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# Kenyans celebrate Mau Mau compensation win

**Decades after brutal British Empire-era abuse, the Mau Mau victims will now be compensated for their suffering.**

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As many as 90,000 Kenyans were killed or tortured in the Mau Mau liberation war with the UK [AFP]

**Nairobi, Kenya** - For Wambuga Nyingi, it is not about the money.

Britain's decision to compensate thousands of Kenyans who were tortured during an anti-colonial uprising in the 1950s is important because it re-writes the history books, he said.

"I'm okay with the settlement, even if it's not much," he told Al Jazeera during an interview at his home in Kenya's central highlands.

"The most important thing for me is that they have acknowledged that we were not rebels - we were freedom fighters. That's what matters."

According to the Kenya Human Rights Commission, as many as 90,000 Kenyans were killed or tortured and 160,000 more were forced into concentration camps during eight years of mayhem and bloodshed during the 1950s.

On Thursday, Britain announced an out-of-court settlement of about \$30.5m. It will be split between 5,200 victims, leaving about \$4,100 per claimant in a country where the average person earns just \$821 a year.

Making a landmark apology before Britain's parliament, Foreign Secretary William Hague expressed regret over "abhorrent violations of human dignity" that took place more than half a century ago.

"The British government recognises that Kenyans were subject to torture and other forms of ill-treatment at the hands of the colonial administration," he said, adding it

"sincerely regrets that these abuses took place and that they marred Kenya's progress towards independence."

## **Milestone**

Martyn Day, from the law firm Leigh Day, which represents the 5,200 Kenyan torture victims, welcomed the payout and an agreement to fund construction of a memorial in Kenya dedicated to those who suffered.

"This case has been a long, hard struggle for justice; taking four years and two court defeats for the government before they finally agreed to treat these victims of torture with the dignity they deserve," he said.

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Martyn Day, lawyer

Dozens of veterans from the Kenyan uprising, mostly octogenarians, gathered at a hotel in downtown Nairobi to sing, chant and listen to speeches from the lawyers and activists who secured the legal win.

But it was not without controversy. Angry Kenyans used social networking sites to complain that the sum was insultingly low. Others said they suffered during the 1950s but were not among the beneficiaries.

Paul Muite, a lawyer for the Mau Mau veterans, said the victory was a milestone in establishing a system of justice that extends beyond national borders.

"If we are going to end impunity around the globe, each nation, each person, must acknowledge their wrongdoing," he said. "It doesn't become any less wrongdoing because it was very widespread. That's a price that they've got to pay."

## **Tortured**

Nyingi was a 25-year-old activist when he was captured and tortured by colonial forces during the Mau Mau uprising at the end of the British Empire. He was beaten unconscious and dangled by his ankles during almost a decade behind bars.

Abuses against Nyingi and thousands of others occurred during the Kenyan Revolt of 1952-60, when fighters from the nationalist Mau Mau movement attacked white settlers in an effort to regain land and end colonial rule.

The renegades were mostly made up of Kikuyus, Kenya's main ethnic group, who wore their hair in dreadlocks and launched raids from the forests of central Kenya.

Attacks alarmed white settlers and British officials almost 7,000km away in Whitehall. British forces and their Kenyan allies responded with a brutal crackdown of detentions and torture that eventually suppressed the guerrillas.

While the British government viewed the rebels as terrorists, Kenya now sees them as freedom fighters in a liberation struggle. A bronze statue of Dedan Kimathi, the "former freedom fighter and Kenya hero" who led the Mau Mau, was unveiled in Nairobi in 2007.

Nyingi joined two other victims - Paulo Muoka Nzili and Jane Muthoni Mara - to launch a High Court test case against the British government for the torture and sexual mutilation they suffered under colonial rule.

Lawyers said that Nyingi was severely beaten, Nzili was castrated and Mara was sexually abused in detention camps during the rebellion. A fourth claimant, Susan Ngondi, has died since proceedings began.

### Legal technicalities

London challenged the case, initially claiming that liability for torture by the colonial authorities was transferred to Kenya upon independence in 1963. It later claimed the actions were brought outside the legal time limit.

Elderly torture victims accused Britain of using legal technicalities to fight the case. The Nobel laureate, Archbishop Desmond Tutu, spoke up for the Kenyans, calling on Britain to show victims the "dignity they deserve".

In October last year, the court ruled the victims had established a proper case and allowed their claims to proceed to trial despite the time elapsed. Lawyers for the Kenyans pressed for trial while also pushing the government for an out-of-court settlement.

Proceedings were closely watched by others who lived and suffered under British rule in India, Malaysia, Cyprus and other former parts of the vast empire. Cases have already been filed seeking reparations for colonial-era abuses.

Daniel Branch, an Africa expert at Warwick University, said there were "exceptional features" to Kenya's case, including well-documented evidence, compelling expert witnesses and support from Kenya's government and rights groups.

"It is unclear whether cases in places like Malaysia, Cyprus and Ghana will have the same level of support, the same level of evidence and an overwhelming case that has to be acknowledged," he said. "But it does raise very serious questions about the extent of violence during the final years of empire."

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