



UK Mission
Geneva

UK Mission Geneva
PO Box 6
Avenue Louis Casar 58
1216 Cointrin GE

Tel: 022 918 2453
Fax: 022 918 2333

Note Verbale No. 211

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to submit the response to communication AL GBR 5/2021, further to the letter dated 31 May 2021 from the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the rights of indigenous peoples; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 30 July 2021

Special Procedures Branch
Office of the United Nations High Commissioner for Human Rights

Annex

RESPONSE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE JOINT COMMUNICATION FROM SPECIAL PROCEDURES AL
GBR 5/2021

Thank you for your letter dated 31 May, regarding the alleged lack of effective remedies for the Kipsigis and Talai indigenous people of Kenya. The UK Government recognises the important work of UN Special Rapporteurs, and takes the issues set out in your letter very seriously.

The UK Government stands firmly against cruel, inhuman, and degrading treatment and punishment. The UK Government is committed to promoting and protecting human rights around the world; this is a cornerstone of our foreign policy.

The UK Government has recognised that Kenyans were subject to torture and other forms of ill treatment at the hands of the colonial administration. The UK Government regrets that these abuses took place, and that they marred Kenya's progress towards independence, as set out in 2013 by the then Foreign Secretary, the Rt. Hon. William Hague MP. This statement was part of the settlement of claims made by Kenyan citizens who had lived through the emergency period and the Mau Mau insurgency from October 1952 to December 1963, and it recognised the victims of torture and ill-treatment during the emergency period. The courts of England and Wales have made no finding of liability against the Government in this regard. The UK Government denies liability for the actions of the colonial administration in respect of the claims by Kenyan citizens who had lived through the emergency period and the Mau Mau insurgency from October 1952 to December 1963.

In 2013, following the Mau Mau settlement, the UK Government agreed to construct a memorial in Nairobi recognising victims of torture and ill-treatment. This memorial was unveiled on 12 September 2015, in Uhuru Park's Freedom Corner, and was the result of close collaboration between the British High Commission, the Mau Mau War Veterans Association, the Government of Kenya, the Kenya Human Rights Commission, the Nairobi Governor's office, and the National Museums of Kenya. Unveiling this memorial marked the beginning of reconciliation, and stands as a powerful symbol for the generations to come.

We should never forget history and must always seek to learn from it. But we should also look to the future: our modern partnership with Kenya is broad, deep and immensely valued. We are bound by a strong friendship between our two peoples, which has allowed education, health, trade and security links to flourish. The ability to work towards a strong foundation for the future characterises both of our democracies.

30 July 2021