

A Very British Massacre

David Anderson

David Anderson, Huw Bennett and Daniel Branch believe that the Freedom of Information Act is being used to protect the perpetrators of a war crime that took place in Kenya fifty years ago.

With members of a US Marine unit facing courts martial following the deaths of twenty-four Iraqi civilians at Al-Haditha, accusations of an attempted 'cover-up' have become as significant as the atrocity itself. Concealment implies complicity, and if American military commanders are shown to have knowingly concealed the truth about the massacre, then the political damage within Iraq could be irreparable.

The US commanders in Iraq are not the first to be confronted with the dilemma of whether to face up to a military atrocity, or bury the story along with the bodies. Fifty years ago, when Britain was fighting colonial wars in Malaya, Kenya and Cyprus, concealment was altogether easier. This article tells the story of an atrocity committed by British military forces in colonial Kenya, a tale that has echoes of Al-Haditha. But whereas the perpetrators of the Iraqi massacre are to face trial, the story of the shooting of twenty Kenyan civilians at Chuka in June 1953 has been hidden behind a veil of official secrecy.

Evidence on these events should have been released into the Public Record Office in 1984. The file was withheld by the Ministry of Defence and marked for closure until 2038. Requests under the Freedom of Information Act secured its release in January 2006, and we can now reconstruct the disturbing story of the Chuka massacre. But not everything on this file has been revealed: and that raises tough questions about the culpability of the British Army in colonial war crimes, official secrecy, and the inadequacies of Freedom of Information legislation.

For many years after the defeat of the Mau Mau rebels, the British campaign in Kenya was held up as a model of successful counter-insurgency. Techniques developed here became the stuff of military training manuals, and the Army's experience in 'aiding the civil power' was put to use from Belfast to Basra. But this image of a 'good campaign well fought' was always a distortion. The struggle in Kenya soon turned into a dirty and unpredictable campaign of attrition against the civilian population. Unable easily to identify resisters and collaborators among the Kikuyu population from which the rebels were drawn, the security forces often treated every civilian as a potential enemy. As the war progressed, no element of the security forces escaped accusations of ill-discipline and excess.

Within a few weeks of the declaration of the Kenya Emergency in October 1952, reports of atrocity and excessive violence were filtering back to London. By the summer of 1953 several cases had been prosecuted, though the sentences handed down to police, reservists and other British security personnel were criticized for their leniency. There were also widespread accusations against the King's African Rifles (KAR), comprising African rank and file with British officers, and against soldiers of several regiments sent from Britain, but the Army in Kenya handled its own disciplinary matters and none of these charges came before the courts.

A new commander-in-chief, General 'Bobby' Erskine, arrived in Kenya in June 1953. He quickly sought to change the conduct of the security forces. In a directive to all troops he stated: 'I will not tolerate breaches of discipline leading to unfair treatment of anybody,' and ordered that 'every officer ... should stamp on at once any conduct which he would be ashamed to see used against his own people.'

The directive was issued on June 23rd, days after a platoon of British-led soldiers had slaughtered twenty Kenyan villagers in what would become known as the Chuka massacre. The 5th KAR B Company had been sent to the Chuka area on June 13th to flush out rebels suspected of hiding in the nearby forests. The Company commander, Major G.S.L. Griffiths, set up a base camp from which he directed operations – two platoons would sweep through the forest to flush out the rebels, while African members of the local Home Guard policed the forest boundary. The sweeps were conducted by two junior officers. This was a typical anti-Mau Mau operation.

The local police handed over two Mau Mau fighters recently captured in the area. The intention was to use them as guides to assist in locating rebel hideouts. Griffiths and his two junior officers interrogated the men, and when the first prisoner seemed unwilling to cooperate, Griffiths ordered that a hole be made in his ear with a bayonet. A string was passed through the gaping wound, to be used as a tether over the next four days. The second prisoner also proved uncooperative. His ear was amputated on Griffiths' orders, and he was then summarily shot dead. Griffiths would later claim he had been shot whilst trying to escape.

Over the next two days, the KAR platoons flushed out a number of Mau Mau fighters who were caught by the Home Guard stationed at the forest edge. Then, in the early afternoon of June 17th, a patrol of ten men led by an African Warrant Officer moved out of the forest and into the surrounding farmland. It came across twelve members of the Home Guard gathered at a farmhouse. For reasons that have never become clear, the twelve men were ordered to lie face down, and were badly beaten. Two of the victims were sent to fetch food for the soldiers – and subsequently made their escape – while the remaining ten were escorted into the forest by the KAR patrol. They reached the soldiers' camp around 4 pm and made to lie face down in a line. At sunset they were shot where they lay, at close range and in cold blood.

The following morning, June 18th, the Warrant Officer led his patrol along the forest edge, close to the settlement of Karege. Again it encountered and interrogated a group of Home Guards. The soldiers pillaged food gardens in Karege and shot a farmer before escorting their captives into the forest. African witnesses saw a British officer with the patrol. Early that afternoon, the captives – nine men and one child – were executed in a clearing near a small coffee farm at the forest edge. Soldiers cut off the hands of six of the victims and tucked these into their packs before returning to camp.

The final killing occurred between 2 and 3 am the next day, when the surviving guide, still tethered by his ear, was shot, allegedly while trying to escape. At dawn, the soldiers broke camp, heading back to B Company's headquarters at Nyeri, leaving the body of their dead guide where it lay.

Once the soldiers were safely away from the scene, witnesses brought the local chief to see the corpses of those killed over the previous two days. The chief identified them as members of his own

Home Guard patrols and reported to the local British district officer, who informed the police that twenty villagers had been 'murdered' by the KAR. A police investigation began: a pathologist was brought to examine the bodies, and statements were taken from the many witnesses.

A military inquiry was hastily convened for the following Monday, June 22nd. But its findings were never made public. Rumours of what had happened spread quickly, but the colonial government refused to acknowledge the affair publicly. Fragments of information nonetheless found their way into the public record, and from these sources we are able to reconstruct what happened. A letter held in the Kenya National Archives in Nairobi makes it clear that, in an effort to prevent a haemorrhaging of support towards the Mau Mau in the Chuka area, the colonial government authorized the payment of compensation to the families of the murdered villagers. General Erskine then wrote personally to the local chief, a loyal ally, to reassure him that 'investigations have satisfied me that whoever is to blame, it is not any of the persons killed.' Despite this, the army did not pass its findings to the Attorney General, and so prosecutions could not be taken forward 'due to lack of evidence'.

There was in fact no lack of evidence, only reluctance on the part of the Army to expose that evidence to public scrutiny. Erskine was keen to clean up the behaviour of his soldiers, but even keener to protect the reputation and image of his command. His directive on the mistreatment of suspects by the Army, issued to all ranks the day after the internal enquiry at Chuka, was the first step. Next, all the soldiers involved in the operation were placed under open arrest at Nairobi's Buller Camp – an order that effectively confined them to barracks. The process of gathering evidence for the court martial of Major Griffiths began. Toward the end of August 1953, the soldiers held at Buller Camp were placed under closed arrest and separated from one another – almost certainly because it was realized that they were colluding in their statements. The African soldiers would later claim that a British officer in B Company threatened them to influence their testimony – a revelation that proved to be highly significant.

By putting Griffiths on trial, Erskine hoped to send the strongest possible signal to other officers that they must take full responsibility for the actions of their men. However, when the case was heard in November 1953, the charges related not to the incidents at Chuka, but to separate events one week earlier when, it was alleged, Griffiths had murdered two Kikuyu men at a roadblock. Brutally machine-gunned at close quarters, one victim had been struck by so many rounds that his torso was severed. This prosecution was most probably chosen because the evidence against Griffiths appeared to be much stronger than at Chuka. It also kept the awkward Chuka incident out of the public glare.

The strategy backfired. Two junior British officers of the 5th KAR's B Company were found to have perjured themselves, whilst the African soldiers gave only partial accounts of what they had seen – a fact which they later admitted. Griffiths was acquitted.

An enraged Erskine reissued his directive on the treatment of suspects the next day. His fury was soon deepened by events in London. The case had drawn the attention of the press, with descriptions of British battalions keeping score-cards of Mau Mau 'kills', giving cash rewards to soldiers who 'bagged a rebel', and chopping off hands to identify victims. After hostile questions in the Commons, the Government ordered a full inquiry into the conduct of the Army in Kenya. It was chaired by Lieutenant-General K. McLean, an officer with no Kenya connections.

Members of all KAR and other British Army units in Kenya were given the opportunity to present evidence to the inquiry, which was held in Nairobi over twelve days in mid-December 1953. Witnesses answered questions under oath but were assured their evidence could not be used against them. One hundred and forty-seven people were questioned; they included men from twelve regiments and GHQ staff officers, and ranged from brigadier-general to private. The most strongly represented group, however, was from major to second lieutenant – the middle-ranking and junior officers who exercised greatest influence in this low-level war.

All this gave the appearance that the Army had resolved to clear its name by thorough, honest examination of uncomfortable issues. However, the inquiry's effectiveness must be questioned. Erskine succeeded in restricting its terms of reference to the period from June 1st, 1953, allowing it to include those incidents germane to the misconduct of Griffiths and B Company but excluding the many incidents rumoured to have taken place before this date. Erskine argued that if the inquiry were to encapsulate everything since the beginning of the Emergency in October 1952, 'the revelation would be shattering'. He 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. I am quite certain prisoners were beaten to extract information.'

Erskine's candid remarks amount to an official admission that the security forces participated in widespread murder and torture for an eight-month period from the beginning of the Kenya Emergency. And the inquiry was set up in such a way as to ensure that official secrecy about the indiscriminate use of force would be maintained.

's conclusions confirmed the occasional use of 'rewards' to soldiers for kills, but did not find this to be a general pattern. No evidence was found that soldiers kept records of 'unofficial kills', and although the practice of severing hands had continued for purposes of identifying enemy dead, these abnormalities remained in the minority. The inquiry concluded that 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.' While the Secretary of State for War, Anthony Head, had expressed the hope that the effect of the inquiry would be 'to clean up rather than to cover up', in the end McLean provided the whitewash for the army's dirty war in Kenya. It was the outcome Erskine had wanted.

Erskine now turned his attention back to Griffiths and B Company. The evidence assembled for the McLean inquiry had provided much new information relating to Chuka, including fresh evidence from the soldiers themselves. It was now apparent that some had committed perjury in the first hearing and that others had been reluctant to speak frankly. Erskine ordered that Griffiths be subjected to a second court martial, this time relating to the murder of the first 'guide'. It is not clear what inducement, if any, was used to persuade the soldiers to give evidence, but it must have been apparent to every member of B Company that they, too, were liable to prosecution for the appalling murders at Chuka.

The second trial ended on March 11th, 1954. Griffiths was found guilty of murder and sentenced to seven years imprisonment. He was cashiered from the Army and served his sentence in London's Wormwood Scrubs. But the two junior British officers at Chuka and the ten African soldiers of the patrol have never faced trial. Were they allowed to go free in return for their participation in the prosecution of their commanding officer? This outcome suited Erskine's purpose, making an example of Griffiths whilst preserving morale among his soldiers.

The Ministry of Defence has still retained some of the papers on this case: the file released in January 2006 has eleven pages missing. These contain vital evidence relating to the role of the two junior British officers in the massacre. The official explanation cites clauses in the Freedom of Information legislation relating to the protection of living persons, and to information given in confidence and with implied immunity.

This raises important questions about the meaning of 'public interest' in such cases. Consideration of 'public interest' involves, in part, consultation with British citizens who are named on the file in order to obtain their views on the release of the material. It is accordingly significant that the final reason given to us for refusal of the eleven pages was under Section 40 of the Freedom of Information Act, relating to 'personal information'. The private interest of the individuals involved was the key factor.

The material on this file relates to a war crime whose perpetrators have never been prosecuted. Did those who passed the Freedom of Information Act into law intend that it should be used to maintain a cover-up to protect Britain's reputation in one of its former colonies? Or, ultimately, to protect alleged war criminals from justice?

- **David Anderson is a Fellow of St Cross College, Oxford, Huw Bennett is a doctoral candidate at the University of Aberystwyth, and Daniel Branch is Lecturer in Modern History at Exeter University.**