IN THE HIGH COURT OF JUSTICE
QUEEN’S BENCH DIVISION

CLAIM NO: HQ09X02666

BETWEEN:

NDIKU MUTUA & OTHERS
Claimants

- v -

FOREIGN AND COMMONWEALTH OFFICE
Defendant

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WITNESS STATEMENT
OF HUW CHARLES BENNETT

I, HUW CHARLES BENNETT, of the Joint Services Command and Staff College, Faringdon road, Shrivenham, Swindon, SN6 8TS WILL SAY AS FOLLOWS:

1. I am Lecturer in the Defence Studies Department, King’s College London, and I teach at the Joint Services Command and Staff College, part of the Defence Academy of the United Kingdom. The evidence given here is provided in my capacity as an academic researcher employed by a university, and does not reflect government policy in any way.

2. I was educated at the University of Wales, Aberystwyth, receiving degrees in International Politics and Strategic Studies (BScEcon) in 2001, Strategic Studies (MScEcon) in 2002, and International Politics (PhD) in 2007. My doctoral thesis was titled “British Army counterinsurgency and the use of force in Kenya, 1952-56.” It explored the role of the British Army in countering the Mau Mau insurgency, based on a wide range of archival sources. Since then my research has investigated other aspects of British counter-insurgency, such as Malaya, Northern Ireland, and Iraq. Further work
has been conducted on the Kenya conflict, in preparation for a book manuscript, which is currently under review with a University press. My main publications are:

- ‘Minimum force in British counter-insurgency’, *Small Wars and Insurgencies* 21/3 (September 2010), pp459-475.
- ‘From Direct Rule to Motorman: adjusting British military strategy for Northern Ireland in 1972’, *Studies in Conflict and Terrorism* 33/6 (June 2010), pp511-532.

3. I am aware that I am asked to limit my evidence to matters of fact and not to add any opinions I may have on the issues in this case.

**Command and control in the Kenya Emergency.**

4. During the Emergency control over the security forces was exercised through a dual mechanism: the direct chain of command, and the committee system. The system was somewhat convoluted, but designed to achieve maximum cooperation between the diverse arms of government working in the field.

5. Through this dual mechanism the political masters in London were able to exercise control by using the separate elements to monitor each other. For
example, those in the Administration would express their opinions about the Army to the Colonial Office, and the soldiers would express their opinions to the War Office. The Cabinet ultimately balanced the two views which, however, often coalesced.

6. At first the Governor, Sir Evelyn Baring, exercised his formal powers as Commander-in-Chief in the colony. Sir Evelyn co-ordinated police and army activities, who maintained their separate headquarters but engaged in numerous joint sweeps through Kikuyuland. Baring chaired a ‘Sitrep’ (Situation Report) Committee, deciding on Emergency policy. At the end of December 1952, after two requests from Baring, Brigadier G.A. Rimbault arrived to assume the post of Personal Staff Officer to the Governor. He held the position until 1st February 1953, when Major-General Hinde arrived as Chief Staff Officer. The battalions in Kenya reported to 70th (East Africa) Brigade, which came under East Africa Command (headed by Lieutenant-General Sir Alexander Cameron), itself subordinate to Middle East Land Forces. The remit of the Governor’s Emergency Committee was clarified in March 1953 as to:

“...formulate and approve policy governing all measures necessary to re-establish law and order. In pursuance of this function the Committee will (a) issue policy instructions for the conduct of operations to the Chief Staff Officer to the Governor. (b) issue policy instructions to Government Departments on matters designed to further the restoration of law and order. (c) co-ordinate the decisions of the Committee for social and economic improvement (‘second-prong’ Committee) with the measures necessary to re-establish law and order.”

7. The Chief Staff Officer directed the conduct of operations by the police and the military. He suggested policy changes to the Governor’s Committee for approval, and issued orders necessary to see the Committee’s decisions implemented. The Chief Staff Officer was also empowered to “…frame and issue operational plans for the guidance of Provincial Committees.” In doing

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2 KNA: CS/2/8/198: ‘Functions of Emergency Committees etc’, forwarded from J.M. Kisch, Secretary to the Governor’s Emergency Committee, to the Chief Secretary, Cabinet members, Provincial Commissioners et al, 19/3/53.
so, he chaired the Operations Committee, which advised him on how best to exercise his powers.

8. The Provincial Emergency Committees directed operations in their area under the chairmanship of the Provincial Commissioner. They carried out instructions from the Chief Staff Officer and issued their own orders to security forces in their area. During joint operations, the Provincial Committee would nominate one officer to command. They were authorised to instruct the District Committees, and ensure co-operation amongst all government departments in re-establishing law and order. The District Committees exactly replicated their structure and function at the lower administrative level. Baring announced these new arrangements to the press on 10th April 1953, citing the Malayan model as his inspiration. At the same time he declared Major-General Hinde would be the Director of Operations. The other members on the Governor’s Committee apart from Baring and Hinde were the Chief Secretary (H.S. Potter), the Member for Finance (E.A. Vasey), the Member for Agriculture (F.W. Cavendish Bentick), the GOC East Africa (Lieutenant-General Cameron), and settler leader Michael Blundell. Baring highlighted that each Provincial and District Emergency Committee would comprise administration, police, and army representatives, and an unofficial European settler member. The District Emergency Committees were to have an Executive Officer, who would chair the District Operations Committee, which was to meet daily to co-ordinate operations, through a District Operations Room.

9. In June 1953 the command structure of the counter insurgency was radically altered and the military and civilian chain of command was divided. On 7th June 1953 General Erskine was appointed the Commander in Chief “to ensure that everything is co-ordinated at all levels between the Civil Government, the Police and the military (Army and Royal Air Force)” and was given full responsibility for the restoration of law and order. All Armed Forces (Army

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3 KNA: CS/2/8/198: ‘Functions of Emergency Committees etc’, forwarded from J.M. Kisch, Secretary to the Governor’s Emergency Committee, to the Chief Secretary, Cabinet members, Provincial Commissioners et al, 19/3/53.

4 TNA: CO 822/486: Telegram from Baring to Colonial Secretary, 10/4/53.
and Royal Air Force), the police and all Colonial Auxiliary and Security Forces were placed under his operational command. The civilian government was required to “advise” as to what methods were wise and appropriate to restore law and order. However, responsibility rested with General Erskine\textsuperscript{5}. GHQ East Africa was an independent command and Erskine was directly under the War Office and directly responsible to the Secretary of State for War.\textsuperscript{6} This continued to be the case when General Lathbury replaced General Erskine in 1955 and throughout the run up to Kenyan independence in 1963. As a result, Erskine operated within the existing committee system but reported directly to London. In addition he retained the power to declare martial law. There is no evidence I have seen to suggest that the British regiments which were deployed to Kenya were subsumed into the constitutional structure of the Kenyan Government. They remained under the command and control of the United Kingdom throughout the Emergency.

10. Erskine arrived in Kenya on 7\textsuperscript{th} June 1953 and found Governor Baring indecisive and weak, but managed to work around these flaws with the new Deputy Governor, Frederick Crawford. In February 1954, following Erskine’s advice, Colonial Secretary Oliver Lyttelton and Chief of the Imperial General Staff Sir John Harding pushed through reforms to the committee system. They dissolved the Governor’s Emergency Committee, replacing it with the War Council, and abolished what had become the Deputy Director of Operations’ Committee (originally the Operations Committee). Only the Governor, the Commander-in-Chief, the Deputy Governor, and an Unofficial member (settler leader Michael Blundell) sat on the Council, which heard intelligence reports from GHQ and the Commissioner of Police once a fortnight.\textsuperscript{7} The War Council devised long term plans for the Emergency. The system of Provincial and Divisional committees was, however, retained, in order to promote inter-agency co-operation at every level.

\textsuperscript{5} KNA: AH/9/40, 17 June 1953, Emergency Directive No. 7, Chain of Command, Emergency Committee
\textsuperscript{6} CO822/457: Comm. From: SoS. – To: Governor. 29 May 1953, 29 May 1953
The British Army and local auxiliary forces.

11. This section will deal with the British Army’s formal relationships with armed forces raised in East Africa: the King’s African Rifles (‘‘KAR’’), and the Kenya Regiment.

12. Considerable evidence supports the view that the KAR were a regiment of the British Army. Firstly, the KAR reported to East Africa Command, and thence to the War Office in London, as did any British regiment.\(^8\) The 1956 Annual report of Kenya Colony reflects this arrangement:

**CHAIN OF COMMAND**

“During the Second World War the command and administration of the local forces was transferred to the War Office in London. Reversion to local control had not taken place by the time the State of Emergency was declared in 1952, and War Office command and administration continued throughout the Emergency, exercised through General Headquarters, East Africa, at Nairobi. Subordinate Headquarters are 70 (East Africa) Infantry Brigade located at Nanyuki, and General Headquarters Troops, located at Nairobi. At different stages during the Emergency, units of local forces have been under the command of British Infantry Brigade Headquarters, and have operated with British Infantry Battalions.”

13. Secondly, the basic training regime and disciplinary standards (based on the Army Act) were the same for British and African regiments. During the Emergency, all military units received additional context-specific training before deployment at the East Africa Battle School, and they all worked from the same tactical doctrine, *The Conduct of Anti-Mau Mau Operations.*\(^9\)

Thirdly, most officers in the KAR were seconded from British battalions for two or three years, and during the national service era, the KAR could afford to select high quality candidates as it proved a popular choice.\(^10\) The point is reinforced by analysing the numbers of British Army officers on secondment


in the KAR during the Emergency’s opening phase. At the Emergency’s declaration in October 1952, 9 Lieutenant-Colonels, 47 Majors, 72 Captains, 22 Lieutenants and one Chaplain, 4th Class, from the British Army were placed in King’s African Rifles units. They came from regiments such as the Durham Light Infantry, the Essex Regiment, the Buffs and the Royal Northumberland Fusiliers.\textsuperscript{11} By December, the number of British officers on secondment had risen to 223, drawn from regiments such as the Sherwood Forrester, the Royal Electrical and Mechanical Engineers, the Glosters and the Dorsets.\textsuperscript{12} In April 1953, the number had risen again – to 227, including 57 Captains, from units such as the Royal Hampshires, the Somerset Light Infantry, and the Surreys. The staff officers running the whole operation (a Lieutenant-General, two Brigadiers, three Colonels, ten Lieutenant-Colonels, and five Majors) all came from the regular army too.\textsuperscript{13} Finally, the KAR was subject to the British Army Act and all Court Martials of its members were conducted under that statute. For example, the trial of Captain Girifffiths in 1953 was conducted under the Army Act.

14. The Kenya Regiment was also officered by regulars on secondment, but the majority of the rank and file were European settlers, although a small number of Africans served with the unit during the Emergency. For administrative and financial purposes the Kenya Regiment came under the Kenya Government, but for discipline and operations it followed the normal British Army chain of command.\textsuperscript{14} East Africa Command regularly issued orders to the Kenya Regiment and included them in its overall planning. During the Emergency, approximately 1,800 men served in the Regiment, which posted about 300 to the King’s African Rifles.\textsuperscript{15}

\textsuperscript{12} War Office (1952) \textit{The Army List, December 1952}. London: War Office, pp920-923.
\textsuperscript{13} War Office (1953) \textit{The Army List, April 1953}. London: War Office, pp917-920.
Army knowledge of civilian and detainee abuse.

15. There is clear evidence that General Erskine knew of abuses of civilians and detainees. When he arrived he noted a “tendency to take prisoners and interrogate them with a view to extracting information by force.” However in a letter to the Secretary of State for War, dated 10th December 1953 (released in 2005) he stated:

“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. It is a short step from beating to torture and I am now sure, although it has taken me some time to realise it, that torture was a feature of many police posts. I do not believe the regular police were heavily involved although some of them may have been. The real trouble came from the Kenya settler dressed as KPR or in the Kenya Regt….

You ought to know about “screening teams”. They work under the Administration and their object is to comb through labour and distinguish Mau Mau from the rest and the degree of Mau Mau. Some of these screening teams have used methods of torture….

I very much hope it will not be necessary for HMG to send out an independent inquiry. If they did they would have to investigate everything from the beginning of the Emergency and I think the revelation would be shattering.”

16. On 23 June 1953 Erksine issued a directive to the Army and Police in which he stated “I strongly disapprove of ‘beating up’ the inhabitants of this country just because they are the inhabitants…” and made it plain that any complaints would be investigated.

17. However, abuses of detainees continued, as was recognized by Erskine in a communication to the War Office dated 7th January 1955:

“CID undoubtedly have genuine cases of brutality against home guard and evidence of obstruction by administration in their investigations. Am told nineteen cases are under investigation including four chiefs and four headmen

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16 Imperial War Museum Department of Documents: Erskine papers, Accession No.: 75/134/4, Report to the Secretary of State for War, “The Kenya Emergency”, signed Erskine, 2/5/55, para. 18.
17 TNA: WO 32/15834: Letter from Erskine to Secretary of State for War, 10/12/53.
one or two European district officers and remainder home guard, final list may prove much longer.19

18. Furthermore, other private communications to the War Office and War Council minutes should be carefully considered with regard to Erskine’s views as to the desirability of investigations and prosecutions of local security forces who were responsible for detainee abuse. In a letter from Erskine to General Sir John Crocker Adjutant General to the Forces dated 27/08/1953 he said the following with regard to detainee abuse:

“I do not feel so strongly about Police or Home Guard offences because this reflects more on the Colony than on the Army. Each case is, however, discussed with the Attorney General so that I may have a say as to what happens to the offender…..My predicament is that the application of the law to the obedience to an unlawful order will not be understood by the African Askari. I may have to condone this attitude because failure to so would, or might, have very serious repercussions on the K.A.R.”20

19. On 9 June 1954, General Erskine explained his view on the subject to the War Council, after learning of plans to prosecute several Home Guard members for murder:

“The Kikuyu Guard are not a disciplined force – their European supervision is inadequate – their standards are not the standards of regular disciplined troops or police. They are not paid – they are not clothed – they are inadequately fed. They do a very good job because they do it from the heart and with faith in the Kenya Government. I have always warned the Government that by accepting the Kikuyu Guard and arming them the Government were accepting the aid of irregular auxiliaries who were not under my disciplinary control and that they must not expect the disciplinary standards which I should require from regular troops and police. As I understand it the Government have accepted this risk because of the obvious advantages to be derived from a loyal local force. I am convinced they are an essential part of the campaign. …But it now appears to me that the Government are proposing to try for murder some of these men because they do not come up to the standard of conduct they would expect from their regular forces. It is important that the whole case should be studied before a decision is taken. …I must warn the War Council that my opinion is that if these men are tried for murder they may be faced with a deterioration in morale and perhaps some desertion from the Kikuyu Guard.”21

20 TNA: WO 32/15556.
20. In a further communication to the War Office dated 10\textsuperscript{th} January 1955 Erskine states:

“I do not like arrangement by which loyalists charged and arrested at present will have their cases proceeded with. This places them in a more unfavourable position than Mau Mau and does not relieve to the extent that I wish the damage to loyalist morale that has already occurred.”

21. Despite the widespread and ongoing reports of detainee abuse by security forces the British Army worked closely with those forces in a number of ways throughout the Emergency.

\textbf{Army involvement in the intelligence system.}

22. For the first few months of the Emergency, the police, administration and army maintained separate intelligence systems. Visiting the Colony in February 1953, Sir Percy Sillitoe (Director-General of MI5) advised a re-organisation. At the pinnacle would sit the Kenya Intelligence Committee (KIC), under which existed Provincial and District Intelligence Committees, meeting at least once a fortnight.\textsuperscript{23} The Intelligence Adviser chaired the KIC, with the Assistant Chief Secretary, the Assistant Commissioner for Special Branch, the Security Liaison Officer, and representatives of the Chief Native Commissioner and the GOC attending. It reported to the Governor and the Operations Committee. The Provincial and District Committees included Administration, Police, Special Branch, and the army, in order to provide an agreed view on the situation. These Provincial and District Intelligence Committees reported sideways to the DECs and PECs, in addition to the KIC.\textsuperscript{24}

23. In May 1953 the Kenya Intelligence Committee disbanded the extant Joint Army-Police Operational Intelligence Teams, and replaced them with a more integrated organisation. Instead, soldiers now served as Provincial and District Military Intelligence Officers within the Special Branch itself, aided

\textsuperscript{22} TNA: WO 216/879, 10.01.1955
\textsuperscript{23} KNA: DC/NKI/3/1/14: Letter from Potter, Chief Secretary, to all Provincial Commissioners, Commissioner of Police, and Heads of Departments, 4/3/53.
by Field Intelligence Assistants (later re-named Field Intelligence Officers). They directly briefed the intelligence and the emergency committees and co-ordinated all intelligence activity in their areas. Away from the committee rooms, the police and army co-operated at every level on a daily basis. By the end of January 1955 the army employed 52 Field Intelligence Officers – and planned to increase the number to 73. The Court is referred, for example, to “The Kenya Emergency: June 1953 – May 1955” a report by General Erskine in which he states at para 88:

“…at the start of the year I had only a skeleton force, but by September fifty-two Field Intelligence Officers were deployed in the operational area working hand in glove with the Police Special Branch……it is of interest to note that some of my most successful Field Intelligence Officers came to Kenya from the British Army with no previous experience of Africa or intelligence work.”

24. Special Branch visited screening camps and liaised closely with screening officers. I have not had the benefit of analysing the 300 boxes of new documentary material which the FCO is reviewing for the purposes of this litigation. However, I have seen a document which has been identified from those recently disclosed documents and brought to my attention by Leigh, Day & Co which states:

"The part played by Special Branch in the screening process in most important. Special Branch officers and Screening officers must maintain the closest liaison. Since June this is being achieved by Special Branch officers visiting screening camps, taking copies of important statements being made in screening camps, and providing Screening officers with potential targets for screening, as well as giving Screening officers information which they have which is of value to them. Similarly the closest liaison possible must be maintained between F.I.O.s and Screening officers, as each can assist the other by providing information about labour on farms to the Screening officers, and operational information about remaining gangs to F.I.O.s.”

25 Kitson, Gangs and Counter-gangs, p23.
26 KNA: WC/CM/1/1: ‘The Operational Intelligence Organisation. Memorandum by the Kenya Intelligence Committee’, 28/1/55.
27 WO 236/18, WO 276/511, 25 April 1955
28 AA 45/26/2A Vol II - Screening Method and Policy - Nanyuki District (no year given)
Army participation in screening.

25. The publicly available operational situation reports for the first few months are incomplete, so comprehensively cataloguing the army’s screening activities is impossible. The surviving records do clearly show how the army played an important part in this activity, helping to screen Africans in the field, who were arrested in large cordon and search sweeps. During 1952 the 1st Lancashire Fusiliers, various battalions of the King’s African Rifles and the Kenya Regiment rounded up at least 5,892 persons. A precise figure is elusive because some reports simply record a “large number [of] arrests.” In the first three months of 1953 screening continued apace. The situation reports become even more vague on numbers in this period, sometimes merely recording that “screening continues.” At least 2,059 people were collected by the Kenya Regiment, Lancashire Fusiliers, 4th KAR, 6th KAR, 23rd KAR, 26th KAR and East Africa Training Centre troops in both Central and Rift Valley Provinces.

26. By 19th June 1953 the army and police in combined operations had screened at least another 11,933 people. Forces involved included the Devons, the Lancashires, The Buffs, 4th KAR, 6th KAR, 7th KAR, 23rd KAR and the Kenya Regiment. The Kenya Police Reserve operated with the military on numerous occasions.

29 The reports were compiled by two commands: Force Nairobi and Northern Area. Force Nairobi reports do not exist for the periods 9th January-3rd February 1953, and 24th April-1st May 1953 (with two exceptions: Sitreps 41 and 42 of 27/1/53 and 30/1/53 do survive). There are no reports for Northern Area before 1st February 1953.

30 See the operational situation reports in TNA: WO 276/466.

31 For example: TNA: WO 276/466: Jock Scott Sitrep from Force Nairobi to Mideast, 23/12/52.

32 TNA: WO 276/337: Northern area sitreps, Norbrig Nairobi to Force Nairobi, no date, circa. 15/2/53.

33 For examples see: TNA: WO 276/466: Jock Scott Sitrep from Force Nairobi to Mideast, 9/1/53; TNA: WO 276/337: Northern area sitreps, Norbrig Nairobi to Force Nairobi, no date, circa. 24/2/53.

34 Figure compiled from situation reports in: TNA: WO 276/466, TNA: WO 276/467, TNA: WO 276/468, and TNA: WO 276/337.

35 An exact figure is unobtainable because the reports often do not mention the units involved. For examples of Army-KPR operations: TNA: WO 276/467: Jock Scott Sitrep from Force Nairobi to Mideast, 24/3/53; 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, circa. 27/2/53.
27. Screening comprised a major security policy during the Emergency and required co-operation from administration, police and army to function efficiently. The standard procedure was for the army to cordon an area, the police to arrest suspects for screening, and the Administration to question suspects with the aid of Special Branch, Home Guard, local Chiefs and Headmen, military intelligence officers and hooded informers. Major Harington, the Provincial Military Intelligence Officer for the Rift Valley, described the screening teams as “One of our main sources of intelligence.” The army briefed all teams on the type of information they needed.36

28. During January 1953, Operation Yellow Hackle screened some 500 people in the Wonjohi Valley, leading to 250 detentions.37 Throughout October 1953, the 1st Royal Inniskillings, the police and the Home Guard screened hundreds in Nairobi.38 Sometimes the military ran the screening – such as Operation Hoover in Kahaha, organised by Captain Frank Kitson.39 In December 1955 the Senior Assistant Commissioner of Police and the Commander of 70 Brigade agreed on multiple screening operations throughout Central Province during a committee meeting.40

29. The committees also permitted those involved to comment on the modus operandi. The Commander of 70 Brigade complained about screening arrangements in Othaya to the Central Province Committee, who referred the matter to the appropriate District Committee for resolution.41 The Commander of 39 Brigade informed the committee his troops wished to know the fate of those they picked up during screening. Following this request, the District Commissioners and Special Branch told Brigade Commanders the details of those arrested, such as being placed on a Detention Order.42

37 TNA: WO 276/378: Jock Scott Intelligence Summary, 21/1/53.
38 TNA: WO 276/342: 1st Royal Inniskillings war diary, October 1953.
39 TNA: WO 276/437: 39 Infantry Brigade Jock Scott Operational Instruction No. 21, 30/7/54.
40 TNA: WO 276/415: CPEC Minutes, 16/12/55.
41 TNA: WO 276/438: CPEC Minutes, 22/12/54.
Army involvement in interrogation.

30. There are many of examples in the archive files of the army sending captured suspects to the police for interrogation, such as when 1st Buffs handed a detainee to Muthaiga police in February 1954. The army also gave suspects to the Administration and Home Guard for interrogation – as at Kandara, Ichichi and Othaya during January and February 1954.

31. There is some evidence that the army itself employed unlawful interrogation techniques. For example, a July 1954 report on interrogation methods in Meru District sheds light on the interrogation methods used:

“The occasional beating is administered in the form of a tanning on the backside in a cold and calculated manner, and above all without any rancour. Sometimes initial interrogations may be unproductive, and it is found necessary to provoke an incident in order to secure the first witnesses. This is done by going to work on the family of a known gangster away from home. His hut is destroyed, his family - always first others - are given the maximum sentence, crops are destroyed, and stock impounded. Reaction of some sort is usually swift, and from the resulting incident the first witnesses may be obtained.”

Army relations with the Home Guard.

32. Major-General Hinde formally established the Kikuyu, Embu and Meru Home Guards in March 1953, primarily to deny Mau Mau the Reserves and enable the military to concentrate its efforts on destroying the gangs. The second task allotted to the Guard was gathering information on Mau Mau for the other branches of the security forces. Members were enrolled as Special Tribal

43 TNA: WO 276/290: 39 Infantry Brigade operational situation report, 1/2/54.
44 TNA: WO 276/290: 39 Infantry Brigade operational situation reports, 6/1/54, 23/1/54, 7/2/54.
Police, under the District Administration, with Colonel P.A. Morcombe acting as their colony-wide co-ordinator.\(^{48}\)

33. Operation Scatter, commanded by Major Wilkins, deployed various troops from 5\(^{th}\) KAR, 7\(^{th}\) KAR, 26\(^{th}\) KAR, the police and 500 Home Guards from North Tetu.\(^ {49}\) These operations followed the pattern: agreeing the forces involved, the plan and the commander at the District Committee. In July GHQ formalised the army-Home Guard relationship, directing that “Full use should be made of K.G. units at all times by Police/Military Commanders.”\(^ {50}\)

34. Following Operation Anvil in April 1954, 39 Brigade’s mission focused on supporting the Administration and Home Guard even more. Operation Pugilist, an offensive against Mau Mau in Kiambu, Thika and Fort Hall Districts, aimed to create a “strong, stable Administration Police org and KG/HG network capable of maint law and order when the Districts are no longer the scene of maj mil ops.”\(^ {51}\) Thus operating with the Home Guard and boosting the Administration’s authority became a central part of the military strategy.

35. The Home Guard needed substantial training, and the army were the only organisation in a position to offer it. By December 1953, regiments such as the Buffs found themselves providing longer term support to Home Guard posts. In Nyeri, the Committee urged the army to station platoons at posts overnight.\(^ {52}\) The Kenya Regiment assumed a leading position in training the Home Guard; they often commanded them on secondment as District Officers Kikuyu Guard (DOKG). These personnel constructed ranges and gave shooting instruction.\(^ {53}\) The Committees advocated maintaining the Kenya Regiment support because they increased morale and made the units capable

\(^{50}\) TNA: WO 276/200: Emergency Directive No. 8, Role of and co-operation with the Kikuyu, Embu and Meru Guards, 15/7/53.
\(^{52}\) KNA: VP/2/22: NDEC Minutes, 10/12/53 and 24/12/53.
\(^{53}\) KNA: VP/2/22: NDEC Minutes, 2/2/54.
enough for regular forces to be deployed elsewhere. Central Province Committee monitored the numbers of DOKGs, recommending the War Council authorise 108 for the Province, and made efforts to rectify shortfalls. When Kenya Regiment support for Home Guards in Nyeri was withdrawn in July 1954, the Commander of 70 Brigade deplored the marked loss in efficiency.

36. Some senior commanders made efforts to restrain the Home Guard, such as the Commander of 39 Brigade’s call for improved control on operations in November 1953. However, as highlighted above, Erskine’s view was that:

“I have always warned the Government that by accepting the Kikuyu Guard and arming them the Government were accepting the aid of irregular auxiliaries who were not under my disciplinary control and that they must not expect the disciplinary standards which I should require from regular troops and police. As I understand it the Government have accepted this risk because of the obvious advantages to be derived from a loyal local force. I am convinced they are an essential part of the campaign…”

**Army involvement in collective punishment.**

37. Army units participated in collective punishments from November 1952 onwards. 5th KAR soon exercised these powers, launching Operation Cowboy on 9th-10th November; they confiscated 4,000 cattle and 5,000 sheep and goats, in reprisal for Mau Mau activity in the Githathi area. Force Nairobi reported these seizures had an “excellent effect”, deterring Kikuyu from cooperating with Mau Mau as they feared further collective punishment.

38. Army involvement in collective punishment continued in 1953. On 25th February 23rd KAR raided several places in the Kiambu/Thika area, confiscating 170 cattle and 420 sheep and goats in retaliation for Mau Mau

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56 TNA: WO 276/171: CPEC Minutes, 2/7/54.  
60 TNA: WO 276/466: Jock Scott Sitrep from Force Nairobi to Mideast, 13/11/52.
mutilation of cattle. 61 General Erskine was a keen advocate of collective punishment:

“I have found considerable reluctance on the part of the Administration to inflict severe punishments on the population for those offences and I regard them as offences of harbouring gangsters. I spoke to H.E. on the subject on the 4th November and told him that I did not think that we were being sufficiently tough and I was convinced that unless we were much more tough we should not break the passive wing. I found H.E. quite sympathetic and ready to lower his standards on collective punishments.” 62

STATEMENT OF TRUTH

This statement is true to the best of my knowledge and belief and I am aware that it will be placed before the Court.

Signed  ……………………………………

HUW CHARLES BENNETT

Dated  ……………………………………

61 TNA: WO 276/337: Northern area sitreps, Norbrig Nairobi to Force Nairobi, no date, circa. 26/2/53.