

ITALIAN

1. COB. 15/11/37
Reports that in a riot at Livorno on Saturday evening troops were obliged to open fire killing 9, & wounding 27 detainees - 10 of whom were also injured. Promise further information as soon as it is received.

I have sent a copy of this tel. to Mr Lambert (PO). There is nothing further to be done at the moment except to

Send copies to $\frac{FO}{W.O.}$ } Yff. Kelling each.

When the Yff. have gone, refer to Mr Lambert to consider the following point.

After XI of 1936 (i.e. 3825/1/26), give point to discuss in detail "belligerents", & a "belligerent" is defined as any member of Italian troops who during the period of hostilities between Albania & Italy signed the Geneva Convention for the protection of alien refugees in the Colonies. Now in Nov 1936 the King of Italy issued a proclamation amending the Convention & since that date the Italians have regarded the fighting and has been going on as insubstantial to a rebellion against (Albania) and not rather than as "hostilities" between two countries.

Quite a number of the Italian deserters have entered Kenya since that date (e.g. some of the parties of Albanian refugees who entered Kenya

This summer included numbers
of Britains, who have been
sent out & interned with
their compatriots).

The question is whether these
Britains, who have entered
Kenya since May 1936, have
entered during a period of
hostilities; i.e. whether their
detention under Order XI/36 is
legal.

[If a period of
hostilities had
not been regarded
as having ended
with the Italian
proclamation of
war it is to be
regarded as
having ended?
be regarded as
continuing?]

J.P. Pasquin
16/11

May 1936,
be regarded as
continuing?]

To H.C. (W. 1937-1938)

13/11
16/11/37

On the information before me,
it is impossible to deal with the point
raised by Mr. Pasquin. The answer to
his question would seem largely to depend

upon the extent of the de facto recognition
by I. M. C. of the Italian occupation of
Abyssinia; and a point of this kind
would have to be referred to the F. O.

That Department may or may not
regard the period of hostilities between Italy
and Abyssinia as having now ended.
I really do not know. They have at any rate
largely called off the neutrality measures
in the Sudan.

If it is desired to pursue the matter
further, we shall have to write to the F. O.

19/11/37 / H. Duncan.

I do not think it matters how properly entitled, for
the purpose to say that hostilities are still going on. The
Department say so and unless they are convinced that
as it is common knowledge that fighting is still in progress
and as we have not recognized the Italian occupation we
cannot say the detention of any of them was illegal.

Anyhow who will object? If the Italians do they
can be turned loose over the frontier & the Italians will see
to them.

P.H.

Mr. Knowles

11.11.37
20.11
N.A. There are press cuttings of the letter in the New Statesman

4. Car Range — Conf. 165 — 25.11.37

Tr, with enclosed copy of a report received from the Commander, N. Brigade, K.P.R. on the riot at Seels.

This riot is the more regrettable because it was opened without orders. A dispute at a football match which developed into a free fight need not lead to uncontrolled shooting by hostile groups. However, it is stated in para 6 of the report (A) that without bullets it might have become more serious still, which makes the breach of discipline easier to condone, if not excuse. In any case, as some held, the results of what will be interesting to learn.

Colony/112

This does not make very pleasant reading. But it is perhaps desirable to refrain from comment until the further reports are received.

J.P. Pinner
7/12

X | ? We should let W.O. have a copy of No 4, and the P.O. too.

I am sorry that it is desirable to refrain from comment until the result of the enquiry is received.

(Apparently each L.G. section was under the command of a N.C.O. and the possibility of the officers obtaining possession of his gun, and using it, may have presented a difficult and urgent situation).

L.S. Goo
4/12

See. J.P. Chalson
2/12

I agree that we should proceed as suggested at X above, and then await the result of the enquiry.

6/12/37 J.A. Driscoll

There is always a risk of indiscriminate fire with defence troops unless this is a mobile force. That makes the presence of machine guns rather a doubtful point. Even if they were not the danger, guards would be necessary.

No need yet for judgment

? as proposed

21.12.37
6.12.

* The C.S.M. was able to stop the firing. It was the only common cause of some body shooting & others following suit.

Sgt. Radcliffe.

Unfortunately, but nothing disastrous would be to form that night.

And X?

Yes. 6/12

as proposed.

sent
7.12.37
done

5 To. W.O. (W/CH) 0/1A -

6 To. F.O. (W/CH) 0/1A -

15.12.37

Mr. Driscoll
See my note
0.21/1137 dated 4/12/37

is, will come to, copies of Proceedings of Magistrate's enquiry
to the cases of death of internees who lost their lives in the riot at
Mandi.

The finding of the Magistrate enquiring into the
riot is "I am unable to find that any
individual has committed any offence."
Copy to Me at ref. (B) 2 (6) 49

Para 2. under the point discussed in the
minutes in (1) above. The Gov is assuming
a state of hostilities to continue for the purpose
of the "Control of Foreign Exchange Ordinance"
which in the minute of 20/11/37 was considered
to be the moment when to take no action.

The last two sentences raise the difficult
question of the ultimate future of those 600
disarmees and of the 6000 refugees in the
camps at Isida.

Clutterbuck
41

We must clearly consult the Foreign
Office on this; but, after discussion with
Vandrieman, I arranged to defer the preparation
of the draft until I had obtained from the
Foreign Office

(a) the text of the Italian decree of
the 9th of May, 1941, annexing Ethiopia; and

(b) the text of the Foreign Office
certificate of the 26th of April, 1937.

In connection with the case of the Bank of
Ethiopia v. the National Bank of Egypt and
others in regard to the de facto
recognition by His Majesty's Government of
the Italian occupation of Ethiopia.

These documents have now been

received

received and are registered on 46597/S/38.
and I now submit a draft letter to the Foreign
Office - very much as a "cock-shy". I also submit
the draft of a letter to the War Office.

J.P. Pascoe
5.2.38.

I agree with the terms of the attached draft letter
to the F.O. as now amended by me in conjunction
with Mr. Pascoe.

10/2/38

A. Duncan.

Sir C. Bottomley

You should see the
outcome of the enquiry.

(A. J. Duncan)
11

Seen by me on 10/2/38

(I am sending
you the
Sp. 65200)

The proceedings on board work
the copy of the document

10/2/38

8 To F.O. (10/27/38) cons 3/18/38
(4000 photo) 17.2.38

9 To W.O. (10/27 orig) cons 3/18/38
encl + (8)

DESTROYED UNDER STATUTE

10 To Kenya Com (2) (1/6.8 (1/6.8) & encl 2 on 10/27/38)
7-Annand - A/1 - 18 FEB 1938

W.O.

Copies of the duplicates of Nos. 7 and 9 on this file have now been registered on 38251/38, for the consideration of the juridical aspects of the questions raised in No. 7. We have now received a reply from the Foreign Office which has been registered on that file and on which a communication will be sent to Kenya in due course.

So far as this file is concerned, I think it would be sufficient to send a copy of No. 11 to the Governor Lt., ref. 10.

J.J. Paashin
15.3.38

(A) M. new
18.3

Major G. G. ...

12 To Kenya Com (3) (1/6.9 (1/6.9) & 11) A/1 - 5 APR 1938

Ma. Co. 152

As W.O. do not appear to have received the copy of the Proceedings of the Magistrate's enquiry

As they were asked to do in para 3 & 9
and then for it with of 4 11
16 Para 11/11 all work used these papers

J.J. Paashin
15.3.38

Seen
28.3.38

J.J. Paashin
29/4
at well

12 To W.O. (11ans) 3-PN Cons 10 MAY 1938

DESTROYED UNDER STATUTE

12 W.O. 0165/2373. M.O. 2. 3 p.m. 12.5.38
Returns copy of Proceedings of the Magistrate's enquiry forwarded on 9.

? Pakby
Colon White 4/6

Major Bishop
20.4.38

See...
Pakby

J.J. Paashin
19/5

20.4.38

Seen
20/4/38

38066/14E/37.

C. O.

R 11 FEB
D 10

Mr. Paskin. 5/2.
Mr. Duncan. 10/2/38
Major Cole. 192
Mr. Dawe. 11. 2

Sir H. Moore.

Sir G. Tomlinson.

X Sir C. Bottomley. 11. 2.

Sir J. Shuckburgh

Perms. U.S. of S.

Perms. U.S. of S.

Secretary of State.

Downing Street.

17 February, 1938.

Sir,

With reference to the

(6) letter from this Department of the
1937,
15th of December, I have the honour

to transmit to you to be laid before
Mr. Secretary Eden a copy of a

despatch from the Governor of Kenya
dated the 23rd of December, enclosing

a copy of the Proceedings of the
Magistrate's enquiry into the
circumstances of the deaths of the

Italian native internees who lost
their lives in the course of the

riot at the camp at Isiolo on the
13th of December. A copy of the

Control of Fugitive Belligerents

Ordinance 1936 was sent to the

F.O. on the 16th of August, 1936,

under

2 DRAFTS.

THE U.S. OF STATE,
F. O.

Kenya. Conf. No. 173 of 23. 12.
(No. 7)

Selected

*copy to W.O. in
the 10/1/38*

FURTHER ACTION.

*Copy to W.O. in
the 10/1/38
to No. 2, on 16/5/38
to Kenya, Conf. 4.
Copy of original
in orig. of this to
W.O. will be.*

*Copy made
in 3/25/38*

under C. G. reference No. 38251/36, and I am to request that consideration may be given to the question whether, for the purposes of that Ordinance, the "period of hostilities" between Abyssinia and Italy" which is mentioned in the definition of "belligerent" in Section 2 of the Ordinance, is to be regarded as continuing, or ~~to~~ having ended; and if the latter, as from what date.

2. Although the interpretation of an Ordinance is a matter for the Courts, it is to be presumed that if this question were raised in a court in Kenya, the court would apply to the Governor for information as to the view taken by His Majesty's Government on the questions whether hostilities are still in progress between Italy and Abyssinia and if not, as to the date on which they ceased.

If it may well be the case that the question is not likely to be raised unless and until the Italian annexation of Abyssinia is recognised de jure, but in this connection I am to invite reference to the statement in evidence on page 3

C. O.

Mr.

Mr.

Mr.

Sir H. Moore.

Sir G. Tomlinson.

Sir C. Balmfley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DRAFT.

FURTHER ACTION

of the Proceedings of the Enquiry that such complaints as had been made by the deserters were usually in connection with the question ~~as to~~ when they would be allowed to return home. It is therefore ^{conceivable} possible that the question of the legality of the continued detention of these deserters might be raised at any time, and it is desirable that the Governor should be informed of the view taken by Mr. Eden on the questions raised above.

4. It will be observed that the Governor states that "the operation of this Ordinance is dependent upon the continuance of hostilities between Ethiopia and Italy". This statement would appear to ~~mean~~ ^{imply} that there would be no legal authority for the continued detention in the internment camp of a "belligerent", as defined, after the

date

date on which the "period of hostilities" is to be regarded as having terminated. The question

whether this view is correct would appear to depend on the question whether Section 6 of the

Ordinance can be construed by itself, or whether it has to be read with Section 3.

In this connection it is to be observed that
5. Section 6 of the Ordinance authorises the detention (without any limitation of time) of a

"belligerent" in an internment camp if in the opinion of the Government such action is necessary

(inter alia) to maintain law and order in the Colony.

As Mr. Eden is aware, it is not yet possible to contemplate the repatriation of these "belligerents"

and if they have not been repatriated or otherwise disposed of at the date of the cessation of "the

period of hostilities between Abyssinia and Italy" the considerations contemplated in Section 6 of

the Ordinance will certainly continue to operate.

~~It therefore Section 6 can be construed by itself,~~
It would appear, that under Section 6 *statutory* authority

for

C/O.

Mr.

Mr.

Mr.

Sir H. Moore.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Perm. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DRAFT.

(v. Bill at No 19 on 38066/14/36)

(v. BIA on 4659/1/37)

now deleted

In this connection I am to invite reference to W.O. letter No. 0165/2203 (H.O.2.) of the 18th of March 1936 and F.O. letter No. J. 2429/50/1 of the 24th of March 1936, which provided the basis on which the Order was drafted.

FURTHER ACTION.

for the continued detention of the "belligerents" after the cessation of hostilities between Abyssinia and Italy.

6. In Section 3, however, there is a reference to "International Law", and while that reference occurs only in that Section it was made quite clear in the "Objects and Reasons"

that the whole Ordinance was intended to be as nearly in conformity with International Law as was possible in

the special circumstances existing at the time when it was enacted. } Quite

apart, therefore, from the question of the interpretation of the Ordinance,

the question arises ^{whether} as to the rights and obligations, under International

~~the Government of Kenya are under any Law, of a neutral country in regard to the detention there of foreign~~

~~belligerents, after the cessation of~~

hostilities

to return those deserters to the Italian authorities,
hostilities, in which the country to which those
whether they have a right to continue to detain them,
belligerents belonged was engaged, and I am to

request that Mr. Ormsby Gore may be furnished
with Mr. Eden's observations on these aspects of
the question.

7. Apart from the question of the
position which arises, at the date of the cessation
of hostilities between Italy and Abyssinia, in relation
to "belligerents" who have been legally detained in
Kenya under the powers conferred by the Ordinance,
the question also arises whether all of these Italian
native deserters were in fact "belligerents" as
defined in Section 2. It will be recalled that
while the first party of these deserters entered
Kenya in January, 1936, further parties continued to
enter the Colony throughout 1936 and 1937 up till as
late as ^{Sept.} ~~July~~ 1937. If therefore it is necessary
to consider that the period of hostilities between
Italy and Abyssinia had ceased before that date, the
position would be that some of the persons interned in
Kenya were not "belligerents", as defined, and that

there

C. O.

Mr.

Mr.

Mr.

Sir H. Moore.

Sir G. Tomlinson.

Sir C. Bolton.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

- Secretary of State.

DRAFT.

(No. 1 on
46597/5/38)

(No. 2 on
46597/5/38)

FURTHER ACTION.

there was accordingly no legal authority for
their detention.

In considering whether this position
has in fact been reached the following
considerations would seem to be relevant.

8. It is assumed that the Italian
Government would contend that the "period of
hostilities between Italy and Abyssinia"
came to an end (at the latest) on the 9th
of May, 1936, (the date of the decree by
which the King of Italy purported to assume
sovereignty over Abyssinia) i.e., three
weeks before the date on which the Governor
of Kenya assented to the Ordinance. It is
however assumed His Majesty's Government
would not accept this view.

9. On the other hand, it appears from
the F.O. statement of the 28th of April, 1937,
which was made in connection with the case
of the Bank of Ethiopia versus the National
Bank of Egypt and another, that, by the
second half of December, 1936, the position

had

had been reached that His Majesty's Government had recognised the Italian Government as the government de facto of the parts of Ethiopia of which they were in control, and that by the end of April, 1937, His Majesty's Government understood the Italian Government to be in control of the whole of Ethiopia with the exception of certain areas in the south and south west of the country. It was, of course, from these parts of the country that the Italian native deserters found their way into Kenya (some of them, as late as ~~early~~ ^{Sept.} 1937), and it is for consideration whether, in the circumstances mentioned in this paragraph, it could be considered for the purposes of the Ordinance, that, at the relevant dates, "the period of hostilities between Abyssinia and Italy" had not come to an end.

10. As regards the Abyssinian refugees in Kenya, in so far as they are regarded (as indicated in paragraph 2 of the Governor's despatch) as having been dealt with under this Ordinance, the same considerations arise.

C. O.

Mr.

Mr.

Mr.

Sir H. Moore.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permi. U.S. of S.

Party. U.S. of S.

Secretary of State.

arise. It is however proposed to draw the attention of the Governor to the fact that these refugees include a number of women, children and camp-followers, who were not "belligerents" and could not therefore be regarded as having been dealt with under this Ordinance.

DRAFT.

Signed: A. DAWE.

FURTHER ACTION

KENYA
No. 173



GOVERNMENT HOUSE
NAIROBI
KENYA

CONFIDENTIAL.

23 December, 1937.

Sir,

With reference to my Confidential despatch No.165 of the 25th November last regarding the riot which took place on the 15th November at the Ethiopian deserters' camp at Isiolo, I have the honour to enclose, for your information, copies of the Proceedings of the Magistrate's enquiry into the circumstances of the deaths of the internees who lost their lives in the course of the riot.

It will be seen that the Magistrate satisfied himself as the result of the enquiry that such firing as took place was justified and that no offence was committed by any individual concerned.

A copy of the Inquest Proceedings has been communicated to the Commander, Northern Brigade, and I have no observations to offer on the terms of the Magistrate's finding with which I am in agreement.

As regards, however, the general question of the internment of the deserters, and also indeed of the Ethiopian refugees, I am in some doubt as to the present position.

You will be aware from separate correspondence that their internment in this Colony is governed by the Control of Fugitive Belligerents Ordinance, 1936. The operation of this Ordinance is dependent upon the continuance of hostilities between Ethiopia and Italy, and in this respect the present situation is far from clear particularly in view of the unusual

THE RIGHT HONOURABLE
W. ORMSBY GORE, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.1

*Copy not sent to 170 & 171
of my encl. ...
23/12/37
23/12/37*

Jan 3 1938

unusual circumstances surrounding the outbreak and subsequent conduct of hostilities.

Presumably, however, this Government will be justified, especially in view of the attitude of His Majesty's Government towards the Italian occupation of Ethiopia, in regarding a state of hostilities still to exist for the purposes of the Ordinance, and I propose therefore to proceed accordingly unless instructions to the contrary are received.

In the event, however, of the "de jure" recognition by His Majesty's Government of the conquest of Ethiopia it is clear that the continued detention of these people would be difficult to justify, and I shall be glad to receive advice on this question in advance of the event. In this connection the undesirability of setting these people free in this Colony will, I am sure, be appreciated.

I have the honour to be,

Sir,

Your most obedient, humble servant,

R Brooke Copham

AIR CHIEF MARSHAL,
GOVERNOR.



38060/142/37.

17 February 1938.

Sir,

With reference to the letter from this Department of the 16th of December 1937, I have the honour to transmit to you to be laid before Mr. Secretary Eden a copy of a despatch from the Governor of Kenya dated the 23rd of December, enclosing a copy of the Proceedings of the magistrate's enquiry into the circumstances of the deaths of the Italian native internees who lost their lives in the course of the riot at the camp on the 13th of December. A copy of the Belligerents Ordinance 1936 was sent to the Office on the 16th of August 1936, under Colonial Office No. 38241/36, and I am to request that consideration may be given to the question whether, for the purposes of that Ordinance, the "period of hostility between Abyssinia and Italy" which is mentioned in the definition of "belligerent" in Section II of the Ordinance, is to be regarded as continuing, or as having ended; and if the latter

23.12.37.

THE UNDER SECRETARY OF STATE,

FOREIGN OFFICE.

later, as from what date.

... although the interpretation of the ordinance
... a matter for the court to be decided
that if this question is raised in a court in Italy,
the court would apply to the Governor for information
as to the view taken by the Majesty's Government on
the questions whether hostilities are still in progress
between Italy and Abyssinia or not, and to the date
on which they ceased.

It is likely that the question
is not likely to be raised unless and until the
Italian annexation of Abyssinia is recognized as just
but in connection therewith to invite reference to the
statement in evidence in support of the proposition
the inquiry that such complaints as had been made
the departure were usual, in connection with the question
when they could be allowed to return home. It is
to refer, especially, that the question of the legality
of the continued detention of these deserters might be
raised at any time, and it is probable that the Governor
should be informed of the view taken by the Government on the
questions raised above.

It will be observed that the Governor states

that

that the operation of this Ordinance is dependent upon the continuance of hostilities between Ethiopia and Italy. This statement would appear to suggest that the Government of Kenya is under the impression that there would be no legal authority for the continued detention in the internment camp of a "belligerent", as defined, after the date on which the "period of hostilities" is to be regarded as having terminated.

6. In this connection it is to be observed that Section 6 of the Ordinance authorizes the detention (without any limitation of time) of a "belligerent" in an internment camp if in the opinion of the Governor such action is necessary (inter alia) to maintain law and order in the Colony. As Mr. Eden is aware, it is not yet possible to contemplate the repatriation of these "belligerents", and if they have not been repatriated or otherwise disposed of at the date of the cessation of the period of hostilities between Abyssinia and Italy the consideration contemplated in Section 6 of the Ordinance will certainly continue to operate. It would appear, therefore, that under Section 6 there is statutory authority for the continued detention of the "belligerents" after the cessation of hostilities between

Abyssinia

Abyssinia and Italy.

6. In section 3, however, there is a reference to "International Law", and while that reference occurs only in that section it has been made quite clear in the "Objects and Reasons" that the whole Ordinance was intended to be as nearly in conformity with International Law as was possible in the special circumstances existing at the time when it was enacted. In this connection I wish to invite reference to War Office letter No. 016/2223 (M. 222) of the 18th of March 1936 and Foreign Office letter No. J.2229/50/1 of the 31st of March 1936, which provided the basis on which the Ordinance was drafted.

As apart, therefore, from the question of the interpretation of the Ordinance, the question arises whether, under International Law, the Government of Kenya are under any obligation, after the cessation of hostilities, to return these deserters to the Italian authorities, or whether they have any right to continue to detain them.

I am to request that Mr. Ormsby Gore may be furnished with Mr. Eden's observations on these aspects of the question.

7. Apart from the question of the position which arises, at the date of the cessation of hostilities between

Italy

Italy and Abyssinia, in relation to "belligerents" who have been legally detained in Kenya under the powers conferred by the Ordinance, the question also arises whether all of these Italian native deserters were in fact "belligerents" as defined in Section 2. It will be recalled that while the first party of these deserters entered Kenya in January, 1936, further parties continued to enter the Colony throughout 1936 and 1937 up till as late as September 1937. If therefore it is necessary to consider that the period of hostilities between Italy and Abyssinia had ceased before that date, the position would be that some of the persons interned in Kenya were not "belligerents", as defined, and that there was accordingly no legal authority for their detention.

In considering whether this position has in fact been reached the following considerations would seem to be relevant.

A. It is assumed that the Italian Government would contend that the period of hostilities between Italy and Abyssinia came to an end (at the latest) on the 9th of May, 1936, (the date of the decree by which the King of Italy purported to assume sovereignty over Abyssinia) i.e. three weeks before the date on which the Governor

20
Governor of Kenya assented to the Ordinance. It is however assumed His Majesty's Government would not accept this view.

3. On the other hand, it appears from the Foreign Office statement of the 25th of April 1937, which was made in connection with the case of the Bank of Ethiopia versus the National Bank of Egypt and another, that, by the second half of December 1935, the position had been reached that His Majesty's Government had recognized the Italian Government as the government de facto of the parts of Ethiopia of which they were in control, and that by the end of April 1937, His Majesty's Government understood the Italian Government to be in control of the whole of Ethiopia with the exception of certain areas in the north and south west of the country. It is, of course, from those parts of the country that the Italian native departments found their way into Kenya (some of them as late as September 1937) and it is for consideration in that, in the circumstances mentioned in this paragraph, it could be considered for the purposes of the Ordinance, that, at the relevant dates, the period of hostility between Abyssinia and Italy had not yet terminated.

It is suggested that the Ordinance referred to above,

in so far as they are regarded (as indicated in paragraph 2 of the Governor's despatch), as having been dealt with under this Ordinance, the same considerations arise. It is however proposed to draw the attention of the Governor to the fact that these refugees include a number of women, children and camp followers, who were not "belligerents" and could not therefore be regarded as having been dealt with under this Ordinance.

I am,

Sir,

Your most obedient servant

(Signed) A. J. DAWES

in so far as they are regarded (as indicated in paragraph 2 of the Governor's despatch, as having been dealt with under this Ordinance, the same considerations arise. It is however proposed to draw the attention of the Governor to the fact that these refugees include a number of women, children and camp followers, who were not "belligerents" and could not therefore be regarded as having been dealt with under this Ordinance.

I am,

S. R.

Your most obedient servant,

(Signed) A. J. DAWE.



COLONY AND PROTECTORATE OF KENYA

In the Resident Magistrate's Court

at Nairobi.

INQUEST
CORONER CASE No. 23 of 1937.

Prosecutor	Re:-	(1)	Zirizchi Girmazien	
	Decensed	(2)	Zaggi Volde chidar	
		(3)	Chiffesus Milkies	
	Internees in	(4)	Mogos Ambaie	
		(5)	Aafaha Mahari	
		(6)	Barahi Hagos	
		(7)	Hasfaha Bahre	
	Accused	Idiolo	(8)	Garemariam Redi
		Internment	(9)	Charesellase Ghabre
			(10)	Gabra Girmadan
Camp November, 1937.				

Date of Issue 25.11.37.

Date of Hearing 26.11.37.

Charge

Judgment:

LIST OF WITNESSES

1. Capt. Crozier.
2. M.M. Bali.
3. No. 17246 Sergeant Okello.
4. No. 9151 Company Sergeant Major Musa.
5. Haile Beiene.
6. Rada Takale.
7. Tatarfarbat Tesfamariam.
8. No. 565 Private Dura.
9. No. 892 Corporal Owino.
10. No. 914 L/Corporal Muthusi.
11. No. 126 L/Corporal Wambua.
12. No. 127 L/Corporal Mbiwa.
13. No. 218 Private Idre.
14. Nagash Naghamariam.

LIST OF EXHIBITS

1. Sketch plan of camp.
2. Orders to guard commanders issued by officer-in-charge Internment Camp, Tsiolo.
3. Medical Report of death of Gabra Girmidan.
4. Death Certificate of Gabra Girmidan.

IN THE RESIDENT MAGISTRATE'S COURT AT NAIROBI

INQUEST NO. 23 OF 1937

- RE:- (1) Zirizohi Girmazien
(2) Zaggi Voldo-chidan
(3) Chiflesus Makies
(4) Mogos Ambaie
(5) Asfaha Mahari
(6) Barani Hagos
(7) Hasfaha Bahre
(8) Caremarlam Redi
(9) Cheresallase Ghabre
(10) Gabra Girmidan.

Deceased

Internees in

Isiolo

Internment Camp,

November 1937.

In the Court of the Resident Magistrate, Nairobi.
At Isiolo Internment Camp.

25.11.37. 9 a.m.

JOHN CHRISTOPHER THOMAS CROZIER, Sworn, Adv.

I am Captain in K.A.R. Reserve of Officers. I am Commandant of the Internment Camp at Isiolo where are detained British deserters from the Italian Army operating in Abyssinia. This camp was started at beginning of February 1936. I have been in charge of this camp with Captain Mitchell since the end of May 1936. We have charge of this camp for periods of about two and a half months each in turn. On 1.11.37 I took over charge of this camp from Captain Mitchell. On 13.11.37 I left the camp at about 5.30 p.m. Before I left I had been watching a game of football between the internees and the askaris with Lieut. Sandilands. Everything was then quite normal. There was the usual crowd of internees and askaris watching the game. It is quite normal to have football matches between the askaris and the internees. I have never heard that there has been any trouble at these matches before. The game on 15.11.37

was played on the ground just outside the boma. I have
Ex.1. made this sketch plan of the boma and surroundings from
observations taken on the spot (Exhibit 1).

At 5.30 p.m. I left the camp with Lieut. Sandilands to go down to Isiolo boma. Company Sergeant-Major Musa was left in charge of the camp. Just before 6 p.m., when we were about 2 miles out of Isiolo, Sergeant-Major Musa came in a lorry and made a report to me that a riot had taken place and some internees had been killed. I immediately returned to the camp. When I arrived just after 8 p.m. everything was quiet. There were nine bodies lying in front of guard tower "B" (on Exhibit 1). Otherwise all was normal. I called the sub-assistant surgeon to remove the nine bodies to the Hospital. The nine bodies were those of internees. I then heard that some wounded internees had returned to their huts. I gave orders that these should be removed to the hospital at once. I made enquiries. I doubled the guards for that night. I put a regular sergeant in charge of each guard tower and the quarter guard. I made arrangements for the wounded by turning some of the askaris out of one of their barrack rooms. Lieut. Sandilands went to report to the District Commissioner, Isiolo. I sent a report to the Medical Officer at Meru and to the officer commanding the 5th Battalion, K.A.R. at Meru. About midnight Capt. Cormack, a European Medical Officer, arrived at the camp with the officer commanding 5th K.A.R. The guard at this camp is a company composed of a hundred Reservists of K.A.R. together with five regular Non-Commissioned Officers. Sergeant-Major Musa is one of the regular Non-Commissioned officers. On 13.11.37 there were 549 male internees and ten female internees at the camp.

No orders have ever been given that one officer should always remain in camp and it has been customary for

both officers to leave the camp for short periods for recreational purposes. There is always one officer sleeping here; and for most hours of the day both are on duty. The officers at the camp consist of one Captain and one Subaltern. Isiolo boma is two miles away. There are two Europeans resident in Isiolo boma, the District Commissioner and the Assistant Superintendent of Police. One or other of them is usually on safari.

Ex.2. I produce a copy of orders issued to guard commanders at the camp (Exhibit 2).

I have not heard that there has been any riot previously at this camp. Complaints are brought to me from time to time. These complaints have been individual ones, usually a request to know when they are going home. The internees for internal discipline are under their own non-commissioned officers. These Non-commissioned officers report to me. The Non-commissioned officers have never complained to me of any serious dissatisfaction among the internees.

Lieutenant Sandilands of 5th K.A.R. was staying with me in the camp on 13.11.37. Lieutenant The Hon. R. Ward, who is a Subaltern stationed in the camp, was on leave at Meru.

R.O.C.

A.C. Spurling.

(Sd) J.C.T. Crozier Capt.

K.A.R. R. of O.

MADAN MOHAN BALLI sworn Xd.

I am a sub-assistant surgeon in Kenya Government stationed at Isiolo Internment Camp. I was in the camp on 13.11.37. When the football match was being played I was sitting on the verandah of my hut, which is behind the quarter guard about 5 p.m. I could not see the football ground from where I was. I heard a bugle blow and I went

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near to the quarter guard and stood at the side of it. There were, I think, four reservists at the quarter guard. They were firing with rifles. There was a mob of internees just in front of the guard tower "B". The reservists at the quarter guard were firing at this mob. I think there were a good deal more than a hundred internees outside the guard tower. They were running in direction of the guard tower B. I think they were trying to get into the boma. The entrance to the boma was open. There were guards in the guard tower. I did not see what they were doing. The internees were shouting in their own language which I cannot understand. There were some askaris, not in uniform, outside the hospital. They had come from their lines with rifles. I think there were fifteen or eighteen of them. When I saw them they were not using their rifles. They did not seem to me to be excited. No. 17246 Sergeant Okello was one of them. The guards in front of the quarter guard did not seem to me to be excited.

Sergeant Major Musa was just in front of me. He came from his hut which is near mine. I heard him ask the bugler what the trouble was. Then he moved towards the hospital side. He shouted to everybody to stop firing at once. He only asked bugler what the trouble was moved to hospital, and then told everyone to stop firing. The firing stopped. I heard one spund of firing, after he had shouted, from the direction of the football ground. Everybody stopped firing near where I was. The internees then went quietly into their boma, except the wounded. Sergeant Major Musa then went in the lorry to fetch Capt. Crozier. I went to the hospital. I found No. 17246 Sergeant Okello there. I asked him to bring to me the wounded askaris. I had not seen any wounded askaris. Within two or three minutes, ten wounded askaris came

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to the hospital. I dressed them. Four of them had bad wounds in the scalp. Nyuni, Malinda, 979 Mwema and 984 Mwema were these wounded askaris. Three had cuts in the scalp and one was badly bruised in the chest. Some blunt instrument, I think, had caused these cuts. Nyuni had a cut about 3 inches long by $\frac{1}{8}$ one-eighth of an inch deep above the forehead. Malinda had a bruise on his chest. No. 979 Mwema had a cut on forehead 2 inches long, one-eighth of an inch deep, and a bad bruise over left eyebrow and eyeball. No. 984 Mwema had a cut in back of his head, 1 1/2 inches long and skin deep. I detained all ten wounded askaris in the hospital. I was still treating the askaris when Capt. Crozier arrived. He ordered me to take in the wounded internees. With help of dressers I brought into hospital thirty-six internees. A few were outside the guard tower B lying on the ground. The rest were inside the internment boma. Six were dead, one other died after two hours, one after seven hours and a third after fourteen hours. The nine dead were Zirizchi, Girmazien, No. 12, Zaggi Voldechidan, No. 40, Chillessus Hikiies No. 46, Mogos Ambale No. 111, Asfaha Mahari No. 126, Bahari Hagos No. 276, Asfaha Bahre No. 390, Garemarlam Redi No. 604, and Oheresellase Ghabre No. 529. Zirizchi Girmazien No. 12, was dead on admission to the hospital. He died of gunshot wound in the abdomen. Zaggi Voldechidan No. 40, was dead on admission to hospital. He died of gunshot wound on right side of neck which resulted in bleeding which caused death. Chillessus Hikiies No. 46, was dead on admission. He died of a gunshot wound on right side of the chest. Mogos Ambale No. 111, was dead on admission of gunshot wound in heart. Asfaha Mahari No. 126, was dead on admission. He died of gunshot wound on right side of back of chest, which had pierced the lung. Bahari Hagos No. 276, was dead on

admission. He died of gunshot wound of heart. Hasfaha Bahre No.290, died after 13 hours of gunshot wound in the abdomen as result of internal bleeding. Garemariam Redi No.304, died after seven hours, of fractured left thigh and gunshot wound in lower part of abdomen. Cheresellage Ghabre No.529, died after two hours, of gunshot wounds in abdomen and chest.

I think it was about half an hour between time I saw firing take place and time when Capt. Crozier arrived.

I was in charge of hospital at camp on 15.11.37. Capt. Cormack arrived about 12.30 a.m. I have been in charge of this hospital since the camp started. I am under the supervision of Dr. Esler, who is Medical Officer at Meru. There is a sub-assistant surgeon at the refugees camp about seven miles away. He arrived about 7.30 p.m. to assist me on 15.11.37. I have one regular dresser under me and three other dressers whom I am training.

One of the wounded internees, Gabra Girmidan, No. 454, was removed to Meru Hospital on 14.11.37 at 11 a.m. suffering from gunshot wound of right buttock. I have heard that he died on 19.11.37 at Meru.

Of the 36 wounded twelve were sent to Meru Hospital on 14.11.37 at 11 a.m. Girmidan No.454, one of these twelve has died, the others are recovering. Four more were sent on 18.11.37 and I understand are recovering.

When I reached quarter guard I saw the internees rushing in a body towards the guard tower B. I saw no others going in any other direction. Many of them had sticks, which they were holding above their heads. These sticks were wooden poles, about 6 feet long and an inch thick. These sticks they are accustomed to carry about. I saw some internees inside their boma shouting. I did

admission. He died of gunshot wound of heart. Hasfaha Bahre No.290, died after 13 hours of gunshot wound in the abdomen as result of internal bleeding. Garemarian Redi No.504, died after seven hours, of fractured left thigh and gunshot wound in lower part of abdomen. Cheresellase Ghabre No.529, died after two hours, of gunshot wounds in abdomen and chest.

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not see any of the internees strike anyone. I did not see any individual internee hit. The wounds which the askaris received and which I treated in hospital could have been caused by the poles which the internees were carrying. These poles could also have caused the bruises which the askaris received. I detained all ten wounded askaris in hospital pending Capt. Crozier's arrival. One of the ten askaris, No. 218 Idre, had a wound on left heel. This wound was caused by a blunt instrument. It could have been caused by a stone. I did not see any internee throw any stone.

R.O.C.

(Sd) Madam Mohan Bali.
S.A.S.

A.C. Spurling.

- 3. Report of death of Gabra Girmidan (Exhibit 3) put in. This report is signed by A.R. Esler, Medical Officer, Meru. Death Certificate of Gabra Girmidan (Exhibit 4) put in, signed by A.N. Bowry, Medical Officer. NO. 17246 SERGEANT OKELLO, Christian, sworn. Xd.

I am a Sergeant in 3rd K.A.R. stationed at Isiolo Internment camp. I was at camp on 13.11.37. At 5 p.m. the askaris began to play a football match with the internees. I was acting as referee. We played for half an hour and then we changed over. About 5.40 I saw one of the internees, called Naghas, run with the ball and try to pass the askari back, Marinda. Two of the internees ran up against Marinda and pushed him and took ball away from him. Naghas came and kicked Marinda behind. Marinda asked Naghas why he had kicked him from behind. Naghas replied it was no quarrel he had with Marinda, it was only a "shauri" of football. I blew my whistle as I saw them both standing and disputing. Then Naghas caught hold of shirt of Marinda and tore it and said "Why do we use bad words when we are playing

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(Sd) Madam Mohan Bali. A.C. Spurling.
S.A.S.

- Ex.3. Report of Gabra Girmidan (Exhibit 3) put in. This report signed by A.R. Esler, Medical Officer,
 - Ex.4. Meru. Death certificate of Gabra Girmidan (Exhibit 4) put in, signed by A.N. Bowry, Medical Officer.
- NO.17246 SERGEANT OKELLO, Christian, sworn. Xd.

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football?" Marinda when his shirt was torn slapped Naghas with his open hand on the cheek. Naghas ran and got hold of his stick from one of the watchers. The stick was a walking stick. He hit Marinda on the head with it. It had no knob on the head. Then Naghas ran among the internees; Marinda ran after him. The other internees, three of them, caught hold of Marinda and threw him on the ground. I saw Marinda lying on ground. I separated the others to let Marinda out. I told an askari to take Marinda to the lines. The internees, who were watching the match, ran to pick up some firewood where it was collected outside the internees camp. There were some internees in the boma. They threw sticks from inside the boma to their friends outside. These sticks pieces of firewood about four feet long and about an inch thick. I blew my whistle and the internees ran to one side and the askaris to the other side. Other askaris had come to the scene to see what was happening; the internees continued to throw firewood at the askaris. The askaris picked up the firewood and held them, waiting for the internees. I was standing in the middle, holding out both my arms. I was hit in the arm by the firewood. Rada, the sergeant of the internees, came to help me. Sergeant Major Musa came from the lines on to the football ground to help me. I reported to him. He said the game had better stop and each side should return home. Haile, the internees' interpreter, helped Rada to get the internees to go back to their boma. More internees were coming out of the boma. They were striking Rada. I was hit by a stick and fell down. I heard a shot fired. There is barbed wire all round the boma except at the door in front of the guard tower "B". I saw internees coming up to the ^{wire} ~~lower~~ and throwing wood to their friends outside. I don't know whether any internees came out of

door in boma. I saw none get over the wire. There is only one door to the boma, in front of guard tower "B". I got up and went to hospital. I saw nothing more. I was unconscious while I was on ground. I don't know where Sergeant Major Musa was. There were some askaris standing in front of hospital. I saw some askaris running up with rifles, after I had been to hospital. Before I fell down, I don't remember who had rifles. When I fell down I was with Nada and Haile. I was between hospital and the internees boma. The internees were all round us. The other askaris were over by the hospital, going back. I am sure Sergeant Major Musa came to the football ground before the firing started. Sergeant Major Musa was with me when I fell down. I did not hear a bugle blown before the firing started because there was a lot of noise about

I reme. Crozier was watching the football match with another of K.A.R. He went away before the dispute occurred between Naghas and Marinda.

Later I was left in charge while Sergeant Major Musa went to fetch Capt. Crozier.

I did not see any of the internees actually hit. I don't know who was in the guard tower on at the quarter guard before I fell down. I was surrounded by many internees and askaris. The askaris were behind me.

R.O.C.

A.C. Spurling.

(Sd) Sgt. Okello.

NO.9151 COMPANY SERGEANT MAJOR MUSA Mohammedan, sworn to.

I am attached Isiolo Internment camp. I have been here nearly two years. On 13.11.57 there was a football match between the internees and the askaris. Capt. Crozier was watching. He went away. I stayed at my house. While Capt. Crozier is away I am in charge of the camp in the absence of the Subaltern. I was sitting on my verandah

I heard a whistle blown three times from direction of football ground. I went to the quarter guard. Lance Corporal Mbiwa was in command of the quarter guard. There were three askaris and one bugler there as well. When I got near quarter guard, the bugle blew. I asked bugler who told him to blow bugle. I was invited to look at football ground. I saw a lot of internees on the football ground fighting with the askaris. Other internees in the boma were throwing wood from the boma. I ran back to my house and got my rifle. I went to Sergeant Okello. I asked him what had happened. I saw three askaris lying on edge of the football ground. The internees had taken firewood and were throwing them at the askaris. Some of the askaris ran back when they heard the bugle and they came out with rifles. I was in the middle. Sergeant Okello was a 20 yds away. I was surrounded by the internees. Sergeant Okello. One of the askaris on ground told me his rifle was broken, the other had a wound on the head. I told the internees to go back into their boma in Klawahili. I shouted at them. I did not see Halle or Huda. I saw the sub-assistant surgeon in the hospital while I was trying to stop the people fighting. In the guard tower B, Corporal Owino was in charge, with four gunners, three askaris and one lance corporal. A sentry and two gunners were on top, the rest were below. They each had a rifle. At the quarter guard each man had a rifle. At guard tower B, were two Lewis guns; at guard tower A were two Lewis guns. At guard tower A there are usually eight men on duty. Lance Corporal Mthasi was in command at guard tower B.

When I shouted, some of internees listened to me and started to go back to their boma. The others were fighting at the tower. The next thing I heard was a shot from behind the internees' force. It came from ^{where} behind the heap of firewood was at corner of football ground at

(10)

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(MS) When I shouted, some of internees listened to me and started to go back to their boma. The others were fighting at the ^{corner} tower. The next thing I heard was a shot from behind the internees' force. It came from ^{where} behind the heap of firewood was at corner of football ground at

hospital end. I did not see who fired this shot. Then more shots were fired simultaneously. The Lewis guns of guard tower A and B were fired off and rifles were fired from the outside the hospital. Some internees were trying to get past hospital to the lines others were pressing towards guard tower B. When the shots were fired the first lot turned back but were met by the gun fire from guard tower A. I don't know whether quarter guard fired any shots. Some of internees got through wire back into boma. Some of wounded were lying on ground. The rest went into boma by gate. When rifle fire started I shouted out loudly "stop fire" "Don't shoot unless I order you". I put my hand up. At once the firing stopped. There was no more firing. That was all.

I went with Capt. Crozier, leaving Sergeant Okello in charge of the boma. When we got back we went to bodies lying on the ground. There were nine. Two got up, but seven were dead bodies. Only nine internees were wounded. Twelve askaris were wounded with sticks.

I have never known any trouble with internees at the camp before. Internees have played football with the askaris before. The subaltern, Lieut. The Hon. R. Ward, was at Merp on 15.11.57. The internees had played other sports also with the askaris before.

R.O.C.

A.C. Spurling.

(Sd.) G.S.M. Musa
R Coy 5 K.A.R.

HATLE BAENE Christian, sworn:

I am an Eritrean. I am interned in the Internment Camp at Isiolo. I am interpreter. I can speak Kiswahili. On 15.11.57 I was watching a football match between the internees and the askaris. Naghas was slapped in the face by an askari. Naghas ran in among the internees. The askari pursued Naghas and hit him. The internees threw

firewood from the boma. The askaris got firewood from a dump of firewood outside the boma. An and two Sergeant Okello and Sergeant Rada tried to stop the combatants. We stopped them. Sergeant Major Musa came and told the internees to go in front of them into their boma. They all started going. I then heard a shot behind me. I saw some of the askaris were using their bayonets on the internees. They were not using their bayonets but the butt side ends. The bugle blew before the first shot and shots were then fired from every direction. I went into hospital and sat down there. I went out later and saw two dead. I also saw some wounded people inside the boma. I also ^{saw} some dead in a small boma near guard tower B. The firing continued while I went to the hospital. I still heard it after I had sat down in the hospital. I had only heard Sergeant Major Musa tell the internees to go into their boma. I did not hear him say anything else. I heard Lance Corporal Mbiwa say "Why don't you beat them?" I saw no internees go in direction of the hospital. I only went to hospital. Sergeant Rada with one internee passed the hospital towards the lines. I don't know who fired the first shot. I don't know who ordered the firing to start.

Lance Corporal Mbiwa was telling the askaris to hit the internees, before the firing started. If he had not called to askaris the askaris would not have come and affair would not have started.

I found no dead or wounded internees between football ground and hospital. Corporal Orendo was stopping Lance Corporal Mbiwa from firing, otherwise Lance Corporal Mbiwa would have fired first shot.

There had been no previous trouble between the askaris and the internees. They have played football against each other often before.

(Sd) Hailé Baene.

R.O.C.
A.C. Spurling.

RADA TAKALE Christian sworn: Xd.

I am an Eritrean interned in the internees' camp at Isiolo. I act as Sergeant in internees' camp. I am only Sergeant there. When the fight took place on the football ground on 13.11.37 I saw the internees inside the boma throw out firewood to their friends outside. The askaris also collected firewood. The two sides started throwing firewood at each other. I and two Sergeant Okellos got in midst and stopped the fight. Lance Corporal Mbiwa shouted to his friends "Beat them, beat them". The askaris then started to beat the internees again. Corporal Orendo got hold of Mbiwa to stop him. One Turkana askari fired a shot. He was very near to me. He had a rifle. He aimed at the boma. I know his face. I do not know his name. He hit Girmidan who was afterwards removed to Meru Hospital and, I hear, died there. He fired two shots. The second shot missed. He aimed at Girmidan who was sitting in his hut in the boma. Girmidan also got another shot from the Lewis Gun. Then firing started from every direction. I did not see Sergeant Major Musa there at all. I heard no order to fire, or anyone shout out anything. I was taken to the lines near to quarter guard. I saw no stone thrown. Firewood was thrown. I saw no internee move from football ground in direction of the hospital. I heard no one order the firing to stop. I think the firing lasted about 1½ or 2 minutes.

The Meru who fired the first shot is this man (No. 565 Private Dura produced in Court).

R.O.C.

(Sd) Rada Takale

A.C. Spurling.

TASFARFARBAT TESEFAMARIAM sworn Xd.

I am an Eritrean interned in the internees' camp at Isiolo. I was playing football on 13.11.37. A fight started with firewood being thrown between the internees

RADA TAKALE Christian sworn Xd.

I am an Eritrean interned in the internees' camp at Isiolo. I act as Sergeant in internees' camp. I am only Sergeant there. When the fight took place on the football ground on 13.11.37 I saw the internees inside the boma throw out firewood to their friends outside. The askaris also collected firewood. The two sides started throwing firewood at each other. I and two Sergeant Okellos got in midst and stopped the fight. Lance Corporal Mbiwa shouted to his friends "Beat them, beat them". The askaris then started to beat the internees again. Corporal Orendo got hold of Mbiwa to stop him. One Turkana askari fired a shot. He was very near to me. He had a rifle. He aimed at the boma. I know his face. I do not know his name. He hit Girmidan who was afterwards removed to Meru Hospital and, I hear, died there. He fired two shots. The second shot missed. He aimed at Girmidan who was sitting in his hut in the boma. Girmidan also got another shot from the Lewis Gun. Then firing started from every direction. I did not see Sergeant Major Musa there at all. I heard no order to fire, or anyone shout out anything. I was taken to the lines near to quarter guard. I saw no stone thrown. Firewood was thrown. I saw no internee move from football ground in direction of the hospital. I heard no one order the firing to stop. I think the firing lasted about 1 1/2 or 2 minutes.

The Meru who fired the first shot is the man (No. 565 Private Dura produced in Court).

R.O.C.

(Sd) Rada Takale

A.C. Spurling.

TASFARFARBAT TESPAMARIAM sworn Xd.

I am an Eritrean interned in the internees' camp at Isiolo. I was playing football on 15.11.37. A fight started with firewood being thrown between the internees

and the askaris. I saw Sergeant Major Musa arrive. After that No. 565 Private Dura fired a shot. I did not see Lance Corporal Mbiwa there. Sergeant Major Musa, when he arrived, told internees to go into their boma. No. 565 Private Dura had already fired and then I saw Sergeant Major Musa raise his hand and drop it. The Lewis guns and rifles then fired. I saw no stones thrown. I saw Sergeant Major Musa make no other signal. After Sergeant Major Musa made the signal to the gunners he walked back to the hospital.

Right thumb
mark of
Tasfariabat Tesfemariam

P.O.C.
A.C. Spurling
A.C. Spurling
24.11.57.

ORDER: Further hearing s/o will 26.11.57 at 8.30 a.m.

26.11.57 Inquest resumed.

NO. 565 PRIVATE DURA affirmed. Id.

I am a private in A.F.R. Reserve and am stationed at the internees camp at Isiolo. On 15.11.57 I was on guard in guard tower "A" while the football match was going on. I was relieved at 5.50 p.m. When I had gone about 20 yards the dispute started. I had my rifle with me. The internees started attacking the askaris with sticks. Some of the askaris were hit on head, some went to the lines. The alarm was sounded by bugle. The white internees were chasing askaris to the lines. When I got near the hospital I heard a shot fired between the boma and the hospital. The askaris who had been hit had run to the lines and got their rifles. The askaris were mixed up with the internees. I don't know who fired the shot. The askaris were trying to drive the internees back into their boma. I don't know whether the shot hit anyone. When the shot went off, we loaded our rifles. No one told me to load my rifle. The

and the askaris. I saw Sergeant Major Musa arrive. After that No.565 Private Dura fired a shot. I did not see Lance Corporal Mbiwa there. Sergeant Major Musa, when he arrived, told internees to go into their boma. No. 565 Private Dura had already fired and then I saw Sergeant Major Musa raise his hand and drop it. The Lewis guns and rifles then fired. I saw no stones thrown. I saw Sergeant Major Musa make no other signal. After Sergeant Major Musa made the signal to the gunners he walked back to the hospital.

R.O.C.
 Right thumb mark of
 Tasfarfarbat Testamarian
 A.C. Spurling

ORDER: Further hearing s/o 11/11/26, 11.57 at 8.30 a.m.

A.C. Spurling
 1-24-11-57.

26-11-57 Inquest resumed.

NO. 565 PRIVATE DURA affirmed XdV

I am a private in R.A.F. Reserve and am stationed at the internees camp at Isiolo. On 15.11.57 I was on guard in guard tower "A" while the football match was going on. I was relieved at 5.30 p.m. When I had gone about 20 yards the dispute started. I had my rifle with me. The internees started attacking the askaris with sticks. Some of the askaris were hit on head, some went to the lines. The alarm was sounded by bugle. The white internees were chasing askaris to the lines. When I got near the hospital I heard a shot fired between the boma and the hospital. The askaris who had been hit had run to the lines and got their rifles. The askaris were mixed up with the internees. I don't know who fired the shot. The askaris were trying to drive the internees back into their boma. I don't know whether the shot hit anyone. When the shot went off, we loaded our rifles. No one told me to load my rifle. The

bugle blew before the first shot. I fired into the boma aiming high. I heard other shots fired. I fired because I heard the other shots. I did not see Sergeant Major Muse there. No one gave any order; all were defending themselves; it was a heavy fight. I was with another askari near corner of boma at east end of football ground. The other askaris were standing in front of the hospital. Between me and the other askaris was a crowd of internees, who were trying to push the askaris away. There were wounded askaris on the football ground. The askaris in front of the hospital fired and shots were fired also from guard tower "B". When the firing stopped I saw many bodies lying near the wire. The rest of the internees went back into their boma. I know first shot was fired from direction of hospital. I don't remember seeing No. 17246 Sergeant Okello there. I did not see No. 127 Lance Corporal Mbiwa there. I don't know whether anyone was trying to control the askaris. I heard no one tell anybody to stop firing.

Right thumb
mark of
No. 565 Private Dura.

R.O.C.

A.C. Spurling.

NO. 992 CORPORAL QWINDO Christian sworn Xd.

I am a corporal in K.A.R. Reserve and am stationed at Isiolo Internment camp. I was on guard in guard tower "B" on 15.11.37 when the fight started. I was on the ground. I was in command of the guard tower. There was a lance corporal and six riflemen on guard under me. There were also four Lewis gunners. I heard the bugle sounded at quarter guard and in the line. I heard a rifle shot from direction of the fight. I heard a rifle fired three times. I don't know who fired. The internees were fighting with askaris between boma and hospital. I told guard to stand up. I left the guard tower to go to the quarter guard to tell them not to fire, but to stand by. I was in charge

of the quarter guard. When I had left the guard tower I heard a shot from the quarter guard. I signalled to the quarter guard to stop firing; and then a shot was fired from guard tower and from the gun at guard tower. I returned to the guard tower. I told them to stop firing. I did not see Sergeant Major Musa or the sub-assistant surgeon. All the quarter guard fired. Lance Corporal Wambua was in charge of quarter guard. Lance Corporal Muthusi was Lance Corporal at the guard tower "B". Both guns at guard tower "B" fired. One was up above, one below on the ground. The internees were between the boma and the hospital. The askaris were in a line near to the hospital. Some of internees were shot, others got through wire into the boma. I did not see 17246 Sergeant Okello or 127 Lance Corporal Mbiwa. I saw the internees throwing firewood from the boma and the stones with which they make bread, during the fight.

R.O.C.

A.C. Spurling.

(Sd) Cpl. Awino.

NO. 914 LANCE CORPORAL MUTHUSI Christian sworn Xd.

I am lance corporal in K.A.R. Reserve. I am stationed at Internment Camp, Isiolo. On 13.11.37 when fight started I was on guard at guard tower "B". Corporal Owino was in charge of guard tower and quarter guard. The dispute started on football ground and a shot was fired there. All the sentries shouted "Guard turn out". The bugle was sounded. Corporal Owino told us to extend the guard. We did so. A lot of stones and sticks were thrown from the boma. Many shots were fired; three men were already dead; then we fired. Corporal Owino ordered us to fire. He ordered quarter guard to fire. He did not go across to quarter guard to order them to shoot. He shouted to them in a loud voice. After we had fired,

of the quarter guard. When I had left the guard tower I heard a shot from the quarter guard. I signalled to the quarter guard to stop firing; and then a shot was fired from guard tower and from the gun at guard tower. I returned to the guard tower. I told them to stop firing. I did not see Sergeant Major Musa or the sub-assistant surgeon. All the quarter guard fired. Lance Corporal Wambua was in charge of quarter guard. Lance Corporal Muthusi was Lance Corporal at the guard tower "B". Both guns at guard tower "B" fired. One was up above, one below on the ground. The internees were between the boma and the hospital. The askaris were in a line near to the hospital. Some of internees were shot, others got through wire into the boma. I did not see 17246 Sergeant Okello or 127 Lance Corporal Mbiwa. I saw the internees throwing firewood from the boma and the stones with which they make bread, during the fight.

R.O.C.

A.C. Spurling.

(Sd) Cpl. Awino.

NO.914 LANCE CORPORAL MUTHUSI Christian sworn Xd.

I am lance corporal in K.A.R. Reserve. I am stationed at Internment Camp, Isiolo. On 13.11.57 when fight started I was on guard at guard tower "B". Corporal Owino was in charge of guard tower and quarter guard. The dispute started on football ground and a shot was fired there. All the sentries shouted "Guard turn out". The bugle was sounded. Corporal Owino told us to extend the guard. We did so. A lot of stones and sticks were thrown from the boma. Many shots were fired; three men were already dead; then we fired. Corporal Owino ordered us to fire. He ordered quarter guard to fire. He did not go across to quarter guard to order them to shoot. He shouted to them in a loud voice. After we had fired,

Corporal Owino told us to stop and we stopped. While the fight was taking place, Corporal Owino was with us in the guard tower. I did not see Sergeant Major Musa. I did not see the sub-assistant surgeon. I saw sticks thrown. I saw no stones thrown. We fired, after other people had fired over in direction of hospital. The gun at guard tower "B" fired along South wall of boma at internees who were coming to take the gun. The riflemen at guard tower "B" fired along east wall of boma at internees who were getting out of boma through the wire. I did not recognise any particular person as being killed by the firing.

R.O.C.

(Sd) Muthusi.

A.C. Spurling.

NO.126 LANCE CORPORAL WAMBUA Christian sworn Xd.

I am lance corporal in K.A.R. Reserve. I am stationed at Isiolo Internment camp. On 13.11.57 when the fight started, I was in charge of quarter guard. I was acting under the orders of Corporal Owino. There was a bugler at quarter guard. I heard a rifle shot from direction of hospital. I heard a bugle sound the alarm in the lines and then my bugler sounded the alarm. I told my bugler to sound the alarm. Corporal Owino gave orders to both guards to extend. He then gave orders to us to fire. He was at the gate of the boma then. We then fired. Three men were already dead. Corporal Owino then told us to cease fire and we ceased fire. We fired in direction of gate where internees were wanting to come out of the gate. There was a line of askaris in front of the hospital. No one was in charge of them.

I saw Sergeant Major Musa come out of his house and come with a rifle. This was after the firing started. I had not seen him before. He came when the alarm sounded. I did not see Sergeant Major Musa do or say anything. I

Corporal Owino told us to stop and we stopped. While the fight was taking place, Corporal Owino was with us in the guard tower. I did not see Sergeant Major Musa. I did not see the sub-assistant surgeon. I saw sticks thrown. I saw no stones thrown. We fired, after other people had fired over in direction of hospital. The gun at guard tower "B" fired along South wall of boma at internees who were coming to take the gun. The riflemen at guard tower "B" fired along east wall of boma at internees who were getting out of boma through the wire. I did not recognise any particular person as being killed by the firing.

(Sd) Muthusi. R.C. rling.
 NO.126 LANCE CORPORAL WAMBUA Chr rn.Xd.

I am lance corporal in K.A.R. R. /e. I am stationed at Isiolo Internment camp. On 13.11.37 when the fight started, I was in charge of quarter guard. I was acting under the orders of Corporal Owino. There was a bugler at quarter guard. I heard a rifle shot from direction of hospital. I heard a bugle sound the alarm in the lines and then my bugler sounded the alarm. I told my bugler to sound the alarm. Corporal Owino gave orders to both guards to extend. He then gave orders to us to fire. He was at the gate of the boma then. We then fired. Three men were already dead. Corporal Owino then told us to cease fire and we ceased fire. We fired in direction of gate where internees were wanting to come out of the gate. There was a line of askaris in front of the hospital. No one was in charge of them.

I saw Sergeant Major Musa come out of his house and come with a rifle. This was after the firing started. I had not seen him before. He came when the alarm sounded. I did not see Sergeant Major Musa do or say anything. I

Corporal Owino told us to stop and we stopped. While the fight was taking place, Corporal Owino was with us in the guard tower. I did not see Sergeant Major Musa. I did not see the sub-assistant surgeon. I saw sticks thrown. I saw no stones thrown. We fired, after other people had fired over in direction of hospital. The gun at guard tower "B" fired along South wall of boma at internees who were coming to take the gun. The riflemen at guard tower "B" fired along east wall of boma at internees who were getting out of boma through the wire. I did not recognise any particular person as being killed by the firing.

R.O.C.

(Sd) Muthusi.

A.C. Spurling.

NO.126 LANCE CORPORAL WAMBUA Christian sworn Xd.

I am lance corporal in K.A.R. Reserve. I am stationed at Isiolo Internment camp. On-13.11.57 when the fight started, I was in charge of quarter guard. I was acting under the orders of Corporal Owino. There was a bugler at quarter guard. I heard a rifle shot from direction of hospital. I heard a bugle sound the alarm in the lines and then my bugler sounded the alarm. I told my bugler to sound the alarm. Corporal Owino gave orders to both guards to extend. He then gave orders to us to fire. He was at the gate of the boma then. We then fired. Three men were already dead. Corporal Owino then told us to cease fire and we ceased fire. We fired in direction of gate where internees were wanting to come out of the gate. There was a line of askaris in front of the hospital. No one was in charge of them.

I saw Sergeant Major Musa come out of his house and come with a rifle. This was after the firing started. I had not seen him before. He came when the alarm sounded. I did not see Sergeant Major Musa do or say anything. I

Corporal Owino told us to stop and we stopped. While the fight was taking place, Corporal Owino was with us in the guard tower. I did not see Sergeant Major Musa. I did not see the sub-assistant surgeon. I saw sticks thrown. I saw no stones thrown. We fired, after other people had fired over in direction of hospital. The gun at guard tower "B" fired along South wall of boma at internees who were coming to take the gun. The riflemen at guard tower "B" fired along east wall of boma at internees who were getting out of boma through the wire. I did not recognise any particular person as being killed by the firing.

R.O.C.

(Sd) Muthusi.

A.C. Spurling.

NO.126 LANCE CORPORAL WAMBUA Christian sworn Xd.

I am lance corporal in K.A.R. Reserve. I am stationed at Isiolo Internment camp. On 13.11.57 when the fight started, I was in charge of quarter guard. I was acting under the orders of Corporal Owino. There was a bugler at quarter guard. I heard a rifle shot from direction of hospital. I heard a bugle sound the alarm in the lines and then my bugler sounded the alarm. I told my bugler to sound the alarm. Corporal Owino gave orders to both guards to extend. He then gave orders to us to fire. He was at the gate of the boma then. We then fired. Three men were already dead. Corporal Owino then told us to cease fire and we ceased fire. We fired in direction of gate where internees were wanting to come out of the gate. There was a line of askaris in front of the hospital. No one was in charge of them.

I saw Sergeant Major Musa come out of his house and come with a rifle. This was after the firing started. I had not seen him before. He came when the alarm sounded. I did not see Sergeant Major Musa do or say anything. I

did not see the sub-assistant surgeon.

R.O.C.

(Sd) Wambua.

A.C. Spurling.

NO.127 LANCE CORPORAL MBIWA Christian Sworn. Xd.

I am lance corporal in K.A.R. Reserve. I am stationed at Isiolo Internment Camp. On 15.11.57, when fight started, I was cleaning my equipment in the lines. I went to the washing place. I heard the bugle blow. I put on my clothes quickly. I put my equipment together. I fell into ranks beside the lines. I did not see the fight at all. I did not see Sergeant Major Musa. I know Haile Beiere. I have never quarrelled with Haile Beiere. I don't know why he should say I was in the fight. I don't know where Corporal Orendo was at the time of the fight. I was not in the fight.

R.O.C.

(Sd) Mbiwa.

A.C. Spurling.

NO.218 PRIVATE IDRE Mohammedan, Sworn. Xd.

I am a private in K.A.R. Reserve. I am stationed at Isiolo Internment camp. On 15.11.57, when fight started, I was at guard tower "A". I was on ground floor. Eight internees got through and over wire from the bomb, and came to attack the guard tower "A". A rifleman above fired. None of internees were hit. I did not fire. They were attacking with sticks and stones. They came up to guard tower and ran back when firing started. I was hit by a stone thrown by one of the internees. The stones were of the kind the internees use for cooking food with.

R.O.C.

Right thumb mark.

A.C. Spurling.

Of No.218 Private Idre.

MADAM MOHAN BALI recalled Xd.

When I went out to help bring in the dead and wounded internees into the hospital, I found about six

lying outside the boma where they had fallen. The rest were brought out of the boma by Eritreans acting under Sergeant Rada. Capt. Crozier gave orders that Sergeant Rada was to bring the dead and wounded Eritreans from the boma.

When Sergeant Major Musa told everyone to stop firing I do not remember if he made any signal. I heard his voice. He had come on to scene just in front of me. When Sergeant Major Musa says he saw me in the hospital I think he must have seen my regular dresser.

R.O.C.

(Sd) M.M. Ball, S.A.S. A.C. Spurling.
26.11.37.

NAGASH NAGHARAMARIAM Christian, sworn, Xd.
I am Eritrean Captain. Internment Camp.
On 15.11.37 I was playing football in the camp. Marinda stopped the ball. I tried to go. Marinda kicked me in the private parts. Marinda slapped me. A lot of people then came and I was beaten all over my body. Sergeant Rada and the two Sergeant Okellos were there and stopped the fight. The askaris took firewood from a heap. The internees inside the boma threw out firewood from inside; and the fight started again. Then bugle was sounded. Sergeant Major Musa came and asked what the trouble was. Haile was there. He went behind to see what matter was. Sergeant Major Musa told internees to pass him. The internees passed him. Then Sergeant Major Musa raised his arm and dropped it. Private Dura fired a shot and then all the shots were fired. After giving signal Sergeant Major Musa went back to the askaris who were in front of hospital. Private Dura arrived at the boma. He was at N.E. corner of boma. I ran away into the boma. I got through the wire when the gun fired.

R.O.C.

(Sd) Nagash Nagharamariam. A.C. Spurling.

lying outside the boma where they had fallen. The rest were brought out of the boma by Eritreans acting under Sergeant Rada. Capt. Crozier gave orders that Sergeant Rada was to bring the dead and wounded Eritreans from the boma.

When Sergeant Major Musa told everyone to stop firing, I do not remember if he made any signal. I heard his voice. He had come on to square just in front of me. When Sergeant Major Musa says he saw me in the hospital, I think he must have seen my regular dresser.

R.O.C.

(Sd) M.M. Ball.

A.C. Spurling.

S.A.P.

26.11.37.

NAGASH NAGHARAMARIAM Christian, sworn, Md.

I am Eritrean detained in Isiolo Intern. On 16.11.37 I was playing football at camp. I stopped the ball. I tried to get the ball. Marinda kicked me in the private parts. Marinda slapped me. A lot of people then came and I was beaten all over my body. Sergeant Rada and the two Sergeant Okellos were there and stopped the fight. The askaris took firewood from a heap. The internees inside the boma threw out firewood from inside; and the fight started again. Then bugle was sounded. Sergeant Major Musa came and asked what the trouble was. Haile was there. He went behind to see what matter was. Sergeant Major Musa told internees to pass him. The internees passed him. Then Sergeant Major Musa raised his arm and dropped it. Private Dura fired a shot and then all the shots were fired. After giving signal Sergeant Major Musa went back to the askaris who were in front of hospital. Private Dura arrived at the boma. He was at N.E. corner of boma. I ran away into the boma. I got through the wire when the gun fired.

R.O.C.

(Sd) Nagash Nagharamariam.

A.C. Spurling.

HAILE BAENE recalled Xd.

After the fight had finished I saw three Eritreans lying on the ground outside the boma. They were Zaggi, Voldechidan, Chifflesus Milkies and Zirischik Girmazien. They were dead. I saw another one on the hedge bordering the boma inside the wire. He was Garemariam Redi. He was not dead. He died later in hospital. I saw Cheresellase Ghabre on the path inside the wire between the wire and the hedge. He was dead. I brought out the body of Masfaha Bahre from the boma. He died in the hospital. I saw Asfaha Bahari carried out of the boma. He was dead. Mogos Arbaie was in the small boma in S.E. corner of boma. He was brought out dead from small boma.

R.O.C.

(Sd) Haile Baene.

A.C. Spurling.

The Court asks Haile Baene and Sergeant Rada whether they wish to have any other witness called and examined. They state that the witnesses who have already been called have told what happened and that there is nothing to add to what they have said.

ORDER: Finding reserved.

A.C. Spurling.

26.11.37.

FINDING:

In February 1936 a camp was established at Isiolo in which are detained 549 Britreans who deserted from the Italian Army operating in Abyssinia. That camp is administered in accordance with the provisions of the Control of Fugitive Belligerents Ordinance 1936; and is guarded by a company of 100 Reservists of the King's African Rifles, together with five regular N.C.O's and a European Commandant and Subaltern. (NOTE: It is to be distinguished from another camp at Isiolo in which are living some six thousand refugees from Abyssinia, and in which a force of police keep order).

On 15th November 1937 a disturbance took place in the internees' camp and ten internees were killed. An inquiry has been instituted under the provisions of section 371 of the Criminal Procedure Code in order to investigate the cause of death of these ten internees. My jurisdiction as Resident Magistrate, Nairobi, was extended to include the Northern Frontier District by Government Notice No. 336 (Official Gazette p.1503 (1937)).

The names of the ten dead internees are as follows:-

- (1) No. 12. Mirizchi Girmadian
- (2) No. 40. Laali Woldechiam.
- (3) No. 40. - Chiflesus Ilkies.
- (4) No. 111. Mogos Ambaie
- (5) No. 126. Asfaha Bahari
- (6) No. 276. Barahi Hagos
- (7) No. 290. Hasfaha Bahre
- (8) No. 304. Garemariam Redi
- (9) No. 529. Cheresellase Ghabre
- (10) No. 454. Gabra Girmidan.

The last named died on 19.11.37 and the Medical Officer at Meru Native Civil Hospital, whither he was removed, reports (Exhibit 3) that he died of gunshot wound in the leg and pelvis. The evidence of M.K. Bali, the sub-assistant surgeon, who is stationed at the Isiolo Internment Camp, shows that the other nine internees all died as a result of gunshot wounds inflicted on them at the camp on 13th November 1937. No.454 Girmidan - he is called by the sub-assistant surgeon No.454 Gheremedin, but he is the same man - was admitted to the hospital at the camp on 13.11.37 and was removed to Meru Hospital on 14.11.37, suffering from gunshot wounding.

The evidence leaves no doubt that the deceased received their wounds in the course of the disturbance at the camp on 13.11.37 and that the rifles which inflicted the wounds were fired by askaris employed at the camp as guards. The facts as to that disturbance which can be said to be beyond dispute are the following. A football match was being played in the afternoon of 13th November 1937 at this camp between representatives of the internees and of the askaris. There had been many such matches before without any trouble arising. Captain Crozier, the Commandant of the Camp, was watching this match. He later left the camp; and Sergeant Major Musa was then in charge, there being no European left at the camp, as the Subaltern was on leave at Meru. A dispute between two of the players started on the football ground and this dispute grew in dimensions until a number of internees and askaris were engaged in a fight with each other. The internees were using pieces of firewood as weapons (this firewood, which is kept in stacks at the camp, consists of branches of wood about four feet long and half an inch to one inch thick). The internees say that the askaris also were attacking them with pieces of the firewood. The centre of

the disturbance then shifted towards the space between the boma and the hospital (see Exhibit 1). The boma is a space of ground bordered by a hedge of bushwood and by an outer fence of barbed wire about 8 feet outside the hedge and about four feet high. It contains rows of thatch huts in which live the internees, ovens for baking bread, stacks of firewood, etc. It is agreed that the internees inside the boma were assisting their friends outside by throwing over pieces of firewood. The centre of the disturbance having shifted to the space between the boma and the hospital, the rest of the evidence becomes confused and conflicting.

In the absence of any preliminary investigation, I have chosen as witnesses those who in my position of responsibility and one or two others. I invited Haille Beiene to produce any witness he wished. The only witness who can be said to be really a detached onlooker is the sub-assistant surgeon, K.S. Ball. He unfortunately, according to his evidence, only arrived after the firing had already started. He saw the internees rushing in a body towards the guard tower "B" and he formed the opinion that they were trying to get back into the boma. This evidence is in accord with the rest of the evidence: the internees' one thought once the firing had started, was to return to their boma as quickly as possible.

There is a good deal of discrepancy as to when Sergeant Major Musa appeared on the scene. I think Mr. Ball's evidence, as being that of a bystander, is most to be relied upon. He says that Sergeant Major Musa appeared on the scene, just in front of him, after the firing had already started, and that he stopped the firing.

Corporal Owino says he never ordered the guard at the quarter guard or at the guard tower "B" to fire, but

the lance corporals at each of these guards declare that he did and I think that their evidence is to be preferred.

After weighing the evidence, I think that what really happened was that Sergeant Major Musa did not arrive on the scene until after the firing had started. There was therefore no proper person in control of all the askaris, and every man was really looking after his own interests. Someone fired a shot, probably No. 565 Private Dura, and other askaris followed suit. Corporal Owino then ordered the guards at the quarter guard and at the guard tower "B" to fire, which they did. The Lewis gun fired along the south wall of the boma at internees who were coming out of the gate of the boma; and the riflemen fired at internees some of whom were outside the boma and some getting over the wire on the east side of the boma. The internees were attacking the askaris with pieces of wood and had, in so doing, inflicted wounds upon some of them. There are 549 internees in the camp and 105 askaris to guard them. The guard towers at two corners of the boma are not very substantial structures, consisting of two stories built of wooden poles and planks, open at the back and front and with a thatched roof and sides.

(NOTE: I attach to this finding a photograph just received of one of the guard towers at this camp. Having seen the guard towers myself during the course of this inquest, I can say that the photograph represents accurately the nature of these towers. A. J. Stirling.)

I consider that the askaris were justified in firing when they did, as the situation might well have resulted in greater loss of life and destruction of property if allowed to be further prolonged. The internees who were joining in the fight had already broken the peace; they had obviously "seen red" as is not unusual with natives, and become oblivious to the consequences of their actions. It must be

(add)

remembered also that they have served as soldiers.

I record a finding that the ten Eritreans whose names I enumerated at the beginning of this finding, died as a result of gunshot wounds inflicted upon them on 15.11.37 by askaris of the K.A.R. Reserve and five non-commissioned officers of the regular K.A.R., during the course of a disturbance which took place at the internees' camp at Isiolo. I am satisfied that the firing only subsisted for a very short time and that it is impossible to say who killed any individual Eritrean. There is evidence that No.565 Private Dura fired a shot and hit Girmidan; but Girmidan was also hit by a Lewis gun according to Rada Takale. There is some evidence that Lance Corporal Ibiwa was urging on the askaris to attack the internees but this was before the firing started and he clearly not instigate the guards at the quarter guard or on the guard towers to fire. I am unable to find that any individual has committed any offence. The Eritreans say that there has been no previous trouble between them and the askaris; but it would appear that the circumstances of these Eritreans, penned in a camp for a long period without sufficient work to occupy all their energies and guarded by an alien race of natives whom they rightly regard as less civilized than themselves, is likely to be a cause of disturbances such as this of 15th November 1937.

A.C. Spurling.

4.12.37. Finding read out in open Court.

A.C. Spurling.

4.12.37.

A.C. Spurling

FOOTBALL GROUND

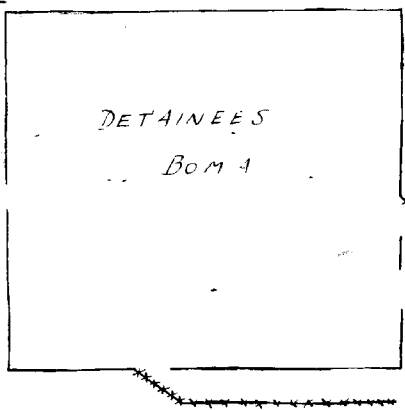


GUARD TOWER



"A"

LG
LG



DETAINEE'S
BOM 4

about 150 yds.

HQ.

70 yards

LG



GUARD TOWER

"B"

A. Alperling

EXHIBIT 2

ORDERS FOR GUARD COMMANDERS
INTERNEES CAMP

1. Guards will mount at 6.00 p.m.
2. The strength of the guard will be:-
 - BY DAY. 1 N.C.O. 3 Rifle men
 - 4 Lewis Gunners (and 1 L.G.)
 - BY NIGHT. 2 N.C.O. 6 Rifle men
 - 6 Lewis Gunners (and 4 L.G.s)
3. All riflemen will have their magazines charged with 5 rounds.
4. All Lewis Guns will be in the "prepare to load" position with sights adjusted to 200 yards.
5. Petrol to be ready at the firewood pyres.
6. In case of alarm by day the guard commander will not open fire without reference to an officer or senior N.C.O. except in case of sudden emergency.
7. By night, if the alarm has been given, fire must be opened on any unauthorised person in the vicinity of or approaching the wire fence of the internees camp.
8. The guard will be turned out:-
 - a. In case of alarm or fire (whenever it occurs)
 - b. To visiting rounds
 - c. At reveille
9. V.L. Pistols will be loaded and in possession of each guard commander.
10. Each sentry will carry an E.L. Torch.

(Sgd) J. T. Crazier

CAPTAIN

OFFICER IN CHARGE INTERNMENT CAMP ISIOLO

A. Spurling

Regd. No. R.O/270137

Date of receipt 23.11.37

Native Civil Hospital,
Meru

30.11.1937 November 1937

No. 262/39/37

The Officer Commanding,
Internment Camp,
ISIOLO.

1. The Eritrean wounded in Meru hospital ask if occasionally when a lorry comes from the camp to Meru some meat killed by one of their own people in the camp could be sent for them. We have 17 Eritreans here including the cook.
2. I regret to inform you that Gabra Girmidan, G.S.W. leg and pelvis died on 19.11.37. The remaining wounded are progressing as well as can be expected.

(sgd. A.R. Esler.
Medical Officer.

A. Esler

EXHIBIT 5.

Regd. No. R.O/270137

Date of receipt 23.11.37

Native Civil Hospital

Meru

21st November 1937

No. 15789/37

The Officer Commanding,
Internment Camp,
I S I O C.

1. The Eritrean wounded in Meru hospital ask if occasionally when a lorry comes from the camp to Meru some meat killed by one of their own people in the camp could be sent for them. We have 17 Eritreans here including the cook.
2. I regret to inform you that Gabra Girmidan, G.S.W. leg and pelvis died on 19.11.37. The remaining wounded are progressing as well as can be expected.

(sgd. A.R. Esler.

Medical Officer.

A.R. Esler

EXHIBIT 5.

Regd. No. R.O/270157

Date of receipt 25.11.37

Native Civil Hospital,

Meru

21st November 1957

No. 282/39/57

The Officer Commanding,

Internment Camp,

I S I O L O.

1. Wounded in Meru hospital ask if
occasional on a lorry comes from the camp to Meru
some meat killed by one of their own people in the
camp could be sent for them. We have 17 Eritreans here
including the cook.

2. I regret to inform you that Gabra Girmidan, G.S.W.
leg and pelvis died on 19.11.37. The remaining wounded
are progressing as well as can be expected.

(sgd. A.R. Esler.

Medical Officer.

A.R. Esler

EXHIBIT 4

Regd.No. R.D.File

Date of receipt 25.11.37

Medical Form III

COLONY AND PROTECTORATE OFFICERS

DEATH CERTIFICATE

Station Peru Date 20.11.1937.

Name Gabra

Father's name Girmidan

Chief's name --

Nationality or Tribe and District Eritrean Isiolo

Sex and age Male 25 years

Religion --

Place and Nature of Employment and what wages due, if any) Eritrean detainee.

Date of Death 19.11.37

Cause of death Gunshot wound leg and hip

Place of death In S. Hosp. Peru.

List of property with deceased at time of death. --

Details and whereabouts of property

Name and address of person who brought patient to hospital
Name and Residence of any other Relative

Remarks. P... showed entrance wound right iliac bone
abdominal haemorrhage into mesentery.

(sd) A.L. Bowry. S.A.S.

Medical officer or Medical
Subordinate i/c of Hospital or
Dispensary.

This form is to be used for all purposes where a Death
Certificate is required.

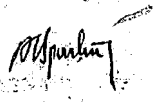


EXHIBIT 4

Regd.No. R.D.File

Date of receipt 23.11.37

Medical Form III

COLONY AND PROTECTORATE OF KENYA

DEATH CERTIFICATE

Station Meru Date 20.11.1937.

Name Gabra

Father's name Girmidan

Chief's name --

Nation c Tribe and District Eritrean Isiolo

Sex and age male 25 years

Religion -

Place and Nature of Employment and what wages due, if any) Eritrean detainee.

Date of Death 19.11.37

Cause of death gunshot wound leg and hip

Place of death In G. Hosp. Meru.

List of property with deceased at time of death. --

Details and whereabouts of property

Name and address of person who brought patient to hospital

Name and Residence of any other Relative

Remarks. P.P. showed entrance wound right iliac bone abdominal haemorrhage into mesentery.

(sd) A.L. Bowry. S.A.S.

Medical Officer or Medical Subordinate i/c of Hospital or Dispensary.

This form is to be used for all purposes where a Death Certificate is required.

Handwritten signature

Photo of Guard Tower at Isiolo
Internment Camp.

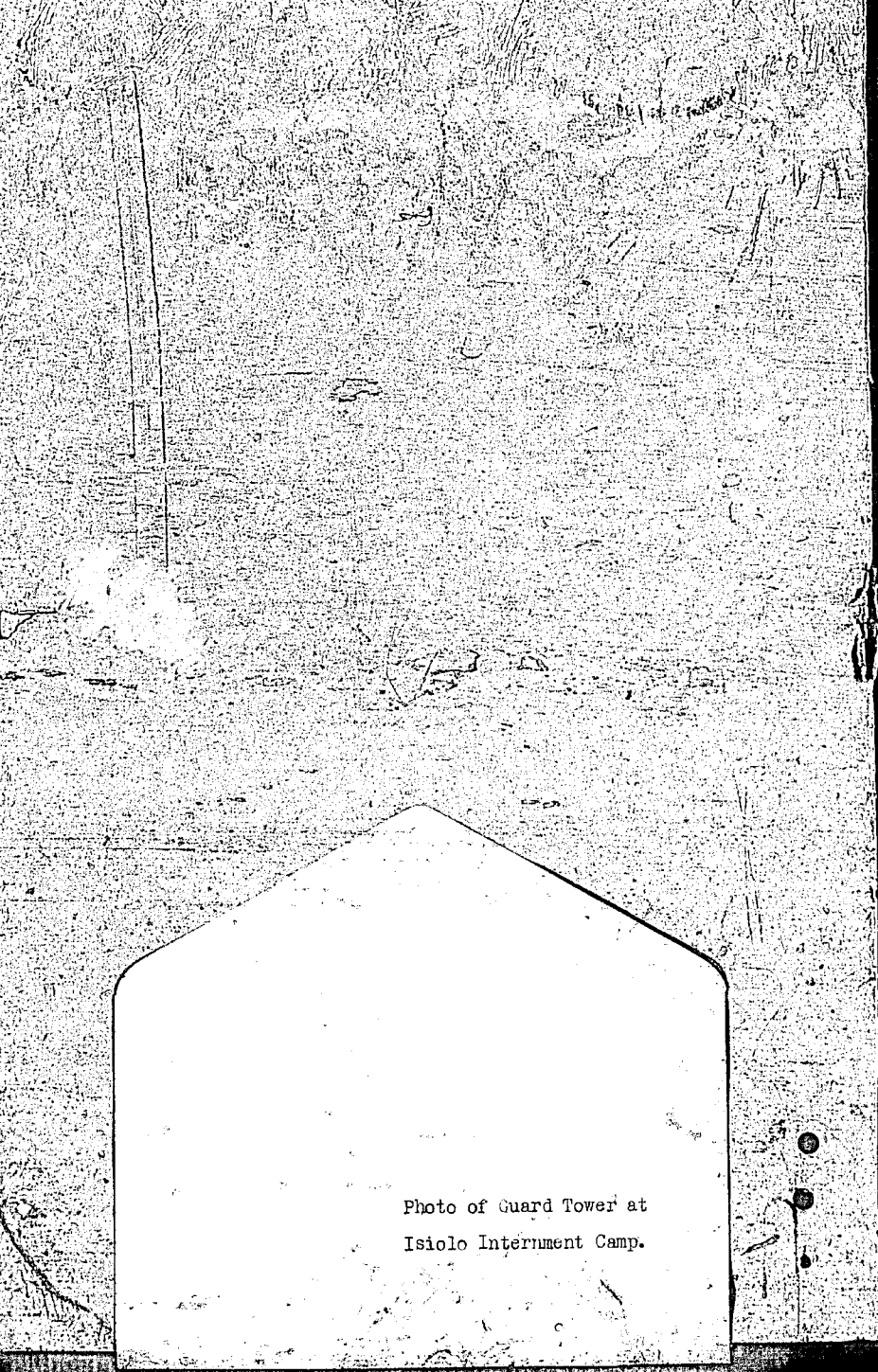
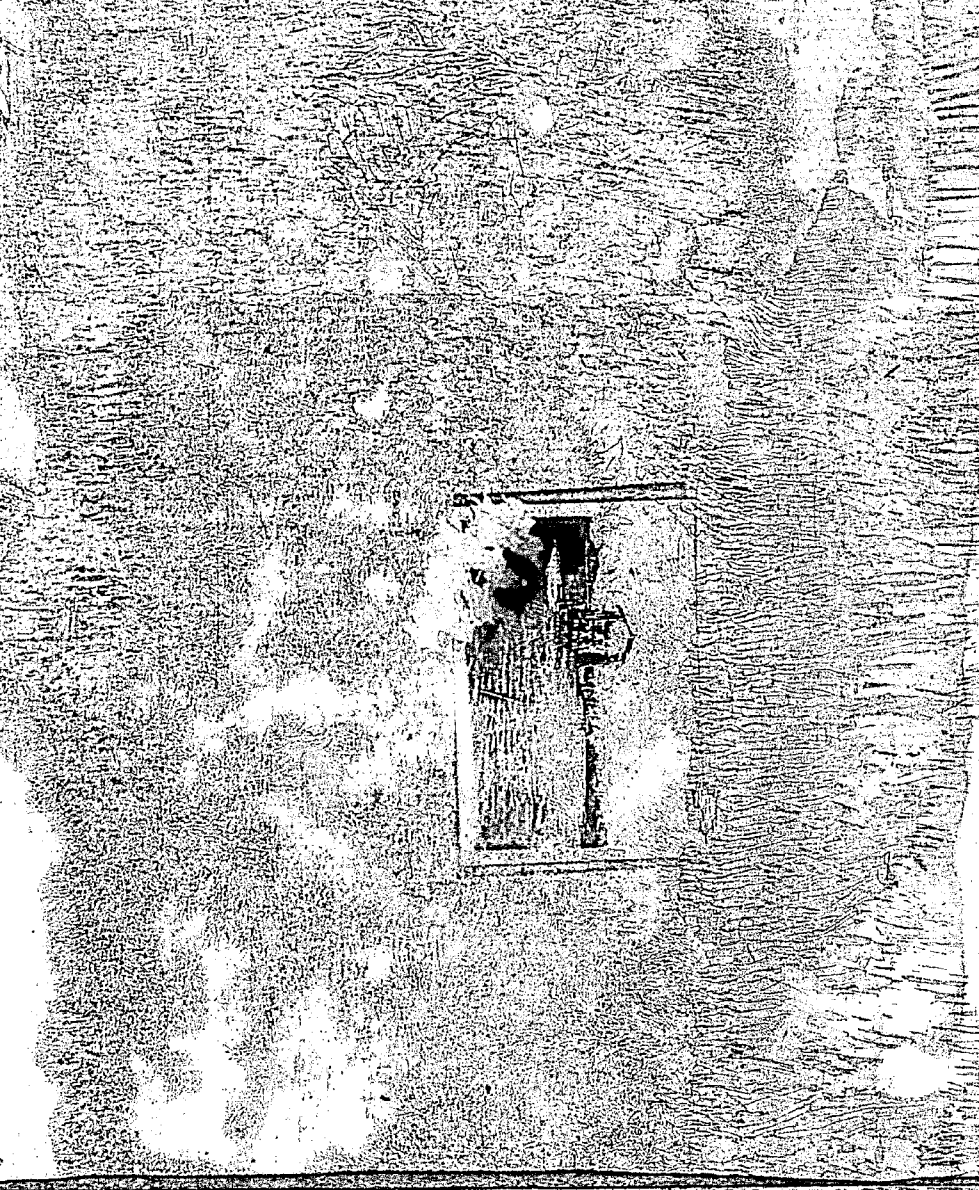


Photo of Guard Tower at
Isiolo Internment Camp.





KENYA
No. 165



55
4
GOVERNMENT HOUSE
NAIROBI
KENYA

D
1937 25 November, 1957

CONFIDENTIAL.

Sir,

In confirmation of my telegram of the 15th of November, I have the honour to forward a copy of a report received from the Commander, Northern Brigade, King's African Rifles.

2. The detainees at Isiolo are confined in a rectangular barbed wire enclosure somewhat similar to a prisoners' camp. They go outside to carry out their work and, under control, are allowed outside for recreation. It is necessary to confine them inside wire, partly to prevent them endeavouring to go back into Abyssinia and cause trouble there, and partly to prevent them wandering over Kenya. There are two posts outside the barbed wire and at diametrically opposite corners, each post consists of one non-commissioned officer and seven men with one Lewis gun.

3. The guard consists almost entirely of Reservists with Reservist officers; and the total strength of the guard is two officers and 100 other ranks of whom five are regular (African) non-commissioned officers.

4. On October 20th, after inspecting the refugee camp near Isiolo, I paid a short visit to the detainees' camp. The only notes I made at the time were that the camp was clean and in good order, and that, if anything, there was, in my opinion, a tendency to treat the deserters too well.

5. With

THE RIGHT HONOURABLE
V. CRISBY GORE, P.C., J.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W. 1.

KENYA
No. 165



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NAIROBI
KENYA

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W. CRUSBY GORE, P.C., M.P.
SECRETARY OF STATE FOR THE COLONIES
DOWNING STREET,
LONDON, S.W. 1.

10/11/37
10/11/37

KENYA
No. 165



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NAIROBI
KENYA

237 25 November, 1957

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THE RIGHT HONOURABLE
CRISBY GORE, P.C., M.P.
SECRETARY OF STATE FOR THE DOMAINS,
DOWNING STREET,
LONDON, S.W. 1.

10/11/57

2.

5. With regard to the report, it is important to bear in mind the psychological background. Some months ago guarding the detainees was regarded as a dangerous duty, and trouble was constantly expected. Owing to their fair treatment, the detainees gradually settled down, became contented, and relations between them and their guards became good. The result of this was a swing over of the pendulum, the possibility of trouble was regarded as remote, and some relaxation of precautions set in. When the riot occurred suddenly and unexpectedly, there was a sharp swing back again, with consequent exaggeration of the seriousness of the situation.

6. I do not consider that on the evidence so far available there is any proof that the riot could have been stopped without opening fire. Admittedly this is conceivable, on the other hand without bullets it might have developed into something still more serious. What was wrong was the fact that fire was opened without orders and that it was uncontrolled during the short period over which it lasted. This is easy to criticize sitting in an office chair, but the position would present itself somewhat differently to an African Reservist who, knowing that any reinforcements were over an hour distant, saw a mob armed with clubs advancing in greatly superior numbers.

7. As soon as information was received regarding the occurrence, the Officer Commanding 5th Battalion King's African Rifles at Meru proceeded to Isiolo to take control and investigated the circumstances. Certain orders have been

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been

3.
been issued, for instance to ensure that a British officer shall always be in camp; and a magistrate is proceeding to Isiolo to carry out a civil enquiry. I shall await the result of this enquiry before deciding what further action, if any, is necessary.

8. I need hardly add that any acceleration of the final disposal of these detainees, as well as of the refugees, would help to relieve a cause for anxiety to the Governor of Kenya and to his civil and military staff.

I have the honour to be,

Sir,

Your most obedient, humble servant,

A Brooke-Pollard

AIR CHIEF MARSHAL,
GOVERNOR.

58

RIOT AT ERITREAN DETAINEE CAMP, ISIOLO, on 13th NOVEMBER, 1937.

On the evening of November the 13th, a football match took place between the King's African Rifles guard company (reservists) and the detainees (Eritrean deserters) at ISIOLO military internment camp. Similar football matches have frequently taken place during recent months, the detainees having settled down and been on good terms with the troops for the past year.

2. During the second half of the match an incident occurred between two opposing players, which resulted in blows. Another detainee joined in from behind, and the referee, a sergeant in the 3rd King's African Rifles, blew his whistle to stop the game. Unfortunately a general fracas immediately ensued. The Eritrean spectators, who far outnumbered the K.A.R. spectators, seized firewood which was stacked close by, and attacked the troops - both players and spectators. Non-commissioned officers on the spot endeavoured to separate the parties, but the detainees advanced in two distinct groups, one on the K.A.R. spectators and players, and the other on the lines occupied by the K.A.R. By this time the bugler on guard had sounded the alarm, and Acting Company Sergeant Major MUSA, 5th King's African Rifles, senior warrant officer in the camp, had arrived on the scene and was endeavouring to assume control. Naturally on the alarm sounding, all guards stood to, and the askaris present in camp paraded with their rifles. Company Sergeant Major MUSA reports that he heard one rifle shot which was immediately followed by a burst of fire from the light automatic mounted at the north west corner of the camp, directed at the party of detainees who were advancing on the askaris' lines. Actually there were no casualties from this light automatic fire, but for a period of about half a minute rifle and light automatic fire became general, and a number of casualties were caused by the light automatic fire from the gun mounted on the south east corner. Company Sergeant Major MUSA shouted as loud as he could for all fire to cease and ordered the bugler to sound the stand fast. This was obeyed and the fire ceased. The casualties were as originally reported: 9 killed, 27 wounded and 10 askaris injured.

3. No British officer was present at the time of the disturbance. Captain Crozier, K.A.R. Reserve of Officers, was watching the football match until ten minutes before the disturbance started. He was on his way to ISIOLO Civil Boma, and was recalled immediately.

4. The riot occurred in daylight, and the order to guard commanders in connection with opening fire is as follows:-

" In case of alarm by day the guard commander will not open fire without reference to an officer or senior non-commissioned officer, except in case of sudden emergency."

ie "wound up" 998

The guard commanders, who were reservist non-commissioned officers, should not have opened fire when they did, but they were under the impression that they were being attacked, and that the situation was serious.

18th November, 1937.

RECEIVED
COPY FOR REGISTRATION
C. O. REGY

59
END

Telegram from the Governor of Kenya to the Secretary of State for the Colonies.

Dated 15th. November, 1937. Received 9.25 a.m. 15th. November, 1937.

---0---

No. 194.

Regret to inform you that riot took place at detention Camp of Eritrean deserters at Isiolo on Saturday evening. Troops obliged to open fire. Casualties detainees 9 killed 27 wounded. Askaris 10 injured. Further information will be sent as soon as received.

W.P. H.O. 2
7.0 3