

Appendix 'C'

~~(i) Express authorisation was given on 16 July 1957 for the use of overwhelming force to be used to punish recalcitrant detainees during the dilution process. Such force as was authorised included repeated beatings of detainees, on occasion to unconsciousness, and the knocking detainees to the ground and forcing sand in their mouths.~~

(ii) Joint liability of the British Army

34. Further, or in the alternative, it is averred that the Government of the United Kingdom through the Defendant is jointly liable for the acts and omissions of the British Army, its servants and agents and the Colonial Administration and the members of the security forces acting under that administration's direction and control in the camps, police stations, screening centres, and villages created under the villagisation programme. The British Army aided, counselled and/or joined with the Colonial Administration in the establishment and operation of the system through which detainees including the Claimants were subjected to assaults including those amounting to torture. The Claimants rely in particular on the following:

PARTICULARS

- a) The Claimants repeat paragraphs 1-8 above and in particular the organised and systematic abuse and torture of Mau Mau suspects which took place throughout the emergency in police stations, screening camps, detention camps along the Pipeline and the villages established under the villagisation programme.
- b) The Government of the United Kingdom, through the War Office and Sir George Erskine and his successors, was directly responsible and liable for the acts of British Army personnel stationed in Kenya throughout the emergency.
- c) From February 1953 British military personnel appointed as Military Intelligence Officers were permanently staffed on the Provincial and District Emergency Committees which were responsible for co-ordinating the activities of the military and civilian forces. MIOs also participated in

decision making with regard to Mau Mau suspects and operations in the detention camps.

- d) At the insistence of Erskine, a War Council was created in 1954 under which jointly with Governor Baring, he approved the execution of offensives both civilian, military and combined. It was through the War Council that Operation Anvil and the villagisation programme were launched.
- e) The villagisation programme was executed by the British Army together with local civilian personnel within the district administration. Those personnel including British military personnel participated in, among other abuses, torture, rape and forced labour.
- f) The British Army was deployed to supervise and assist the work of the Kenyan intelligence services, including gang infiltration, interrogation and the development of "screening" techniques.
- g) Military Intelligence Officers together with the Kenyan Special Branch staffed the Mau Mau Investigation Centre where the same techniques of abuse and torture were applied to detainees as were applied in other screening centres and during screening in the camps. The techniques employed included castrations, whippings, and sexual abuse including sodomy.
- h) British Army personnel participated in the arrest, screening and transfer of detainees to the camps with the intention, jointly held with the servants and agents of the Colonial Administration responsible for the operation of the camps, that they should be detained there under the established regime.
- i) The British Army operated in most detention camps assisting by guarding detainees.
- j) Military Intelligence Officers were attached directly to the camps, particularly in the Kikuyu districts and Nairobi.
- k) British Military personnel formed part of the interrogation teams in some of the camps and travelled to camps, Home Guard posts, police stations and interrogation centres in order to carry out interrogations.