of Genocide: Utopias of Race and Nation* (Oxford: Princeton University Press, 2003), 9–10.

³ Clayton, *Counter-Insurgency in Kenya*, 6.

⁴ T. R. Mockaitis, 'Minimum Force, British Counter-Insurgency and the Mau Mau Rebellion: A Reply', *Small Wars and Insurgencies*, 3 (1992), 87.

⁵ E. Durkheim, 'The Normal and the Pathological', reprinted in E. J. Clarke and D. H. Kelly (eds.), *Deviant Behaviour: A Text-Reader in the Sociology of Deviance*, 6th edn (New York: Worth, 2003), 80–4.

inquiries and courts-martial, GHQ managed to restrain soldiers from running amok. In short, the army in Kenya upheld a higher disciplinary standard than local forces such as the Home Guard and KPR.

Discipline in the army in Kenya

As we have seen, armies tend to view cohesion in wartime as dependent upon strict discipline. In the British Army, the 1945 King's Regulations dictated that:

An officer is at all times responsible for ensuring that good order and the rules and discipline of the service are maintained; he will afford the utmost aid and support to the C.O. It is his duty to notice, repress, and instantly report, any negligence or impropriety of conduct on the part of warrant officers, N.C.Os. and private soldiers, whether on or off duty, and whether the offenders do or do not belong to his own unit.⁶

From basic training onwards, the army aimed to cultivate in soldiers a highly disciplined attitude, accepting obedience to the hierarchical command structure.⁷ A 1947 report on training National Servicemen noted how: 'The function of discipline [is] ... producing a habit of obedience to those in authority which should have most of the automatic nature of a conditioned reflex.'⁸ After breaking down the individual's identity during basic training and subsequently re-forming it in the army's image, the organisation's continuing influence over a soldier's identity throughout his service ideally resulted in consistent obedience.⁹ David French and Timothy Parsons have shown how both British and KAR battalions strengthened unit cohesion and discipline by isolating themselves from civil society.¹⁰ Socialisation carried on within the regiment after formal training had finished.¹¹

⁶ War Office, *King's Regulations for the Army, 1940*, 208. This section went unchanged in the 1955 version.

⁷ D. French, *Military Identities: The Regimental System, the British Army, and the British People, c. 1870–2000* (Oxford University Press, 2005), 62.

⁸ TNA, WO 291/1306: Military Operational Research Unit, July 1947, 'The Training of the National Service Man: A Preliminary Survey', para. 24.

⁹ On basic training see J. Bourke, *An Intimate History of Killing: Face-to-Face Killing in Twentieth Century Warfare* (London: Granta, 2000), 69–102; and D. Grossman, *On Killing: The Psychological Cost of Learning to Kill in War and Society* (London: Little, Brown and Company, 1996); on the relationship between training and cohesion see H. Strachan, 'Training, Morale and Modern War', *Journal of Contemporary History*, 41 (2006), 211–27.

¹⁰ French, *Military Identities*, 143; T. H. Parsons, *The African Rank-and-file: Social Implications of Colonial Military Service in the King's African Rifles, 1902–1964* (Oxford: James Currey, 1999), 9, 55. However, the military legal system started to undergo a process of civilianisation from 1951; see G. R. Rubin, *Murder, Mutiny and the Military: British Court Martial Cases, 1940–1966* (London: Francis Boutle, 2005), 43.

¹¹ Thornton, 'Understanding the Cultural Bias', 110.

As in the United Kingdom, in Kenya the army was technically constrained by both civil and military law.¹² In practice, commanders normally dealt with their men under military justice. The 1881 Army Act, largely unchanged until 1955, fully codified military offences and the composition and rules of courts-martial.¹³ The records for Kenya from October 1952 to January 1954 show that seventy-five courts-martial were held, for offences ranging from indecency to drunkenness, fraud, theft, insubordination and assault.¹⁴ This is a relatively low number given that by the end of September 1953 three brigades were deployed in the country. Summary justice dealt out by the commanding officer is the quickest means of enforcing discipline, and is appropriate for less serious malefactions.¹⁵ The records for these minor disciplinary hearings have not survived. The dearth of personal papers from soldiers serving in Britain's post-war counter-insurgencies is balanced by existing oral history recordings.¹⁶ These reveal that soldiers were satisfied with discipline in their units. Charles Wallace, a company commander in 4 KAR, recalled how drunkenness was the only occasional cause of problems, and was easily dealt with by his African RSM and NCOs.¹⁷ Donald Nott, also a 4 KAR officer, dealt severely with an early case of looting, dissuading other askaris from straying by threatening dismissal from the regiment, which would make them social pariahs.¹⁸

Major Anthony Gay commanded troops in 23 KAR from November 1952, finding them extremely well disciplined.¹⁹ According to the CO of 26 KAR, the askaris were little different in their professionalism from the British soldiers.²⁰ Were National Service soldiers any more or less disciplined than regular troops? The question arises as by 1951 they comprised half the army's total manpower.²¹ The matter cannot easily be answered by comparative analysis because conscripts served alongside regulars in the same units.²² A regular officer in 1 Devonshire Regiment from 1953 to 1955 had a high opinion of National Servicemen, noting

¹² TNA, WO 32/15556: Personal and confidential letter, Erskine to CIGS, 9 July 1953.

¹³ J. W. Rant, *Courts-Martial Handbook: Practice and Procedure* (Chichester: John Wiley and Sons, 1998), 5.

¹⁴ TNA, WO 93/56: Courts-martial in Kenya, 1952–3. Precisely comparable figures for the 1954–6 period are not available.

¹⁵ Rant, *Courts-Martial Handbook*, 2; Thornton, 'Understanding the Cultural Bias', 112.

¹⁶ D. French, 'History and the British Army, 1870–1970: Where are We and where Might We go?' Keynote lecture given at the 'Britons at War: New Perspectives' conference, University of Northampton, 21 April 2006.

¹⁷ ODRP: C. St.J. Wallis, MSS Afr. 1715. ¹⁸ ODRP: D. H. Nott, MSS Afr. 1715.

¹⁹ IWMSA, A. W. Gay, 10258/2. ²⁰ ODRP, P. Thompson, MSS Afr. 1715.

²¹ Darby, *British Defence Policy*, 39.

²² Only when the full personnel files for soldiers who served in the Emergency are released by the Ministry of Defence can this question be thoroughly researched.

how the presence of regular sergeants and company commanders with combat experience helped the new subalterns immensely.²³ A subaltern in the Devons, Captain Peter Burdick, admitted that his platoon sergeant in Kenya taught him more about soldiering than the instructors at Sandhurst.²⁴ Eric Burini, with 3 KAR from 1954 to 1957, found the National Service officers seconded to his unit enthusiastic and intelligent.²⁵ The evidence from these oral histories suggests that the conscript soldiers assumed the behaviour of the regulars.²⁶

Throughout the conflict in Kenya disciplinary measures were taken to prevent atrocities by the army, although the period between 23 June 1953 and 11 March 1954 marked the most intensive period and receives the closest analysis here. On 11 February 1953 the first directive on discipline among the security forces was issued by Governor Evelyn Baring. It read:

If in the future there are good grounds to believe that inhuman methods have been used severe disciplinary action will be taken against those responsible. Success in the struggle against the Mau Mau movement cannot be finally attained unless the Kikuyu as a whole wish to remain peaceful and in security. This they will not do if we alienate those who are either inactive or definitely our friends. Inhuman methods are not only cruel but they are also in almost all cases ineffective and I am sure that in the future the admirable work done will not in any way be marred by recourse to such methods . . . It is the duty of all officers to bring this directive to the notice of their subordinates and to ensure that its terms are carried out.²⁷

On 17 April 1953 Baring issued a press release declaring that the government thoroughly condemned 'acts of indiscipline involving the unlawful causing of death or injury, the rough handling of members of the public, suspects, or prisoners'. The communiqué emphasised that the security forces had already received instructions to act with restraint. It stated that all complaints were investigated and that where sufficient evidence existed, prosecutions launched. Naturally these cases were insignificant in number.²⁸ After taking command in June 1953, General Erskine decided to impose his mark on the forces in East Africa.²⁹ On 23 June all officers received a stern message:

It must be most clearly understood that the Security Forces under my command are disciplined forces who know how to behave in circumstances which are most distasteful.

²³ IWMSA, J. P. Randle, 20457/34. ²⁴ IWMSA, P. Burdick, 11143/3.

²⁵ IWMSA, E. B. Burini, 19630/18. ²⁶ IWMSA, A. Caine, 26864/14.

²⁷ TNA, CO 822/474: Kenya Government notice, 11 February 1953.

²⁸ TNA, WO 32/21721: McLean Court of Inquiry Exhibit 29: Press Office handout, dated 17 April 1953.

²⁹ Anderson, *Histories of the Hanged*, 261.

... I will not tolerate breaches of discipline leading to unfair treatment of anybody.

... I most strongly disapprove of 'beating up' the inhabitants of this country just because they are the inhabitants. I hope this has not happened in the past and will not happen in the future. Any indiscipline of this kind would do great damage to the reputation of the Security Forces and make our task of settling MAU MAU [*sic*] much more difficult. I therefore order that every officer in the Police and the Army should stamp on at once any conduct which he would be ashamed to see used against his own people.

... Any complaints against the Police or Army which come from outside sources will be referred to me immediately on receipt and will be investigated.³⁰

Further measures were taken to ensure that everyone received and understood the new commander's views. All newly arrived troops were issued with the order.³¹ The 23 June order was apparently obeyed by the army thanks to tradition, discipline, awareness of the practical benefits of good conduct and the knowledge that Parliament was keeping a close eye on the situation in Kenya.³² Erskine and Baring were committed, at least rhetorically, to investigating allegations and prosecuting offenders.³³

Investigating Major Griffiths and preventing wider abuses

The day before the directive went out an inquiry was held into the activities of 'B' Company, 5 KAR over the previous week. General Erskine ordered Brigadier Cornah, commanding 70 Brigade, to initiate a court of inquiry after receiving police reports that twenty-one men were taken prisoner and then shot by 5 KAR.³⁴ 7 KAR's CO, Lieutenant-Colonel R. G. T. Collins, presided and Major N. F. Rawkins from 23 KAR also participated.³⁵ After taking evidence from African civilians, askaris and British officers, Collins informed Roger Wilkinson, the local DC, that he would adjourn and reconvene later. Judging from the available testimonies, the court probably adjourned around 27 June.³⁶ Ten askaris were accused of shooting dead twenty African civilians near Chuka on

³⁰ TNA, WO 32/21721: Exhibit 5, Message to be distributed to all officers of the Army, Police and the Security Forces, GHQ Nairobi, 23 June 1953.

³¹ Clayton, *Counter-Insurgency in Kenya*, 38. ³² *Ibid.*, 40.

³³ Heather, 'Counterinsurgency and Intelligence in Kenya', 139.

³⁴ TNA, WO 276/177: Signal from Force Nairobi to 70 (EA) Infantry Brigade, no date, Personal for Brigadier Cornah from C-in-C.

³⁵ TNA, WO 32/21721: McLean Inquiry Exhibit 3, Order of Battle, 17 June 1953.

³⁶ TNA, WO 32/16103: Signed statement of Roger Aubone Wilkinson, DC, Embu, 20 September 1953; Signed statement of Sarastino M'Chabari s/o Mukapo, 27 July 1953; Signed statement of Major N. F. Rawkins, 23 KAR, 2 November 1953.

17–18 June, and placed under open arrest at Nairobi's Buller Camp pending further inquiries.³⁷

Whereas the brigade court of inquiry sought to establish the sequence of events at Chuka, the enquiries now pursued by CSM Hateley of the Royal Military Police's Special Investigations Branch (SIB) constituted a full criminal investigation.³⁸ During these investigations the authorities discovered that 'B' Company's commander, Major Gerald S. Griffiths, had shot dead two additional civilians several days earlier, on 11 June. Unravelling events proved arduous as Griffiths and Second Lieutenant Howard, one of his platoon commanders, conspired to cover up both incidents. The SIB was strengthened over the second half of 1953 to cope with these difficulties.³⁹ 'B' Company's victims were known locally and it quickly transpired that some of them were Home Guard members. Perhaps for this reason, but also in response to accusations of ill-discipline, GHQ issued a directive on 15 July aimed at clarifying the military's relationship with the militia force. The order recognised that the Home Guard were the administration's responsibility, but asked soldiers in contact with them to control and report any 'lawless behaviour'.⁴⁰

To guarantee that soldiers understood the practical imperative to maintain a disciplined stance when dealing with the Kikuyu in order to win the conflict, GHQ issued Operational Intelligence Instruction no. 4 on 1 July. The instruction stipulated the correct procedure for dealing with 'Mau Mau prisoners and surrendered personnel', which included both captured insurgents and, more frequently, suspected civilians. Prisoners were given an immediate tactical interrogation by whoever captured them along the lines of 'who are you?', 'where have you come from?', 'where is the gang?', to produce actionable intelligence. They were then handed over to the police as soon as possible, normally within twenty-four hours, and exceptionally within seventy-two hours if the informant could lead a patrol to a Mau Mau hideout. On interrogation methods, the instruction warned that 'violent methods seldom produce accurate information'.⁴¹ Another order, from 70 Infantry Brigade on 24 September, directed commanders to check that their soldiers

³⁷ TNA, WO 32/16103: Signed statement of Cpl. Killis s/o Kiyundu, 'B' Company, 5 KAR, 13 August 1953; Statement of Cpl. Cheserch s/o Kipobo, 'B' Company, 5 KAR, 13 August 1953.

³⁸ TNA, WO 32/16103: Note by Lt.-Col. R.H. Cowell-Parker, Assistant Director of Army Legal Services (ADALS), East Africa Command, 23 December 1953.

³⁹ A. V. Lovell-Knight, *The Story of the Royal Military Police* (London: Leo Cooper, 1977), 288.

⁴⁰ TNA, CO 822/497: Emergency Directive no. 8, Role of and co-operation with the Kikuyu, Embu and Meru Guards, issued by GHQ East Africa Command, 15 July 1953.

⁴¹ TNA, WO 32/21721: Exhibit 4, Operational Intelligence Instruction no. 4, dated 1 July 1953.

understood that violence was not to be offered to any Kikuyu in the Reserves, including prisoners.⁴² Such was the instrumental justification used to support the moral appeal against ‘beating up the inhabitants’ issued by Erskine a few weeks previously. In practice, as we shall see when discussing strategies of restraint, treating prisoners well facilitated the surrender programmes which helped bring the Emergency to an end.

Erskine took steps to prevent overwrought troops from taking their frustrations out on the civilians. He told Harding that the Kenya Regiment needed a rest as they had been ‘at it for nine months and some of the officers and men are getting into a “jittery” state. I am anxious to give them about two weeks training out of operations.’⁴³ Aside from resting his troops Erskine aimed to change behaviour by banning a hitherto commonplace practice, one also common in Malaya.⁴⁴ Erskine banned the security forces from chopping off the hands from dead bodies in order to fingerprint them and provide the intelligence system with information on who had been killed. GHQ’s Training Instruction no. 7 of 1 August stipulated that ‘Under NO circumstances will bodies be mutilated, even for identification.’ Bodies were to be removed to the nearest police station where possible, and when the terrain proved impenetrable, full fingerprints were to be taken from the corpse.⁴⁵

GHQ’s general order in fact postdated a number of local directives, such as one put out to its six constituent battalions by 39 Infantry Brigade on 1 July, directing all enemy dead to be buried and specifically prohibiting the removal of limbs for identification.⁴⁶ The issue shows how quickly and thoroughly the army could respond to the new commander’s imposition of a new set of military norms, banning a practice widespread when he arrived and considered a military necessity. It demonstrates the fluidity of ‘military necessity’ and the ease with which alternative, and to Erskine and British press sensibilities, less barbarous, practices could be implemented. Although his personal papers do not

⁴² TNA, WO 32/21721: Exhibit 12, Discipline of Security Forces on Operations, 70 Infantry Brigade order to 3, 5, 7, 23 KAR and East Africa Armoured Car Squadron Mobile Column A, 24 September 1953.

⁴³ TNA, CO 822/693: Letter from Erskine to Harding, 23 July 1953.

⁴⁴ TNA, WO 32/21720: McLean proceedings, 376. A Major Morgan, formerly in Malaya, was reported as imparting the practice at the East Africa Battle School, according to Major R. K. Denniston, 1 Black Watch.

⁴⁵ TNA, WO 32/21721: Exhibit 8, Training Instruction no. 7, Operations against the Mau Mau, issued by GHQ, 1 August 1953.

⁴⁶ TNA, WO 32/21721: Exhibit 25, 39 Inf Bde Jock Scott Op Instr no. 7, 9 July 1953. The constituent battalions on this date were 1 Buffs, 1 Devons, 1 Lancashire Fusiliers, Kenya Regiment, 4 KAR, and 6 KAR (including a component seconded from 26 KAR).

reveal his thinking on the issue, Erskine possibly realised that mutilation of the dead comprised a war crime under the Hague and Geneva Conventions and in any case won the army few plaudits either at home, abroad or in Kenya itself.

Meanwhile GHQ came to comprehend Major Griffiths's role in the two atrocities in June, transferring him to the East Africa Training Centre on 25 August.⁴⁷ The ten askaris were placed under close arrest and separated from one another.⁴⁸ This was probably because they were colluding in their statements after Second Lieutenant Innes-Walker, another of Griffiths's subalterns, intimidated them into covering up the incidents.⁴⁹ 70 Brigade's commander was replaced in August, possibly because the first court of inquiry failed to fully disclose the crimes committed by Griffiths's company. As a positive sign for the army the Christian Missionary Society noted the 'improved attitude' of soldiers and policemen.⁵⁰ On 12 September the SIB held an identification parade at Langata for civilians who observed events at Chuka.⁵¹ On 23 September a Nairobi pathologist confirmed that one of the victims' skulls contained several .303 calibre bullet holes, sufficient to cause death.⁵²

By the beginning of October, Hugh Fraser, parliamentary private secretary to the Colonial Secretary, could boost army morale by reporting on the 'improved discipline and even courtesy of the military and police'.⁵³ But the Command remained determined to instil discipline by making an example of infractors, and decided to charge Griffiths for the first incident. As Erskine explained to the War Office, action 'against Griffiths indicates my intention to stop unjustifiable methods'.⁵⁴ Two accessories to the crime, Sergeant Llewellyn, the CSM, and a Royal Electrical and Mechanical Engineers officer, Captain Joy, were granted immunity for agreeing to testify against Griffiths at the court-martial.⁵⁵ Before the trial began, Erskine wrote to his wife describing

⁴⁷ TNA, WO 32/21722: War Office briefing note prior to parliamentary questions for Secretary of State, signed T. L. Binney, 4 December 1953.

⁴⁸ TNA, WO 32/21722: Telegram from GHQ East Africa to War Office, 30 November 1953.

⁴⁹ TNA, WO 32/16103: Note by Lt.-Col. R. H. Cowell-Parker, ADALS, 23 December 1953.

⁵⁰ Heather, 'Counterinsurgency in Kenya', 139.

⁵¹ TNA, WO 32/16103: Signed statement of Daudi s/o Maringa, 14 September 1953.

⁵² TNA, WO 32/16103: Pathology report by G. C. Dockeray, Medical Research Laboratory, Nairobi, 23 September 1953.

⁵³ TNA, PREM 11/472: Report by Hugh Fraser MP to the Colonial Secretary, 6 October 1953.

⁵⁴ TNA, WO 32/21722: Telegram from Erskine to Adjutant-General (AG), War Office, no date.

⁵⁵ TNA, WO 32/21722: Letter from DALs East Africa to DALs, War Office, 31 October 1953.

how he would shortly try the ‘most revolting and unforgivable case’, predicting in consequence ‘a most violent outcry’.⁵⁶ The next day he wrote to the VCIGS in London, explaining his desire ‘to face the music and uphold the discipline and standards of the army rather than permit such things to be smothered over’. He wished to base his strategy on a distinction between loyal Kikuyu and Mau Mau: ‘Indiscriminate shooting of all Africans (which is loudly advocated by some people) would lead to a Black V White War and an extension of the campaign which would have almost no limits.’⁵⁷ So we can see how during his first months in command Erskine conceived of a clear connection between military discipline and military strategy.

The prediction that the trial would be a sensation was accurate. While participating in a sweep operation in June 1953, Major Gerald Griffiths pulled up to a ‘stop’ post manned by two askaris in the 7 KAR company which temporarily fell under his command. Finding three prisoners in their custody he asked the askaris why they had not killed these forestry workers, before promptly sending one of them on his way. The other two men were handed back their passes, told to proceed and then shot in the back at close range by Griffiths with a Bren light machine-gun. Returning to the scene about half an hour later to find one man alive, writhing on the road, Griffiths shot him dead at close range with his sidearm, after the recently arrived CSM Llewellyn refused an order to do so. At his trial the two askaris and Captain Joy, who was in Griffiths’s jeep with him at the time, testified to seeing him shoot the men – who were not running away as the accused claimed. CSM Llewellyn additionally saw him kill the one man with a pistol, a charge Griffiths accepted without quibble.⁵⁸ In the end Griffiths was acquitted as the prosecution failed to prove the identity of the man executed with the pistol. As one of the Emergency’s staunchest contemporary critics pointed out, the prosecution only pressed a charge for one murder, and through incompetence the murder of another person was proven. Arguably Griffiths should straight away have stood trial for murdering an unknown man.⁵⁹ Even the Deputy Governor attacked the acquittal due

⁵⁶ Imperial War Museum Department of Documents (IWMD), General Sir George Erskine, Accession no. 75/134/1; box 1, file 6: letter dated 27 October 1953.

⁵⁷ TNA, WO 276/524: Letter from Erskine to Lt.-Gen. Sir Harold Redman, 28 October 1953.

⁵⁸ TNA, WO 71/1218: Proceedings of the General Court-Martial of G. S. L. Griffiths, for murder, 25 November 1953 to 27 November 1953.

⁵⁹ P. Evans, *Law and Disorder, or Scenes of Life in Kenya* (London: Secker and Warburg, 1956), 262.

to the improper exclusion of evidence on the identity of the body and the admission of hearsay evidence in Griffiths's defence.⁶⁰

General Erskine was astonished at the court-martial's outcome.⁶¹ In consequence steps were taken to guard against any possible misreading of the acquittal, arising from parliamentary pressure on the Secretary of State for War and Erskine's own desire to see his vision safeguarded. On 30 November GHQ's June order on conduct was reissued with minor modifications, stressing the commander's determination to 'catch and punish' those who were 'taking the law into their own hands and acting outside my orders'.⁶² Erskine posted letters to each formation commander requesting a personal assurance that abuses were non-existent. Affirmative replies arrived on his desk within the week.⁶³ Leader of the Opposition Clement Attlee led questions in the Commons asking the government whether they would call a court of inquiry into allegations stemming from the Griffiths trial, specifically the offering of monetary rewards for kills and competition for kills between units.⁶⁴ After discussing the various avenues open in the Griffiths case with the Attorney-General, Erskine decided against a retrial as the other events were still under investigation and might offer better chances of a conviction.⁶⁵ In relation to these events the role of 5 KAR's CO, Lieutenant-Colonel Evans, came under the spotlight, Erskine calling for a report on his conduct.⁶⁶ On 3 December the authorities reopened the ten askaris case by starting a summary of evidence preparatory to another court-martial. Erskine suspected that although these killings were undertaken by ordinary soldiers, Griffiths orchestrated the whole affair. At the same time, SIB investigated a beating and torture incident in 7 KAR. Erskine declared his intention to 'uncover everything and force into court even the most unpleasant crimes. I am sure you would much prefer a clean up than a cover up.'⁶⁷

⁶⁰ TNA, WO 32/21722: Telegram from Governor's Deputy to Baring (in London), 1 December 1953.

⁶¹ IWMD: Erskine papers, letter to his wife, dated 28 November 1953.

⁶² TNA, WO 32/21721: Exhibit 6: Message to be distributed to all members of the Army, Police and the Security Forces, GHQ, 30 November 1953.

⁶³ TNA, WO 32/15834: Letter dated 30 November 1953 from Erskine to Brig. Tweedie (39 Infantry Brigade), Brig. Taylor (49 Infantry Brigade), Brig. Orr (70 Infantry Brigade), Major Huth (Armoured Car Squadron Mobile Column), Major Langford (156 East African HAA Battery) and Lt.-Col. Campbell (Kenya Regiment). The replies from each commander, all sent within a week, are also in this file.

⁶⁴ TNA, PREM 11/696: Hansard excerpt, 30 November 1953, 770.

⁶⁵ TNA, WO 32/21722: Telegram from Erskine to AG, War Office, 1 December 1953.

⁶⁶ TNA, WO 32/21722: Telegram from Erskine to Secretary of State for War, 2 December 1953.

⁶⁷ TNA, WO 32/21722: Telegram from Erskine to War Office, 3 December 1953.

Cleaning up, not covering up: the McLean Court of Inquiry

Two days later Erskine decided how to proceed in his push to bring the army completely under control. First, the SIB continued collecting all available evidence on offences committed by Griffiths, leading to another trial. Secondly, Erskine ordered a court of inquiry into army misconduct.⁶⁸ Shortly afterwards the Cabinet agreed to the inquiry, announcing it in Parliament on 10 December.⁶⁹ On 5 December the Commander-in-Chief assembled all officers of the rank of lieutenant-colonel and above, and their police equivalents, at a special meeting to ram home the issue. In short, the order was deadly serious, would be fully implemented by him and strictly interpreted by all commanders on the spot, as he could not predict ‘every possible stupidity’, such as kill scoreboards or ‘other flippant or evil practices’. The officers were informed about the impending court of inquiry and instructed to cooperate with it.⁷⁰ The meeting’s immediate impact may be seen in Lieutenant-Colonel Glanville’s order two days later to his battalion, 6 KAR, commanding his officers to explain General Erskine’s order to all British and African non-commissioned officers and other ranks. The strongly worded directive reflected the grave tone adopted by Erskine at the meeting, as Glanville not only passed on the gist but added his own desire to protect the battalion’s reputation and ‘anyone, be he British or African, who dirty’s [*sic*] it will have no mercy from me’.⁷¹

70 Infantry Brigade, responsible at this point for 3, 5, 7 and 23 KAR, sent out a comparable order on 8 December. Also intending to disseminate the Commander-in-Chief’s views to all ranks, Brigadier Orr reminded his soldiers how to deal with prisoners, to avoid killing competitions and not to shoot people out of hand. After all, it was ‘a task for which we are all trained, and is not difficult’.⁷² One further event happened before the court of inquiry which acted to support Erskine’s desire to see his forces ‘play to M.C.C. rules’.⁷³ There is little

⁶⁸ TNA, WO 32/21722: Letter from Erskine to General Sir Cameron Nicholson (AG), 5 December 1953.

⁶⁹ TNA, WO 32/21722: Telegram from Troopers (AG) to GHQ East Africa, no date.

⁷⁰ TNA, WO 32/21721: Exhibit 7: Record of an address made by C-in-C at GHQ East Africa at 1000 hrs Sat 5 Dec 1953.

⁷¹ TNA, WO 32/21721: Exhibit 9: Conduct of Security Forces on Ops., issued by CO 6 KAR, 7 December 1953.

⁷² TNA, WO 32/21721: Exhibit 13: Discipline, issued HQ 70 Infantry Brigade, 8 December 1953.

⁷³ The phrase comes from a letter to his wife: IWMD, Erskine papers, letter dated 30 September 1953.

information on the General Court-Martial of Sergeant Pearson and Private Taylor, two Kenya Regiment soldiers both convicted on 10 December for 'assaulting an African and maliciously burning a house and occasioning bodily harm', with Pearson also convicted for 'maliciously wounding an African'. Pearson's award for these offences was a year in prison, while Taylor received nine months' incarceration.⁷⁴ This outcome may be interpreted as a victory for the army's resolve to field disciplined forces subject to the rule of law.

Investigations into 5 and 7 KAR continued throughout December as preparations for the court of inquiry were made, tentatively under General Goodbody, then commanding 56 (London) Division of the Territorial Army.⁷⁵ All units in Kenya were informed about the inquiry on 12 December and asked to invite all ranks to appear voluntarily forty-eight hours before the court convened.⁷⁶ The inquiry, eventually headed by Lieutenant-General Sir Kenneth McLean from the War Office, would look into three areas: first, the offering to soldiers of money for Mau Mau killings; second, the keeping and exhibition of scoreboards recording official and unofficial kills and other activities in operations against Mau Mau; and third, the fostering of a competitive spirit among units with regard to kills in anti-Mau Mau operations.⁷⁷ After Fenner Brockway MP created a 'minor stink' over an article in the journal of the Devonshire Regiment, the terms were expanded slightly.⁷⁸ The article quoted the CO of 1 Battalion offering £5 for the unit's first kill in Kenya. According to one account, an attached subaltern recently cashiered from the regiment for incompetence sent the article to Brockway in revenge. In addition to Brockway's questions, the *Daily Herald* published a front-page article with the headline 'Is your son a murderer?'⁷⁹ The War Office wanted McLean to question the Devons on the point when he met them.⁸⁰

⁷⁴ TNA, WO 32/21721: Exhibit 22: List of cases brought to the notice of GHQ East Africa in which members of the Military Forces have been charged before Civil Courts, or Courts Martial, or Summarily for offences against Africans, compiled by Assistant AG, GHQ.

⁷⁵ TNA, WO 32/21722: Telegram from Erskine to AG, War Office, 9 December 1953; 'Obituary: Gen. Sir Richard Goodbody, Former Adjutant-General to the Forces', *The Times*, 6 May 1981, 19.

⁷⁶ TNA, WO 32/21722: Order from GHQ East Africa to all units, 12 December 1953.

⁷⁷ TNA, PREM 11/691: Excerpt from Cabinet Conclusions, minute 2, 8 December 1953.

⁷⁸ TNA, WO 32/21722: Letter from Heyman (Chief of Staff East Africa) to McLean, 22 December 1953.

⁷⁹ IWMD: Lieutenant-Colonel J. K. Windeatt, Accession no.: 90/20/1; Mau Mau rebellion Kenya. 1st Bn. The Devonshire Regiment Record 1953–55, written 1962.

⁸⁰ TNA, WO 32/21722: Telegram from Troopers to East Africa, exclusive for Heyman from AG, no date.

In order to proceed impartially, the court was chaired by a lieutenant-general without previous involvement in Kenya, accompanied by Colonel G. Barratt, the Deputy Director of Army Legal Services (DALs) at the War Office, to guarantee compliance with the rules of procedure, and Colonel G. A. Rimbault, the Deputy Chief of Staff in East Africa Command who had been present from the start of the Emergency.⁸¹ There are other reasons besides Lieutenant-General McLean's seniority and detachment, for supposing the court would proceed objectively in striving 'to clean up rather than to cover up', as the Secretary of State for War stated its purpose in the Commons.⁸² First, witnesses gave evidence on oath.⁸³ Second, while they could face prosecution for perjury, evidence given by witnesses could not subsequently be used against them.⁸⁴ These measures clearly granted a freedom of expression which might have proved troublesome otherwise. Third, investigations were extensive, absorbing information from 147 witnesses over a twelve-day period, from every major unit and formation in theatre at the time. These included staff officers, twelve regiments (even necessitating travelling to Uganda to interview 4 KAR), a Roman Catholic bishop and regimental medical officers (RMOs).⁸⁵ McLean invited the Christian Council of Kenya to put forward any specific allegations against the army, but they had none.⁸⁶

In terms of ranks, witnesses ranged from brigadier to private soldier; the most strongly represented category was in the crucial major to second-lieutenant group, the company and platoon commanders who exercised greatest influence in the conduct of this decentralised conflict.⁸⁷ Eleven National Servicemen took part, as did fourteen African warrant officers

⁸¹ TNA, WO 32/15834: Telegram from Troopers to GHQ East Africa, 9 December 1953.

⁸² TNA, WO 32/15834: Statement by Secretary of State for War Anthony Head to House of Commons, 10 December 1953.

⁸³ TNA, WO 32/15834: Telegram Erskine to AG, War Office, 12 December 1953.

⁸⁴ TNA, WO 32/21720: McLean proceedings, 6. This point was explained by Colonel Barratt to Brigadier Orr as embodied in Rule of Procedure 125A, para. G.

⁸⁵ The full list of units and formations represented is: GHQ staff officers, 70 Infantry Brigade, 49 Infantry Brigade, 39 Infantry Brigade, 3 KAR, 4 KAR, 5 KAR, 6 KAR, 7 KAR, 23 KAR, 26 KAR, 1 Royal Northumberland Fusiliers, 1 Royal Inniskilling Fusiliers, 1 Black Watch, 1 Devonshire Regiment, 1 The Buffs, Kenya Regiment, Medical Officer in Charge of the Civil Native Hospital, Nyeri, Nanyuki Church of England Garrison Chaplain, Roman Catholic Bishop of Nyeri, Head of Consolata Mission, Deputy Assistant Provost Marshal, Deputy ADALS.

⁸⁶ TNA, WO 32/21722: McLean Court of Inquiry report and findings.

⁸⁷ The complete breakdown is: three brigadiers, sixteen lieutenant-colonels, forty-five majors, twenty captains, five lieutenants, nine second lieutenants, two regimental sergeant-majors (RSMs), eleven company sergeant-majors, ten warrant officer platoon commanders (WOPCs), four warrant officers, seven sergeants, one lance-corporal, seven private soldiers.

from the KAR. Commanders were required to give their men forty-eight hours' warning and six other ranks volunteered to appear as a result.⁸⁸ The provision of interpreters, an encouraging attitude towards nervous officers and the willingness to pursue matters beyond the defined three-point remit indicated a court resolved to clear the army's name by thorough, honest examination of uncomfortable issues. Prominent among these of course was Major Griffiths, who himself gave evidence.⁸⁹ Reverend J. F. Landregan, padre to 49 Infantry Brigade, stated that everyone from the brigadier downwards was amazed by the revelations and 'we would not tolerate any atrocities of any description against prisoners'.⁹⁰ A fellow officer, from 4 KAR, thought Griffiths got off very lightly,⁹¹ while the 1 Black Watch's RMO said that his unit viewed the case as exceptional.⁹²

On the assigned terms of reference McLean, Barratt and Rimbault reached the following conclusions. First, they found one instance where two company commanders, with their CO's knowledge, offered 100 shillings to kill the Mau Mau leader Dedan Kimathi, in place of a similar police reward to which soldiers were not entitled. The court considered this mistake 'explicable in the circumstances'. The money offered by the Devonshire Regiment to the first sub-unit to kill a Mau Mau was deemed fair and permissible because it happened in a PA, where non-combatants were explicitly banned. Elsewhere officers rewarded their troops with a few beers for working hard on an operation – though the court deemed the practice unproblematic because the reward was not for killing. Finally in this category came Griffiths's own admission of offering cash rewards to his troops. Secondly, it transpired that Griffiths had exaggerated the existence of scoreboards. The scoreboards were defined as 'a visual record kept and displayed solely or mainly to foster unhealthy and irresponsible competition in killings between units and sub units'. Statistics were kept for situation reports and assessing military effectiveness, sometimes in restricted company or battalion situation rooms on charts consolidating official information. At the lower levels, officers either memorised the information or kept it in notebooks or files. The court found no evidence for 'unofficial kills'.

Third, the court considered the competitive spirit between units, where soldiers might become so eager to ratchet up higher kill scores that they began to disregard legal restrictions and indulge in wanton

⁸⁸ Six commanders recorded having issued the requisite information, although not every witness was asked whether they had or not.

⁸⁹ TNA, WO 32/21720: McLean proceedings, 223, 268. ⁹⁰ *Ibid.*, 197.

⁹¹ *Ibid.*, 339 (Capt. I. Grahame of Duntrune, 4 KAR).

⁹² *Ibid.*, 366 (Lt. L. G. Fallows, Black Watch RMO).

killing. The vast majority of those questioned had no idea how many Mau Mau their own or neighbouring units had recently killed; generally, only the adjutants and others participating in administration possessed the figures. Some officers knew how many fatalities their unit had inflicted because of continuous engagement in the same area or low, static numbers. Soldiers widely recognised the role played by chance in determining which unit killed enemy insurgents, especially when commanders impressed upon them the cooperative nature of many operations, where one unit might drive insurgents into another's path. Units also quantified success with reference to captured prisoners, arms and ammunition. Wide disbursement throughout the operational areas militated against competition between battalions who hardly ever saw each other. Often, even companies from the same battalion found themselves isolated for months on end. On the other hand, the court found some competitive spirit, but deemed it nothing 'beyond the natural rivalry to be found between sub units in all good regiments'.

The testimonies given at the McLean Court of Inquiry reveal new perspectives on the chopping off of hands and the replacement fingerprinting policy. It was the general practice to chop the hands off a dead body which could not be brought back, a 7 KAR officer describing it as 'a sort of order'.⁹³ Captain Russell, serving with the 7 KAR since the start of the Emergency, blamed the order on the police, who wanted the hands for identification purposes.⁹⁴ His explanation is plausible given that by the end of 1953 the police Criminal Records Office held fingerprint slips for 475,884 people, so there were records to check against.⁹⁵ Another six witnesses concurred on the prevalence of the practice in the early days.⁹⁶ Brigadier Tweedie, who banned the practice in his brigade three months after arriving, believed it was done 'not as bestiality but simply because they had no alternative'.⁹⁷ With Erskine's intervention a simple enough alternative appeared. At the inquiry in December, thirty-four witnesses expressed positively knowing the practice was banned.⁹⁸ Of these, twenty-four mentioned carrying the fingerprinting kits as prescribed by GHQ. This evidence suggests that the army command

⁹³ *Ibid.*, 102 (Major J. A. Robertson, 7 KAR).

⁹⁴ *Ibid.*, 276 (Capt. H. C. Russell, 7 KAR).

⁹⁵ D. Throup, 'Crime, Politics and the Police in Colonial Kenya, 1939-63', 146.

⁹⁶ TNA, WO 32/21720: McLean proceedings, 223 (Lt.-Col. L. W. B. Evans, 5 KAR); 227 (Major W. E. B. Atkins, 5 KAR); 331 (Major M. J. Harbage, 4 KAR); 393 (Brig. J. W. Tweedie, 39 Infantry Brigade); 399 (Major W. B. Thomas, 39 Infantry Brigade); 403 (Capt. J. W. Turnbull, Kenya Regiment).

⁹⁷ *Ibid.*, 393 (Brig. J. W. Tweedie, 39 Infantry Brigade).

⁹⁸ TNA, WO 32/21720: McLean proceedings. Not all witnesses were asked about it.

succeeded in imposing discipline even when it went against a procedure established for nine to ten months.

Therefore the McLean Inquiry concluded that the abnormalities mentioned were in the minority, and on the whole the army's conduct, 'under difficult and arduous circumstances, showed that measure of restraint backed by good discipline which this country has traditionally expected'.⁹⁹ While the court of inquiry seemed to overwhelmingly vindicate the army, equally significant from the disciplinary perspective was the instructional role it played. If any doubts remained after the various orders issued by Erskine about his views on how to conduct the campaign they were dispelled by the court's interaction with representatives from units participating in anti-Mau Mau operations. Soldiers who stood before the court took the experience back to share with others in their unit. The whole tone of the questioning and the comments made on evidence given consistently expressed a clear view on the parameters of acceptable behaviour. For example, the court repeatedly pressed 39 Infantry Brigade's brigade major on whether the new fingerprinting kits were adequately distributed to all units.¹⁰⁰ In another case, they pointed out to a Devons company commander the potential dangers in allowing rivalry between platoons patrolling in the Reserves.¹⁰¹ Most notable, though, were the frequent references to the various orders restricting the use of force, shown especially to battalion and company commanders.

Discipline after McLean

At the beginning of January 1954 Richard Crossman, Labour MP for Coventry and author of critical newspaper articles on the Emergency, visited the country. Crossman toured the operational areas and observed the Devons on patrol. Later on, several soldiers confronted him about his accusations in the press, and on returning to Britain he wrote a corrective piece for the *Sunday Pictorial*.¹⁰² Thus even critics thought that McLean had proved effective. At some point in late 1953 or early 1954 the Kenyan authorities set up a 'Watch Committee' to monitor allegations against the security forces. It was later given the more

⁹⁹ TNA, WO 32/15834: Summary of Report by the McLean Court of Inquiry into allegations made during the trial of Captain G. S. L. Griffiths, DLI, against conduct of the British Security Forces in Kenya, no date.

¹⁰⁰ TNA, WO 32/21720: McLean proceedings, 400 (Major W. B. Thomas, 39 Infantry Bde).

¹⁰¹ *Ibid.*, 444 (Major J. Rogers, Devons).

¹⁰² IWMD, Windeatt, Mau Mau rebellion Kenya. 1st Bn. The Devonshire Regiment Record 1953–55.

colourful title of the 'Chief Secretary's Complaints Co-ordinating Committee'. The surviving records are incomplete; the first 112 minutes of the committee's meetings are missing. What remains is revealing.¹⁰³ Beginning in late April 1954, the records show that the authorities paid attention to questions about discipline in the security forces and that the police, administration and army cooperated closely in deciding how to handle these cases. Most concerned the non-military security forces. Soldiers were accused of a range of crimes, including murder, rape and assault; they were tried in the civil courts only with GHQ East Africa's permission. Two men from the Rifle Brigade were to be tried in a civil court in June 1955 for allegedly murdering a farm labourer in Nanyuki a month earlier.¹⁰⁴ After a joint police-army investigation, a Royal Irish Fusilier was to be tried in the civil courts for allegedly committing murder at Naivasha in July.¹⁰⁵ A court acquitted Private Kiptano son of (hereafter 's/o') Kaptinge of manslaughter, but he was 'bound over in a bond of Sh.500/-' for assault causing actual bodily harm.¹⁰⁶ General Erskine gave permission for an RAF sergeant to be tried in the civil courts, which convicted him on three counts of assault, imposing a 300-shilling fine in July 1954.¹⁰⁷

Soldiers were also convicted by court-martial. A Royal Northumberland Fusilier received eighty-four days' detention for manslaughter after he shot an African herdsman when 'playing with his rifle' in Nanyuki.¹⁰⁸ Sergeant Murray, from the Kenya Regiment, was sentenced to nine months' imprisonment for shooting an African during an interrogation session in February 1955.¹⁰⁹ A court-martial awarded Driver Yates six months' detention for shooting and wounding two farm labourers at Timau.¹¹⁰ Several soldiers were punished for committing sexual crimes. Sappers Keohoe and Richardson, and Sergeant Cooke were each sentenced to six years' imprisonment for rape.¹¹¹ A Kenya Regiment soldier was acquitted by a court-martial hearing after a woman alleged ill treatment in October 1954.¹¹² Another court-martial convicted the Kenya Regiment's Sergeant Whyatt for an indecent assault committed at Meru, sentencing him to six months' detention and a discharge from

¹⁰³ Bennett witness statement 3, citing Hanslope document CO 968/266: Colonial political intelligence summary no. 12, December 1953.

¹⁰⁴ Bennett witness statement 3, citing Hanslope document CAB 19/4 Vol. I: Chief Secretary's Complaints Co-ordinating Committee (CSCCC) minutes, 8 August 1955.

¹⁰⁵ *Ibid.*, 11 July 1955, 8 August 1955.

¹⁰⁶ *Ibid.*, 28 June 1954.

¹⁰⁷ *Ibid.*, 31 May 1954, 14 June 1954, 12 July 1954.

¹⁰⁸ *Ibid.*, 7 February 1955.

¹⁰⁹ *Ibid.*, 7 March 1955, 6 June 1955.

¹¹⁰ *Ibid.*, 7 March 1955, 2 May 1955.

¹¹¹ *Ibid.*, 6 September 1954, 15 November 1954, 6 December 1954.

¹¹² *Ibid.*, 4 October 1954, 15 November 1954, 6 December 1954.

the service with ignominy.¹¹³ Those who decided to disregard orders on conduct could expect to face justice in at least some cases.

General Erskine achieved a major symbolic victory in his campaign aimed at imposing tight discipline on 11 March 1954, when his *bête noire* was convicted in a second court-martial. Writing to his son in February, Erskine bemoaned how 'This blasted man Griffiths is giving me more trouble'. New evidence on another event presented the chance to proceed with a murder charge.¹¹⁴ This time, though, Erskine decided on the lesser counts of grievous bodily harm and disgraceful conduct of a cruel kind. In summary the incident concerned a series of related incidents over two days during a patrol led by Major Griffiths in June 1953. On 14 March, a 'B' Company, 5 KAR patrol collected two Kikuyu prisoners from Embu police station, who were to accompany them on a mission to find Mau Mau. That evening Griffiths handed his personal knife to Private Ali Segat, ordering him to threaten one of the prisoners with emasculation. Shortly afterwards Griffiths instructed the same soldier to cut off the prisoner's ear. Afterwards the accused failed to assist the wounded man and left him to suffer in agony. The next morning, Griffiths ordered Segat to pierce the other prisoner's ear with a bayonet and pass through it a long wire to lead the man like a dog on the patrol. Although it was not placed on the charge sheet, one prisoner subsequently died, with substantial evidence that he was murdered and not 'shot whilst trying to escape', as originally claimed.¹¹⁵

When the court handed down a guilty verdict on 11 March, General Erskine's authority and ethical operational concept were strongly reinforced. Newsinger has argued that this second trial was merely 'a public relations exercise following the public outcry over Griffiths's earlier acquittal'.¹¹⁶ While East Africa Command and the War Office certainly responded to parliamentary and newspaper reactions to the first trial and the McLean Inquiry, the various letters written by Erskine to his family during this period emphasise his immense frustration with 'this blasted man', 'this damned man' whose behaviour was 'absolutely inexcusable and unnecessary' in this 'most revolting and unforgivable case'.¹¹⁷ Erskine genuinely reviled everything Griffiths had done and

¹¹³ *Ibid.*, 11 July 1955, 8 August 1955.

¹¹⁴ IWMD: Erskine papers, Erskine in letter to Philip Erskine, 2 February 1954.

¹¹⁵ TNA, WO 71/1221: Proceedings of the General Court Martial of Captain G. S. L. Griffiths, for cruelty.

¹¹⁶ Newsinger, 'Revolt and Repression in Kenya', 179.

¹¹⁷ IWMD, Erskine papers, Erskine in letter to Philip Erskine, 2 February 1953; Erskine in letter to Philip Erskine, 23 February 1953; Erskine in letter to Philip Erskine, 12 January 1954; Erskine in letter to his wife, 27 October 1953.

stood for, namely the supposition that the army's conduct depended upon the enemy against whom they were fighting and whether the enemy themselves observed the rules of war. As Mr John Hobson said in his summing up for the prosecution:

I hope this Court will not accept any such doctrine and will make it plain that so far as the British Army is concerned and its officers it expects its officers to conduct themselves properly and with propriety towards those who are in its custody and against whom they are fighting.¹¹⁸

The court duly found the accused guilty, and he was cashiered from the army and sent to Wormwood Scrubs prison for five years.¹¹⁹ In finding Griffiths guilty the court accepted Hobson's opinion, showed that command orders on conduct would be implemented and converged with a broader centralising in the direction of the war effort seen, for example, with the creation of the four-man 'War Council' at the highest level.¹²⁰

Conclusion

In many senses, then, British forces did pursue the minimum force approach. The discipline imposed not only satisfied ethical-legal concerns with regard to non-combatants, but equally importantly in the British tradition performed an instrumental role in achieving strategic objectives. Many soldiers realised that killing civilians was both wrong and militarily counterproductive. The army in Kenya attempted to impose tight discipline in the face of enemy provocation, and discriminate policies to ensure that the conduct of its soldiers was more restrained than might otherwise have been the case. A reading of his correspondence and reports shows the utter disgust of General Erskine with the misdeeds of those such as Major Griffiths palpably. Crimes in war – or counter-insurgency emergencies – are inevitable; the issue is rather whether anything is done about them when they do happen. In Kenya, Erskine and the other commanders took serious steps to not only issue orders, but to ensure that they were complied with. Thus the Griffiths courts-martial and the McLean Court of Inquiry, examined here to the fullest extent yet, should be considered as symbolic instructional disciplinary events. How far Erskine succeeded in achieving

¹¹⁸ TNA, WO 71/1221: Second trial of Captain Griffiths, Proceedings, Second Day, 10: Prosecuting Counsel Mr J. Hobson.

¹¹⁹ Rubin, *Murder, Mutiny and the Military*, 293.

¹²⁰ R. W. Heather, 'Intelligence and Counter-Insurgency in Kenya, 1952–56', *Intelligence and National Security*, 5 (1990), 60.

his early vision of a disciplined and moral army in Kenya is addressed again in later chapters, when we shall see the limits to the measures outlined above. The army's views on discipline were designed to guarantee the ability to pursue a logical military strategy which could contain elements of restraint and selective targeting. To these policies we turn next.

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6 'A dead man cannot talk': the need for restraint

Having imposed tighter discipline on the army, General Erskine attempted to calibrate the use of force in his strategy to defeat the Mau Mau. Central to his plan was the desire to apply violence directly against the insurgents, yet with sufficient discrimination to spare loyalists. He knew that targeting the entire Kikuyu population, as practised before his arrival, eliminated all incentives for people to support the government. In fact, repression was counterproductive and mobilised the uprising. The military strategy needed to find a number of policies which would not only help discriminate between insurgents and the wider population, but also clearly communicate to the population the government's desire to do so. These policies were seen as militarily effective and help explain, alongside discipline, why the army refrained from a genocidal war.

This chapter analyses four major policy areas where the army aimed at increased restraint concerning the use of force. First, the foundational policy of dividing the colony into legally distinct zones with different rules of engagement is explored. Secondly, throughout the Emergency the authorities aimed to encourage surrenders, on an individual as well as a mass basis. This pursuit is notable bearing in mind that the army was not obliged under international law to take any prisoners at all. The policy proved highly successful and relied in turn upon good discipline. Third, the likelihood of army atrocities against prisoners was minimised because they were quickly handed to the police, thus reducing the chances of any 'heat of battle' massacres. None the less, the army issued comprehensive guidelines on dealing with the various categories of prisoner to promote good conduct. Finally, the army engaged in discriminate operations by developing the pseudo-gang and other special forces techniques. In these operations the risks of non-combatants being harmed, central to any definition of restraint, were minimised.

Creating different legal zones

The troops in Kenya operated in two different legal environments thanks to the area system created by the Emergency Regulations from 3 January 1953 onwards. In the Special Areas troops were formally guided by the minimum force principle. Soldiers opened fire only if an order to stop was disobeyed after two challenges. The Special Areas generally covered all of the Kikuyu, Embu and Meru Reserves, and any other areas subject to disorder. In this way, soldiers directed force selectively against the Mau Mau, trying to avoid harming the general population.

In the PAs anybody present would be shot on sight: soldiers fought in these areas as though at war. The PAs were confined to the forest areas of the Aberdares, Mount Kenya and Eburru, which were normally uninhabited.¹ Operation Blitz, a combined army–police sweep conducted in the northern Aberdare mountain area on 6 January 1953, was the first operation in the new PAs.² Because these areas were uninhabited, the RAF and KPR air wing carried out bombing raids in them throughout the Emergency.³ Erskine thought this ‘absolutely fair because nobody is supposed to be in a prohibited area’, while initially banning the offensive use of airpower in all other areas.⁴ The policy changed in June 1954, allowing senior military officers to call for air attacks in the Reserves, ‘with certain precautions’.⁵ By July 1955 this special ‘Mushroom’ procedure had only been used nine times, apparently without harm to civilians.⁶

Instructions on the types of zones and any geographical changes on where they applied were gazetted and available to all units.⁷ Modifications took place, for example with Nairobi being made a Special Area in April 1953, but these were minor changes after the first few months.⁸

¹ IWMD, Erskine papers, GHQ East Africa (1954) *The Kenya Picture*, 2nd edn, Nairobi, para. 41; IWMD, Erskine papers, Report to the Secretary of State for War, ‘The Kenya Emergency’, signed Erskine, 2 May 1955, paras. 14–16.

² Heather, ‘Counterinsurgency in Kenya’, 57.

³ As this book focuses on the army, air operations are excluded. For a concise analysis, see S. Chappell, ‘Air Power in the Mau Mau Conflict: The Government’s Chief Weapon’, *RUSI Journal*, 156 (2011), 64–70; see also P. Towle, *Pilots and Rebels: The Use of Aircraft in Unconventional Warfare 1918–1988* (London: Brassey’s, 1989), 95–106; J. S. Corum and W. R. Johnson, *Airpower in Small Wars: Fighting Insurgents and Terrorists* (Lawrence, KS: University Press of Kansas, 2003); A. Mumford, ‘Unnecessary or Unused? The Utilisation of Airpower in Britain’s Colonial Counterinsurgencies’, *Small Wars and Insurgencies*, 20 (2009), 636–55.

⁴ TNA, CO 822/693: Letter from Erskine to Harding, 7 July 1953.

⁵ TNA, WO 276/171: Minutes of a meeting of CPEC, 4 June 1954.

⁶ KNA, WC/CM/1/4: Use of aircraft outside the prohibited areas (the ‘Mushroom procedure’), Memorandum by the Chief of Staff, 1 July 1955.

⁷ TNA, WO 32/21720: McLean proceedings, 1–2 (Lt.-Col. A. D. B. Tree, GHQ).

⁸ Heather, ‘Counterinsurgency in Kenya’, 77.

The administration held responsibility for informing the local populace about where the zones were. Commanders were obliged to know the exact boundaries in their areas, both on the map and on the ground.⁹ On 30 April the army issued a detailed directive on opening fire without challenge in the PAs. Major-General Hinde warned that:

This power is an exceptional one calling for the exercise of great care and discretion by the security forces lest unnecessary casualties be inflicted on our own forces or on friendly Africans.

Apart from the security forces, nobody could enter the PAs without a proper permit. Soldiers operating in these areas had to be fully briefed on the whereabouts and appearance of other security forces, such as trackers, scouts and the Home Guard, to avoid friendly-fire accidents.¹⁰ In June 1953 East Africa Command extended the zoning policy by introducing a 'one-mile strip' along the edge of the prohibited forest areas. Because Mau Mau guerrillas were acquiring supplies from dwellings next to the forests, the army decided to destroy the dwellings and make the strips PAs.¹¹ According to an officer serving with the Devons:

the Reserve edge of the Strip was marked by white-washed piles of stones, and the Strip itself was forbidden ground for any natives. The object of this forbidden zone was to make it more difficult for the forest gangs to obtain food from the Reserves.¹²

Alan Liddle, an officer with 23 KAR, observed that the mile-broad area was clearly discernible and visible.¹³ As three former Inniskillings subalterns recalled, the advantage was that the rules were clear to soldier and African alike.¹⁴

An intelligence assessment in early 1953 summarised the benefits derived from the zoning policy:

the number of terrorists killed and captured has risen sharply. The armed bands of thugs are becoming increasingly bold, driven by hunger and their need for arms, but now that they are beginning to be forced more and more to take to the forests, the task of hunting them down and destroying them is beginning to assume the nature of a straightforward

⁹ ODRP, W. R. Hinde, MSS Afr.s.1580, Vol. XI: Directives for the Use of the Director of Operations. Directive no. 4, Office of DDOps, 30 April 1953.

¹⁰ *Ibid.*

¹¹ A. P. Castro and K. Ettenger, 'Counterinsurgency and Socioeconomic Change: The Mau Mau War in Kirinyaga, Kenya', *Research in Economic Anthropology*, 15 (1994), 80;

L. Gill, *Military Musings* (Victoria, BC: Trafford Publishing, 2003), 36.

¹² IWMD, Windeatt Mau Mau rebellion Kenya. 1st Bn. The Devonshire Regiment Record 1953-55.

¹³ IWMSA, A. L. K. Liddle, 10091/4.

¹⁴ Interview with Chapman, McFrederick and Moore.

bandit-hunt without the fear of destroying loyal KIKUYU, which, hitherto has been a serious handicap in the Reserves.¹⁵

The Emergency committees agreed on new zones and discussed changes in the *modus operandi*. The army normally operated in the PAs, so exceptions like allowing the Home Guard to follow up stock thefts into the mile strip had to be notified at committee meetings.¹⁶ The committees ensured that the mile strips were clearly marked, pushing the DO for Othaya, for example, to hurry up in placing marking cairns.¹⁷ They also prompted the security forces to give local inhabitants due warning before activating new PAs.¹⁸ The army zealously guarded the zoning policy's implementation, the commander of 39 Brigade reporting to the CPEC 'much movement of local inhabitants' through the mile strip in Fort Hall, and that the demarcation cairns had fallen into disrepair.¹⁹

In Embu district the government's efforts were impeded by squatters refusing to pull down huts in the mile strip, and the cairns being destroyed at night time – a practice discouraged by communal fines on nearby residents.²⁰ In several areas the administration, police and army launched combined operations to clear crops and destroy huts in places newly designated as prohibited.²¹ For the military, having a cleared mile strip – bereft of undergrowth as well as habitation – offered a clear view of any Mau Mau leaving or entering the forests, and a clear firing line.²² In a few instances soldiers broke the rules. On 7 January 1954 a patrol by the Royal Inniskillings found twenty suspects hiding in the mile strip; rather than shooting them, they handed them over to the Meru police.²³ The next month the battalion discovered an elderly man in the Fort Hall PA, turning him over to the Kangama police.²⁴ In North Tetu division, Nyeri district, the administration and army clashed over the zoning policy in November 1953. The army wanted a fully cleared mile strip in the division, against the DC's and DO's wishes. Since May, the security forces had effectively worked to a 'zones-of-operation' scheme, whereby the army, police and administration operated in exclusive zones. An increase in gang activity and personnel changes resulted in calls to end

¹⁵ TNA, WO 276/378: Jock Scott intelligence summary, 6 February 1953.

¹⁶ TNA, WO 276/170: CPEC minutes, 23 May 1953.

¹⁷ KNA, VP/2/22: Nyeri DEC minutes, 24 May 1953 and 2 June 1953.

¹⁸ TNA, WO 276/238: Record of the meeting of the DDOps Committee held at Government House on Tuesday, 7th July 1953.

¹⁹ TNA, WO 276/170: CPEC minutes, 28 August 1953.

²⁰ TNA, WO 276/170: CPEC minutes, 4 September 1953.

²¹ KNA, VP/2/22: Nyeri DEC minutes, 13 October 1953.

²² TNA, WO 276/439: CPEC minutes, 19 August 1955.

²³ TNA, WO 276/294: HQ 49 Brigade situation report, 8 January 1954.

²⁴ TNA, WO 276/290: 39 Infantry Brigade operational sitrep, 9 February 1954.

the agreement. The Buffs' company commander doubted the Home Guard's ability to look after their allotted zone, and persuaded the divisional committee to end the agreement and initiate the mile strip.²⁵

Commanders issued orders to see that all troops understood the regulations. Brigadier Orr instructed his men on 24 September 1953 only to fire in self-defence in the Reserves (Special Areas), unless a person failed to halt on challenge or evaded capture by running away.²⁶ A 3 KAR officer noted how working in the Reserve was much harder than the forests because soldiers were always very worried lest they shot the wrong person, but luckily this never happened.²⁷

Brigadier Tweedie opted to pass on the message personally in April 1953 because when arriving he found that 'a lot of these orders were written in a very legal phraseology which you could not possibly expect a young platoon commander to understand, and this was an attempt to try to make them clear'.²⁸ At a subordinate level, Major Small taught his men in 'D' Company of the Devons where to shoot and where not, and how to call suspects to halt. He claimed to have personally passed this information on to each new draft coming into the company.²⁹ Three witnesses at the McLean Inquiry recounted incidents where men were shot for failing to halt when ordered in Special Areas.³⁰ Another three men expressed their willingness to fire on anyone they came across in the PAs.³¹ East Africa Command's directives on limiting the conflict's destruction were understood and implemented by men in the field. The legal zoning policy enabled the army to apply force with a certain degree of discrimination.

Women participated in the Mau Mau rebellion, for example, in supplying food to active combat units. Despite this, a traditional prohibition against harming women persisted in some soldiers' minds. Most of the troops in Major Cooper's company of the Kenya Regiment refused to fire on women running away in the PAs.³² Second Lieutenant Cooke's men, also in the Kenya Regiment, normally chased women down,

²⁵ KNA, VP/9/9: Minutes of divisional intelligence meeting held at the Show Ground, North Tetu, on 16 November 1953.

²⁶ TNA, WO 32/21720: McLean proceedings, 11 (Brig. J. R. H. Orr, 70 Infantry Brigade).

²⁷ IWMSA, R. Z. Stockwell, 10065/2.

²⁸ TNA, WO 32/21720: McLean proceedings, 394 (Brig. J. W. Tweedie, 39 Infantry Brigade). His order is in WO 32/21721, Exhibit 24, Sentries orders and orders to fire HQ 39 Brigade to 1 Buffs, 1 Devons, 1 Lancashire Fusiliers, 20 April 1953.

²⁹ TNA, WO 32/21720: McLean proceedings, 449 (Major G. W. Small, Devons).

³⁰ *Ibid.*, 179 (Fusilier R. Williams, Royal Northumberland Fusiliers); 303 (2nd Lt. M. Cooke, Kenya Regiment); 389 (Private K. MacCash, Black Watch).

³¹ *Ibid.*, 275 (Capt. H. C. Russell, 7 KAR); 295 (Major N. M. C. Cooper, Kenya Regiment); 433 (Major D. N. Court, The Buffs).

³² *Ibid.*, 295 (Major N. M. C. Cooper, Kenya Regiment).

whereas they had no compunction about shooting at men.³³ Eventually 39 Brigade's commander, Brigadier Tweedie, felt compelled to:

talk to the men about it. I said that they must not be silly about it, these people were just as bad as the men. We hate shooting women even if they are doing wrong. The men were surprisingly upset because some of them are only just past being schoolboys.³⁴

Encouraging surrenders

Throughout the Emergency the army actively sought to persuade Mau Mau members, individually and in large groups, to give up the armed struggle and surrender, despite vocal opposition from the European settlers.³⁵ Police Special Branch played the critical role in the major surrender schemes, especially in 1954 and 1955.³⁶ Although the government had accepted surrenders from the Emergency's inception, General Erskine instituted the first concerted drive to persuade insurgents to surrender in August 1953. This coincided with, and relied upon, the improved discipline seen in the army since his arrival. Before August surrendered insurgents were subject to the full power of the law, which proved a strong deterrent as the death penalty applied to many Mau Mau offences besides murder, such as consorting with terrorists or supplying them.

The 1953 'Green Branch' surrender scheme

Surrender schemes were first considered in June 1953 by the KIC. Those present at the meeting made comparisons with Malaya. They 'felt that there was more hope of breaking terrorism in Kenya by force than in Malaya'. Communists needed a more subtle psychological approach than the Mau Mau.³⁷ Plans were drawn up in July. The scheme would not protect surrendered terrorists from prosecution, nor apply to those forced into surrendering, who were designated 'captured' insurgents. People who gave themselves up voluntarily would not be prosecuted for the capital offences of

³³ *Ibid.*, 303 (2nd Lt. M. Cooke, Kenya Regiment).

³⁴ *Ibid.*, 394 (Brig. J. W. Tweedie, 39 Infantry Brigade).

³⁵ Anderson, *Histories of the Hanged*, 273; P. Catterall (ed.), *The Macmillan Diaries: The Cabinet Years, 1950–1957* (London: Macmillan, 2003), 382.

³⁶ Heather, 'Counterinsurgency in Kenya', 114.

³⁷ TNA, WO 276/62: Minutes of the 10th meeting of the KIC, 17 June 1953.

adhering to terrorism and carrying arms, but were liable to prosecution for murders and other atrocities.³⁸

The exemption from prosecution for Mau Mau who had not committed crimes was based on a recognition that many Kikuyu were forced into the movement against their will.³⁹ Meanwhile, the government waited for the right moment to announce the terms, relying on intelligence guidance. An assessment on 11 August noted that administration officials in Naivasha were convinced a surrender campaign would pay off, but suggested 'further blows' in the Aberdares before opening the offer.⁴⁰ Building up to the announcement, General Erskine asked London to send out an expert in psychological warfare.⁴¹ The time came when Mau Mau leader Dedan Kimathi communicated with Special Branch:

On 20th August, Special Branch received, within a few hours, two letters purporting to come from Dedan Kimathi, the most notorious of the gang leaders, claiming that he had ordered his terrorist forces to desist from attacks with effect from 1st August, and that he was anxious for the early restoration of peace. One of these letters was received through the post, while the other was found in a cleft bamboo planted in the middle of a trail leading from the Aberdares. Preliminary examination suggested that both letters were genuine, and this was rapidly confirmed by expert C.I.D. examination after comparison with specimens of handwriting known to be that of Dedan Kimathi . . . It would be unwise to read too much into this development until further facts are available. There are indications that Kimathi hoped for something in the nature of an amnesty, and it is in any case doubtful whether his influence extends to more than a considerable proportion of the terrorist forces.⁴²

The KIC advised the government that these significant developments represented a sincere wish by many Mau Mau to surrender. The army redeployed 39 and 70 Brigades, taking offensive action in the Aberdares and around south Mount Kenya to pressurise the gangs.⁴³ Baring and Erskine announced the start of the scheme on 24 August, with the Director of Information in charge of providing widespread publicity.⁴⁴ Leaflets were circulated by hand throughout the Emergency areas and dropped from KPR air wing aircraft. To make identifying surrendering Mau Mau easier, insurgents were instructed to carry green branches

³⁸ TNA, WO 276/200: Emergency Directive no. 9, Surrender Policy, signed Hinde, 28 July 1953.

³⁹ IWMD, Erskine papers, Report to the Secretary of State for War, 'The Kenya Emergency', signed Erskine, 2 May 1955, para. 35.

⁴⁰ TNA, CO 822/378: KICFA, 11 August 1953.

⁴¹ TNA, CO 822/701: Signal from Erskine to CIGS, 12 August 1953.

⁴² TNA, CO 822/378: KICFA 11/53, 25 August 1953.

⁴³ *Ibid.*

⁴⁴ TNA, WO 276/200: GHQ order, 20 August 1953.

with them as they came into government posts or security forces positions. The authorities hoped that widespread publicity, the instructions to troops on exactly why the policy mattered, and the green branch technique would all boost the surrender rate, which up to this point stood at only twenty-nine since October 1952.⁴⁵ The police took responsibility for the reception, feeding and accommodation of surrendered Mau Mau.⁴⁶

Just over two weeks into the scheme, few surrendered Mau Mau sat in captivity. Instead the government possessed another letter from Dedan Kimathi. He requested negotiations with GHQ to arrange a conditional truce. What exactly happened to his proposal is unclear – there is no evidence to suggest his offer was taken up.⁴⁷ By 22 September sixty-two men had surrendered, mainly auxiliaries and porters rather than leadership figures. The government distributed more leaflets by air, and drove loud-hailer vans along the forest fringes.⁴⁸ During the next month, the scheme seemed most successful in the Rift Valley, and least persuasive around Mount Kenya. In the Central Province, administration officials disliked the policy, 'believing liquidation rather than capitulation to be the answer'.⁴⁹

Although a worthwhile endeavour, the 'Green Branch' scheme ultimately failed, producing only 159 surrenders by 10 February 1954, at a time when Mau Mau numbered at least 10,000 in the forests of the Aberdares and Mount Kenya.⁵⁰ The scheme proved an important pedagogic tool for both the security forces – teaching them why and how surrender schemes operated – and for the insurgents – showing that government could be magnanimous. These messages mattered because local security forces and insurgents took time to adjust to negotiating with a hated enemy.

The 1954 'China' surrender scheme

The first major alteration in the government's fortunes happened on 15 January 1954, when a patrol captured Waruhiu Itote, otherwise known as the notorious General China, leader of the Mount Kenya insurgents.⁵¹ Ian Henderson, a Special Branch officer with a deep knowledge of the Kikuyu language and culture, interrogated China at length,

⁴⁵ Heather, 'Counterinsurgency in Kenya', 114–16.

⁴⁶ TNA, CO 822/496: Memo by DDOps, Surrender Policy, 20 August 1953.

⁴⁷ TNA, CO 822/378: KICFA 12/53, 8 September 1953.

⁴⁸ TNA, CO 822/378: KICFA 13/53, 22 September 1953.

⁴⁹ TNA, CO 822/378: KICFA 15/53, 20 October 1953.

⁵⁰ Heather, 'Counterinsurgency in Kenya', 119. ⁵¹ *Ibid.*, 145.

producing an invaluable forty-four-page summary report.⁵² The report's contents, distributed by GHQ, detailed the Mount Kenya Mau Mau's order of battle, manpower strength, armaments and aims. Assessed alongside other evidence, the interrogation showed rising popular support for the Mau Mau over the preceding four months.⁵³ Thus intelligence recognised that the prospects for a mass surrender were limited unless those in the militant formations could be made to feel under stress.

China agreed to cooperate and Special Branch thought that his services might be exploited in contacting Mau Mau leaders. In early February Baring received British Cabinet approval for using China as a conduit for establishing top secret discussions with the insurgent leadership.⁵⁴ The operation's code name, chosen by someone with a sense of humour, would be Wedgewood; based at Nyeri and under Henderson's control it was launched on 13 February.⁵⁵ China addressed twenty-six letters to senior Mau Mau leaders imploring them to surrender and explaining the fair treatment he had received from the government. After a judge handed down the death sentence to China for his terrorist activities, Baring commuted the sentence to life imprisonment as a reward for his assistance.⁵⁶ This move also aimed at influencing the gang leaders in the forests. Special Branch 'paraded' China through certain troubled areas, such as Mathera, in an effort to appeal to militants. For some DOs, using China in this manner appeared to have a devastating effect on loyalist morale.⁵⁷

Whereas the 'Green Branch' scheme targeted individual gang members, Operation Wedgewood's objective was to arrange mass surrenders. But like the previous effort, the scheme depended upon building confidence in the government's intentions, when most Mau Mau thought that any surrender efforts were an elaborate trap.⁵⁸ About three or four weeks after China distributed his letters the first replies were received from passive-wing leaders in the Reserves and militant-wing leaders in the forests.⁵⁹ While Special Branch tried to arrange a meeting with senior leaders, General Erskine tried to prevent the operation being

⁵² See the full transcript in TNA, WO 276/512.

⁵³ TNA, WO 276/455: KISUM 4/54, issued by GHQ East Africa, 24 January 1954.

⁵⁴ Heather, 'Counterinsurgency in Kenya', 147.

⁵⁵ TNA, WO 216/967: Short History of the Wedgewood Operation, forwarded to VCIGS by Heyman, 20 April 1954, para. 2.

⁵⁶ Heather, 'Counterinsurgency in Kenya', 148–9.

⁵⁷ Royal Commonwealth Society Collection, Cambridge University Library: T. L. Edgar, RCMS 318/1/3.

⁵⁸ TNA, WO 216/967: Short History of the Wedgewood Operation, para. 2.

⁵⁹ *Ibid.*, para. 4.

scotched by his own forces. On 8 March he issued a directive to all officers, so that there should be 'no misconception of my motives in the measures I have taken'. The object of the China scheme was to bring the Emergency to a quick end. So far the scheme had produced 'more information of a very useful kind in the course of a few weeks than we could ever have expected to have obtained by normal methods over a much longer period'. Loyal Kikuyu should not fear the prospect of surrendered Mau Mau being freely allowed back into the Reserves, as they would be put in detention. Erskine affirmed his intention to vigorously attack the Mau Mau movement.⁶⁰

Security force operations continued in both Reserves and forests without change during the initial phases of Operation Wedgewood.⁶¹ In receiving surrendering Mau Mau, separate tasks were assigned to the security forces. The army guarded surrendered Mau Mau, the police searched, interrogated and documented them, and the administration provided food and shelter. The army created surrender points and then transported people to reception centres; finally they went to detention camps.⁶² 70 Brigade wished soldiers to receive surrenders in the forest where possible, 'so that no Home Guard or locals see the surrenders and attempt to interfere with them'.⁶³

The lack of respite combined with fears over the settler and Home Guard reaction may have caused doubts in the Mau Mau leadership. A letter from the 'Mount Kenya Committee of Elders', generally favouring surrender, was tempered by the worry that the government might 'amend their policy'. Erskine hoped to assuage their fears by encouraging Michael Blundell, the settler Minister without Portfolio, to make a statement supporting the policy.⁶⁴ Intelligence reports informed Erskine that in key areas, such as Fort Hall, the population retained a 'deep seated sympathy with Mau Mau and hatred of Government'.⁶⁵ Sustained by these popular sentiments, would insurgents give up?

They did. On 28 March, General Kaleba surrendered to an army truck driving along a main road, and was taken for talks with the Chief Native Commissioner, the army Chief of Staff and Special Branch

⁶⁰ IWMD, Erskine papers, Commander-in-Chief's Directive no. 3, 8 March 1954.

⁶¹ Heather, 'Counterinsurgency in Kenya', 151.

⁶² TNA, WO 276/454: Letter from Brigadier J. R. H. Orr, CO 70 (EA) Infantry Brigade, to Major-General G. D. Heyman, Chief of Staff East Africa Command, 7 March 1954.

⁶³ TNA, WO 276/454: 70 (EA) Infantry Brigade Operational Instruction no. 2/54, Operation Wedgewood, 19 March 1954.

⁶⁴ TNA, WO 216/967: Letter from Erskine to VCIQS, 9 March 1954.

⁶⁵ TNA, WO 276/455: KISUM, 23 March 1954.

representatives, as well as the captured Generals Tanganyika and China. He was firmly convinced that the Mount Kenya groups wanted peace, and the Aberdares groups would follow their lead in any mass surrender. Special Branch released him into the Reserve at four in the morning the next day to try and contact the gangs and arrange another meeting.⁶⁶ Kaleba made quick progress, and a meeting took place in Nyeri on 30 March. Erskine wrote to his wife:

The 'China' business is really most exciting. I have been in a state of high tension since we started this thing on the 14th Feb ... The thing has moved very slowly mainly because our operations are so effective that the Mau Mau can't get in touch with each other quickly. However today we got in four top leaders from Mt Kenya and two from the Aberdares. They accepted our terms without any serious difficulty. They have now gone back to the forest to convince their gangs to come in and surrender. I feel very hopeful that they will be able to do this. We shall now know within two weeks how we stand. Quite evidently the pressure on them has been too great and they do not want to go on fighting a hopeless battle.⁶⁷

Present at the Nyeri meeting were Generals China, Tanganyika and Kaleba, five incognito Mau Mau leaders, the Chief Native Commissioner, army Chief of Staff, Head of Special Branch and Ian Henderson. The insurgents admitted their lingering doubts about the government's intentions, and requested more time to consult their followers before reaching a final agreement. The government allowed them to take Tanganyika back as a sign of good faith, and made five proposals if the Mau Mau leaders brought in large numbers of men with their arms. First, the security forces would not shoot at them while they were surrendering. Second, prisoners would be well treated. Third, no prosecutions would arise relating to possessing guns and ammunition. Fourth, the death penalty would be suspended for crimes committed prior to surrender. Fifth, those who surrendered would be placed in detention camps. The Mau Mau representatives agreed to these terms and discussion then focused on how best to bring the gang members together. Major-General Heyman, the Chief of Staff, promised to stop patrols and bombing in the forests, to help the leaders negotiate with their gangs. Military operations were to continue in the Reserves, and any Mau Mau attacks in the Reserves could be pursued into the forest if necessary. Heyman suggested another meeting on 10 April, to which the insurgents agreed. They then returned to the forest.⁶⁸

⁶⁶ TNA, WO 216/967: Telegram from GHQ East Africa to War Office, 29 March 1954.

⁶⁷ IWMD: Erskine papers, letter from Erskine to his wife, 30 March 1954.

⁶⁸ TNA, WO 216/967: Short History of the Wedgewood Operation, paras. 5–8.

Although the government kept their promise on ceasing operations in the forests, nobody from the Mau Mau side turned up for the meeting on 10 April, bringing Operation Wedgewood to an end.⁶⁹ Unfortunately the whole scheme failed due to mere accident, elucidated by General Gatamuki, who fell into captivity on 7 April. Gatamuki arrested the leaders who met at Nyeri when they re-entered the forest, but changed his mind and released them (apart from Tanganyika), favouring surrender himself after other leaders and the passive wing made their case. The leaders decided to concentrate their gangs inside the forest boundary by the evening of 6 April. Around one thousand insurgents duly congregated at the specified point, with another six hundred en route with Kaleba from Meru and Embu and hundreds more expected from around Nanyuki. Some of this large number strayed across the boundary into the mile strip or Reserve near Gathuini, provoking army interest. On the morning of 7 April soldiers claimed they came under fire while on a sweep through the area. In the ensuing battle twenty-five Mau Mau were killed and seven captured. The remaining insurgents in the area fled, convinced that the whole thing was a trap.⁷⁰

After the Gathuini battle the passive wing in the Reserves stopped passing letters from Special Branch to Mau Mau leaders and attempts to restore contacts were made in vain. A letter was found on 10 April from an insurgent leader declaring Mau Mau's complete distrust in government and that the leaders who met in Nyeri were all under arrest.⁷¹ The government broadcast an appeal pleading innocence in breaking the agreement, stating: 'You fought our soldiers in the reserve, and this resulted in the Gathuini battle.' The broadcast went on to warn that operations would shortly recommence in the forests. The Wedgewood terms finally ended on 16 April.⁷²

Gathuini destroyed the trust in government so carefully constructed over many months. The authorities quickly made the best of a bad situation, initiating Operation Overdraft, which lasted until 16 April. The security forces capitalised upon the information gathered during the negotiations, making numerous arrests and conducting sweeps through areas known to contain gangs.⁷³ At the same time the administration increased the pressure against the passive wing through 'intensified administrative and economic

⁶⁹ TNA, CO 822/774: Telegram from Acting Governor to Colonial Secretary, 11 April 1954.

⁷⁰ TNA, WO 216/967: Short History of the Wedgewood Operation, paras. 9–14.

⁷¹ *Ibid.*, paras. 15–19. ⁷² TNA, WO 276/515: Unheaded note, 10 April 1954.

⁷³ TNA, CO 822/774: Telegram from C-in-C East Africa to VCIQS, 12 April 1954.

measures', such as villagisation.⁷⁴ When Overdraft concluded, the security forces deployed in preparation for Operation Anvil and the subsequent offensives throughout the Emergency areas.

By 5 June 1954 a total of 191 Mau Mau had surrendered since 28 August the previous year.⁷⁵ A few days later, a surprise chance to renew the defunct mass surrenders emerged, when the Indian High Commissioner in Nairobi reported that local African elders had approached him requesting that he reopen the talks. The civil and military authorities rejected the Indian offer of mediation, and remained sceptical about the likely success of such talks. There is no evidence that anything came of the Indian communication.⁷⁶ However, it may have prompted a reconsideration of policy in late June. The War Council decided that the Wedgewood terms were still acceptable except for one important change. Immunity would no longer be extended for all previous crimes; murder would be prosecuted where sufficient evidence existed.⁷⁷ After an insurgent entered captivity, an investigation would determine the kind of penalty applied, such as imprisonment, detention or exile.⁷⁸ So in this sense the China surrender scheme made a lasting impact on the campaign, by pushing the government towards moderation instead of an annihilationist strategy. Twenty-three individuals gave up in North Tetu division in August. They cited hunger due to villagisation, bombing, harsh treatment by gang leaders and poor weather as motivating factors. Apparently further Mau Mau wanted to surrender if presented with the opportunity.⁷⁹ These signs kept the notion of surrender schemes alive in East Africa Command, despite the disappointing end to the China affair.

The 1955 'double amnesty' surrender scheme

The year 1955 witnessed the major surrender scheme in the Emergency, as the government tightened their grip on the gangs through offensives and the passive wing through villagisation. According to Erskine, the new scheme he planned for March 1955 was brought forward to January

⁷⁴ TNA, CO 822/774: Telegram from Acting Governor to Colonial Secretary, 11 April 1954.

⁷⁵ TNA, CO 822/774: Telegram from Acting Governor to Colonial Secretary, 12 June 1954.

⁷⁶ TNA, WO 216/967: Telegram from GHQ East Africa to War Office, 11 June 1954.

⁷⁷ TNA, CO 822/774: Telegram from Acting Governor to Colonial Secretary, 24 June 1954.

⁷⁸ TNA, WO 276/515: Surrender Terms, note by the Secretary of the War Council, 4 December 1954.

⁷⁹ KNA, VP/9/9: Nyeri district fortnightly intelligence report, 12 August 1954.

because Home Guard discipline demanded urgent attention. The government anticipated that a new surrender offer might cause a major breakdown in Home Guard morale, possibly leading to mass desertions, at a time when the CID was prosecuting loyalists for ill-treating civilians and prisoners. The solution was for a double amnesty whereby surrendered terrorists and loyalists alike were immune from prosecution for all crimes committed before the start date, 18 January.⁸⁰ On this day Baring announced the scheme in front of 1,500 prominent loyalists and another 10,000 Kikuyu at a baraza (meeting) in Nyeri.⁸¹ The Director of Information initiated a two-part campaign more extensive than any hitherto launched. The first part lasted six days and aimed to inform all Kikuyu about the new terms; this succeeded as many insurgents surrendering over the next few weeks carried the government's leaflets. The second phase lasted for the remaining duration of the offer and appealed to both loyalists and the passive wing in the Reserves.⁸² A leaflet distributed in the Emergency areas outlined the offer in English, Kikuyu and Swahili, but warned that it would not remain open forever. The back of the leaflet was a 'safe conduct pass' demanding fair treatment from the security forces for the bearer.⁸³ Certain settlers wishing to scupper the scheme, left their own pamphlets on the North Kinangop threatening grim consequences for those who handed themselves in. The police investigated the matter.⁸⁴ The government passed an Emergency Regulation making it an offence to print or display anti-surrender material, and empowered security forces to enter private land to destroy such material.⁸⁵

Within the first two weeks the amnesty resulted in sixty surrenders.⁸⁶ This prompted a reappraisal on 4 February, when the administration, police, Special Branch and army met to discuss strategy. They noted that the offer had yet to attract the 'hard core' leaders or large numbers of ordinary insurgents, because leaders were preventing surrenders through harsh discipline, and by playing upon distrust of the government. The participants agreed to instil urgency into the offer by fixing a terminal

⁸⁰ IWMD, Erskine papers, Report to the Secretary of State for War, The Kenya Emergency, signed Erskine, 2 May 1955, para. 108.

⁸¹ TNA, CO 822/775: Press Office Handout no. 52, no date.

⁸² TNA, WO 276/515: Report of progress in propaganda used in connection with new surrender offer, by the Director of Information, 30 January 1955. For the texts of the various speeches, leaflets and broadcasts coordinated by the Director of Information, see TNA, CO 822/775.

⁸³ TNA, CO 822/775: Surrender leaflet, 18 January 1955.

⁸⁴ KNA, WC/CM/1/2: Confidential annex to the minutes of the War Council meeting held on 15 February 1955.

⁸⁵ KNA, WC/CM/1/2: War Council minutes, 24 February 1955.

⁸⁶ Heather, 'Counterinsurgency in Kenya', 229–30.

date. One measure decided upon for building confidence was taking those who surrendered to visit their relatives, demonstrating the good treatment surrendered insurgents received. Special Branch intended to revive the tactic of sending back volunteers into the forest to encourage surrenders, although they were pessimistic about success on this front.⁸⁷ Appropriately enough then, the leading Mau Mau member sent back this time ranked much lower than Generals China or Kaleba. Four insurgents were released into the forests on 10 February, led by Major Chui, with instructions to tell as many groups as possible about the new terms. Although Chui quickly made contact, a growing rift within the Mau Mau leadership complicated efforts at arranging a mass surrender. Any attempts to reconcile the split between factions following Dedan Kimathi and Stanley Mathenge were complicated by the continuing security force operations, which made meetings between the groups hard to organise and dangerous to hold.⁸⁸

Despite Chui's best efforts and the extensive propaganda campaign, the damage done at Gathuini persisted. An assessment at the end of February rated the scheme a disappointment. The analysis provides an insight into the mentality behind the scheme, notably anti-attribitional in nature and aimed at reforming the population. Large-scale surrenders:

would not only bring the 'shooting war' to an early end, but it would also have a profound and salutary effect on the Kikuyu people as a whole. It is most unlikely that such an effect could ever be achieved by eliminating the terrorists in battle over a period of months or years.⁸⁹

The surrender rate slowly climbed, soon reaching on average about twenty per week. After meeting the Aberdares leader Kahinga Wachanga, Chui returned to his Special Branch handlers on 12 February, carrying a letter from Kahinga for Baring and Erskine. The letter displayed an interest in negotiations, prompting the War Council to establish a steering committee to handle Operation Chui, consisting of the Chief Secretary (later replaced by the Minister for African Affairs), the army Chief of Staff and the head of Special Branch. After releasing Kahinga's mistress from captivity as a sign of good faith and sending him and Kimathi letters requesting a meeting, Special Branch operatives met Mau Mau leaders in the forests several times. Offensives were suspended in the Aberdares to allow the insurgents to meet and discuss the offer, facilitating a gathering where up to six hundred Mau Mau met.

⁸⁷ TNA, WO 276/515: Action to encourage surrenders, note by Chief of Staff, no date.

⁸⁸ Heather, 'Counterinsurgency in Kenya', 246–7.

⁸⁹ TNA, CO 822/775: Attitude of terrorists and their supporters to the surrender offer, report by the Director of Intelligence and Security, 24 February 1955.

On 11 March Kahinga and three other leaders held intensive secret talks with the Minister for African Affairs and the Chief of Staff in Nairobi. All sides walked away committed to the process, the gang leaders returning to the forests on 19 March to arrange mass surrenders. At the next meeting on 28 March the Mau Mau representatives asked for more time to finalise the discussions with the movement. The government acceded to the request, transported leaders to meeting points and halted offensives in the critical areas.⁹⁰ Kimathi proved himself a thorn in the government's side by arresting Kahinga and his associates for treason, but released them after a few days. Special Branch continued ferrying important leaders around during early April in a concerted push to achieve a final meeting between the Mount Kenya and Aberdares factions. The War Council debated when to withdraw the surrender offer. General Erskine argued that even when the major scheme came to an end, favourable rules (the 'Green Branch' terms) should be kept to permit individual surrenders to trickle in. He reminded his colleagues that 800 surrenders were affected in 1953 and 1954 under such arrangements. The added advantage of allowing surrenders at any time was that this avoided the campaign being 'misrepresented as a war of extermination'. General Erskine made his case forcefully, persuading the Council to maintain surrender terms after the major scheme for 1955 finished.⁹¹ By mid-April Erskine considered Operation Chui's prospects for success the most favourable surrender effort so far.⁹² Ever the prepared staff officer, however, he prepared plans for an offensive in the Aberdares should the talks fail, Operation Gimlet.

Following the receipt of a shockingly 'bombastic' letter from Mathenge on 13 May, a meeting between three Mau Mau leaders and Major-General Heyman repaired relations by postponing Gimlet, though Heyman warned that he would not stand further procrastination. He gave the insurgents until 18 May, when they were to meet again with fifty token surrenderers as a sign of their commitment to the process. On 18 May the government extended the deadline to 20 May.⁹³ At the same time Michael Blundell declared impending military operations if the Mau Mau did not meet their side of the deal, making another postponement politically impossible.⁹⁴ The 20 May meeting failed when the Mau Mau leaders arrived without the token surrenderers, and Gimlet was

⁹⁰ TNA, WO 216/883: Report on Operation Chui, signed by Erskine, 28 March 1955.

⁹¹ KNA, WC/CM/1/2: Confidential annex to the minutes of the War Council meeting held on 5 April 1955.

⁹² TNA, WO 216/883: Operation Chui, Report no. 2, signed by Erskine, 12 April 1955.

⁹³ TNA, WO 216/883: Telegram from GHQ East Africa to War Office, 19 May 1955.

⁹⁴ TNA, CO 822/777: Telegram from Baring to Colonial Office, 20 May 1955.

launched, lasting until 30 June.⁹⁵ Although the government's ambition of a complete capitulation failed to materialise, the double amnesty brought in 531 insurgents by 21 May, a sizeable dent in the enemy at a time when they were experiencing difficulty in recruiting thanks to villagisation and detention.⁹⁶

Surrenders on an individual basis were encouraged after the mass negotiations failed. Baring and Erskine thought the favourable terms offered in January needed a 'shock treatment' element to have an impact. The first components of the 'treatment' were the offensives already underway. The second part consisted in demonstrating the futility of resistance, by setting a termination date for the existing terms.⁹⁷ With British Cabinet approval, the War Council decided to withdraw the extant offer at midnight on 10 July 1955. The continuation of the 'Green Branch' terms was communicated to Mau Mau via propaganda on and after 11 July.⁹⁸ The War Council established a surrender propaganda committee on 30 May. The settlers, the Director of Information, the Ministry of African Affairs, the RAF, the Director of Intelligence and Security, a missionary and East Africa Command were all represented. The members tailored the campaign to local circumstances. They met twice a week, reported weekly to the War Council, and had an executive staff of five based in GHQ.⁹⁹ By 11 June the committee had overseen the printing and distribution of 5 million leaflets, mainly dropped from aeroplanes over the forests. The leaflets announced the double amnesty's withdrawal date, reiterated the detailed terms, and stressed the government's plan to confiscate property belonging to known Mau Mau. Another 2.5 million leaflets had been distributed by vans in the Reserves and settled areas. Sky-shouting aircraft flew throughout daylight hours, six radio vans circulated in Central Province, the African press carried government notices, regular announcements were heard on the radio and 40,000 posters were produced.¹⁰⁰

During the next week the campaign shifted focus to exploit recent successes, by publicising information about well-known surrendered Mau Mau. The campaign ridiculed the insurgent leadership, especially

⁹⁵ TNA, WO 236/20: General Lathbury's final dispatch, 6-7.

⁹⁶ TNA, WO 216/883: Telegram from GHQ East Africa to War Office, 1 June 1955.

⁹⁷ TNA, WO 216/883: Telegram from GHQ East Africa to War Office, 26 May 1955.

⁹⁸ TNA, CO 822/775: Telegram from Baring to Colonial Office, 2 July 1955.

⁹⁹ KNA, WC/CM/1/4: Surrender campaign propaganda. Memorandum by the Surrender Propaganda Committee, 2 June 1955.

¹⁰⁰ KNA, WC/CM/1/4: Surrender propaganda campaign. Progress Report no. 1 by the Surrender Propaganda Committee, 12 June 1955.

Dedan Kimathi and Stanley Mathenge. Propaganda exhorted the passive wing in the Reserves to persuade the militants to give up the futile struggle. In conveying these messages, another million leaflets were dropped, over 'known gang locations in the Aberdare forest'. The Department of Information began showing the first of three specially made films. The sky-shouting aircraft flew seventeen hours in the week, and the information vans covered the Reserves in the day and the forests by night. Radio announcements repeated the previous pattern, while the circulation of vernacular newspapers containing propaganda 'increased considerably'. DCs held barazas in the Reserves to impart the government message, and even church sermons incorporated the call for surrender.¹⁰¹ The War Council deemed the sky-shouting aeroplane particularly worthwhile, and pressed the Colonial Office for another one, though to no avail.¹⁰² Over the third week, the committee stressed the danger of the passive-wing members losing their land and property, trying to drive a wedge between them and the militant fighters in the forests. They concentrated this message in Nyeri district, printing 100,000 leaflets 'to exploit the capture of terrorists in the Nyeri District as a result of information given by the civil population'. The Minister for African Affairs broadcast a radio speech, so the committee distributed half a million copies of the transcript. The films, sky-shouting, newspapers, posters and information vans all carried on too.¹⁰³

The impact of the surrender schemes

There is evidence that the approach adopted between 21 May and 10 July worked, as 448 surrenders were achieved. In total, from 18 January to 10 July 979 Mau Mau gave themselves up, compared to 857 for the entire duration of the Emergency before January 1955.¹⁰⁴ This was clearly the most successful surrender scheme in the campaign. Capitulating Mau Mau brought valuable intelligence with them too. The MIO for Naivasha, drawing upon interrogations, concluded the five Mau Mau groups in the district were very hungry and keen to surrender. Only fear of their leaders prevented Mau Mau from coming in. As calculated by the War Council, the decision to announce the amnesty's termination on 10 July caused noticeable demoralisation. Those in the forests heard the sky shouting plane and received the

¹⁰¹ KNA, WC/CM/1/4: Surrender propaganda campaign. Progress Report no. 2 by the Surrender Propaganda Committee, 18 June 1955.

¹⁰² KNA, WC/CM/1/2: War Council minutes, 21 June 1955.

¹⁰³ KNA, WC/CM/1/4: Surrender propaganda campaign. Progress Report no. 3 by the Surrender Propaganda Committee, 25 June 1955.

¹⁰⁴ Heather, 'Counterinsurgency in Kenya', 260.

pamphlets.¹⁰⁵ A single surrendered Mau Mau disclosed the whereabouts of nearly all gangs in the Kinangop and Kipipiri areas.¹⁰⁶

On 21 October 1955 a psychological warfare campaign finally began, under the auspices of a special committee set up within GHQ. The committee sought to increase surrenders under the on-going 'Green Branch' terms, and exploited the propaganda techniques used earlier in the year, focusing on selected areas where intelligence indicated a gang's presence.¹⁰⁷ As the evidence presented in figure 1 demonstrates, the surrender schemes achieved their greatest success in late 1954 and early 1955. From early 1954 onwards, capturing insurgents and persuading them to surrender proved a more effective method than killing them. But as the figures also show, arrests and detentions were by far the most prominent security force activity, and thus the importance of detention camps and villagisation was probably greater than either surrender schemes, or attrition. An intelligence appreciation in October 1954 concluded that most Mau Mau who surrendered did so due to the combined effects of hunger and government offensives.¹⁰⁸ Though the motivation to surrender naturally depended on circumstance and personality, the document shows the military's understanding that surrender rates rested on a great deal more than clever propaganda.

Individual surrenders carried on for the remainder of the Emergency, with 2,714 in total by the end of the military campaign in November 1956.¹⁰⁹ Small-scale, localised arrangements also arose. In February 1956, 26 KAR received the surrender of Field Marshal Kanji, who thought several local gangs wanted to give up the fight but feared being killed in the process. A special patrol accompanied Kanji on a letter-dropping mission in the forest, informing gangs of a safe area for surrendering. Ultimately the scheme produced no surrenders.¹¹⁰

¹⁰⁵ KNA, MSS/128/123: Minutes of a meeting of the Naivasha district joint operations committee and the DEC held on 29 June 1955.

¹⁰⁶ KNA, MSS/128/123: Minutes of a meeting of the Naivasha district joint operations committee and the DEC held on 5 July 1955.

¹⁰⁷ TNA, WO 276/534: Minutes of the 1st meeting of the Psychological Warfare Staff, 21 October 1955. See the further records of the staff in this file.

¹⁰⁸ TNA, WO 276/427: Surrender Information, report from GSO1 Ops (K) [General Staff Officer, Grade 1, Operations, Kenya] to Chief of Staff, 14 October 1954.

¹⁰⁹ F. D. Corfield, *The Origins and Growth of Mau Mau: An Historical Survey* (London: HMSO, 1960), 316.

¹¹⁰ ODRP, P. Thompson, MSS Afr. 1715, History of 26 KAR during the Emergency.

Handling prisoners¹¹¹

Once Mau Mau came into custody the security forces possessed comprehensive guidelines for dealing with them, in addition to the directives on good conduct. In a directive of 28 July 1953, Major-General Hinde explicitly drew on the Malaya experience in advocating that: 'terrorists should not be ill-treated. They may subsequently be our main propaganda weapon in encouraging further surrenders'.¹¹² Another directive stressed how 'it is imperative that they should NOT be illtreated', and ordered soldiers to follow the procedures outlined in Operational Intelligence Instruction no. 4: an immediate tactical interrogation for actionable information, then handing them over to the police. The police kept them in interrogation centres 'until fully exploited', then passed the prisoners over to the Commissioner of Prisons.¹¹³ A later directive called on soldiers to fill in a special proforma whenever they captured someone, to help the police secure prosecutions.¹¹⁴

These basic, easily followed instructions remained in place until the double amnesty in January 1955. Thereafter, all those surrendering were sent to one place: Thika detention camp. In contrast to previous policy, the CID refrained from conducting interrogations of surrendered Mau Mau. Case files were compiled against those who were captured, in case the Attorney-General decided upon prosecution.¹¹⁵ On 1 February the War Council altered the arrangements by extending the period for which surrendered insurgents could be held in forward areas to up to a month instead of the previous forty-eight hours. A week later the rules were changed again, allowing Mau Mau to be held in operational areas indefinitely in the charge of the local DO, under delegated detention orders.¹¹⁶ These modifications were intended to facilitate the use of these men as pseudo-gang members, guides and trackers for the security forces. The army reverted to the forty-eight-hour holding limit in

¹¹¹ Especially helpful sources amid the large literature on prisoners in wartime are: N. Ferguson, 'Prisoner Taking and Prisoner Killing in the Age of Total War: Towards a Political Economy of Military Defeat', *War in History*, 11 (2004), 148–92; S. Scheipers (ed.), *Prisoners in War* (Oxford University Press, 2010); N. Wylie, 'Prisoners of War in the Era of Total War', *War in History*, 13 (2006), 217–33.

¹¹² TNA, CO 822/496: Emergency Directive no. 9, Surrender Policy, issued by GHQ East Africa, 28 July 1953.

¹¹³ TNA, CO 822/496: Emergency Directive no. 10, Directive on the treatment of surrendered terrorists, issued by GHQ East Africa, 28 July 1953.

¹¹⁴ TNA, WO 276/526: Emergency Directive no. 11, signed Rimbault, 20 August 1953.

¹¹⁵ TNA, CO 822/775: Disposal of surrendered terrorists, Memorandum by the Emergency Joint Staff, 17 January 1955.

¹¹⁶ TNA, CO 822/775: Disposal of surrendered terrorists, memo by the Minister of Defence, 25 February 1955.

October: prisoners could be used for two days, provided Special Branch were informed. Afterwards, they were sent to Special Branch for 'deliberate interrogation', and then subject to a delegated detention order, issued by the local DC, who could keep them in his district 'for the purpose of encouraging surrenders' for up to a month.¹¹⁷

In November 1955 the Kenya government issued new instructions. Surrendered insurgents were now the responsibility of Special Branch, but were to be handed over to the CID for prosecution where evidence existed. They could be held for ninety-six hours for operational purposes. The instructions defined the various categories of persons falling into government custody. A 'terrorist' was 'any person who in any way participates *actively* in the *Mau Mau* terrorist campaign'. A 'Surrendered Terrorist' was defined as any terrorist who willingly surrendered when they could have escaped. A 'Captured Terrorist' was an insurgent who capitulated in battle, in the course of a pursuit, or otherwise against their will. 'Suspects detained' were 'all persons taken into custody by the Security Forces other than captured or surrendered terrorists'. No time limit was placed on the use of surrendered insurgents provided a detention order was issued within twenty-eight days, and no prosecution was forthcoming. If the authorities decided to prosecute a surrendered terrorist the operational exploitation could still take place for up to twenty-eight days, after which he would have to be charged and taken before a magistrate.

In short, the policy for dealing with surrendered terrorists fell into six stages: immediate operational use, deliberate interrogation, further operational use, prosecution for crimes outside surrender immunity, detention and finally rehabilitation. For captured terrorists, the policy also comprised six parts: immediate operational use, deliberate interrogation, further operational use, extended operational use with the Attorney-General's authority, prosecution within thirty days of capture, and detention if no prosecution was instituted. Because prosecutions were needed within thirty days, investigations proceeded alongside interrogation and operational use.¹¹⁸ There was a military imperative for only employing those who sincerely wanted to help the security forces, as coercion would have proved counterproductive. On some occasions the Attorney-General decided not to prosecute captured terrorists who gave exceptional service to the security forces. Whenever captured insurgents were due

¹¹⁷ TNA, WO 276/430: Memo from Brigadier R. M. P. Carver, Chief of Staff, to all formations and units, 26 October 1955.

¹¹⁸ TNA, CO 822/776: Booklet, 'War Council Instruction No. 18. The Treatment of Captured and Surrendered Terrorists'. Issued by Cabinet Office, Nairobi, 30 November 1955.

for prosecution on capital charges the government took their assistance into consideration when deciding whether to commute the death penalty.¹¹⁹

So much for the formal policy. The McLean Inquiry proceedings and oral histories offer insights into how soldiers viewed the enemy and thought about the surrender campaign. Ron Cassidy, with the Rifle Brigade in Kenya, remembered that his unit actively sought to take prisoners.¹²⁰ Trevor Matless, in theatre from 1954 to 1956, recalled Erskine's orders on treating prisoners well, which were obeyed in his experience.¹²¹ Soldiers understood the need for restraint, providing an informed basis for acting beyond blind obedience. In one case, this resulted from previous experience in Malaya, where the reason for taking prisoners – to supply information – also applied.¹²² An officer in 5 KAR explained how: 'it was quite clear from those who were in charge that there was a great deal of advantage in having a man caught alive. Because of the information he might be able to impart.'¹²³ Others perceived the policy to support screening operations.¹²⁴ The troops realised that surrenders were significant when, as Major Lithgow put it, 'a dead man cannot talk and we want prisoners because the prisoners will probably lead to further prisoners, and that is a very definite order in the company'.¹²⁵

The procedures for dealing with prisoners proved valuable in leading troops to Mau Mau locations in the PAs. Major Squires from The Buffs expressed his satisfaction: 'We recently got three prisoners and the information we got was so good they led us to the hide'.¹²⁶ Two colonels had benefited from a prisoner's immediate tactical intelligence, and from taking prisoners on patrol as guides before handing them over to the police.¹²⁷ Other witnesses at the inquiry detailed giving prisoners a 'slight verbal interrogation' at their unit's headquarters.¹²⁸ Most soldiers

¹¹⁹ TNA, CO 822/776: Telegram from Acting Governor to Secretary of State for the Colonies, 14 May 1956.

¹²⁰ IWMSA, R. Cassidy, 11138/4. ¹²¹ IWMSA, T. R. Matless, 21020/4.

¹²² TNA, WO 32/21720: McLean proceedings, 152 (Major N. Holroyd, 3 KAR).

¹²³ IWMSA, P. H. W. Brind, 10089/2.

¹²⁴ TNA, WO 32/21720: McLean proceedings, 180 (Fusilier R. Williams, Royal Northumberland Fusiliers); 214 (Lt.-Col. L. W. B. Evans, 5 KAR).

¹²⁵ *Ibid.*, 367 (Major A. O. L. Lithgow, Black Watch), 182 (Fusilier G. A. G. Anderson, Royal Northumberland Fusiliers); 187 (Lt.-Col. E. H. W. Grimshaw, Royal Inniskilling Fusiliers).

¹²⁶ *Ibid.*, 432 (Major S. J. Squire, The Buffs).

¹²⁷ *Ibid.*, 52 (Lt.-Col. J. C. Bartlett, 23 KAR); 133 (Lt.-Col. J. O. Crewe-Read, 3 KAR).

¹²⁸ *Ibid.*, 140 (CSM (Company Sergeant-Major) I. J. Day, 3 KAR); 188 (Lt.-Col. E. H. W. Grimshaw, Royal Inniskilling Fusiliers); 258 (2nd Lt. R. E. Ginner, 5 KAR); 359 (Lt.-Col. D. McN. C. Rose, Black Watch); 410 (Lt.-Col. J. F. Connolly, The Buffs).

who talked on the matter said that the police conducted interrogations,¹²⁹ and that they handed prisoners to them as soon as possible.¹³⁰

Mistreating or torturing prisoners was thought 'foreign to our way of life'.¹³¹ The medical officer in charge of the Nyeri native civil hospital saw numerous Kikuyu civilians and prisoners, none of whom had sustained injuries from mistreatment.¹³² Major Huggan made the same point about the Nanyuki hospital, while Reverend Jerome had observed a large number of badly wounded Mau Mau well treated in various hospitals.¹³³ Wounded Mau Mau suspects were taken to hospital for treatment by men from diverse units, at times entailing the carrying of them for a fair distance.¹³⁴ Alternatively, doctors went to the wounded.¹³⁵ Humane treatment came in other forms, too. Lieutenant Marshall reckoned that prisoners normally put on a lot of weight, hardly surprising given the soldiers' tendency to hand over extra food, including slipping them the odd packet of biscuits.¹³⁶ Accounts can suggest that the troops almost fell over themselves doling out cigarettes and brewing up tea for all and sundry in an unstoppable reflex action.¹³⁷ To the less generous this smacked of spoiling the natives.¹³⁸ To the astute, though, it presented an effective alternative to torturing for information; Major Nepean stated how 'We have rather stressed the other way in that we find we have done extraordinarily well by producing a cigarette and a cup of tea.'¹³⁹

Kindly behaviour towards prisoners certainly produced intelligence.¹⁴⁰ The troops' restraint also depended upon the ethical values

¹²⁹ *Ibid.*, 75 (RSM E. P. Hodgkiss, 23 KAR); 319 (Major J. Bramston, 4 KAR).

¹³⁰ *Ibid.*, 57A (Major H. F. Rawkins, 23 KAR); 69 (Major A. M. Hlawati, 23 KAR); 79 (WOPC Mtwamwari, 23 KAR); 107 (CSM H. Thomas, 7 KAR); 109 (WOPC F. Ojuka, 7 KAR); 202 (RSM J. Fillerty, Royal Inniskilling Fusiliers); 220 (Lt.-Col. L. W. B. Evans, 5 KAR); 295 (Major N. M. C. Cooper, Kenya Regiment); 305 (CSM J. F. Holland, Kenya Regiment); 389 (Private K. MacCash, Black Watch); IWMSA, J. F. Roberts, 18825/7; G. L. Potts, 23213/19.

¹³¹ TNA, WO 32/21720: McLean proceedings, 16–17 (Brig. J. R. H. Orr, 70 Infantry Brigade).

¹³² *Ibid.*, 124 (Surgeon Rear Admiral F. J. D. Twigg, RN retired).

¹³³ *Ibid.*, 184 (Major J. T. Huggan, Royal Army Medical Corps); 269 (Reverend C. S. Jerome, Church of England Chaplain to Nanyuki Garrison).

¹³⁴ *Ibid.*, 109 (WOPC F. Ojuka, 7 KAR); 227 (Major W. E. B. Atkins, 5 KAR); 410 (Lt.-Col. J. F. Connolly, The Buffs).

¹³⁵ *Ibid.*, 163 (Reverend D. V. S. Asher, Church of England Chaplain to Royal Northumberland Fusiliers); 365 (Lieutenant L. G. Fallows, Royal Army Medical Corps, attached Black Watch).

¹³⁶ *Ibid.*, 454 (Lt. J. R. Marshall, Kenya Regiment, attached Devons); 35 (2nd Lt. R. E. Campbell, 6 KAR); 419 (CSM J. R. J. Kemp, The Buffs).

¹³⁷ *Ibid.*, 140 (CSM I. J. Day, 3 KAR); 210 (Major J. Bruce, 49 Infantry Brigade).

¹³⁸ *Ibid.*, 401 (Major W. B. Thomas, 39 Infantry Brigade).

¹³⁹ *Ibid.*, 447 (Major P. V. Nepean, Devons).

¹⁴⁰ Clayton, *Counter-Insurgency in Kenya*, 35.

which General Erskine thought so vital to the army's self-respect and discipline. Studies on genocidal war show how seeing the enemy as an essentially different, inhuman foe greatly facilitates indiscriminate killing.¹⁴¹ By contrast, 'humanizing, decategorizing, or personalizing others all create a powerful self-restraining effect'.¹⁴² There is evidence for this effect in the McLean Inquiry testimonies. Prisoners held by the army – those in alternative captivity are another matter – were well treated in many cases.¹⁴³ Men related to the enemy, seeing similarities and treating them accordingly. An old soldier saw that the prisoners received the same care furnished to the Japanese and Germans in the Second World War.¹⁴⁴ Officers in the Inniskillings and The Buffs considered that captured or surrendered enemy personnel fared identically to their own men.¹⁴⁵ CSM Bailey noted his soldiers' attitude regarding the local population:

The majority of them are young and have just come out and this is their first time abroad and I think they treat them as human; they are quite prepared to be friendly with them.¹⁴⁶

Officers worried about their soldiers being 'too kind'; or as one put it, 'the main difficulty is to stop the men being too nice'.¹⁴⁷ After all, the Mau Mau still needed defeating and concerns surfaced when niceness interfered with military effectiveness. The permanent dilemma for democratic armies, being able to motivate men to kill, yet needing them to check their aggression, was a consideration for commanders. Too little aggression could be as great a problem as too much. The Royal Northumberland Fusiliers noticed an aversion to shooting, especially at unarmed people evading capture, and attributed it to inexperience.¹⁴⁸

¹⁴¹ See, for example: O. Bartov, *The Eastern Front, 1941–45, German Troops and the Barbarisation of Warfare* (Basingstoke: Macmillan, 1985); C. R. Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (New York: HarperPerennial, 1993); G. Kassimeris (ed.), *The Barbarisation of Warfare* (London: Hurst, 2006); G. Kassimeris (ed.), *The Warrior's Dishonour: Barbarity and Morality in Modern Warfare* (Aldershot: Ashgate, 2006); M. Shaw, *War and Genocide: Organized Killing in Modern Society* (Oxford: Polity Press, 2003).

¹⁴² J. Waller, *Becoming Evil: How Ordinary People Commit Genocide and Mass Killing* (Oxford University Press, 2002), 274.

¹⁴³ TNA, WO 32/21720: McLean proceedings, 455 (CSM M. Buckland, the Devons).

¹⁴⁴ *Ibid.*, 204 (Sgt. D. Bruce, Royal Inniskilling Fusiliers).

¹⁴⁵ *Ibid.*, 188 (Lt.-Col. E. H. W. Grimshaw, Royal Inniskilling Fusiliers); 416 (Major N. F. Gordon-Wilson, The Buffs).

¹⁴⁶ *Ibid.*, 177 (CSM J. Bailey, Royal Northumberland Fusiliers).

¹⁴⁷ TNA, WO 32/21720: McLean proceedings, 107 (CSM H. Thomas, 7 KAR); 167 (Major P. Bulman, Royal Northumberland Fusiliers).

¹⁴⁸ *Ibid.*, 161 (Lt.-Col. R. E. T. St. John, Royal Northumberland Fusiliers); 163 (Reverend D. V. S. Asher, Church of England Chaplain to the Fusiliers).

Some men eventually managed to overcome their initial hesitancy.¹⁴⁹ Others resisted by avoiding shooting, or taking prisoners instead.¹⁵⁰ The latter option proved particularly popular, with troops erring on the side of caution in interpreting Erskine's desire to take prisoners; soldiers chased down and captured escaping suspects when strictly speaking orders demanded they open fire.¹⁵¹ Both Second Lieutenant Hall and Warrant Officer Abdipahaman in 3 KAR thought that their unit simply preferred capturing people to shooting them.¹⁵²

The army followed comprehensive guidelines to ensure that prisoners were treated humanely, making the surrender offers more appealing to insurgents. Soldiers understood both the ethical and pragmatic reasons for following the rules and were quite capable of seeing their prisoners as fellow human beings. The testimony given by soldiers about their attitudes and behaviour towards non-combatants could be subject to a desire for self-exculpation. Claims about humane treatment must be weighed against the evidence of brutality assessed in the next two chapters. In the final analysis, soldiers were perfectly capable of offering one prisoner a friendly cigarette and another prisoner a slap with their rifle-butt.

Pseudo-gangs and special forces

In Kenya special forces methods came to the fore in the first half of 1954. Frank Kitson, one of the innovators, argues that they could not have started earlier because they depended on a considerable amount of background knowledge of an area, which took time to generate.¹⁵³ Two separate groups established pseudo-gangs in 1954: the Kenya Regiment, and Kitson's DMIO organisation. Bill Woodley described the Kenya Regiment's first operation:

As far as I know the idea of blacking one's face and dressing up as a terrorist to get close to a gang, came from a Kenya-born South African named Steve Bothma in 'I' Company. And the first time it was tried was in October 1954 when Steve and I went out with one of our trackers, a Kikuyu into the densely-populated Kiambu area. The tracker led the way with a shotgun and a revolver in his pocket, Steve and I following with Sten guns hidden under our overcoats. The tracker made an approach to the leader of a gang of eighteen

¹⁴⁹ *Ibid.*, 318 (Lt.-Col. D. H. Nott, 4 KAR); 420 (CSM J. R. J. Kemp, The Buffs).

¹⁵⁰ *Ibid.*, 215 (Lt.-Col. L. W. B. Evans, 5 KAR); 386 (Sgt. R. McPhail, Black Watch).

¹⁵¹ *Ibid.*, 153 (Major N. Holroyd, 3 KAR); 257 (2nd Lt. R. E. Ginner, 5 KAR).

¹⁵² *Ibid.*, 148 (2nd Lt. G. B. Hall, 3 KAR); 151 (WO Abdipahaman, 3 KAR).

¹⁵³ Interview with General Sir Frank Kitson.

and did the talking until at a given signal we all opened fire. It was a successful operation, and to my knowledge the first of its kind.¹⁵⁴

General Erskine visited Kitson's establishment in June 1954 and soon afterwards Kitson was ordered to explain the pseudo system to all military intelligence personnel in the colony and then run a four-day course for all DMIOs and FIOs.¹⁵⁵ The pseudo-gangs were significant not only because of kill tallies and intelligence gathered. Soldiers accommodated former enemies, working alongside and even entrusting fire-arms to those who shortly before had sought to kill them. According to Kitson, the process for persuading Mau Mau to operate in the gangs was firstly to treat them harshly to 'put them in their place', then gradually involve them in the pseudo-community at the training centre, treating them as friends, then once they could be trusted with performing sentry duty and carrying arms, they were taken on patrol.¹⁵⁶ Kitson thought focusing on Mau Mau 'savagery' bad for intelligence and tried to understand the Mau Mau in order to turn them.¹⁵⁷ The pseudo-gangs and other special forces arguably succeeded because they treated the enemy with a degree of respect.¹⁵⁸ As Kitson explained, they normally aimed to take prisoners because 'You can't get much information out of a corpse.'¹⁵⁹ And these prisoners received good treatment because turning them without coercion would make them better and more reliable fighters for the government.¹⁶⁰

In September and October 1954, prototype TCTs under Major Venn Fey tried out deep penetration tactics in the Aberdares, based on experience with the pseudo-gangs. Brigadier Taylor, commanding 49 Brigade, commended the teams to GHQ, as they were 'beginning to pay a good dividend'.¹⁶¹ Erskine accepted Taylor's advice, authorising the creation of forest operation companies, each consisting of three TCTs.¹⁶² These teams employed former Mau Mau as trackers; there were 205 of them distributed among the three brigades in June 1955.¹⁶³ Regiments had

¹⁵⁴ D. Holman, *Elephants at Sundown: The Story of Bill Woodley* (London: W. H. Allen, 1978), 80. Many thanks to General Sir Frank Kitson for bringing this source to my attention.

¹⁵⁵ Interview with General Sir Frank Kitson.

¹⁵⁶ Heather, 'Intelligence and Counter-Insurgency', 83.

¹⁵⁷ Lonsdale, 'Mau Maus of the Mind', 414.

¹⁵⁸ J. Newsinger, 'A Counter-insurgency Tale', 68.

¹⁵⁹ Kitson, *Gangs and Counter-gangs*, 95. ¹⁶⁰ IWMSA, R. Cassidy, 11138/4.

¹⁶¹ TNA, WO 276/248: Letter from Brigadier G. Taylor, HQ 49 Bde, to GHQ East Africa, 12 October 1954.

¹⁶² Heather, 'Counterinsurgency in Kenya', 238.

¹⁶³ TNA, WO 276/249: Letter from Lt.-Col. [illegible] GSO1 (East Africa) to Chief of Staff, 25 June 1955.

mixed opinions about their trackers. A staff officer touring units in June 1955 noted that 1 Glosters held 36 trackers, '(incl 11 ex MM) but also complain majority are NBG [no bloody good]'.¹⁶⁴ East Africa Command demanded that the teams operated in company groups under the direct control of a company commander, rather than independently in small teams, probably reflecting doubts about tracker reliability.¹⁶⁵

TCTs primarily worked in the forests. Special methods teams, as pseudo-gangs became officially known, operated mainly in the Reserves. A GHQ staff appreciation recognised as early as November 1954 that as Mau Mau strength declined these special forces would be increasingly important in eliminating the surviving enemy.¹⁶⁶

In December 1954 General Erskine issued orders for 1955, placing an emphasis on special forces. He directed each British and KAR battalion to raise its own 'special detachment for operational tasks in co-operation with FIOs and DMIOs', called 'Trojan teams'. While remaining under their parent battalion for administration, they would operate under the orders of the local area army commander, who directed them in consultation with the administration and police. Those selected for the teams required an aptitude for commando-type action and strict discipline. Teams comprised a Swahili-speaking leader, a non-commissioned officer, five other ranks and an interpreter. They sought to kill or capture identified individual Mau Mau.

The administration formed its own Trojan teams to work under military and Special Branch guidance.¹⁶⁷ At a meeting on 27 May 1955 the War Council agreed to the enlistment of up to fifty surrendered insurgents as Special Police constables, organised into five teams directed by Europeans. They underwent a month's training, and started operating in late July under the bland name of 'Special Force'. By November they had accounted for sixty-seven Mau Mau killed and much intelligence gathered. No members proved disloyal and the force suffered zero casualties.¹⁶⁸ In Naivasha district at least,

¹⁶⁴ TNA, WO 276/249: Tour Notes – GSO 2 [General Staff Officer, Grade 2] (Special Duties), 29 June 1955.

¹⁶⁵ TNA, WO 276/249: Letter from Major-General Heyman to Brigadier Orr, Commanding 70 Brigade, 30 December 1954.

¹⁶⁶ TNA, WO 276/460: Specialist Forces to Combat Mau Mau, memo to Chief of Staff by GSO1 (Ops) [General Staff Officer, Grade 1, Operations] Lt.-Col. (name illegible), 25 November 1954.

¹⁶⁷ TNA, WO 276/461: Emergency Directive no. 14, signed General Erskine, 6 December 1954.

¹⁶⁸ KNA, WC/CM/1/5: Operational use of surrendered terrorists. Memorandum by the Minister for Defence, Annex to WAR/C.789, 5 November 1955.

the special forces patrols received praise from the committees for improving operational and background intelligence.¹⁶⁹

In May 1955 the new Commander-in-Chief, Lieutenant-General Sir Gerald Lathbury, gained War Council consent for establishing five special force teams (SFTs), each of ten ex-Mau Mau commanded by a European officer. These teams came under the authority of the Commissioner of Police, and attacked selected targets in the forests, killing over sixty Mau Mau during July and August. An additional fifty ex-Mau Mau were thus recruited as trackers for the army and police.¹⁷⁰ They undertook basic military training at the East Africa Battle School from May and the authorities enlisted them as tribal policemen, a step designed to bring them within the official disciplinary system.¹⁷¹ By November, GHQ and the police together decided to create another SFT and to employ two Europeans in each team.¹⁷²

On Operation Red Dog, from 26 October to 1 November 1955, Special Force Team no. 3 launched the first action in a new campaign aimed at killing key Mau Mau leaders. Red Dog targeted General Tanganyika in the settled area, making confidence-building contacts with passive-wing members to gather intelligence on his movements.¹⁷³ Lathbury thought that continued resistance relied overwhelmingly upon the power exerted by insurgent leaders.¹⁷⁴ Richard Catling, the Police Commissioner, issued detailed instructions on safety measures designed to ensure that team members were not mistaken for insurgents and killed. First, operations were cleared with all security force commanders in the area, the patrol leader himself making a double-check. Second, commanders identified boundaries on the map and by reconnaissance, issuing clear, comprehensive orders. Third, operations were carried out at night if possible. Fourth, sentries or scouts were always posted. Fifth, camp sites were chosen so as to avoid detection. Last, teams seen by other security forces retreated, establishing their identity by word of mouth if necessary.¹⁷⁵

¹⁶⁹ KNA, MSS/128/123: Minutes of a meeting of the Naivasha district joint operations committee and DEC held on 27 September 1955.

¹⁷⁰ TNA, WO 236/20: Lathbury's final dispatch, paras. 25, 47.

¹⁷¹ TNA, WO 276/460: Letter from GHQ to Officer Commanding, East Africa Battle School, 21 May 1955.

¹⁷² TNA, WO 276/431: Letter from Catling (Commissioner of Police) to Carver (GHQ Chief of Staff), 24 October 1955; TNA, WO 276/431: Letter from Carver to Catling, 26 October 1955.

¹⁷³ TNA, WO 276/431: Special Force Patrol Report, Team no. 3, Operation Red Dog, Lt. J. G. Harper, 26 October 1955–1 November 1955.

¹⁷⁴ TNA, WO 236/20: Lathbury's final dispatch, para. 51.

¹⁷⁵ TNA, WO 276/431: Instruction on Pseudo-gang Operations and Patrols, signed Catling, 27 October 1955.

By now, connections between the passive wing and the insurgent gangs were largely broken by villagisation. On a patrol in November 1955, Captain Foliott noted that 'Liaison with Passives has been badly disrupted and now practically ceased.' In this context, the special force teams seemed better suited to destroying gangs than conventional military sweeps: 'Gangs have no fear of Military patrols which they say make so much noise in movement that their approach can be heard miles away.'¹⁷⁶ Patrols achieved considerable results; H. G. Clarke's patrol in December 1955 accounted for a Mau Mau general, a colonel, three lieutenant-colonels, two captains and an RSM.¹⁷⁷

On 21 December Catling expanded the attack on the insurgent leadership:¹⁷⁸ SFTs 3, 4 and 5 were devoted to eliminating the leadership in Embu, Naivasha and South Nyeri districts respectively. Teams 1 and 2 won the prestigious missions of killing or capturing Stanley Mathenge and Dedan Kimathi. The sixth team remained on standby for emergencies. GHQ decreed that for teams one and two: 'By capturing and NOT killing terrorists, preliminary operations will be designed to secure information which will lead to the ultimate aim.' The teams began their task on 1 January 1956.¹⁷⁹ The job was long and tedious, frequently resulting in extended treks through the forests and mountains for little or no reward, and made harder by the gangs' increasing efficacy in hiding their movements.¹⁸⁰ After initial confusion and poor liaison between the SFTs and regular security forces, misunderstandings were soon ironed out.¹⁸¹ By the end of January 1956, SFT 1 had undertaken Operation Dodo in the eastern Aberdares, SFT 2 Operation Albatross in the north-eastern Aberdares, SFT 3 Operation Mamba on Mount Kenya, SFT 5 Operation Viking near Wanjora and SFTs 3 and 5 together Operations Baboon and Gorilla around the south of Mount Kenya.¹⁸² On 3 February 1956 the SFTs reported having killed a hundred and captured two Mau Mau since their inception, accounting for two field-m Marshals, six

¹⁷⁶ TNA, WO 276/431: Special Force Patrol Report, Team no. 2, Capt. Foliott, 10th–20th November 1955. Operation [illegible].

¹⁷⁷ TNA, WO 276/431: Special Force patrol report. Team no. 5, Commander H. G. Clarke. Operation Antbear, 9th–13th December 1955.

¹⁷⁸ TNA, WO 276/431: Letter from R. C. Catling, Future employment of Special Force Teams, 21 December 1955.

¹⁷⁹ TNA, WO 276/431: GHQ Operation Instruction No. 35, dated December 1955.

¹⁸⁰ TNA, WO 276/431: Special Force patrol report. Team no. 2, Capt. R. J. Foliott, Operation Albatross, 19th–23rd January 1956. Task: Elimination of Dedan Kimathi.

¹⁸¹ For example: TNA: WO 276/431: Cipher message from 70 Bde to 23 KAR, 23 January 1956.

¹⁸² TNA, WO 276/431: Handwritten note, initialled by a major, GSO3 Ops (K) [General Staff Officer, Grade 3, Operations, Kenya], 23 January 1956.

generals, one major-general, two brigadiers, one colonel and one major.¹⁸³ This impressive tally coincided with decreases in Mau Mau activity and the resumption of primacy by the police and civil administration in several areas. But it also suggests that little effort was being made to capture insurgents.

Meanwhile, from early 1956 Special Branch Superintendent Ian Henderson ran Operation Blue Doctor. His teams cooperated closely with the other security forces; they closed Mount Kipipiri to all units from 23 February to 1 March in order to 'snatch additional material [i.e. personnel] for inclusion in our teams'. This action identified forty-four named Mau Mau members in the area, and gave the Gloucesters contact intelligence to launch their own operation.¹⁸⁴ Henderson sent four teams back onto the Kipipiri on 10 March, only contacting a gang on the fourth day:

one team ran face to face into a small party of two terrorists. As soon as guns were drawn to threaten the two into standing where they were, both made a break for it and were shot with a Patchett. Neither were terrorists of any calibre and their identities are being checked at Naivasha.

The incident made the Mau Mau jittery, so the team leaders decided to halt their activities for a few days to allow the gangs to calm down. When the Blue Doctor operations paused, normal military patrols resumed.¹⁸⁵ Back in the field on 25 March, the teams captured a Mau Mau brigadier, plus two guns, ammunition and documents.¹⁸⁶ Henderson kept in touch with the army and police commanders in his area, and arranged for Special Force units to function near his Blue Doctor teams.¹⁸⁷ In the last weeks of April, the teams came close to capturing Dedan Kimathi. At one stage they missed the main surviving Mau Mau leader by only thirty minutes, wounding and capturing Brigadier Thurura instead. He was made to endure 'a night of interrogation, when all information was extracted from the wounded man, who was being carried'.¹⁸⁸ Though the big leader remained elusive, his brother, Wambararia, fell into Henderson's hands in June.¹⁸⁹ Wambararia held the security forces up for a time by giving false information.¹⁹⁰

¹⁸³ TNA, WO 276/431: Table of Special Force Operations Since Inception, 3 February 1956.

¹⁸⁴ TNA, WO 276/518: Letter from Ian Henderson, Special Branch HQ, to Director of Intelligence and Security (DIS), 28 February 1956.

¹⁸⁵ TNA, WO 276/518: Letter from Henderson to DIS, 15 March 1956.

¹⁸⁶ TNA, WO 276/518: Letter from Henderson to DIS, 27 March 1956.

¹⁸⁷ TNA, WO 276/518: Letter from Henderson to Brigadier Birkbeck, HQ 70 (EA) Infantry Brigade and Assistant Commissioner of Police, Nyeri, 5 April 1956.

¹⁸⁸ TNA, WO 276/518: Letter from Henderson to DIS, 23 April 1956.

¹⁸⁹ TNA, WO 276/518: CinC, Report from DIS, 4 Jun 56.

¹⁹⁰ TNA, WO 276/518: Letter from Henderson to DIS, 23 June 1956.

At this point, the security forces together employed 328 former Mau Mau as pseudo-gangsters, at least a hundred serving in teams run by the FIOs.¹⁹¹ Henderson urged that 'unless greater pressure is applied by conventional forces to NON-FOREST areas to scare the terrorists back into the forest, our teams will become virtually defunct in two or three months time'.¹⁹² Rather than special forces being viewed as a superior alternative to conventional tactics, the two were thought to rely upon each other. From late June, FIO Mr Leath ran three pseudo-gangs in the Rift Valley Province, under the provincial Special Branch commander's control.¹⁹³ On 7 November Assistant Superintendent Brans launched Operation Silver Doctor in the settled areas, running fifty pseudo-gangsters. They systematically searched all areas where Mau Mau had resided in the past, starting in Naivasha district. These teams suffered serious morale problems and Henderson had to intervene within a few weeks of them being established, changing their tactics.¹⁹⁴ The Commander-in-Chief's trust paid dividends, with Henderson's teams accounting for around 200 Mau Mau in the last nine months of the Emergency.¹⁹⁵ Special force operations finally came to a spectacular conclusion with the capture of Dedan Kimathi by Henderson on 21 October 1956.¹⁹⁶

'If anything, we go out of our way to give them the odd cigarette and a cup of tea'¹⁹⁷

Legal zoning, the surrender schemes, the humane handling of prisoners and the pseudo-gang operations may all be seen as important examples of restraint in British military policy. The legal distinction between PAs and Special Areas gave the troops, and the population, a clear understanding of what could be done, to whom, and where. At times, soldiers used less

¹⁹¹ Witness statement number two of Huw Bennett, in the case of *Ndiku Mutua and others v. Foreign and Commonwealth Office*, Queen's Bench Division in the High Court of Justice, 1 April 2011 (hereafter Bennett witness statement 2), citing Hanslope document AA 45/48/1/1A: Disposal of captured and surrendered terrorists employed by the security forces, Memorandum by the Emergency Joint Staff, 19 May 1956.

¹⁹² TNA, WO 276/518: Letter from Henderson to DIS, 27 July 1956.

¹⁹³ TNA, WO 276/518: Extensions of 'Blue Doctor' operations into the Rift Valley Province. Minutes of a meeting held in the office of the Director of Intelligence and Security, 19 June 1956.

¹⁹⁴ TNA, WO 276/518: Letter from Henderson to DIS, 24 November 1956.

¹⁹⁵ WO 236/20: Lathbury's final dispatch, para. 89.

¹⁹⁶ Anderson, *Histories of the Hanged*, 288. See also I. Henderson, *Man Hunt in Kenya* (New York: Doubleday, 1958); I. Henderson and P. Goodhart, *The Hunt for Kimathi* (London: Hamish Hamilton, 1958).

¹⁹⁷ TNA, WO 32/21720: McLean proceedings, 140 (CSM I. J. Day, 3 KAR).

force than was allowed, taking prisoners in PAs when they were permitted to shoot on sight. Inspired by Malaya, and carried out in close collaboration with Special Branch, the attempts at securing mass surrenders showed the army's preference for the accurate application of violence instead of overwhelming attrition. Working most effectively after the completion of villagisation, Erskine's personal role in pushing the schemes was significant, as was the way in which junior officers made their own local arrangements. This does not mean that all opportunities for taking surrenders were exploited, as Mau Mau initiatives to open negotiations were ignored more than once. Ordinary soldiers professed to understand and implement the need for restraint in handling non-combatants.

The army realised that treating prisoners well could produce intelligence dividends, which were at a premium in this war where so little was known about the Mau Mau. Pseudo-gangs were another form of the discriminate application of force in the Emergency, as they attempted to target the guilty. Whether only the guilty suffered at their hands is debatable, and impossible to judge on the presently available evidence. They were only able to operate a year into the campaign because they relied upon detailed human intelligence networks to function effectively. Besides their own successes, they had a wider impact on the army by promoting special force methods among regular troops, as seen in the TCTs and Trojan teams. They certainly required the surrender schemes and close cooperation from administration and police to work properly, and questions remain about their methods, as we shall see in the chapters to come. Despite their faults, they were perhaps better than large-scale sweeps or mass detentions, though they sometimes relied on these measures in their planning.

These policies pushed the army away from genocide or even attrition, when many settlers in Kenya called for harsher repression. However, while the nature of the force employed was enough to prevent the deaths of hundreds of thousands, it probably did result in the deaths of tens of thousands. Does such suffering deserve to be associated with the word minimal? The next chapter will explain the forces that drove the army to commit mass killings of non-combatants, torture, forced population movement and other indiscriminate acts when in many ways it tried to act with restraint.

7 'A lot of indiscriminate shooting': military repression before Erskine's arrival

There were strategic and disciplinary imperatives for the army in Kenya to avoid an all-out annihilationist campaign against the Kikuyu, Embu and Meru peoples. These logics compensated for the marginalisation of international law and the dangerous flexibility in national law and military doctrine. While the army certainly did not try to destroy the civilian populations in rebellious areas, they consistently sought to coerce them.¹ The form and extent of the violence used depended upon the identity, experiences and functions of different units, and the perceived strategic requirements. It included forced population movement, beatings, rape, torture and shootings. The political and military leaderships never issued direct orders for mass atrocities, but they created a permissive environment by failing to halt the abuses brought to their attention. Official policies such as the evictions from the Rift Valley, and later villagisation, radicalised the military and existed symbiotically with the pseudo-policies of atrocity which aimed at terrorising the population into supporting the government.²

Coercion of the entire Kikuyu population was the norm in the campaign's first phase, from October 1952 until July 1953. Force was exemplary, designed to be observed. As the commander of the Kenya Regiment wrote in 1955: 'The Kikuyu must be taught a lesson that will be remembered for generations and which will act as a warning to other tribes.'³ From the available records a picture of beatings, torture and murder emerges, in addition to government collusion with vigilante

¹ For an overview of coercion theory, see P. J. Jakobsen, 'Pushing the Limits of Military Coercion Theory', *International Studies Perspectives*, 12 (2011), 153–70.

² For conceptual and empirical studies of state terror, see A. George (ed.), *Western State Terrorism* (London: Polity Press, 1991); R. Jackson, E. Murphy and S. Poynting (eds.), *Contemporary State Terrorism: Theory and Practice* (Abingdon: Routledge, 2009); A. Jones (ed.), *Genocide, War Crimes and the West: History and Complicity* (London: Zed Books, 2004); P. Wilkinson, *State Terrorism and Human Rights: International Responses since the Cold War* (Abingdon: Routledge, 2011).

³ KRA, Vol. VIa. Guy Campbell papers. Typed papers, headed 'Narok 1955'.

groups. These actions did not result from poor command and control, or a breakdown in military discipline. Although the Emergency's early commanders were less effective than Erskine, they and the War Office in London approved the punitive approach. Discipline in general remained strong, with only violence against the Kikuyu allowed. The nexus between policy and discipline is examined by looking in detail at 'B' Company, 5 KAR. Revenge, racism, competition for kills and, perhaps most importantly, a culture of impunity allowed several atrocities to occur. Events in 'B' Company are considered in the light of the widespread violence against civilians for intelligence-gathering and terrorising purposes. Evidence suggests that 'B' Company's brutalities were far from unique.

The army's conduct towards civilians in the first phase

When the Emergency was declared in October 1952, the Kenya government wished to crush the rebellion quickly, using force to eliminate the threat to its authority from the Kikuyu tribe, while signalling resolve to Kenya's other tribal groupings. As we have seen in [chapter 4](#), these decisions reflected long-standing traditions in British colonial practice and military thought. Military repression of civilians in this period may be examined with reference to four types of behaviour: beatings and torture, shootings, collaboration with ruthless vigilante groups and squatter evictions from the Rift Valley Province. In each of these cases, the army pursued the strategic objective of protecting the minority white-settler population as its main priority. Almost the entire Kikuyu population were considered troublemakers; the government estimated in August 1952 that 90 per cent were Mau Mau members. The army characterised the tribe's attitude as 'sullen and unco-operative' at best.⁴ In consequence, the military means for combating the perceived threat were static defence of settler property, mobile patrols to kill Mau Mau groups, and measures to intimidate the population into moving away from vulnerable settler areas and changing their allegiance in favour of the government.

Beatings and torture

From the campaign's very start, the security forces were known to flog Mau Mau suspects, even though the government refused calls to legalise

⁴ IWMD, Erskine papers, Booklet 'Notes for British Units Coming to Kenya', GHQ East Africa, no date, 5–6.

corporal punishment.⁵ While there is no evidence of a direct military order authorising physical abuse, it is clear that large numbers of individuals decided to obtain intelligence about the Mau Mau through violence, leading one observer to describe it as ‘almost a routine measure’.⁶ General Erskine discovered the pattern when he arrived in Kenya, noting a ‘tendency to take prisoners and interrogate them with a view to extracting information by force’.⁷ Writing less euphemistically in a letter he said: ‘I am quite certain prisoners were beaten to extract information.’⁸

The process known as screening achieved notoriety for the violence practised in these normally combined operations.⁹ Official army doctrine stipulated that the troops form a cordon around the chosen area, move the people inside it into barbed wire enclosures, and guard them while the civil powers screened them for their political sympathies.¹⁰ In Kenya the district administrations were formally responsible for organising the screening teams, for example by selecting ‘hooded men’ – disguised informers whose opinions on the reliability of suspects complemented any available police intelligence. Screening assumed that everyone was guilty until proved innocent; all Kikuyu over the age of about fourteen were probably screened at least once.¹¹ The process frequently involved beatings and torture.¹² Estimating the exact percentage who were beaten or tortured while being screened is impossible. However, Governor Baring recognised the violent nature of the process, describing how ‘numbers of Africans were manhandled and the sympathies of loyal Kikuyu alienated’.¹³

The operational situation reports for the first few months are incomplete.¹⁴ The surviving records clearly show that the army played an

⁵ D. H. Rawcliffe, *The Struggle for Kenya* (London: Victor Gollancz, 1954), 67.

⁶ *Ibid.*, 68.

⁷ IWMD, Erskine papers, Report to the Secretary of State for War, The Kenya Emergency, signed Erskine, 2 May 1955, para. 18.

⁸ TNA, WO 32/15834: Letter from Erskine to Secretary of State for War, 10 December 1953.

⁹ Rawcliffe, *Struggle for Kenya*, 68.

¹⁰ TNA, WO 276/138: War Office Booklet ‘Imperial Policing and Duties in Aid of the Civil Power’, issued by the Army Council, 1949, 37–41.

¹¹ G. Kershaw, *Mau Mau from Below* (Oxford: James Currey, 1997), 250, 325.

¹² Elkins, *Britain’s Gulag*, 62–90; Branch, ‘Loyalism during the Mau Mau Rebellion’, 149; Evans, *Law and Disorder*, 205.

¹³ TNA, CO 822/501: Note of a meeting held in the Secretary of State’s room on 15 December 1952.

¹⁴ The reports were compiled by two commands: Force Nairobi and Northern Area. Force Nairobi reports do not exist for the periods 9 January–3 February 1953, and 24 April–1 May 1953 (with two exceptions: sitreps 41 and 42 of 27 January 1953 and 30 January 1953 do survive). There are no reports for Northern Area before 1 February 1953.

important part in screening. During 1952 the 1 Lancashire Fusiliers, various battalions of the KAR and the Kenya Regiment rounded up at least 5,892 people.¹⁵ Some reports simply recorded a 'large number [of] arrests'.¹⁶ Army actions went beyond the cordoning and guarding outlined in the doctrine. The GOC noted how 'the Army had been used for carrying out certain functions that properly belonged to the Police, e.g. searching of huts and screening of Africans'.¹⁷

As an example of this type of operation, on 1 November a company of the Lancshires detained about a thousand suspects for screening in the Bahati forest area of Nyeri district. Soldiers may have found these experiences frustrating as, despite rounding up large numbers, few arrests were made. A raid on the African part of Nanyuki in November 1952 brought in 3,800 suspects, of whom only 87 were arrested.¹⁸ Sometimes no arrests were made at all.¹⁹ Even the 'hooded men' technique failed to compensate for prolonged under-investment in colony intelligence.²⁰ Force Nairobi rued how 'info restricts arrests on many occasions'.²¹ Under conditions where the security forces were thwarted by the obstructive silence of so many, the temptation to lash out sometimes trumped the abstract demand for minimum force.

In the first three months of 1953 screening continued apace. The situation reports become even vaguer about the numbers concerned, sometimes merely recording that 'screening continues'.²² At least 2,059 people were collected by the Kenya Regiment, Lancashire Fusiliers, 4 KAR, 6 KAR, 23 KAR, 26 KAR and East Africa Training Centre troops in both Central and Rift Valley Provinces. The problems with achieving a high screening to arrest ratio persisted.²³ Aside from identifying Mau Mau members, the process aimed at displaying government

¹⁵ See the operational sitreps in TNA, WO 276/466.

¹⁶ For example TNA, WO 276/466: Jock Scott sitrep from Force Nairobi to Mideast, 23 December 1952.

¹⁷ Bennett witness statement 2, citing Hanslope document CAB MM/5/1: Note of a meeting held at Government House at 6.30 p.m. on Saturday, 1st November, 1952.

¹⁸ TNA, WO 276/466: Jock Scott sitrep from Force Nairobi to Mideast, 2 November 1952.

¹⁹ TNA, WO 276/337: Northern Area sitreps, Norbrig Nairobi to Force Nairobi, no date, c. 24 February 1953.

²⁰ Heather, 'Counterinsurgency and Intelligence in Kenya', 13.

²¹ TNA, WO 276/466: Jock Scott sitrep from Force Nairobi to Mideast, 18 November 1952.

²² TNA, WO 276/337: Northern Area sitreps, Norbrig Nairobi to Force Nairobi, no date, c. 15 February 1953.

²³ For examples see TNA, WO 276/466: Jock Scott sitrep from Force Nairobi to Mideast, 9 January 1953; TNA, WO 276/337: Northern Area sitreps, Norbrig Nairobi to Force Nairobi, no date, c. 24 February 1953.

power. A series of 39 Brigade sweeps in North Nyeri and Embu in late June/early July 1953 stated the object: 'to obtain info, screen labour and generally dominate the area'.²⁴ The army deployed at this point approximately 10,000 men in the Emergency areas, not all of whom were operational.²⁵ Dominating the whole area continuously in a physical sense was not infeasible.²⁶ Rather than, the mass intimidation of screening fulfilled a useful, if harrowing, purpose. To achieve this the army maintained a close working relationship with the police.²⁷ The police were notorious for using their rifles first and asking questions later.²⁸ Only eleven days into the Emergency, Christian leaders complained to the Colonial Secretary that the ordinary African had trouble in knowing who to be more afraid of – the Mau Mau or the police.²⁹ A 1954 parliamentary report noted the continuing reliance of the police upon 'brutality and malpractice'.³⁰ The KPR, rapidly recruited from settlers, were apparently the worst offenders.³¹

By 19 June 1953 the army and police in combined operations had screened at least another 11,933 people.³² Forces involved included the Devons, the Lancashires, The Buffs, 4 KAR, 6 KAR, 7 KAR, 23 KAR and the Kenya Regiment. The KPR operated with the military on numerous occasions.³³ As mentioned above, doctrine required the army to round people up and the police and administration to conduct the screening. There are grounds for questioning whether this division of

²⁴ TNA, WO 276/202: GHQ East Africa Operational Instruction no. 2, 18 June 1953. 39 Brigade took control of operations in the Rift Valley Province on 7 April 1953, with EATC, East Africa Armoured Car Squadron, 1 Lancashire Fusiliers, 1 The Buffs and 1 Devons under command. See TNA, WO 276/436: 39 Brigade Jock Scott operational instruction, 4 April 1953.

²⁵ TNA, WO 276/55: Approximated distribution of military forces in East Africa Command by locations as at 30 April 1953.

²⁶ Branch, 'Loyalism during the Mau Mau Rebellion', 96.

²⁷ For further analysis of the politics of army-police relations, see [chapter 9](#).

²⁸ Throup, 'Crime, Politics and the Police in Colonial Kenya', 147.

²⁹ TNA, CO 822/460: Verbatim report. Meeting of the Secretary of State [for the Colonies] and the Christian Council of Kenya, held at Government House on Friday, 31st October, 1952.

³⁰ TNA, PREM 11/696: Report to the Secretary of State for the Colonies by the Parliamentary Delegation to Kenya, January 1954, Cmd 9081.

³¹ Clayton, *Counter-Insurgency in Kenya*, 45. A comprehensive account of the KPR has yet to be written.

³² Figure compiled from sitreps in TNA, WO 276/466, TNA, WO 276/467, TNA, WO 276/468, and TNA, WO 276/337.

³³ An exact figure is unobtainable because the reports often do not identify the units involved. For examples of army-KPR operations, see TNA, WO 276/467: Jock Scott sitrep from Force Nairobi to Mideast, 24 March 53; TNA, WO 276/467: Jock Scott sitrep from Force Nairobi to Troopers and Mideast, 24/4/53; TNA, WO 276/337: Northern Area sitreps, Norbrig Nairobi to Force Nairobi, no date, c. 27 February 1953.

responsibility somehow vindicated the army. In the first place, the rounding up phase could involve as much violence as the later questioning, especially as time went on and the population realised what being caught in the net meant. Despite the doctrine, some army officers involved themselves in the questioning stage, as they were integrated into the intelligence structure via the JAPOIT system. A directive issued on 28 May 1953 banned the running of screening teams or the conducting of interrogations 'which are at present being carried out, in some cases, by JAPOIT officers'.³⁴ A retrospective appraisal by Erskine noted how some of the screening teams used methods of torture.³⁵ Of course these actions could not have taken place at all without military assistance.

The army directed the Emergency's largest screening effort: Operation Anvil. Even when abstaining from mistreating the people undergoing the process themselves, soldiers failed to uphold the law by preventing abuses by the administration and police. Whether screening achieved much is impossible to prove with any great certainty. A Special Branch assessment in May 1953 reported the 'beneficial effect' that screening operations produced in Naivasha district.³⁶ Yet in other cases, screening failed miserably – in the North Kinangop, farm labourers passed as reliable by screening were later discovered to be Mau Mau members.³⁷ In areas where the Mau Mau maintained a tight grip on the population, screening teams might find extracting denunciations 'almost impossible'.³⁸ Presumably the authorities thought the policy broadly effective, as it continued throughout the Emergency.

'Shot while attempting to escape'

Another way in which the civilian population suffered from security force terrorisation was by indiscriminate shootings, perhaps constituting deliberate murder. In January 1953 the Governor's Emergency Committee discussed the alarming prospect of security forces using too little force:

The General Officer Commanding stated that situation and press reports frequently referred to patrols making contact with Kikuyu gangs which then apparently

³⁴ TNA, WO 276/200: Emergency Directive no. 6, operational intelligence, 28 May 1953.

³⁵ TNA, WO 32/15834: Letter from Erskine to Secretary of State for War, 10 December 1953.

³⁶ TNA, CO 822/373: SBFIS 4/53, 1–15 May 1953.

³⁷ TNA, WO 276/243: Letter from Captain [name illegible], DMIO Naivasha, to the DEC, 5 December 1953.

³⁸ TNA, WO 276/243: Naivasha district operational intelligence report, 12 October 1953.

made off unharmed. He instanced a recent report of a KAR patrol 'chasing' a gang for 2½ miles, and questioned whether present tactics for dealing with these gangs were in fact correct . . . *The Deputy Commissioner of Police* emphasised that the nature of the country was generally such that [it] made escape easy and tracking difficult. While, in Prohibited and Special Areas, patrols were not hindered by the need to challenge required by law, he believed that in Prohibited Areas more use could be made of sten and bren guns. *It was agreed* that the Commander, Northern Brigade, should issue orders accordingly.³⁹

Soldiers were encouraged to make vigorous use of their firearms. As the previous chapter explained, the formal policy authorised lethal force in Special Areas only after two warnings were given. That so senior a figure as the Deputy Commissioner of Police could state that the Special Areas imposed no such restriction – and without being corrected by the colony's most senior military officer – is telling about official attitudes. After the Mau Mau massacred villagers at Lari in March 1953, the security forces took revenge, allegedly killing perhaps as many as four hundred civilians. Most accounts blame the Home Guard for the incident, although KAR troops may also have been involved.⁴⁰ The Hanslope intelligence papers record that the 'African Home Guard retaliated for Uplands massacre', killing eleven.⁴¹ As the authorities failed to investigate, we cannot be sure about the extent of the reprisals. On 27 April a detachment of 7 KAR, who had repeatedly beaten and robbed labourers on a farm near Nyeri, killed four men who apparently ran when fired on. Their infuriated employer explained that running away was a natural reaction as the Mau Mau had launched several attacks in the area recently.⁴² Major-General Hinde noted his regret and said that the Provincial Commissioner was looking into the murders, a curious decision as the KAR came under military law and should have been investigated by the SIB.⁴³ On 20 April 1953 Governor Baring informed Whitehall that:

430 Mau Mau terrorists or suspects have been shot while attempting to escape or while resisting arrest during the past six months. A number of these have been

³⁹ Bennett witness statement 3, citing Hanslope document EM COM 4 Vol. I: Record of a meeting of the Governor's Emergency Committee held at Government House on the 20th January, 1953.

⁴⁰ Evans, *Law and Disorder*, 170; Elkins, *Britain's Gulag*, 45; R. Edgerton, *Mau Mau: An African Crucible* (London: Collier Macmillan, 1989), 80.

⁴¹ Bennett witness statement 3, citing Hanslope document INT 10/4/2/4/8A: Schedule of incidents and operations connected with the Emergency in Nairobi area during the period 30 March 1953–12 April 1953.

⁴² ODRP, W. R. Hinde, MSS Afr.s.1580. Vol. I: Director of Operations Department correspondence, letter from H. T. D. Hickman to Hinde, 30 April 1953.

⁴³ ODRP, W. R. Hinde, MSS Afr.s.1580. Vol. I: Director of Operations Department correspondence, letter from Hinde to Hickman, 26 May 1953.

positively identified as wanted for murders and other criminal offences, apart from the circumstances in which they were contacted by the security forces.⁴⁴

This telegram responded to a query from the Colonial Office ten days earlier, when a civil servant expressed an 'unpleasant feeling' about the number of reports in the daily telegrams mentioning Africans shot in this manner. Whitehall wondered whether the phrase was a euphemism for unnecessary, indiscriminate shooting.⁴⁵ Leonard Gill, a settler with wide experience from the beginning of the Emergency in the KPR, the Kenya Regiment, 3 KAR and 4 KAR, states that the phrase was common code for a suspect having been murdered.⁴⁶ Soldiers may have preferred to execute suspects rather than risk them being set free by a judicial system viewed as too lenient.⁴⁷ In any case, the figures supplied by Baring simply did not add up. The available situation reports show that by 20 April 1953 the security forces had shot a total of seventy-eight persons attempting to escape or resisting arrest. Of these the army killed seven, wounded three and shot four with unspecified consequences. The police or other civil forces killed seventeen, wounded one and shot five with unspecified consequences. A further forty-one people were shot by unknown security forces; twenty-four of these were shot dead, nine wounded and eight shot with unrecorded results.⁴⁸

The Hanslope records provide another figure for those shot attempting to escape up to 20 April. These papers, largely concerned with intelligence assessments for Central Province, and thus only a partial record until all the intelligence papers for the Emergency become available, state that ninety people were shot escaping. Of these, the army was recorded as shooting dead twenty-eight and wounding three. In the week from 29 March 1953 soldiers from 23 KAR shot dead seven men who 'refused to halt' in Katamay, two who 'refused to halt' in Kiambu, and four for 'failing to halt' in Uplands Kerita. In early April unspecified KAR units shot groups of two, five, another five and a single individual. All were killed.⁴⁹ The Hanslope

⁴⁴ TNA, CO 822/474: Telegram from Baring to Secretary of State for the Colonies, 20 April 1953. The figure was quoted by Colonial Secretary Oliver Lyttelton to the Commons. Edgerton, *Mau Mau: An African Crucible*, 159.

⁴⁵ TNA, CO 822/474: Civil servant's memo, signed P. Rogers, 10 April 1953.

⁴⁶ Gill, *Military Musings*, 43, 47. ⁴⁷ Rawcliffe, *Struggle for Kenya*, 108.

⁴⁸ Figures compiled from TNA, WO 276/466, TNA, WO 276/467, TNA, WO 276/337, TNA, WO 276/287.

⁴⁹ Bennett witness statement 3, citing Hanslope documents ADM 35/2/11/3/1A: Intelligence summary, signed Captain Ragg, Int. Section, Thomson's Falls, 18 February 1953; INT 10/4/2/4A Vol. I: Schedule of incidents and operations connected with the Emergency in Central Province for the fortnight 23 April to 7 May 1953; INT 10/4/2/4A Vol. I: Schedule of incidents and operations connected

papers list another seventeen people as shot attempting to escape between 20 April and the end of May 1953.⁵⁰

Clearly this is a major discrepancy with the figure provided by Baring on 20 April, but the killings continued.⁵¹ The archives give no indication as to how he arrived at the number of 430. The Colonial Office may have been equally curious, as in the next few days Baring provided additional statistics. Unfortunately they confused matters even further. Apparently the Home Guard had killed '47 Mau Mau terrorists' who were resisting arrest or attempting to escape, and another twelve were killed by the Home Guard and police on operations together.⁵² Three days later Baring presented Whitehall with yet more information. The security forces killed twenty-nine people who failed to halt after being challenged in the PAs, created at the start of 1953. In the Special Areas the position was that:

335 persons have been shot under the provisions of Emergency Regulation No. 22B while resisting arrest or attempting to escape, 270 of them in native land units and forest reserves, and 65 in settled areas. Of this total of 364 persons shot [sic], 224 have been identified subsequently as persons wanted for murder or other serious Mau Mau crimes.⁵³

These figures obviously do not add up to the number initially declared, or make sense in themselves. The statistics given by Erskine in his final report state that from 21 October 1952 up to 18 April 1953, the security forces killed 522 and captured wounded 125.⁵⁴ Could 430 of these really have been shot attempting to escape? The impression emerging from

with the Emergency in Central Province, no date; INT 10/4/2/4/8A: Central Province (South) Provincial intelligence committee summary, 15 April 1953; INT 10/4/2/4/8A: Schedule of incidents and operations connected with the Emergency in Nairobi area during the period 30 March 1953–12 April 53; INT 10/4/2/4/2A Vol. I: Nyeri district intelligence committee minutes, 4 April 1953, 10 April 1953, 24 April 1953; INT 10/4/2/4A Vol. I: Schedule of incidents and operations connected with the Emergency in Central Province for the fortnight 8th to 23rd April 1953.

⁵⁰ Bennett witness statement 3, citing Hanslope documents INT 10/4/2/4A Vol. I: Schedule of incidents and operations connected with the Emergency in Central Province for the fortnight 23rd April to 7th May 1953; INT 10/4/2/4A, Vol. I: Schedule of incidents and operations connected with the Emergency in Central Province for the fortnight 7th May to 21st May 1953; INT 10/4/2/4A; Vol. I: Schedule of incidents and operations connected with the Emergency in Central Province, no date; INT 10/4/2/4/2A, Vol. I: Nyeri district intelligence committee minutes, 22 May 1953, 29 May 1953.

⁵¹ See, for example, TNA, WO 276/468: Jock Scott sitrep from Force Nairobi to Troopers and Mideast, 1 May 1953.

⁵² TNA, CO 822/474: Telegram from Baring to Colonial Office, 22 April 1953.

⁵³ TNA, CO 822/474: Telegram from Baring to Secretary of State for the Colonies, 25 April 1953.

⁵⁴ IWMD, Erskine papers, Report to the Secretary of State for War, The Kenya Emergency, signed Erskine, 2 May 1955, Appendix B.

these reports is either one of confusion or of concealment. Quite possibly Baring issued the 430 figure in a bid to suggest the authorities had the situation under control, or because the real figure was substantially higher and he wished to play down the extent of the killings. Evidence submitted to the McLean Inquiry suggests illegal shootings. In a directive issued by Baring on 25 February to the security forces, he noted that despite an increased number of kills inflicted in recent weeks, precise details 'have not, however, been reported as promptly as they should have been'. He required all kills to be notified to the nearest police station, which would then pass the information up the chain of command.⁵⁵ The wording is vague here, but might mean kills were not being recorded at all in some cases. If this was the case, then the figure of 430 may be an underestimate.

Shootings might also have occurred through panic or misunderstanding. Whatever regulations stipulated about people standing still when being ordered to do so, many Kikuyu rightly feared the rough treatment or extended detention often awaiting them, so it is hardly surprising that people ran away. In late March 1953 a Kenya Regiment patrol shot dead a man seen carrying a panga who ran when challenged; they found a note from the authorities on his body permitting him to carry the item.⁵⁶ In another incident a man in the Thomson's Falls area was shot dead leaving the forest. The patrol subsequently discovered that he worked for the Forestry Department.⁵⁷ Thus the working assumption that running away denoted guilt was a dubious one. Compounding matters, hardly any soldiers spoke Kikuyu. Swahili was the KAR's lingua franca, and the official notes for British battalions gave a few key Swahili phrases, including '*simama*' for stop, or halt.⁵⁸ In a raid in Kipipiri in December 1952 a Kenya Regiment soldier shot dead a man who 'ran away despite 3 orders to stop in Swahili'.⁵⁹ The fact that British Army units were instructed to call people to halt in a language foreign to them, and eschewed teaching soldiers any Kikuyu, perhaps helps explain why people were shot unnecessarily. Although the Kikuyu may quickly have learnt what the word meant, the refusal to teach soldiers basic Kikuyu phrases is telling of official

⁵⁵ TNA, WO 32/21721: Directive by the Governor: Reporting of Casualties, 25 February 1953.

⁵⁶ TNA, WO 276/337: Northern Area sitreps, Norbrig Nyeri to Force Nairobi, 25 March 1953.

⁵⁷ TNA, WO 276/337: Northern Area sitreps, Norbrig Nairobi to Force Nairobi, no date, c. 4 February 1953.

⁵⁸ IWMD, Erskine papers, Booklet, Notes for British Units Coming to Kenya, GHQ East Africa, no date, 42.

⁵⁹ TNA, WO 276/466: Jock Scott sitrep from Force Nairobi to Mideast, 9 December 1952.

attitudes. An intelligence report from November 1952 astutely noted the reluctance in certain quarters to restrict the use of firearms:

There is a strong feeling amongst coy comds [company commanders] and below that until they are allowed to fire on cordon breakers many of the worst elements will escape. The comds concerned do not appreciate the need for avoiding the deaths of these people who run away because they fear punishment for comparatively trivial offences. On the other hand there is something to be said for allowing rifle fire at cordon breakers in certain circumstances. In particular it is for consideration whether it should not be announced with effect from a certain day cordon breakers are liable to be fired at allowing sufficient time for the info to circulate throughout the reserve.⁶⁰

Taken as a whole, the evidence on the opening phase shows that some soldiers shot first, and constructed justifications afterwards. Running away, escaping, cordon-breaking, failing to halt – how far these events happened and how far soldiers reconstructed them for their own benefit is debatable. While the full extent of the shootings will probably never be known, General Erskine soon realised the extent of the problem. After landing in Kenya, he undertook a systematic tour of the troubled areas, meeting officials, settlers and Kikuyu chiefs in the Rift Valley Province, Central Province and Nairobi.⁶¹ These meetings caused him to issue his 23 June order on discipline, according to a letter to his wife. In the same letter, Erskine stated that ‘There had been a lot of indiscriminate shooting before I arrived and one of the first things I did was to stop the casualty competition which was going on.’⁶² Both the police and the army were implicated. In a letter to the Secretary of State for War in December 1953, Erskine was so concerned about the prospect of the McLean Inquiry examining the early months that he thought ‘the revelation would be shattering’. The letter continued: ‘There is no doubt that in the early days, i.e. from Oct 1952 until last June there was a great deal of indiscriminate shooting by Army and Police.’⁶³

Collaboration with vigilantes

Critics condemned the army for associating with the brutal ‘settlers in uniform’, such as the KPR.⁶⁴ Soldiers also collaborated with illegal

⁶⁰ TNA, WO 276/239: Letter from G2(Int) [General Staff Intelligence Branch] to G(Ops) [General Staff Operations Branch], 21 November 1952.

⁶¹ TNA, CO 822/693: Letter from Erskine to Harding, 14 June 1953.

⁶² IWMD Erskine papers, Erskine in letter to wife, dated 28 November 1953.

⁶³ TNA, WO 32/15834: Letter from Erskine to Secretary of State for War, 10 December 1953.

⁶⁴ The phrase is Erskine’s: TNA, WO 32/15834: Letter from Erskine to Secretary of State for War, 10 December 1953.

settler vigilante groups. The vigilantes practised 'counter-terror' in the first few months, when they thought the government too soft on the Mau Mau.⁶⁵ These groups murdered suspects on the spot on the slightest pretext.⁶⁶ The army colluded with groups such as 'Dobie Force' and the 'United Kenya Protection Association'.⁶⁷ The government anticipated that vigilantes might appear well before the Emergency's declaration. The November 1951 internal security working committee report warned that:

Europeans may affect internal security in three ways: (a) by acting as an abrasive to the other communities; (b) by propagating well meaning but impracticable or misguided advice to Africans; (c) by unlawful actions against the Government or other communities.⁶⁸

As the army's purpose in Kenya was to restore law and order, it was legally obliged to prevent anyone breaking the law, including settlers. In practical terms though, policing settlers over widely dispersed areas would have seriously challenged government resources. Rather than wishing to stop vigilante activities, the army worried about keeping these matters secret. Writing in January 1953, the Commander-in-Chief of MELF, responsible for East Africa as part of his larger command, General Sir Brian Robertson, revealed his anxiety about news of vigilante actions becoming public knowledge. Fortunately, he wrote, such cases had so far been 'hushed up'.⁶⁹ Whitehall expressed surprise, having heard nothing on the matter before Robertson's report.⁷⁰ After visiting Kenya in February, CIGS Field Marshal Harding urged progress in 'curbing the European hotheads'.⁷¹

Situation reports demonstrate how the military may have collaborated with vigilante groups. One report refers to casualties inflicted by 'Kitale commando plus mil patrol'.⁷² On 24 February a raid by '6 KAR plus 4 KAR and loyal army in west end of Chinga' resulted in forty-eight detentions and one man shot resisting arrest.⁷³ In the Nyeri/South Nanyuki area, police and military forces operating with a 'loyal army' shot one person dead and seriously injured another two.⁷⁴ An

⁶⁵ Evans, *Law and Disorder*, 81. ⁶⁶ Rawcliffe, *Struggle for Kenya*, 66.

⁶⁷ Anderson, *Histories of the Hanged*, 113.

⁶⁸ Cited in Percox, 'Counter-Insurgency in Kenya', 57.

⁶⁹ TNA, CO 822/468: Report from Robertson (C-in-C MELF) to CIGS, 12 January 1953. Also cited in Heather, 'Counterinsurgency and Intelligence', 41.

⁷⁰ TNA, CO 822/468: Civil servant's minute, signed P. Rogers, 11 February 1953.

⁷¹ TNA, CO 822/442: Report by CIGS on his visit to Kenya, 19–24 February 1953.

⁷² TNA, WO 276/337: Northern Area sitreps, Norbrig Nairobi to Force Nairobi, no date, c. 14 February 1953.

⁷³ TNA, WO 276/337: Northern Area sitreps, Norbrig Nairobi to Force Nairobi, no date, c. 25 February 1953.

⁷⁴ TNA, WO 276/337: Northern Area sitreps, Norbrig Nairobi to Force Nairobi, no date, c. 19 February 1953.

intelligence summary concerning Nyeri district congratulated 'Private Armies' on doing 'a very good job especially as regards extracting information from Mau Mau suspects'.⁷⁵ These vigilante groups proved themselves useful to the security forces and were allowed to exist at a time when the state suffered serious manpower shortages.

Forced population movement

Government support for squatter evictions from the Rift Valley accelerated the campaign's brutality, where fear played a political role. For many years, hundreds of thousands of Africans had worked on settler farms in the Rift Valley in return for small squatter leaseholds. Many Africans regarded the Europeans as the real temporary residents, and labour unrest grew in the years running up to the Emergency's outbreak.⁷⁶ In Kericho, and perhaps elsewhere, settler farmers wanted to retain Kikuyu labour, and publicly opposed the evictions.⁷⁷ But a substantial proportion took advantage of the Emergency to eject large numbers of people whom they considered a serious threat.⁷⁸ Settlers argued that Mau Mau violence was frightening off other sources of labour, and that evicting all Kikuyu, a process accelerated by screening, was the only solution.⁷⁹ Settler leader Michael Blundell advised farmers to get rid of the Kikuyu, and the police expedited the process.⁸⁰ The clamour for action against the Kikuyu burgeoned after each well-publicised, gruesome settler murder. When the Meiklejohn family were murdered in November 1952 the Lancashire Fusiliers helped remove 2,950 suspects from the area and sent them to the Reserves.⁸¹ An intelligence summary for November noted a 'big influx' of Kikuyu women from the Fort Hall area into Nairobi, 'some of whom are spreading stories of rape by Police and Military askaris'.⁸² In March 1953 police and soldiers in Laikipia were noted to be partaking in 'a certain amount of inevitable pilfering and molesting of women'.⁸³ The widespread abuses in the opening months aimed to intimidate the Kikuyu generally, and to

⁷⁵ TNA, WO 276/378: Information summary, Northern Area, 17 December 1952.

⁷⁶ The best general account is T. Kanogo, *Squatters and the Roots of Mau Mau 1905-63* (London: James Currey, 1987).

⁷⁷ KNA, PC/NKU/2/1/23: Monthly intelligence report, Kericho, 3 February 1953.

⁷⁸ Heather, 'Counterinsurgency and Intelligence', 41.

⁷⁹ Kanogo, *Squatters and the Roots of Mau Mau*, 138.

⁸⁰ Evans, *Law and Disorder*, 157. ⁸¹ Anderson, *Histories of the Hanged*, 90.

⁸² Bennett witness statement 3, citing Hanslope document ADM 35/2/11/1/5A: Political intelligence report - November 1952, Nairobi district, 4 December 1952.

⁸³ Bennett witness statement 3, citing Hanslope document ADM 35/2/11/3/1A: Laikipia special intelligence report, 15 March 1953.

encourage their departure to the Reserves in particular. Therefore, characterising the opening months as a 'phoney war', as several authors have done, is misleading for events in the Rift Valley Province.⁸⁴

Situation reports for the other provinces under Emergency Regulations, Central and Nairobi, show troops carried out patrols, screening and static duties at a lower intensity than in the Rift Valley. Further murders of settlers created a febrile atmosphere. In late November, 4,324 Kikuyu were removed from the Thomson's Falls district after the Mau Mau murdered a European in Leshau.⁸⁵ On 15 December it became official policy to evict Kikuyu from areas where suspected Mau Mau offences had taken place.⁸⁶ One contemporary observer decried the 'frequent brutality with which the agents of law and order enforced the evictions'.⁸⁷ The already overcrowded Reserves offered little relief to the droves of people fleeing their ordeal.⁸⁸ By late April 1953 between 70,000 and 100,000 people had left the Rift Valley and Central Provinces for the Reserves, either through forced eviction or voluntarily.⁸⁹ Given what we know about the terrorisation of the population in this period, the word 'voluntarily' must be interpreted carefully.

The army aided the exodus, one witness noting the 'thousands of unwanted people' carried away in 'army lorries'.⁹⁰ A report from Nairobi recorded the army assisting in 'escorting Kikuyu expelled to Reserve from [the] Thomson Falls area'.⁹¹ This continued into December along with sweeps and searches.⁹² In February 1953 the Lancashire Fusiliers started to 'evacuate' Kikuyu from around Ol Kalou in the Rift Valley.⁹³ The operation lasted for several days, shifting hundreds.⁹⁴ Governor Baring wished to appease settler opinion. He was determined to avoid mass dismissals by farmers, by the

⁸⁴ Berman, *Control and Crisis*, 348; Heather, 'Intelligence and Counter-Insurgency in Kenya', 59; Percox, 'Counter-Insurgency in Kenya', 62.

⁸⁵ Furedi, *Mau Mau War*, 119–21.

⁸⁶ D. A. Percox, *Britain, Kenya and the Cold War: Imperial Defence, Colonial Security and Decolonisation* (London: I. B. Tauris Academic Studies, 2004), 53.

⁸⁷ Rawcliffe, *Struggle for Kenya*, 58.

⁸⁸ Furedi, *Mau Mau War*, 8; Berman, *Control and Crisis*, 349.

⁸⁹ Percox, 'Counter-Insurgency in Kenya', 69.

⁹⁰ T. F. C. Bewes, *Kikuyu Conflict: Mau Mau and the Christian Witness* (London: The Highway Press, 1953), 60.

⁹¹ TNA, WO 276/466: Jock Scott sitrep from Force Nairobi to Mideast, 28 November 1952.

⁹² TNA, WO 276/466: Jock Scott sitrep from Force Nairobi to Mideast, 5 December 1952.

⁹³ TNA, WO 276/337: Northern Area sitreps, Norbrig Nairobi to Force Nairobi, no date, c. 8 February 1953.

⁹⁴ TNA, WO 276/337: Northern Area sitreps, Norbrig Nairobi to Force Nairobi, no date, c. 10 February 1953.

government moving people instead.⁹⁵ Perhaps the advantage lay in the security forces' success in evacuating Kikuyu 'without incident', as happened to those near Gaeta in the Nakuru area.⁹⁶ Major-General Hinde's major concern centred around who enforced the evictions, fearing a usurpation of state power.⁹⁷ The Commissioner for the Rift Valley documented the 'additional impetus' given by 'certain Kenya Police Reserve officers' in the process.⁹⁸ These were the men the army worked alongside, such as in the combined operation to remove 500 people from the Kariakor area in Nairobi.⁹⁹ During a three-week period alone, around 12,300 Kikuyu moved out of the Rift Valley.¹⁰⁰

Mass population movement suited the security forces' purposes. As visiting MP Hugh Fraser observed, clearing the Kikuyu from an entire province presented 'a clearer tactical situation'. In broad terms, the Rift Valley might now be seen as a safe area, leaving the security forces to focus more on 'making the Kikuyu Reserve a killing ground'.¹⁰¹ The settlers felt more protected in their homes and the government managed to isolate the 'disease' of Mau Mau from other tribes working in the Rift.¹⁰² General Erskine knew that in purging the Rift Valley, the army's job had been made easier in the province.¹⁰³ The consequence for political violence in Kenya was striking. Indiscriminate and collective repression against the whole Kikuyu tribe would continue. But now the violence could be geographically targeted mainly on Central Province and on a single tribe. Making civilians suffer was politically acceptable in 1950s Kenya, so long as other tribes were exempted from undue misery.

This interpretation explains a curious anomaly in eviction policy. In late January 1953, intelligence and situation reports began observing the negative impact that the evictions were having, including a significant rise in insurgent numbers. Reports directly attributed the recruitment

⁹⁵ TNA, CO 822/442: Savingram from Baring to Secretary of State for the Colonies, 24 February 1953.

⁹⁶ TNA, WO 276/337: Northern Area sitreps, Norbrig Nairobi to Force Nairobi, no date, c. 27 February 1953.

⁹⁷ TNA, WO 276/411: Appreciation of the situation, by Major-General Hinde, 5 March 1953.

⁹⁸ TNA, WO 276/411: Letter from Carruthers Johnston, Provincial Commissioner for the Rift Valley Province, to Major-General Hinde, 28 March 1953.

⁹⁹ TNA, WO 276/467: Jock Scott sitrep from Force Nairobi to Troopers and Mideast, 7 April 1953.

¹⁰⁰ TNA, CO 822/378: KICFA 2/53, 14 April 1953. The period was 20 March to 13 April.

¹⁰¹ TNA, CO 822/479: 'Mau Mau and an Account of the Policy against it', by Hugh Fraser MP, 14 April 1953.

¹⁰² Rawcliffe, *Struggle for Kenya*, 63.

¹⁰³ TNA, WO 216/855: Letter from Erskine to CIGS, 7 July 1953.

boost to food and housing shortages in the Reserves caused by large numbers moving to them.¹⁰⁴ Military commanders complained about 'continued forcible evac[uation]', promoting outbreaks of lawlessness.¹⁰⁵ Yet the movement to the Reserve continued after this realisation.¹⁰⁶ Political intelligence warned about potential famine, making Mau Mau membership the rational choice for many.¹⁰⁷ Despite evictions simplifying the position in the Rift Valley, they complicated matters in Central Province. At least 16,000 Kikuyu found themselves 'repatriated' to Kiambu district, which rapidly became one of Kenya's most violent areas.¹⁰⁸ Not until September 1953, on Special Branch's advice, did the government stop the mass evictions.¹⁰⁹ The government understood that the evictions produced negative effects, but on balance thought the advantages conferred by protecting settlers and pushing the insurgency into Central Province outweighed them.

For the Kikuyu people, the first phase of the Emergency was far from a 'phoney war'. The security forces prioritised protecting the settler community and regarded the entire Kikuyu tribe as suspect. Beatings were rife and carried out both to improve the dire intelligence situation and to intimidate people. Although we cannot be sure of the extent of illegal killings, the figures on people 'shot trying to escape' are worrying, and support Erskine's acknowledgement that indiscriminate shooting was widespread. In some cases, the army collaborated with vigilante groups, where it could have made efforts to stop them. The mass evictions, mainly from the Rift Valley but also to a lesser extent Central Province, were expedited by the Emergency, and the army participated in the movements. The prevalent beatings, torture and killings were intended to speed up this process.

A breakdown in command and control?

Whenever crimes against civilians happen in armed conflicts, there is a tendency to believe discipline must have broken down.¹¹⁰ This logic is

¹⁰⁴ TNA, WO 276/287: Jock Scott sitrep No. 42, 30 January 1953; TNA, CO 822/377: Kenya Colony political intelligence summary (KCPIS) 2/53, 31 January 1953.

¹⁰⁵ TNA, WO 276/467: Jock Scott sitrep from Force Nairobi to Mideast, 13 February 1953.

¹⁰⁶ TNA, WO 276/467: Jock Scott sitrep from Force Nairobi to Mideast, 17 February 1953.

¹⁰⁷ TNA, CO 822/377: KCPIS 3/53, 15 February 1953.

¹⁰⁸ TNA, CO 822/378: KICFA 1/53, 31 March 1953.

¹⁰⁹ Heather, 'Counterinsurgency and Intelligence', 128. Repatriation continued as a collective punishment after this date.

¹¹⁰ N. C. Crawford, 'Individual and Collective Moral Responsibility for Systemic Military Atrocity', *Journal of Political Philosophy*, 15 (2007), 187–212.

commonly found in writings on the Emergency, which blame the army's involvement in excesses during the opening months on a weak command and control system.¹¹¹ The security forces are seen as 'a splintered group', each acting according to its own desires.¹¹² Are these charges well founded? Colonel G. A. Rimbault, appointed Personal Staff Officer to Baring at the end of December 1952, certainly lacked the seniority and staff to fully coordinate operations. Rimbault's appointment came after Baring's request for a Malaya-style director of operations was turned down by the Colonial Secretary and the Chiefs of Staff, who did not think the situation warranted it. Baring recognised Rimbault's ineffectiveness and next time went straight to the top, appealing to Churchill for a senior commander.¹¹³

Major-General W. R. N. Hinde, appointed Chief Staff Officer to the Governor on 1 February 1953 and promoted Director of Operations on 11 April, similarly failed to coordinate effectively.¹¹⁴ Hinde initiated major policies, such as the mile strip, and influenced how Erskine understood the conflict. But he lacked sufficient authority, and a large and efficient staff organisation. Senior army commanders recognised the problem without making any rapid remedial moves. General Sir Brian Robertson thought lack of leadership and coordination were major problems.¹¹⁵ The CIGS concurred after seeing the situation in Kenya for himself:

As regards the Army command organisation, one Brigadier with an attenuated staff and no signals cannot exercise effective command over five equivalent battalions deployed on a Company or Platoon basis over an area about 130 miles long and 120 miles wide.¹¹⁶

General Robertson at MELF and Lieutenant-General Cameron at East Africa Command seemed to take little interest in the Emergency. Guy Campbell, CO of the Kenya Regiment, was placed in charge of Nairobi City and the surrounding area on the Emergency's declaration. He noted in his diary meeting General Cameron at his headquarters on the morning of 20 October. The General informed him that Lieutenant-Colonel Gilbert Collins, from 7 KAR, was temporarily promoted to be Acting Brigadier commanding military forces. Five days later, General Cameron held a big conference for all battalion commanders.¹¹⁷ At the

¹¹¹ Maloba, *Mau Mau and Kenya*, 81; Berman, *Control and Crisis*, 347; Heather, 'Of Men and Plans', 18.

¹¹² Elkins, *Britain's Gulag*, 44. ¹¹³ Percox, *Britain, Kenya and the Cold War*, 55–6.

¹¹⁴ Percox, 'Counter-Insurgency in Kenya', 70–1, 73.

¹¹⁵ TNA, CO 822/468: Letter from General Sir Brian Robertson, C-in-C Middle East Land Forces, to CIGS, 12 January 1953.

¹¹⁶ TNA, CO 822/422: Report by CIGS on his visit to Kenya, 19–24 February 1953.

¹¹⁷ KRA: Vol. VII: Guy Campbell papers, Diary of Events.

end of the month, Cameron attended a meeting at Government House in Nairobi to discuss operations. The record for the meeting fails to note any verbal contribution by the General.¹¹⁸ The MELF Chief of Staff, Major-General Douglas Packard, visited Kenya in November, dropping in on his old friend Guy Campbell. Campbell saw Cameron again on 8 November to 'put our case across'.¹¹⁹

By the year's end, Cameron decided to hold a conference every Saturday on Kenya operations. Unfortunately the records for these meetings are missing.¹²⁰ What records survive confirm that senior commanders adopted a hands-off approach, leaving a militarily inexperienced Governor to make decisions.¹²¹ Cameron did write an influential report on 30 April; this combined with General Sir Cameron Nicholson's report on 16 May persuaded the War Office to appoint Erskine.¹²² At the battalion level, KAR units were under strength, including in officers. The East African governments slowly started reinforcing units after prompting from the Colonial Office.¹²³ When Erskine assumed command in June 1953 he criticised the practice of attaching small army units to the police and administration, on the grounds that it removed soldiers from their senior officers, with 'evil results'.¹²⁴

Does this mean that military discipline effectively collapsed during the first phase of the Emergency? Three sources illuminate the number and type of courts-martial held during the first phase. The first is a report produced by the Judge Advocate General's Office in response to a question asked in the House of Commons on the number of courts-martial in Kenya since January 1952.¹²⁵ The file gives the names of those tried, their units, the date and place of the trial, the charges and the sentence. The dates and places of the offences are omitted. Many of the

¹¹⁸ TNA, CO 822/460: Record of a meeting held at Government House at 6.30 p.m. on the 29th October, 1952.

¹¹⁹ KRA, Vol. VII: Guy Campbell papers, Diary of Events, 2 November 1952.

¹²⁰ TNA, WO 276/239: Memorandum from Lt.-Col. [name illegible], Acting Chief of Staff East Africa Command, to HQ Northern Area and East Africa Command Staff, 30 December 1952.

¹²¹ Baring had never experienced military service. For a brief biographical sketch see Baring (Charles) Evelyn, first Baron Howick of Glendale (1903–1973), by A. Clayton, *Oxford Dictionary of National Biography* (Oxford University Press, 2004), online edition, at www.oxforddnb.com/view/article/30789, accessed 8 September 2006.

¹²² Percox, *Britain, Kenya and the Cold War*, 57.

¹²³ TNA, CO 822/442: Extracts from Chiefs of Staff meeting held 10 April 1953.

¹²⁴ TNA, WO 32/15834: Letter from Erskine to Secretary of State for War, 10 December 1953.

¹²⁵ TNA, WO 93/56: Letter from [name illegible], AG3(A) 2 to Registrar, Judge Advocate General's Office, 13 January 1954.

Table 1 *Courts-martial in Kenya, 20 October 1952–1 July 1953*

Type of offence	Number of offences
Theft	14
Drunkenness	4
Indecency	1
Disobedience	1
Desertion	3
Absence	4
Threatening a superior	2
Violence to a superior	3
Escaping	3
Fraud	2
Sleeping on post	2
Housebreaking	2
Section 11 (neglect to obey orders)	1
Section 18(5)	4
Section 27(1) (false accusations)	1
Section 40	10
Total offences	57

charges are extremely vague, stating for example, ‘Section 40’, referring to the Army Act 1881. The report lists thirty-seven courts-martial held between 20 October 1952 and 1 July 1953, summarised in [Table 1](#).

Of these, only the fourteen offences, those covered by Sections 18(5) and 40, might relate to violent crimes against civilians. They were committed by only ten individuals. Section 18(5) reads: ‘any other offence of a fraudulent nature not before in this Act particularly specified, or of any other disgraceful conduct of a cruel, indecent, or unnatural kind’.¹²⁶ Section 40 offences were ‘any act, conduct, disorder, or neglect, to the prejudice of good order and military discipline’.¹²⁷ There is no knowing whether these fourteen offences were committed against Africans, European settlers or fellow members of the security forces. The report is also problematic for only recording charges brought against two members of East African units, despite the fact that by 1 July 1953, six KAR battalions had been on operations since the start of the Emergency, plus the Kenya Regiment, East Africa Training Centre troops, the East Africa Armoured Car Squadron and the 156 (East African) HAA Battery. This must be an underestimation of the level of crime in these units.

¹²⁶ Army Act, 1881. ¹²⁷ Army Act, 1881.

On 11 December 1952, Sergeant G. Skinner was convicted in Nairobi of a Section 40 offence, and punished with a severe reprimand and forfeiture of seniority.¹²⁸ Sergeant W. Quayle suffered a reprimand and pay stoppages on 16 December in Gilgil for infringing Section 40.¹²⁹ A list submitted to the McLean Inquiry shows two cases where soldiers were punished for crimes against civilians. The commander of 70 Brigade reprimanded Second Lieutenant Green of the Kenya Regiment, attached to 7 KAR, for assaulting a postmaster at Mweiga. Major R. Sinclair-Scott, 23 KAR, was 'under investigation on a charge of bodily harm to an African on 29 Jan 53'. Interestingly:

The evidence was not sufficient to support the charge as there had been no clear directive from Higher Authority concerning disposal of prisoners. The C-in-C quashed the charge but saw the officer and impressed on him the importance of a correct attitude.¹³⁰

In other words, the officer escaped punishment only because no order existed at the time prohibiting him from assaulting prisoners. This attitude is remarkable, and could explain why there were so few courts-martial in the opening phase. The Fort Hall district education officer complained to the authorities in March 1953, after the Kenya Regiment looted a school in Mioro, taking items worth 499 shillings.¹³¹ Having investigated the allegations, Lieutenant-Colonel Campbell found them 'absolutely without foundation and a direct slur on my Regiment'. His mode of investigation was to ask the officer concerned: 'as he is an Officer not subject to telling lies I have accepted his denial'.¹³² Though concerning a relatively trivial incident, the exchange offers an insight into the integrity of military justice during the Emergency. Commanding officers could effectively dismiss allegations about their men, which if investigated independently might threaten their personal reputations. For this precise reason the security forces strongly objected to the inquiries made into their actions by the police CID.

¹²⁸ TNA, WO 93/56: List of courts-martial in Kenya. He was very probably seconded to an East African unit, as his given regiment, the Wiltshires, were not in Kenya at the time.

¹²⁹ TNA, WO 93/56: List of courts-martial in Kenya; Quayle was from the Lancashire Fusiliers but specified as 'att. KAR'.

¹³⁰ TNA, WO 32/21721: McLean Inquiry Exhibit 22: List of cases brought to the notice of GHQ East Africa in which members of the Military Forces have been charged before Civil Courts, or Courts Martial, or Summarily for offences against Africans, compiled by Assistant AG, GHQ.

¹³¹ KNA, DC/MUR/3/10/8: Letter from H. A. W. Shea, Fort Hall Education Officer, to DC, Fort Hall, 10 March 1953.

¹³² KNA, DC/MUR/3/10/8: Letter from Lt.-Col. Guy Campbell, Commanding Kenya Regiment, to DC, Fort Hall, 2 April 1953.

The Kiambu DEC expressed ‘the gravest concern at the severe loss of morale among Security Forces in the District, caused by the ceaseless CID enquiries’.¹³³ The morale of men fighting the Mau Mau assumed a greater importance than making sure they fought within the law. Winning mattered more than morality.

The available evidence suggests that while the military authorities wished to preserve discipline, by charging men for insubordination, drunkenness and the like, mistreating the Kikuyu population was permissible. Rather than there being an army out of control, policy permitted indiscriminate, terrorising violence against the Kikuyu population. Policies such as screening and evictions, combined with close collaboration with settler forces (uniformed and vigilante) impressed upon soldiers the idea that the Kikuyu should be coerced into dropping their support for Mau Mau. Often this required beatings, and sometimes torture and random killing. Exploring the behaviour of one particular KAR company gives an insight into how these brutalities took place at a lower level.

Mistreatment of the Kikuyu at a low level: the case of ‘B’ Company, 5 KAR

Understanding events in one unit will help understand the nature of the violence in Kenya and the culture of impunity in the army. Following this account, the next section analyses why these events took place and their significance for the army as a whole in the Emergency.

Major Griffiths

In mid-June 1953 Captain Gerald Selby Griffiths held the temporary rank of major, commanding ‘B’ Company in 5 KAR, a Kenyan battalion. A professional soldier with a service record stretching back to 1931, he owned a farm in Kenya for breeding horses.¹³⁴ 5 KAR spent a long time in the field, but it is unlikely that these soldiers committed atrocities as a result of combat fatigue, as the battalion enjoyed annual leave from 1 January to 1 April 1953.¹³⁵ On 11 June ‘B’ Company went on a typical Emergency operation, sweeping a cordoned area near Nyeri for insurgents. ‘B’ Company were supported by two platoons from 7 KAR and

¹³³ TNA, WO 276/170: Cited in CPEC minutes, 5 June 1953.

¹³⁴ Rubin, *Murder, Mutiny and the Military*, 256.

¹³⁵ TNA, WO 305/259: 5 KAR Annual Historical Report, 11–12.

part of the Armoured Car Squadron.¹³⁶ At the court-martial in November, CSM W. P. Llewellyn, temporarily under Griffiths's command from 7 KAR, stated that at a briefing beforehand, Griffiths said: 'You can shoot anybody you like – PWD [Public Works Department] or anybody.' Asked what he understood Griffiths to mean, Llewellyn said: 'I understood we could shoot anyone black . . . He said that his Company was expecting to leave for Malaya and he had to get a half century of kills before he left.'¹³⁷

At about 7.30 am three Kikuyu forestry workers, Ndegwa son of Kagiri, Mutahi son of Gatutha and Gichuchi son of Kibira walked slowly towards a stop point manned by two 7 KAR askaris.¹³⁸ One of the askaris recalled having received orders only to fire in an emergency or with permission from CSM Llewellyn. Major Griffiths arrived in a jeep driven by Captain Joy, Royal Electrical and Mechanical Engineers, with two askaris in the back, and appeared to be 'in a great temper'. Demanding to know why the askaris had not killed the African civilians, he called the three men over to inspect their papers, telling the eldest 'you are too old to kill, go away'.¹³⁹ According to Private Kiptarus, Griffiths 'handed back the passes to the two younger Africans and told them they could go away. When the two Africans had got about 10 yds up the road Major Griffiths discharged a whole Bren gun magazine into their backs.'¹⁴⁰

Nobody at the trial claimed that the men had provoked the shooting.¹⁴¹ CSM Llewellyn and Lieutenant-Colonel Glanville, 6 KAR's commander, who also participated in the operation, recognised that the shooting took place in a Special – not a Prohibited – Area.¹⁴² Griffiths left the scene with Captain Joy and the two askaris in his jeep. Some time later, Llewellyn arrived to find the two Kikuyu screaming and writhing in agony in the road, and diverted the traffic which one of them was trying to crawl under in a bid to kill himself.¹⁴³ Within half an hour of the shooting, Griffiths returned, remarking: 'You can scream, you bastards; when you killed my horse in Nanyuki he screamed a damned sight longer than you will scream.'¹⁴⁴ Griffiths shot one of the men in the

¹³⁶ Rubin, *Murder, Mutiny and the Military*, 260.

¹³⁷ TNA, WO 71/1218: Proceedings of the General Court Martial of G. S. L. Griffiths, for murder, 25–27 November 1953, 37.

¹³⁸ Rubin, *Murder, Mutiny and the Military*, 260.

¹³⁹ TNA, WO 71/1218: Proceedings of the General Court Martial of G. S. L. Griffiths, for murder, 25–27 November 1953, 15.

¹⁴⁰ *Ibid.*, 16. ¹⁴¹ Rubin, *Murder, Mutiny and the Military*, 261.

¹⁴² TNA, WO 71/1218: Proceedings of the General Court Martial of G. S. L. Griffiths, for murder, 25–27 November 1953, 49, 111.

¹⁴³ *Ibid.*, 16; Rubin, *Murder, Mutiny and the Military*, 261.

¹⁴⁴ TNA, WO 71/1218: Proceedings of the General Court Martial of G. S. L. Griffiths, for murder, 25–27 November 1953, 38.

head dead at close range with his revolver. The trial record states that he ordered Llewellyn to kill the other man, and that the CSM refused.¹⁴⁵ However, new evidence shows that Llewellyn did kill one of the men, and was granted immunity from prosecution in exchange for testifying against Griffiths. Information from the Director of Army Legal Services, East Africa, illustrates how after shooting one man in the head, Griffiths left the scene again:

and in the interval a Field Officer of the Buffs came on the scene and ordered CSM Llewellyn to despatch the remaining African, who was obviously in terrible agony and in extremis.

In addition to Llewellyn, Erskine and the Attorney-General granted immunity to Captain Joy and the officer from The Buffs.¹⁴⁶ As the Judge Advocate at the trial pointed out, mercy killing remained a crime under civilian and military law.¹⁴⁷ The civil and military leadership in Kenya clearly disagreed.

The Chuka massacre

The second atrocity committed by 'B' Company happened a few days later, near Chuka in Embu District.¹⁴⁸ On 13 June Griffiths set up a tactical headquarters at Embu with his two subalterns, Second Lieutenant Howard, who commanded 4 Platoon, and Second Lieutenant Innes-Walker, who commanded 5 Platoon. The battalion CO, Lieutenant-Colonel L. W. B. Evans, instructed the two subalterns to establish base camps at intervals and launch four patrols from them over a seven-day period. They would be accompanied by the DO, Mr Lakin, and the forest officer, Mr Gardner.¹⁴⁹ They were attached because 'it was

¹⁴⁵ *Ibid*; this is also stated by Rubin in *Murder, Mutiny and the Military*, 261.

¹⁴⁶ TNA, WO 32/21722: Extract from D.O. dated 31 Oct 53 from DALs East Africa to DALs War Office.

¹⁴⁷ TNA, WO 71/1218: Proceedings of the General Court Martial of G. S. L. Griffiths, for murder, 25–27 November 1953, 125.

¹⁴⁸ The only existing primary-source based analyses of the atrocity are D. Branch, *From Home Guard to Mau Mau: Ambiguities and Allegiances during the Mau Mau Emergency in Kenya, 1952–60* (University of Leiden: African Studies Centre, 2005), available at: asc.leidenuniv.nl/events/event-1259710325.htm, accessed 5 July 2006; Branch, 'Loyalism during the Mau Mau Rebellion', 121–2; Branch, *Defeating Mau Mau, Creating Kenya*, 98–9. Dr Branch's studies are based on information from the KNA; he has kindly shown me his original notes. For a short account published without footnotes see D. M. Anderson, H. Bennett and D. Branch, 'A Very British Massacre', *History Today*, 56 (2006), 20–2.

¹⁴⁹ TNA, WO 32/16103: 'Witness for the Prosecution 2/Lt. D. Innes-Walker (425231) Royal Warwicks attached 7 KAR [*sic*]' no date.

proposed to send out two patrols each day from each platoon thus there would be a European with each patrol'.¹⁵⁰ While Griffiths remained at the Tactical HQ, Innes-Walker and Howard were instructed to operate solely in the forested PA where Mau Mau groups were thought to train. Evans told the subalterns to treat anyone found in the forest as hostile, but under no circumstances to venture into the adjacent Reserve area. The local Home Guard were under strict instructions to stay out of the forest.¹⁵¹ These Home Guards, under Chief Petro, attracted praise for their performance and reliability. They were to patrol the forest edge, arresting any Mau Mau flushed out by the army patrols.¹⁵²

On 14 June Evans, Griffiths, Major Day (the battalion second-in-command), Howard and Innes-Walker collected two prisoners from Embu police station.¹⁵³ These men, Njeru son of Ndwega and Kavenji son of Njoka, acted as guides in the forest, leading the patrols to Mau Mau camps.¹⁵⁴ At about 6 pm Griffiths, Howard, Innes-Walker and Private Ali Segat led the two prisoners to the Tac HQ's perimeter for questioning.¹⁵⁵ Griffiths led the interrogation; he found the prisoners' answers unsatisfactory.¹⁵⁶ So he handed his Somali hunting knife to Segat, directing him to threaten Njeru with emasculation, after Innes-Walker removed his trousers.¹⁵⁷ When this failed to produce the right information, Griffiths ordered Segat to emasculate Njeru, but he refused.¹⁵⁸ It is disputed whether Griffiths ordered what happened next.¹⁵⁹ Segat said that Griffiths told him to use violence on the prisoner; Griffiths argued that he only wanted threats from his soldier.¹⁶⁰ Segat chopped off Njeru's right ear with the Somali knife. Questioned about his passivity, Innes-Walker, who left the scene after the mutilation, said he was 'in the habit of

¹⁵⁰ TNA, WO 32/16103: Signed statement of Lt.-Col. L. W. B. Evans, CO 5 KAR, 24 July 1953.

¹⁵¹ TNA, WO 32/16103: Witness for the Prosecution 2/Lt. D. Innes-Walker (425231) Royal Warwicks attached 7 KAR [*sic*], no date; WO 32/16103: Signed statement of Lt.-Col. L. W. B. Evans, CO 5 KAR, 24 July 1953.

¹⁵² Branch, *From Home Guard to Mau Mau*, 5–6.

¹⁵³ TNA, WO 71/1221: Second Trial of Captain Griffiths, 4–11 March 1954, second day, 11.

¹⁵⁴ TNA, WO 71/1221: Second Trial of Captain Griffiths, 4–11 March 1954, first day, 1; second day, 21.

¹⁵⁵ TNA, WO 71/1221: Second Trial of Captain Griffiths, 4–11 March 1954, second day, 11.

¹⁵⁶ TNA: WO 32/16103: Witness for the Prosecution 2/Lt. D. Innes-Walker (425231) Royal Warwicks attached 7 KAR [*sic*], no date

¹⁵⁷ TNA, WO 71/1221: Second Trial of Captain Griffiths, 4–11 March 1954, second day, 12.

¹⁵⁸ *Ibid.*, 40.

¹⁵⁹ TNA, WO 71/1221: Second Trial of Captain Griffiths, 4–11 March 1954, second day, 40; third day, 4;

¹⁶⁰ TNA, WO 71/1221: Second Trial of Captain Griffiths, 4–11 March 1954, second day, 40; fourth day, 24.

accepting his [Griffiths's] actions'.¹⁶¹ This is an important statement in light of the debate on the fine line between the need for military obedience and the duty to refuse manifestly illegal orders.

Ten to fifteen minutes after leaving the scene, Innes-Walker heard shots.¹⁶² According to Griffiths, he had also left the prisoners, having interrogated the second man for a few minutes. Apparently Private Segat informed him that the mutilated prisoner had been shot while trying to escape.¹⁶³ The sergeant-major whom Griffiths claimed as an alibi denied having seen his company commander at this point.¹⁶⁴ Although the court-martial found Griffiths innocent of ordering the shooting, Innes-Walker recalled his commander saying: 'This man will have to be shot, otherwise he will bleed to death.'¹⁶⁵ In his statement before the earlier court of inquiry he told how the prisoner could not have been shot attempting to escape, because Njeru was handcuffed to a tree.¹⁶⁶

The next day, the second prisoner suffered humiliation and pain at the hands of 'B' Company. In the morning, accompanied by Howard and Innes-Walker, Major Griffiths ordered Segat to pierce Kavenji's ear with a bayonet, passing wire through the bleeding hole to lead the prisoner as a guide for the day's operation. Nobody complained about the company commander's orders, then or later.¹⁶⁷ Later in the day, Innes-Walker allegedly told the prisoner to run, and ordered Private Segat and Lance-Corporal Harun to shoot him dead. They obeyed.¹⁶⁸ Other accounts suggest he may in fact have been killed 'escaping' on the night of 18 June instead.¹⁶⁹ The authorities never held anyone responsible for Kavenji's death.

Meanwhile the hunt for Mau Mau in the forest continued. On 17 June 'B' Company's reputation would descend even further. The local Home Guard leader, Chief Petro, heard that the KAR were camping near his headquarters in the Meru Reserve, so he met with 'the Major, Mr. Lakin DO Embu and the Forest Officer' at his camp, so that everyone would

¹⁶¹ TNA, WO 32/16103: Witness for the Prosecution 2/Lt. D. Innes-Walker (425231) Royal Warwicks attached 7 KAR [*sic*], no date.

¹⁶² *Ibid.*

¹⁶³ TNA, WO 71/1221: Second Trial of Captain Griffiths, 4–11 March 1954, fourth day, 25.

¹⁶⁴ *Ibid.*, 59.

¹⁶⁵ TNA, WO 71/1221: Second Trial of Captain Griffiths, 4–11 March 1954, third day, 5.

¹⁶⁶ TNA, WO 32/16103: Witness for the Prosecution 2/Lt. D. Innes-Walker (425231) Royal Warwicks attached 7 KAR [*sic*], no date.

¹⁶⁷ TNA, WO 71/1221: Second Trial of Captain Griffiths, 4–11 March 1954, second day, 13.

¹⁶⁸ TNA, WO 71/1221: Second Trial of Captain Griffiths, 4–11 March 1954, third day, 44.

¹⁶⁹ TNA, WO 32/16103: Signed statements of Daudi s/o Maringa, 25 July 1953; Rueria s/o Samuel Ngeru, no date; Nthiri s/o Muruina Mwangi, 26 July 1953. All these men were civilian porters with 'B' Company on this operation.

know each other's location. The Home Guards were told about the military's operation in the forest, and were ordered to stay in the Reserve.¹⁷⁰ Petro agreed to supply food for the next day, taking meat, sugar cane, maize and bananas to the KAR base himself. Watching the sun set at his headquarters, a Home Guard told Petro that his men based at Karigine had been arrested. Shortly after, they heard rifle and automatic fire coming from the forest.¹⁷¹

Second Lieutenant Howard, never interviewed during the subsequent investigations, told Innes-Walker that one of his patrols had seen action. A patrol under WOPC Kipsigi captured ten or eleven men 'just in from the forest edge, in the forest'. Two of these 'members of the enemy' escaped. At about four o'clock, Howard asked Innes-Walker to interrogate the ten or so men, on account of his superior Swahili: 'They said that they were not Home Guard, but they were not Mau Mau. That they had been taken from their home and were being taken somewhere by the two men who escaped.' The assertion about the two escaped men seems unlikely given the lack of supporting evidence from any other witnesses. Innes-Walker was unsure whether Howard himself led the patrol that took the men prisoner. During interrogation the prisoners were all made to lie face down except for the individual being questioned, who was 'made to remove his shirt so that we could look for any Mau Mau markings'. No markings were discovered. Later, when Howard and Innes-Walker were in the forest camp, all ten or eleven men were shot dead. Innes-Walker denied having seen the shooting and conspiring with Howard to collect the victims from the Reserve. The ten askaris taking part in the patrol said that Innes-Walker led them, and another seven witnesses saw him leaving the camp with them.¹⁷²

One of the young subalterns reported the killings to Griffiths. In the evening, a note arrived via a tribal police messenger from the DO, Mr Collins, inquiring whether anyone knew where missing local Home Guard men might be.¹⁷³ On 18 June, the DO received his reply:

Your note re H.G. received. No, as yet, we haven't run into any H.G. at all. Your chaps tell me they are looking for 35 of them, but I am afraid we have not seen anything like that. We have killed 22 in the past two days but these were all in or

¹⁷⁰ TNA, WO 32/16103: Witness for the Prosecution M'Ikingi s/o Ndegwa.

¹⁷¹ KNA, DC/MRU/2/11/98: Statement of Chief Petro Njeru, 21 June 1953. Data kindly provided by Dr Daniel Branch.

¹⁷² TNA, WO 32/16103: Witness for the Prosecution 2/Lt. D. Innes-Walker (425231) Royal Warwicks attached 7 KAR [sic], no date. The identity of the questioner is unknown.

¹⁷³ *Ibid.*

on the forest boundary and ran when challenged. Anyway, I have no doubt we will meet tomorrow. (sgd) D. Walker 2nd Lt. 5th K.A.R.¹⁷⁴

The killing continued on 18 June. Events on this day are clearer because fifteen witnesses recounted their experiences when questioned by the authorities. At seven o'clock that morning, the Home Guard leader from Karigine entered Chief Petro's camp in Chuka and reported the previous day's events. This man, called M'Mathai, said that at about 2 pm the Home Guard were approached by 'many' KAR askaris, who ordered them to put down their bows and arrows, raise their hands, and lie down on the ground. The askaris beat the men with rifle butts, while M'Mathai was sent to fetch beer. Wisely he chose not to return, as did the man sent after him. Next the askaris went into the village, stealing honey and instructing a prisoner to find maize and sugar cane. To prevent another escape, the askaris threatened to kill all his companions if he failed to return. The threat worked. M'Mathai reported how 'The askaris seized the wife of [name withheld]. She screamed.'¹⁷⁵ This statement refers to a woman being raped. The file on the Chuka massacre contains eleven pages retained by the government until 2038. On 18 July 2006, Lord Steel asked a question in the House of Lords about the withheld pages. Baroness Crawley replied for the government that the pages contained 'statements by three Kenyan women raped by African soldiers. That information is sensitive personal data relating to the victims.'¹⁷⁶ Following the rapes, the askaris took the ten prisoners away into the forest, where they were shot dead.¹⁷⁷

On the morning of 18 June, Innes-Walker and Howard decided upon sending four patrols into the forest; Innes-Walker would lead one patrol, Howard another, and WOPC Hussein a third.¹⁷⁸ The fourth patrol, commanded by Corporal Killis son of Kiyundu, went to fetch water.¹⁷⁹ Hussein's patrol left first, followed by Innes-Walker's, then Howard's, and finally Killis's.¹⁸⁰ Significantly, the available statements on the

¹⁷⁴ KNA, DC/MRU/2/11/98: Letter from D. Walker to D. T. Collins, District Officer, Kibwaga, 18 June 1953. Data kindly provided by Dr Daniel Branch.

¹⁷⁵ KNA, DC/MRU/2/11/98: Statement of Chief Petro Njeru, 21 June 1953. Data kindly provided by Dr Daniel Branch.

¹⁷⁶ The full text of the debate is available on the internet at the following address: www.publications.parliament.uk/pa/ld199900/ldhansrd/pdvn/lds06/text/60718-0999.htm.

¹⁷⁷ KNA, DC/MRU/2/11/98: Statement of Chief Petro Njeru, 21 June 1953. Data kindly provided by Dr Daniel Branch.

¹⁷⁸ TNA, WO 32/16103: Witness for the Prosecution 2/Lt. D. Innes-Walker (425231) Royal Warwicks attached 7 KAR [*sic*], no date.

¹⁷⁹ TNA, WO 32/16103: Signed statement of Cpl. Killis s/o Kiyundu, 'B' Company, 5 KAR, 13 August 1953.

¹⁸⁰ TNA, WO 32/16103: Witness for the Prosecution 2/Lt. D. Innes-Walker (425231) Royal Warwicks attached 7 KAR [*sic*], no date; WO 32/16103: Signed statement of Cpl. Killis s/o Kiyundu, 'B' Company, 5 KAR, 13 August 1953.

massacre in the forest only include five statements from those on the water patrol, and Innes-Walker's statement. There is no evidence from anyone on Howard's or Hussein's patrols, an anomaly due either to incompetence or a deliberate cover-up considering events on 18 June. At about 11 am, Kithumbi and his half-brother Njeru were in their village, Mogokulo, when around seven African civilians were escorted into the village by an askari. The soldier made Njeru join the group, but Kithumbi ran away and hid.¹⁸¹ Shortly after, Kanambiu, a local Home Guard member, saw the group, including Njeru and another whom he recognised, walking through the village. The askari asked two other local men, Nkira and Muchiri, to join the group. In Kanambiu's view,

the Askari had come to obtain assistance in finding Mau Mau, as the Askari told them he wanted them to bring their weapons and go to the forest. The Askari and the party went in the direction of other nearby Bomas [enclosures].¹⁸²

The patrols spent the morning in the Reserve, despite Lieutenant-Colonel Evans's distinct orders to the contrary. One of the motives for doing so was to steal. One villager, Moranga, recalled four askaris coming into his hut, making him lie on the floor as they emptied his money pouch of cash.¹⁸³ A man collecting water from a stream returned to his village of Karege an hour or so later to hear shooting. Walking closer, he hid in a shamba and saw an askari pointing 'a gun with a knife fixed to it' at a group of men, who were taking off their shirts. He recognised Njeru among them. The soldiers searched their pockets, taking money as the men lay on the ground. Then the villagers were told: 'Get your weapons we are going to find Mau Mau.' Having fetched bows, arrows, spears and pangas, the group were marched at bayonet point into the forest.¹⁸⁴ Another villager was sitting outside her hut with her husband when a soldier suddenly appeared. Having stolen money from the hut, the soldier took her husband away to the forest.¹⁸⁵

Corporal Killis's water-collecting patrol later came across all these detained men. According to a civilian porter accompanying Killis, his group consisted of eight porters, the corporal and eight or nine askaris, and went into the Reserve to fetch water. As they approached a shamba, they noticed:

a line of civilians in this shamba. They were 500 or 600 yards away from us ... I saw an askari behind the line of civilians. He was holding a rifle with fixed bayonet and seemed to be pointing it at the civilians.¹⁸⁶

¹⁸¹ TNA, WO 32/16103: Signed statement of Kithumbi s/o Mbwani, no date.

¹⁸² TNA, WO 32/16103: Signed statement of Kanambiu s/o M'Rugamba, 24 July 1953.

¹⁸³ TNA, WO 32/16103: Statement of Moranga s/o Wombongu, 25 July 1953.

¹⁸⁴ TNA, WO 32/16103: Signed statement of Muthuri s/o Mbiti, no date.

¹⁸⁵ TNA, WO 32/16103: Statement of Nkwane w/o Mutowarei, 24 July 1953.

¹⁸⁶ TNA, WO 32/16103: Signed statement of Nthiri s/o Muruina Mwangi, 26 July 1953.

The shamba belonged to a local teacher, Bore, and they passed the group on their way to get the water. The porter remembered how 'As we were walking towards the river I heard a single shot fired from the direction of the teacher's house.' On walking back to the forest, the party noticed Second Lieutenant Howard by the shamba.¹⁸⁷ Bore was the first person shot dead that day, outside his house.¹⁸⁸ As the water party re-entered the forest, they saw ten civilians carrying their bows, arrows, spears and pangas with two askaris.¹⁸⁹ The patrol's leader remembered the two soldiers as Lance-Corporal Idris and Private Makahe, members of WOPC Hussein's patrol.¹⁹⁰ Another water porter heard Corporal Killis say to the two askaris: 'You have taken these people from the Reserve. Why don't you let them go.' The soldiers replied: 'They are Mau Mau.'¹⁹¹

About half an hour after the water party returned to camp, Innes-Walker's and Howard's patrols came back.¹⁹² Ten minutes to half an hour later, between two and four o'clock in the afternoon, those in the forest camp heard 'considerable fire'.¹⁹³ The shots sounded like rifle and automatic gunfire coming from the forest.¹⁹⁴ About half an hour later WOPC Hussein's patrol returned, carrying bows, arrows, pangas, spears and severed African hands. He reported the soldiers had shot dead a group of Africans in the forest who failed to halt when challenged; the hands were for identification purposes.¹⁹⁵ The Chuka massacre was at an end. Including the two guides, twenty-two men lay dead in the forest and one dead in the Reserve. Special Branch reported the incident as having resulted in 'a complete disintegration of the Meru Guard in the Southern part of the district'.¹⁹⁶

¹⁸⁷ TNA, WO 32/16103: Signed statement of Cpl. Killis s/o Kiyundu, 'B' Company, 5 KAR, 13 August 1953.

¹⁸⁸ TNA, WO 32/16103: Medical Report, Chojina, 26 June 1953, signed Clive Irvine.

¹⁸⁹ TNA, WO 32/16103: Signed statement of Nthiri s/o Muruina Mwangi, 26 July 1953.

¹⁹⁰ TNA, WO 32/16103: Signed statement of Cpl. Killis s/o Kiyundu, 'B' Company, 5 KAR, 13 August 1953.

¹⁹¹ TNA, WO 32/16103: Signed statement of Daudi s/o Maringa, 25 July 1953.

¹⁹² TNA, WO 32/16103: Statement of Cpl. Cheserch s/o Kipobo, 'B' Company 5 KAR, 13 August 1953.

¹⁹³ TNA, WO 32/16103: Signed statement of Kanambiu s/o M'Rugamba, 24 July 1953; TNA, WO 32/16103: Witness for the Prosecution 2/Lt. D. Innes-Walker (425231) Royal Warwicks attached 7 KAR [sic], no date.

¹⁹⁴ TNA, WO 32/16103: Statement of Cpl. Cheserch s/o Kipobo, 'B' Company 5 KAR, 13 August 1953.

¹⁹⁵ TNA, WO 32/16103: Witness for the Prosecution 2/Lt. D. Innes-Walker (425231) Royal Warwicks attached 7 KAR [sic], no date.

¹⁹⁶ TNA, CO 822/373: SBFIS 7/53, 30 June 1953. Interestingly, the next fortnight's report, 8/53, was at pains to highlight a rapid recovery in morale and popular support for the security forces.

'B' Company's behaviour in context

Describing these horrific events helps understand both the specific causes of 'B' Company's behaviour, and their relationship with the campaign as a whole in the early period.

In his 1976 study, Anthony Clayton labelled Griffiths 'an embittered, passed-over officer'.¹⁹⁷ In a book about the British Army officer corps, he described Griffiths's actions as 'the excesses of one mentally unbalanced officer'.¹⁹⁸ The moral condemnation is absolutely warranted. The desire to think that only deranged individuals, people unlike us, can commit atrocious acts, is instinctively appealing. Unfortunately, the idea is rejected by research in social psychology.¹⁹⁹ In 1953 GHQ brought in a 'specialist psychiatrist' to examine Griffiths before his court-martial. Papers from the assessment survive. The specialist found Griffiths 'to be not a normal man', a view supposedly supported by his having been 'invalided home during the war as a Psycho-neurotic'.²⁰⁰ This hardly condemns him for being a deranged homicidal maniac, especially given the incidence of combat fatigue during the Second World War. The British Army in the Second World War consistently suffered psychiatric battle casualties at the rate of 10–20 per cent of all casualties. At least 40,000 men were discharged from the army for mental disorders.²⁰¹

Griffiths's battle stress, hardly unusual, should not be equated with long-term psychosis. If he were deranged, this could have been raised in his defence, as courts-martial were entitled to find a defendant 'guilty but insane'.²⁰² In neither of his two courts-martial did the defence team mention such arguments. The notion that Griffiths was insane reflects *ex post facto* disgust with his behaviour rather than providing an explanation of events. Designating someone sick ultimately denies him any responsibility for his actions; Griffiths never denied his responsibility.²⁰³ An alternative explanation for events in mid-June 1953 comes from Branch's analysis. Branch suggests that Chief Petro's failure to supply the soldiers with as much food as they

¹⁹⁷ Clayton, *Counter-Insurgency in Kenya*, 41.

¹⁹⁸ A. Clayton, *The British Officer: Leading the Army from 1660 to the Present* (Harlow: Pearson Education, 2006), 194.

¹⁹⁹ Waller, *Becoming Evil*, 87; P. Zimbardo, *The Lucifer Effect: How Good People Turn Evil* (London: Rider, 2009), 3–22.

²⁰⁰ TNA, WO 32/21722: Telegram from Governor's Deputy (Crawford) to Baring (in London), 1 December 1953.

²⁰¹ B. Shephard, *A War of Nerves: Soldiers and Psychiatrists 1914–1994* (London: Pimlico, 2002), 325–6, 328.

²⁰² See the list of cases in TNA, WO 93/54. ²⁰³ Shephard, *War of Nerves*, 369.

wanted provoked the massacre.²⁰⁴ But Petro did supply food to the KAR, cooperating closely with them alongside the local administration officials. Several witnesses recount the askaris stealing extra food without remonstrance from their victims. The killings took place a time after the thefts. Any causal connection between the two seems fairly trivial.

What then caused the killings? Clearly Major Griffiths played a central part, most certainly in the shooting of the forestry workers. Rather than his mental health, his settler background, desire for revenge and racism towards the Kikuyu better explain his behaviour. Under cross-examination at the second trial, Griffiths admitted that he thought the Mau Mau were 'loathsome creatures'.²⁰⁵ Other witnesses mentioned nothing about it, but he thought the two guides tortured and murdered a few days later 'hard-core'.²⁰⁶ According to Innes-Walker, before the patrols in the forest started, his commander told the whole company that the men should kill Kikuyu (not Mau Mau). Griffiths apparently expanded:

if any Kikuyu was killed by a member of the company and that person was employed either by the Government or by a civilian firm that a panga could always be put in their dead hand. If the Kikuyu killed happened to be Home Guard then their armband if worn must be removed.²⁰⁷

General McLean's public report downplayed claims about competition between units in Kenya. However, McLean limited his inquiries to events after General Erskine arrived in June 1953. Competition played an important role in 5 KAR and other units in the early phase of the Emergency. CSM Llewellyn testified that a 'great rivalry' existed, with his unit encouraged to beat 23 KAR's record of over a hundred kills.²⁰⁸ Griffiths himself admitted giving soldiers 5s 5d, in contrast to others who offered a 5s reward for kills. He thought the practice perfectly normal.²⁰⁹ Innes-Walker recalled how these incentives were always for 'Kikuyu kills' and not 'Mau Mau kills'. On two occasions askaris received money in his presence; nobody ever questioned who the victims were.²¹⁰

²⁰⁴ Branch, *From Home Guard to Mau Mau*, 7, 9; Branch, 'Loyalism during the Mau Mau Rebellion', 122.

²⁰⁵ TNA, WO 71/1221: Second Trial of Captain Griffiths, 4–11 March 1954, fourth day, 32.

²⁰⁶ *Ibid.*, 21.

²⁰⁷ TNA, WO 32/16103: Witness for the Prosecution 2/Lt. D. Innes-Walker (425231) Royal Warwicks attached 7 KAR [*sic*], no date.

²⁰⁸ TNA, WO 71/1218: Proceedings of the General Court Martial of G. S. L. Griffiths, for murder, 25–27 November 1953, 48–9.

²⁰⁹ *Ibid.*, 94.

²¹⁰ TNA, WO 32/16103: Witness for the Prosecution 2/Lt. D. Innes-Walker (425231) Royal Warwicks attached 7 KAR [*sic*], no date.

Several askaris remembered the company commander paying out rewards to those who presented him with severed hands, and that rewards were not made for taking prisoners.²¹¹ Griffiths certainly boosted the competitive, indiscriminate killing culture, but other officers participated too.

From the evidence available, Innes-Walker and Howard at the least failed to challenge their superior's illegal actions, as military law required. The officer who questioned Innes-Walker suspected him of conspiring with Howard in collecting victims from the Reserve.²¹² This seems likely as both Hussein and Howard entered the Reserve against orders when the positions were well demarcated with the Home Guard and administration beforehand.²¹³ Furthermore, Innes-Walker failed to inspect the bodies of the men killed on 18 June, while Griffiths took no action against Segat for mutilating a prisoner – and even placed him in charge of another prisoner afterwards.²¹⁴ No disciplinary action was taken over the alleged rapes either. The battalion's CO, Lieutenant-Colonel Evans, heard about the mutilation by 'rumour', but failed to investigate.²¹⁵

The evidence suggests a general disdain for Kikuyu life, a keen competitive spirit encouraging kills and a culture of impunity within the unit. That this differed from a breakdown in command and control is illustrated by the officers' attitude towards theft during the latter operation. Several witnesses talk about how the 'tall thin officer' (one of the two subalterns) ordered askaris near the teacher's house to throw away maize they had stolen.²¹⁶ In the specific case of the two guides, the most straightforward explanation is that the men were killed because they witnessed the soldiers committing crimes.²¹⁷

²¹¹ TNA, WO 32/16103: Signed statement of Cpl. Killis s/o Kiyundu, 'B' Company, 5 KAR, 13 August 1953; TNA: WO 32/16103: Statement of Cpl. Cheserch s/o Kipobo, 'B' Company 5 KAR, 13 August 1953; TNA: WO 32/16103: Signed statement of CSM T. Kilgallon, 'B' Company, 5 KAR, 1 August 1953.

²¹² TNA, WO 32/16103: Witness for the Prosecution 2/Lt. D. Innes-Walker (425231) Royal Warwicks attached 7 KAR [*sic*], no date.

²¹³ *Ibid.*; Branch, *From Home Guard to Mau Mau*, 6.

²¹⁴ TNA, WO 32/16103: Witness for the Prosecution 2/Lt. D. Innes-Walker (425231) Royal Warwicks attached 7 KAR [*sic*], no date; TNA: WO 71/1221: Second Trial of Captain Griffiths, 4–11 March 1954, fourth day, 27, 58; TNA, WO 71/1221: Second Trial of Captain Griffiths, 4–11 March 1954, fifth day, 29.

²¹⁵ TNA, WO 71/1221: Second Trial of Captain Griffiths, 4–11 March 1954, second day, 25.

²¹⁶ TNA, WO 32/16103: Signed statement of Daudi s/o Maringa, 25 July 1953; TNA, WO 32/16103: Signed statement of Rueria s/o Samuel Ngeru, no date; TNA, WO 32/16103: Signed statement of Nthiri s/o Muruina Mwangi, 26 July 1953.

²¹⁷ TNA, WO 32/16103: Witness for the Prosecution 2/Lt. D. Innes-Walker (425231) Royal Warwicks attached 7 KAR [*sic*], no date.

When Erskine discovered the Chuka massacre, he considered the prime cause to be a 'spirit of competition'.²¹⁸ The behaviour of 5 KAR should be seen in the context of the widespread beatings, torture and murder practised by security forces – including the army – in the opening phase of the Emergency. In the early months, the government prioritised coercing the civilian population through fear. Even after Hinde took over, the stick came first, with the carrot of a good life for the Kikuyu promised only after law and order were restored.²¹⁹ Erskine's arrival did not change everything. Troops were deployed in Kiambu district in late 1953, for example, 'with the max possible punitive effect'.²²⁰ Rather than 5 KAR's experiences constituting a rare breakdown in discipline, they reflected an unofficial, widespread policy of brutality. As Erskine recognised:

I do not consider Griffiths case was exceptional before my appointment. That is why I issued my directive. I consider such conduct now would be exceptional and it is well recognized in that it would be punished.²²¹

A problem for the argument made throughout this book, that the army participated in widescale killings of civilians short of genocide, is the lack of statistical evidence. Of course the army would hardly wish to keep records of those killed illegally. However, demographer John Blacker helps support the argument in addition to the qualitative evidence presented in this chapter. Based on a detailed statistical analysis of the census data from before and after the Emergency, Blacker concludes that a further 11,500 'excess deaths' were previously unaccounted for. The total figure of 24,000 is a 'best guess' of adult deaths. It is imprecise because of the nature of the available data, but probably the closest to a true figure possible.²²² The figure supports the argument that killings were widespread yet short of genocide.

Setting the pattern? Indiscriminate violence in the opening months

Atrocities were widespread in the first few months, with the aim of terrorising the population into supporting the government rather than

²¹⁸ TNA, WO 32/21722: Telegram from GHQ East Africa to War Office, 30 November 1953.

²¹⁹ TNA, WO 276/411: Appreciation of the Situation, by Major-General Hinde, 5 March 1953.

²²⁰ TNA, WO 276/202: GHQ East Africa Operational Instruction no. 8, 30 October 1953.

²²¹ TNA, WO 32/21722: Telegram from C-in-C East Africa to Secretary of State for War, no date, c. late November 1953.

²²² J. Blacker, 'The Demography of Mau Mau: Fertility and Mortality in Kenya in the 1950s: A Demographer's Viewpoint', *African Affairs*, 106 (2007), 205–27. Thanks to Professor David Anderson for bringing this article to my attention.

the Mau Mau. Beatings, torture, murder, collaboration with vigilantes and mass evictions were indiscriminate, exemplary policies which targeted civilians. They were pursued not only to terrorise, but also to gather intelligence and to protect the white minority. These activities were more widespread than is normally allowed for, and the army played a central role. The conventional explanation that there were problems with the command and control system is only partially correct, and should not be conflated with a general breakdown in discipline, which was avoided. Soldiers who got into drunken fights with their comrades were punished; soldiers who thrust violence on Kikuyu, Embu and Meru civilians were less likely to face the consequences.

The weak command and control system suited those directing the campaign, who were happy to turn a blind eye to the increasing evidence that the army was acting with little regard to the tenet of minimum force. Looking at the experience of one particular unit, 'B' Company, 5 KAR, revealing new evidence on the events at Chuka in June 1953, helps explain conduct in Kenya. Racism, competition for kills and ignorance about the legal duty to stop criminal acts played a role, in addition to the intelligence-gathering and terrorisation purposes described before. There is strong evidence to suggest that 'B' Company was not unique. General Erskine's admission that the army was engaged in widespread beatings and shootings, and the demographic evidence suggesting around 11,500 excess killings of the total of 24,000, force us to further question the centrality of minimum force in Kenya. Before Erskine's arrival, soldiers were allowed to brutalise civilians with impunity. The military and civilian leaderships systemically allowed brutality because they thought it would bring the government success in crushing the rebellion. In the next chapter, we explore whether General Erskine managed to reform the system, or whether it gradually corrupted his initial desire for change.

8 'Severe repressive measures': the army under Erskine

The Kikuyu tribe, as a whole, has been subjected to severe repressive measures. *Intelligence summary, December 1953*¹

When General Erskine arrived in Kenya he genuinely wanted to improve the security forces' treatment of Kikuyu civilians. Throughout his first six months in the country he struggled to comprehend the extent of the war's brutality, and then to control it. Receiving scant support from the Governor, direct opposition from the settlers and mixed signals from his own troops, he compromised. By January 1954 General Erskine appeared to accept his inability to impose tight discipline on all the forces under his command. There were two fundamental reasons for this. By the time Erskine arrived in the country, the pattern of violence was set. All the major players in the conflict had already decided how to conduct themselves in this bitter fight. They were damned if a British general was going to change that. So Erskine entered into an implicit bargain with the security forces: he would only punish the very worst offenders against his moral code.

General Erskine entered this deal because his strategy for defeating the Mau Mau left him no other option. Although military strategy evolved in several respects, such as the growing use of special forces, the core tenet remained in place from start to finish. The army in Kenya aimed to defeat the rebellion by repressing those elements of the Kikuyu population perceived to be disloyal. Policies such as collective punishment, villagisation and mass detention, and coercive interrogations were considered strategically vital. When soldiers abused and killed civilians in efforts to enact those policies, their commanding officers could hardly punish them for doing so. Soldiers warned their officers that if discipline became too tight, they would effectively stop fighting. In other words, the army negotiated flexible discipline in order to wage a punitive war against a whole people.

¹ TNA, CO 822/378: KICFA 18/53, 1 December 1953.

Investigating military misconduct

Erskine discovered in Kenya that discipline was a negotiated outcome, not a simple matter of hierarchically imposed diktats.² There were severe limitations to the investigations launched into the army's misconduct. As these investigations dragged on, Erskine came to the view that military discipline should be applied selectively, ignoring numerous allegations. The directives and orders issued by Erskine on conduct, analysed in earlier chapters, have led scholars to conclude that he was 'committed to the investigation of all allegations of brutality by the Security Forces', while any failings of punishment were the fault of the courts.³ Others have seen Erskine's desire to impose discipline as indicative of a wider trend in Britain's post-war counter-insurgencies, where authorities did not shy away from prosecuting criminals.⁴ These views have been convincing because the evidence on military misconduct has been obscured by official secrecy until quite recently. Newly available evidence allows us to understand discipline as a dialogue between commander and troops, one where punishments imposed are contextualised against acts which go unpunished. As stressed in [chapter 5](#), the army preferred informal, summary justice administered quickly by a battalion's own officers, rather than full formal court-martial proceedings. A hidden history of verbal reprimands and minor punishments within all the battalions in Kenya cannot yet be written.⁵ This chapter argues these informal methods failed to stop abuses against civilians.

As Kaushik Roy has demonstrated in relation to the British Indian Army in the late nineteenth century, lenient military justice can be deemed essential when mutiny is a possibility.⁶ General Erskine heard soldiers protesting against his push for greater humanity in Kenya, and stopped tightening discipline before disgruntlement turned into mutiny

² L. V. Smith, *Between Mutiny and Obedience: The Case of the French Fifth Infantry Division during World War I* (Princeton University Press, 1994), 3–19. For a study of officer–man relations in the British Army during the First World War, see G. D. Sheffield, *Leadership in the Trenches: Officer–Man Relations, Morale and Discipline in the British Army in the Era of the First World War* (Basingstoke: Macmillan, 2000).

³ Heather, 'Counterinsurgency and Intelligence', 139.

⁴ G. R. Rubin, 'Courts Martial from Bad Nenndorf (1948) to Osnabrück (2005)', *RUSI Journal*, 150 (2005), 53.

⁵ On discipline within battalions, see G. A. Stepler, 'British Military Law, Discipline, and the Conduct of Regimental Courts Martial in the Later Eighteenth Century', *English Historical Review*, 102 (1987), 859–86.

⁶ K. Roy, 'Coercion through Leniency: British Manipulation of the Courts-Martial System in the Post-Mutiny Indian Army, 1859–1913', *Journal of Military History*, 65 (2001), 937–64.

or a refusal to kill. Militaries abhor the word mutiny. Rose calls the idea 'a negation of the military essence'. Consequently the word is absent from the archival record, as its utterance would have tarnished any officer. But the threat lingered in the 'negotiating repertoire' of soldiers communicating to higher commanders.⁷ In North Africa in 1942–3 the British Army used courts-martial to impose harsh discipline when commanders worried about crumbling morale.⁸ In the Kenya Emergency commanders thought morale generally strong, and did not want to damage it by imposing tough discipline.

Unravelling events in 5 KAR

The nature of military justice in the Emergency soon became evident after the Chuka massacre. On the last day of the massacre, a DO in Meru, W. B. Raynor, reported to his superior, stating that fifteen Home Guards had been killed by 5 KAR, and that he might have to hold a post-mortem.⁹ The local chiefs insisted that the authorities investigate. Chief Petro visited the massacre site with his headman, Home Guards and tribal police, finding the bodies of the ten men killed the day before. The bodies lay about 100 yards from the deserted forest camp.¹⁰ DO Collins suspected a massacre even before the KAR operation finished, but prevented Petro investigating until 'B' Company had completed its mission.

Visiting Chuka, Chief Karawa also urged Collins to find out what had happened. The next morning Collins saw eleven bodies for himself, identified as Home Guard members by the tribal policemen accompanying him. That afternoon, Collins reported to his superior, the DC for Meru.¹¹ The Kenya police were called in, and Assistant Inspector Dennis Prior went with Chief Karawa's men to see ten bodies in the forest. The hands of six of them had been completely severed. He found a single body near the remains of a recently used campsite, and another in the Reserve. On 21 June, Prior, 'numerous African civilians', two policemen and Dr Clive Irvine visited the scene to identify, examine and bury

⁷ E. Rose, 'The Anatomy of Mutiny', *Armed Forces and Society*, 8 (1982), 563, 573.

⁸ M. Connelly and W. Miller, 'British Courts Martial in North Africa, 1940–3', *Twentieth Century British History*, 15 (2004), 217–42.

⁹ KNA, DC/MRU/2/11/98: Letter from W. B. G. Raynor, DO, Meru to A. C. Small, DC, Meru, 18 June 1953. Data kindly provided by Dr Daniel Branch.

¹⁰ TNA, WO 32/16103: Signed statement of Daudi s/o Maringa, 25 July 1953; KNA, DC/MRU/2/11/98: Statement of Chief Petro Njeru, 21 June 1953. Data kindly provided by Dr Daniel Branch.

¹¹ KNA, DC/MRU/2/11/98: Statement by D. T. Collins, DO (Meru Guard), 22 June 1953. Data kindly provided by Dr Daniel Branch.

the bodies.¹² Dr Irvine concluded that twelve men had been killed by rifle bullets a few days previously: ten in the forest, a man by the empty campsite, and Bore by a coffee shamba in the Reserve. Later in the day Irvine inspected another ten bodies at a different spot in the forest, some with gunshot wounds but most displaying bayonet wounds in the back. The local civilians and the police with him identified the victims.¹³

These investigations forced the military to abandon Evans's *laissez-faire* approach to overseeing the company. On 22 June a military court of inquiry began sitting at Embu. It was probably convened at brigade level because the presiding officer, Lieutenant-Colonel Collins, came from another battalion within 70 Brigade, 7 KAR. Major Rawkins from 23 KAR also sat on the inquiry. A few days later Lieutenant-Colonel Collins informed the administration that 'the court would be adjourned and re-constituted at a later date'.¹⁴ If the court produced any report it does not survive in the archives. This may reflect its shortcomings, revealed when Innes-Walker admitted lying about leading Hussein's patrol when it opened fire in the forest. Griffiths told him to 'concoct a feasible story that would help to clear HUSSEIN [sic] and his men', and Innes-Walker similarly coached the WOPC and his men in what to tell the court of inquiry.¹⁵

The civilian authorities halted their investigation as the military police's SIB slowly collected evidence. Meanwhile, the authorities wished to draw a line under the affair by paying compensation to the victims' relatives, representing an official admission that the victims were innocent. On 14 July General Erskine wrote to the Chief Native Commissioner:

I have held a Court of Inquiry and investigations have completely satisfied me that whoever is to blame, it is not any of the persons killed, even though they were not in possession of the usual Home Guard arm bands and certificates at the time of the killings.¹⁶

Major-General Hinde's DDOps Committee considered a suggestion of paying £30 to each family 'quite inadequate nowadays'. Instead, £100 was deemed more appropriate, a sum eventually increased to £125 on

¹² TNA, WO 32/16103: Signed statement of Asst. Insp. Dennis Edward Prior, Kenya Police Force, Meru, 23 July 1953.

¹³ TNA, WO 32/16103: Medical Report, Chojina, signed Clive Irvine, 26 June 1953.

¹⁴ TNA, WO 32/16103: Signed statement of Roger Aubone Wilkinson, DC, Embu, 20 September 1953; TNA: WO 32/16103: Signed statement by Major N. F. Rawkins, 23 KAR, 2 November 1953. Collins commanded 7 KAR from 1 June to 27 July 1953. See TNA, WO 32/21721: McLean Court of Inquiry Exhibit 2, List of Comds wef 1 Jun.

¹⁵ TNA, WO 32/16103: Witness for the Prosecution 2/Lt. D. Innes-Walker (425231) Royal Warwicks attached 7 KAR [sic], no date.

¹⁶ KNA, DC/MRU/2/11/98: Letter from General Erskine to B. H. Windley, Chief Native Commissioner, 14 July 1953. Data kindly provided by Dr Daniel Branch.

21 July. In addition East Africa Command decided to increase the scale of officers in KAR battalions to two per platoon.¹⁷ The administration advocated these payments as 'blood money ... prescribed by Meru tribal custom'. The matter should be resolved rapidly to reverse the 'disastrous effect which these killings have had amongst our supporters in the Meru District'.¹⁸ DC A. C. Small finally paid out the compensation at a baraza in Chuka on 12 August.¹⁹ In today's prices, the £125 paid equals about £2,337.²⁰

The first court of inquiry was ineffective. Aside from letting Innes-Walker commit perjury, Erskine had to replace the officers responsible: the brigade commander, Lieutenant-Colonel Evans, and 5 KAR's second-in-command, Major Day.²¹ Erskine's ability to prosecute those responsible for Chuka was impeded by personnel shortages. In early July he requested more men to support the sole legal officer in Kenya, the overworked Major J. C. Robertson.²² The War Office sent only Lieutenant-Colonel R. H. Cowell-Parker in the short term, although the SIB received reinforcements by the year's end, the precise extent of which is unknown.²³ The SIB started interviewing witnesses in late July.²⁴ Sergeant Barton took statements from African witnesses, and CSM Hateley also participated in the investigations. In August the SIB interviewed 'B' Company's askaris, under close arrest in Nairobi's Buller Camp.²⁵ Cowell-Parker later revealed irregularities in CSM Hateley's questioning technique,

¹⁷ ODRP, W. R. Hinde, MSS Afr.s.1580. Vol. IV: Director of Operations Committee Minutes, Meetings of DDOps. Cttee, 16 July 1953 and 21 July 1953.

¹⁸ KNA, DC/MRU/2/11/98: Letter from Acting Chief Native Commissioner to Secretary of Treasury Compensation Committee, 17 July 1953. Data kindly provided by Dr Daniel Branch.

¹⁹ KNA, DC/MRU/2/11/98: Statement of Payment of Compensation to Relatives of Meru Guard Killed by Security Forces at Chuka on 17th and 18th June, 1953, signed A. C. Small. Data kindly provided by Dr Daniel Branch.

²⁰ This figure was kindly calculated by S. J. Bennett using the following sources: Office of National Statistics, 'Retail Prices Index: Long Run Series' in *Economic Trends* 604 (London: ONS, 2004), 46; Office of National Statistics, *Labour Market Trends* 114/3 (London: ONS, 2006), Table J11. This figure does not account for the greater purchasing power in Kenya compared to Britain.

²¹ IWMSA, M. C. Hastings, 10453/6; P. H. W. Brind, 10089/2; S. Maclachlan, 10010/3.

²² TNA, WO 32/15556: Telegram from Erskine to VCIGS, 6 July 1953.

²³ TNA, WO 32/15556: Telegram from VCIGS to Erskine, 8 July 1953.

²⁴ TNA, WO 32/16103: Statement of Nkwane w/o Mutoware, 24 July 1953; Statement of Moranga s/o Wombongu, 25 July 1953; Signed statement of Daudi s/o Maringa, 25 July 1953; Signed statement of Nthiri s/o Muruina Mwangi, 26 July 1953; Signed statement of Sarastino M'Chabari s/o Mukapo, 27 July 1953; TNA, CO 822/378: Telegram from Baring to Secretary of State for the Colonies, 31 July 1953.

²⁵ TNA, WO 32/16103: Signed statement of Njoka s/o M'Rosa, 27 July 1953; Signed statement of Cpl. Killis s/o Kiyundu, 'B' Company, 5 KAR, 13 August 1953; Statement of Cpl. Cheserch s/o Kipobo, 'B' Company, 5 KAR, 13 August 1953.

when he refused to write down certain things said by Hussein, such as Howard's threat to 'make trouble' if he mentioned that either of the subalterns were involved in the shootings.²⁶ Erskine's early attempts to impose tighter discipline were obstructed by officers in 5 KAR and perhaps even the brigade commander, and frustrated by overstretched investigators who were reluctant to record all the evidence about crimes committed by officers.

Sergeant Allen: 'doing my duty'

Investigations into allegations against Sergeant Jeremy Allen from the Kenya Regiment, accused of murder, illustrate how Erskine's determination to see Major Griffiths behind bars was an exception. At first the incident may have escaped Erskine's notice because he only informed London on 12 September that a summary of evidence was being taken. Sergeant Allen, Corporal Kibiwot and Lance-Corporal Lakurian were suspected of murdering two Kikuyu on 18 April.²⁷ During April, barrister Peter Evans took witness statements from those who observed the killings. Evans was extremely unpopular among officialdom for his role in defending Jomo Kenyatta at his trial. The Kenya government deported him on 16 June for working without a permit.²⁸ Before his departure, he passed on his concerns to the Kiambu police, who investigated in May and June.²⁹

In 1953 Jeremy Allen, a 22-year-old dry cleaner, had two years' experience in the Kenya Regiment and training up to platoon commander level. He served on secondment to 23 KAR, running his own Kikuyu informer network.³⁰ On 17 April he and his askaris, acting on informer intelligence, arrested four men in the Ndeiya location. The local Home Guard unit brought him a fifth man later that evening. The prisoners spent the night in a corrugated iron shack in his camp, next to the Kikuyu police station. On the morning of 18 April Allen, the askaris and the five prisoners drove around the area in his truck, making inquiries. Allen wanted to obtain incriminating information about his

²⁶ TNA, WO 32/16103: Note by Lt.-Col. R. H. Cowell-Parker, ADALS, 23 December 1953.

²⁷ TNA, DO 35/5357: Letter from F. A. K. Harrison, Commonwealth Relations Office to V. C. Martin, Office of the High Commissioner for the United Kingdom, New Delhi, 26 September 1953.

²⁸ 'British barrister deported', *The Times*, 17 June 1953, 6.

²⁹ Bennett witness statement 2, citing Hanslope document CO 968/424: Summary of evidence concerning the Sergeant Allen case (hereafter Sergeant Allen summary).

³⁰ *Ibid.*

prisoners which might be used in their interrogation. After stopping off in several places, the truck halted in the countryside on the road from Nachu to Gicheru. The interrogations began. Allen checked the prisoners' identities then found, as was common in his experience, a reluctance to give information in front of others. So he sent one prisoner off with his corporal into the bush to be interrogated, the remainder staying in the vehicle. Allen recounted how:

Very shortly after the Corporal had left with this man, I heard firing and the Corporal came back to tell me that the prisoner had started running away, in an effort to escape, and that he had had to shoot him. I went into the bush, to find that the said man was in fact dead.³¹

Allen and the corporal went back to the truck. Allen interrogated the prisoner given to him by the Home Guard, who seemed ready to talk, so Allen sent him off with the corporal. This time the corporal was warned to shoot near the man if he tried to escape, to give a warning shot before aiming to kill. Allen selected Chege Kahembi to take into the bush for questioning himself. Shortly after, he heard a shot from the corporal's direction, and then turned to see Chege making a dash into the bush. Allen called on Chege to halt, and when he carried on running, shot him dead. Allen claimed that an askari fired simultaneously, so they could not be sure who killed Chege. The corporal fired at the man's feet when he 'had shown signs of escaping'. Allen then decided they should leave.³² He reported the shootings to his battalion that night, and the surviving three prisoners were released a day or two later.³³

In many respects the witness statements confirmed this account. The most significant witness was Mwangi son of Mbari, the prisoner who survived the warning shot. He recalled events along similar lines, except that he implicated Allen in both shootings. Mwangi said that Allen and three askaris took the first prisoner, Kimani, into the bush and shot him. Allen then ordered him out of the truck, to begin his questioning: 'The accused said that all Kikuyu were Mau Mau and if I did not admit that I was a member that he would kill me.' Having been taken into the bush, the corporal fired a shot near his feet, then taking Chege some distance away, ordered him to watch what would happen. Mwangi saw Allen, the corporal and perhaps the Lance-Corporal shoot Chege dead. According to his version, 'At no time before he was shot did Chege attempt to escape.'³⁴

These events happened in April 1953, before Erskine's arrival, in the period when shootings were widespread. Indeed, a statement provided by the DO of Chura division, John Cumber, elucidates just how

³¹ *Ibid.* ³² *Ibid.* ³³ *Ibid.*, exhibit E. ³⁴ *Ibid.*, 2–3.

unexceptional the killings of Kimani and Chege were in the early phase. Cumber attempted to justify the case by arguing that the shootings took place in a Special Area, allowing the killing of suspects who attempted to escape. Tellingly, he boasted how 'I know that there was general rejoicing among the loyal Kikuyu at the decease of Chege and Kimani. I have shot men in similar circumstances myself and have been considered to have done my duty.'³⁵ Cumber's statement is important not only for what it reveals about violence in the early phase. The inquiries into the shootings arose under Erskine's tenure in command. Alongside the Chuka massacre and the Griffiths court-martial, the incident revealed to General Erskine a disciplinary situation beyond his expectations. How the inquiries were handled portrays in essence the army's attitude towards abuses of civilians. The evidence suggests a growing desire to swat allegations away.

Peter Evans took his witness statements to the Kiambu police in early May. Inspector R. S. Wilkinson led the investigation, taking witness statements and examining the crime scene.³⁶ An inquest held by the Kiambu magistrate on 14 August called for the case to be heard in court.³⁷ The army and the Kenyan Attorney-General considered the matter, and decided that the army held jurisdiction because Allen was on active service when the offence occurred, and thus subject to the Army Act.³⁸ Exactly when the SIB began their work is unclear, as none of their records on the case are available. They may have left the investigation entirely to the police.

The summary of evidence hearing took place in Nairobi on 11, 17, 18 and 19 September 1953, overseen by ADALS Lieutenant-Colonel R. H. Cowell-Parker.³⁹ Most time was spent on questioning a single witness, Mwangi. He gave a statement and was asked 227 questions by Mr W. J. Parry, the accused's counsel. Curiously, the prosecution counsel declined to ask him a single question. Parry challenged several aspects of Mwangi's account, but focused intensely on the distance between him and Chege when the latter was shot dead. There were discrepancies in Mwangi's three statements on this point, yet the hearing ignored the fact that the witness feared for his life at the time, and was without a tape measure.⁴⁰ Allen directly disputed Mwangi's evidence:

³⁵ *Ibid.*, 36. ³⁶ *Ibid.*, 28–30.

³⁷ TNA, DO 35/5357: Letter from F. A. K. Harrison, Commonwealth Relations Office to V. C. Martin, Office of the High Commissioner for the United Kingdom, New Delhi, 26 September 1953.

³⁸ Bennett witness statement 2, citing Hanslope document CO 968/424: Letter from [illegible], War Office, to P. Rogers, Colonial Office, 12 September 1953.

³⁹ Sergeant Allen summary. ⁴⁰ *Ibid.*

I say Mwangi is deliberately lying when he said in his evidence in this Summary of Evidence that he saw Chege shot. From the spot where I first sat Chege down I could just see the figures of Mwangi and the Corporal Askari through the foliage. I was not present when Kimani was shot . . . My interrogation methods that day had previously proved successful. I have had no previous cases of attempted escape. This area was a Special Area. I knew that I was required in such an area, after all other means had failed, to shoot to kill.⁴¹

The two askari NCOs gave statements supporting this version. Neither the askaris nor Sergeant Allen himself were subjected to cross-examination.⁴² That the three accused persons were exempted from questioning, when the hearing gave Allen's lawyer 227 chances to discredit Mwangi, says a great deal about the quality of military justice in Kenya. Other evidence which may have weighed against Allen was missed by the investigation. Statements were never taken from the remaining askaris accompanying Allen, a passing Indian lorry driver and a passing government veterinary officer. At the summary hearing itself, Cowell-Parker deliberately prevented nine persons who had given witness statements from giving oral evidence and being cross-examined. He excluded them because the accused did not want them there, and because they could not be brought 'by reason of the loss of time involved'. These people included witnesses who supported Mwangi's statement.⁴³

On 21 September GHQ issued a statement on the Allen case. Having read the proceedings and witness statements, Erskine decided that part of the evidence was false. He accepted Allen's explanations. GHQ's statement concluded: 'Sergeant Allen was doing his duty and the investigation leaves no stain on his character.'⁴⁴ Allen's defence rested on three core claims. First, his successful anti-Mau Mau activities in the Ndeiya location made him many enemies among the local Kikuyu. By implication, all the Kikuyu witnesses were conspiring to smear him.⁴⁵ Secondly, Allen argued that he killed Chege within the rules of engagement. Chege was a known Mau Mau ring-leader, running away in a Special Area.⁴⁶ The implication for Erskine to ponder here was that if a soldier could not kill in these circumstances, the whole military campaign in Kenya became impossible. Thirdly, Allen claimed that his own self-interest would have been served by killing Mwangi too. In allowing an eye-witness to live, he could not therefore have done anything wrong.⁴⁷ This precluded alternative reasons: pure error, or the desire to instil fear into

⁴¹ *Ibid.*, 31. ⁴² *Ibid.*, 33–4. ⁴³ *Ibid.*, 30a.

⁴⁴ 'Murder charge dismissed: Kenya allegations disproved', *The Times*, 22 September 1953, 6.

⁴⁵ Sergeant Allen summary, exhibit E. ⁴⁶ *Ibid.*, exhibit D. ⁴⁷ *Ibid.*, exhibit D.

Mwangi, who would then divulge information and spread fear of the army in the area by talking about the episode.

Of course, these are all hypothetical explanations. As Peter Evans later pointed out, a summary hearing is only supposed to allow the Commander-in-Chief to decide whether there is a *prima facie* case. If there is enough evidence, the officer must commit the case for trial by court-martial. The officer is not supposed to weigh the evidence. Yet this is precisely what General Erskine did.⁴⁸ Without question, the witness statements contain contradictions. Whether some of the evidence was false should not have tarnished all the evidence as such. The summary hearing received a witness statement from Miss Katherine Hurst, a barrister at Crichton Chambers, Nairobi. She claimed that Peter Evans told her in early May of his intention to use faked statements to get a European hanged. She also said, in corroboration, that 'It is within my knowledge that Evans was anti-British and anti-British security forces in Kenya.'⁴⁹ Miss Hurst never thought to bring the confession to anyone's attention until the summary proceedings had begun.

Knowing whether Evans really tried to frame Sergeant Allen or whether Miss Hurst was lying would have required them to be cross-examined in court. By this time Evans had been deported, much to the Kenya government's relief. Permitting a full court-martial meant taking an African's word as seriously as a European's, allowing an ardent critic of the government back into the country, and carefully examining the rules of engagement. General Erskine was unwilling to risk it.

Punishing Major Griffiths

Meanwhile, in mid-August Major Griffiths was transferred to the East Africa Training Centre.⁵⁰ A month later the military police held a successful identification parade of the patrol members at Langata, and interviewed additional witnesses.⁵¹ G. C. Dockeray conducted a pathology report on a victim's skull at the request of Sergeant Barton.⁵² On 26 October Griffiths was promoted to substantive major, a peculiar

⁴⁸ Evans, *Law and Disorder*, 218–19. ⁴⁹ *Ibid.*, 35.

⁵⁰ TNA, WO 32/21722: WO civil service briefing note for Secretary of State on Griffiths, signed T. L. Binney, 4 December 1953.

⁵¹ TNA, WO 32/16103: Statement of Daudi s/o Maringa, 14 September 1953; Signed statement of Rueria s/o Samuel Ngeru, 15 September 1953; Signed statement of Roger Aubone Wilkinson, DC, Embu, 20 September 1953.

⁵² TNA, WO 32/16103: Pathology report by G. C. Dockeray, Medical Research Laboratory, Nairobi, 23 September 1953.

decision given the growing understanding about his central role in the murders.⁵³ Three days before his promotion, GHQ informed the War Office that Griffiths had been placed under close arrest for murder.⁵⁴ Although inquiries initially focused upon events at Chuka, by the end of October the authorities discovered Griffiths's shooting of the forestry workers with a Bren gun.⁵⁵

Despite the months-long work by the SIB, Erskine only informed the War Office that he was holding ten askaris potentially for another court-martial 'on [a] murder charge' in late November.⁵⁶ The Kenyan authorities had already told London they would await the outcome of the Griffiths trial before deciding whether to prosecute others.⁵⁷ Ultimately none of the askaris involved nor Hussein, Innes-Walker, Howard, Day or Evans faced justice. In February 1953 Governor Baring lamented his inability to bring criminals in the security forces fully to justice because of a lack of evidence.⁵⁸ Baring lacked the investigative capacity and large body of evidence accumulated by Erskine by the end of December 1953. Erskine decided that the imposition of justice would be selective – to send a message to the troops – rather than comprehensive, punishing all rule-breakers. Court-martialing Griffiths alone would show his 'intention to stop unjustifiable methods'.⁵⁹ The conviction of an individual soldier promised to deter others from committing similar acts, but also implied Griffiths's singularity in an effort to vindicate the army as a whole and find a scapegoat. Erskine could make justice selective because the decision on whether to prosecute was not removed from the military chain of command until the creation of the independent Army Prosecuting Authority in 1997.⁶⁰ In Kenya, crimes committed by the security forces were referred to the Army Legal Services for a decision on whether to court-martial, to hand the case to the civil authorities or to dismiss it.⁶¹

⁵³ TNA, WO 32/21722: Record sheet of Griffiths's service history, no date.

⁵⁴ TNA, WO 32/21722: Telegram from GHQ East Africa to War Office, 23 October 1953.

⁵⁵ TNA, WO 32/21722: Extract from DO dated 31 October 1953 from DALs East Africa to DALs War Office.

⁵⁶ TNA, WO 32/21722: Telegram from GHQ East Africa to War Office, 30 November 1953.

⁵⁷ TNA, CO 822/378: Telegram from Deputy Governor to the Secretary of State for the Colonies, 25 November 1953.

⁵⁸ TNA, CO 822/471: Telegram from Baring to the Colonial Secretary, 11 February 1953.

⁵⁹ TNA, WO 32/21722: Telegram from C-in-C to Adjutant-General, War Office, no date (probably late November 1953).

⁶⁰ Rubin, *Murder, Mutiny and the Military*, 27.

⁶¹ Bennett witness statement 2, citing Hanslope document CAB 19/4 Vol. I: Record of the CSCCC, 31 May 1954.

Erskine was extremely annoyed when the court-martial acquitted Griffiths in late November. The verdict should never have been returned given the Army Legal Service's assessment that the evidence 'is quite clear as to which African Major Griffiths despatched', when the court found that the victim's identity was in doubt.⁶² The Deputy Governor thought the acquittal 'due to improper exclusion of evidence of identification of the body and even more improper admission of hearsay defence evidence on this point'.⁶³ This was an abnormal outcome, when around 90 per cent were found guilty in courts-martial during this period.⁶⁴ We should remember that a court-martial is composed of brother officers. Were those on the panel trying to protect Griffiths from punishment for what they regarded as acceptable behaviour? Unfortunately for the historian the court's clerks were prevented from transcribing the panel's discussion on the verdict. Erskine debated the possibility of a retrial with the Attorney-General and kept Griffiths 'on the Command' while alternative charges were explored.⁶⁵ The military proceeded taking a formal Summary of Evidence on the Chuka massacre on 3 December. Erskine realised that 'a good many members of the public' opposed the improvements in discipline being pursued by himself and the Attorney-General, and many still 'openly approve beatings and torture'. He claimed that his 'campaign for decent behaviour [was] being prosecuted relentlessly'.⁶⁶ However, the failure to punish all those implicated in Chuka already suggested that Erskine's rhetoric rang hollow.

Erskine recognised his weak position when he decided to try Griffiths for a second time on a lesser charge in January 1954. A second acquittal could seriously jeopardise his authority. Reflecting this weakness, Major Clemas in 23 KAR noted 'a distinction between the formal and the real, that it was necessary to ignore three out of four infringements of discipline and then jump on the fourth'.⁶⁷ The military authorities perhaps believed they could enforce tough discipline if only a small number of soldiers refused to obey orders.⁶⁸ The weaknesses in military prosecution reflected those in the civilian world, where the courts repeatedly took the side of the security forces. Judges cared little that confessions

⁶² TNA, WO 32/21722: Extract from DO dated 31 Oct 53 from DALs East Africa to DALs War Office.

⁶³ TNA, WO 32/21722: Telegram from Governor's Deputy (Crawford) to Baring (in London), 1 December 1953.

⁶⁴ French, *Military Identities*, 185.

⁶⁵ TNA, WO 32/21722: Telegram from C-in-C East Africa to AG, War Office, 1 December 1953.

⁶⁶ TNA, WO 32/21722: Telegram from Erskine to War Office, 3 December 1953.

⁶⁷ Cited in Clayton and Killingray, *Khaki and Blue*, 239–42.

⁶⁸ French, *Military Identities*, 200.

were produced under duress, therefore tacitly approving torture.⁶⁹ A case in point were the light sentences handed down to Keates and Ruben, from the Kenya Regiment and KPR, for beating Elijah Gideon Njeru to death: they got a collective fine of £150.⁷⁰ Erskine merely dismissed them from the forces.⁷¹ He told London that he regretted his inability to control civil cases.⁷² This misrepresented the formal position in Kenya. Shortly after arriving, Erskine and the Kenyan Attorney-General discussed how they would handle alleged crimes committed by the security forces. In theory, they were subject to both civilian and military law. They agreed that in all crimes committed by the army (including the Kenya Regiment), the normal procedure would be for a court-martial to take place.⁷³ So the suggestion that the Kenyan government prevented Erskine from reining in his own forces is false. Ruben at least only received a fine for beating a man to death because the army supported him.

Erskine understood there to be a balance in the violence needed to fight the Mau Mau. Too much violence would be 'most harmful to bringing the loyal Kikuyu to our side'. Too many restrictions on violence risked that 'many officers will go very carefully when they would be entitled to fire'. Erskine promised the VCIGS: 'Naturally I shall do my best to correct this.'⁷⁴ This short letter concisely captures the army's position in Kenya. General Erskine realised, in a way his predecessors did not, that discipline and operational policy were inseparable. The different responses to the Allen and the Griffiths cases demonstrate the flexible attitude taken by Erskine to letting soldiers use enough violence to crush the rebellion, but preventing them from committing genocide. The cost of this pragmatism was impartial justice, which became deeply politicised. And the violence against civilians was allowed to continue.

Restricting inquiries into military misconduct

General Erskine proposed a court of inquiry on 5 December.⁷⁵ Four days later the Prime Minister, Winston Churchill, informed the War

⁶⁹ Anderson, *Histories of the Hanged*, 101. ⁷⁰ Evans, *Law and Disorder*, 267.

⁷¹ TNA, CO 822/471: Telegram from Governor's Deputy to Secretary of State for the Colonies, 12 December 1953.

⁷² TNA, WO 32/21722: Telegram from Erskine to AG, General Sir Cameron Nicholson, War Office, 9 December 1953.

⁷³ Bennett witness statement 2, citing Hanslope document CO 968/424: Letter from (illegible), War Office, to P. Rogers, Colonial Office, 12 September 1953.

⁷⁴ TNA, WO 276/524: Letter from Erskine to Lieutenant-General Sir Harold Redman, VCIGS, 28 October 1953.

⁷⁵ TNA, WO 32/21722: Letter from Erskine to AG, 5 December 1953.

Office that he favoured the idea, as long as it was held in closed session, with a summary report presented to the Commons. Churchill opposed 'such wide terms of reference as "the general conduct of the army in Kenya"'. Instead, the inquiry should focus on the Griffiths case, the KAR and any other specifics thought strictly necessary.⁷⁶ Erskine confirmed that there would be no 'general enquiry'; the purpose of the 'strictly limited' court was primarily to 'clear [the] good name of [the] Army quickly'.⁷⁷ The Cabinet in London agreed three closely defined terms of reference: monetary rewards, scoreboards and competition, announcing them in the Commons on 10 December.⁷⁸ Thus the authorities missed the only opportunity to fully comprehend the extent of the widespread beatings, torture and killings taking place in Kenya in the early phase, and whether the new Commander-in-Chief had succeeded in eliminating these practices. More important was the chance to improve the military's public image, as Erskine warned London about the perils inherent in a thorough inquiry:

I strongly recommend McLean and any others should enquire on the terms of reference already signalled by me, if an enquiry on such wide terms of ref as you suggest is made it would give a completely distorted picture unless all security forces are included. It would be almost certain to lead to enquiries concerning police since many members of Army mostly Kenya Regt served with police. You realise it would bring before court the Governor who was prior to my arrival the Commander-in-Chief not only in name but in fact. I recommend a Court of Enquiry on terms already signalled as a first step and a full enquiry if HMG wish as a second step. The first by its terms will not clash with the second. HMG should consider very carefully whether the second step may not do more harm than good.⁷⁹

Consequently, Erskine received approval for limiting McLean to events after 1 June 1953.⁸⁰ The culpability of officers from the Governor down would be protected. When Labour MP Fenner Brockway created a 'minor stink' about an article in the Devons' regimental journal, mentioning cash prizes for kills, the War Office ensured that McLean questioned the battalion on the allegation. This was a minor expansion from the original terms of reference, as the Devons operated before June

⁷⁶ TNA, PREM 11/696: Telegram from Churchill to Secretary of State for War, 9 December 1953.

⁷⁷ TNA, WO 32/21722: Telegram from Erskine to AG, War Office, 9 December 1953.

⁷⁸ TNA, WO 32/21722: Telegram from Troopers to GHQ East Africa (AG to C-in-C), no date.

⁷⁹ TNA, WO 32/21722: Telegram from GHQ East Africa to War Office (Erskine to AG), 10 December 1953.

⁸⁰ TNA, WO 32/21722: Telegram from Troopers (AG) to C-in-C East Africa, no date.