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CLOSED UNTIL 1970

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TO REMAIN SECRET E. A. P. EAST AFR. PROT Schene for deating with civil distintances S June 200 Transmits report of ion mittee on hi accentance with westmeeting in Search Circ. In Last previous Paper Departe of Non 11. 1918 Con 11 les 18 /when Me Roller MA 15/4/15

- General Wilson & H. 6 3/14.

Microwille G. 87849 general William Both Malister JSN 13/11/4 well muste This desp was coundered at the booking of 29 a A was agreed : -1 to concer in your generally, but before drafting to at less to courider see q as to the maintenance of a Kak wounder Infanty depost at Mainte. (2) to ask for to brief enclos A DIE and Chefore printing B) to negget an amendances to see 8 3219/33 re Volley fixing, (the Committee considered that Lecret the Oc took should keep to the Kuy's hymis

as the point, and fund Wilson undertook, to indicate the wording of this acotton)

(3) to add blive and special Courtables " to the badding of Orders D.

practicable or advisable to make movinon for collecting unopean somen to children in an emapere in manbase to reciols.

AG 8/4/19,

MR. GRANGE

As regards Section 8 of Enclosure "B" the instructions given in the latest edition of King's Regulations in this respect are:-

"If the commander is of opinion that a slight effort will attain the object, he will give the command to one or two specified files to fire. If a greater effort be required, he will give the command to one of the sections to fire; the fire of each of the other sections to fire; the fire of each of the other sections if required, will only be given on the regular word of command of the commander. A If there are more officers than one with the detachment, and it is necessary for more sections than one to fire at a time, the commander. will clearly indicate to the troops what officer is to order any of the sections to fire. An order to any file or section to fire will not be given by any person, except the officer indicated by the commander.

November 13th. 1919.

BAb.

Bu. Bott maley

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The question of the Mil Bepelling at Knight on the Miles of the Miles

40 Detacky Japan . No No accordings ? En Mula an Simote. Had es'all en can do from . The case be los endy Cas 17/1/19 Si H. Ofak Then we had better send a destate on the line of ear Committee minute, adding that the question of the mounted Infanty deport will be discussed with Noted for Ene blewellyn fen. Klewelge? Sft: inem atomic. 1. J. R 18/31 lew Bittember Dir was on Par. Llawellyn's birt of rullich, but loss up appear to bome been liverand between him to 1.9. Stave and they is a south to diring

However handa hilles kak who originaled lailed remmanded and late kak n./. unit ca hed thing afternoon & I caised to boint conversation with him header vaid for war surved 4 The cles whose report is enclosed in My desp. I had be way Mange in favour of the suggestion with our be cause of the efection reason referred to , lut on Several grounds 29. which lavier to get to ou Metermans a dankan for the Lorses at bairoti a an cerantere afer speaking in a pre. I and we can um with a in doats berewith.

En Frela

SECRET.

GOVERNMENT HOUSE,
NAIROBI,
BRITISH EAST AFRICA.
2ND. JUNE, 1919.

My Lord,

I have the honour to acknowledge the receipt of Mr. Secretary Long's Secret Circular Despatch of the 11th November 1918 regarding the preparation of a scheme to organise against Civil disturbances and to transmit to Your Lordship herewith a capy of a report submitted by the Attorney General, The Officer Commanding the 3rd Battalion The King's African Rifles and the Commissioner of the East African Police, who, in accordance with Paragraph 2 of the Despatch were appointed as a Committee to prepare a Scheme of dealing with Civil disturbances and to draft instructions to the Officers engaged.

I concur with the recommendations of the domnittee and have the honour to submit them for your Lordship's consideration.

I have the honour to be, My Lord,
Your Lordship's,
Most humble obedient servent,

Edward Nother

GOVERNOR

THE RIGHT HONOURABLE.

VISCOUNT RIGHE, P.C., G.C.B.,
G.C.G., ETC., ETC.,
SECRETARY OF STATE FOR THE COLONIES.

DOWNING STREET.

LONDON, S.W.

The Committee appointed by His Excellency the Governor to draft a Scheme for dealing with disturbances and to draft. Instructions to the officers engaged met on the 8th February. The matter had alredy been taken in hand by the Commissioner of Folice in April: 1918 when instructions to Folice Officers similar to those published in Geylon were approved and issued by the Government (Wide S.17983). Such instructions are in accordance with the Protectorate law on the subject. A copy is attached hereto and marked "A"

- assistance the procedure is clearly laid down by the Criminal Procedure the procedure is clearly laid down by the Criminal Procedure to Procedure a give a Magistrate power to require anyofficer or non-commissioned officer in command of any member of an ermed force belonging to the Protectorate to dispel an unlawful assembly by armed force if it cannot be otherwise dispersed and to make arrests and confine persons forming part of such assembly. Section 114 covers the case in which no Magistrate can be communicated with. It empowers and Commissioned Officer of His Majesty's Army or a Police Officer not below the rank of an Assistant Superintendent to disperse an unlawful assembly by armed force if the public security is manifestly endangered. The section gives power to arrest and confine but provides that the Officer shall communicate with a Magistrate if it become practicable for him to do so and shall thence forward act under the instructions of the Magistrate.
- 3. It is difficult to make any definite provisions in advance for dealing with disturbances as the execution of such provision must depend on the forces available at the time and the circumstances of each case.
- 4. The probable scene of any unlawful assembly, apart from any native rising, would be one of the larger towns on the Railway Line, i.e., Nairobi, Mombasa, Nakuru or Kisumu.
- 5. The Committee is of opinion that the Police would be sufficient to deal with any ordinary riot.

The numbers of Police ordinarily stationed at the above places are when the force is up to strength:-

Officers.				Non-Commissioned Officers.	Men including native
Mombasa.	2.			European.	
Nairobi.	2.	۶ ١	4.	5 Asiatic. 3 European. 7 Asiatic.	260 including
Nakuru.	1.			European.	10 European Constables.
Kisumu.	1.0		2	Asiatio. European Asiatio.	37.
A STAN	al Him.	B		200	78.

There is in addition at Nairobi a depot of 905 recruits with an officer, 2 European Non-Commissioned Officers, 2 Asiatic Non-Commissioned Officers and 19 Native Non-Commissioned Officers for instructional purposes.

It would therefore be a very serious riot in which the military would be called on to assist in suppressing partaking more of a nature of an organised rebellion in which fire arms welld be used by both sides. The only town of importance in which troops will be quartered on the resumption of peater

conditions is Nairobi where there wil be a Company of about 200 men of the King's African Rif es with 8 Machine Guns but there are King's African Rifles reservists Fiving near there are King's African Rifles and Police 1 naddition to the King's African Rifles and Police it is hoped that a Defence Farce will be formed the men of which will be available at any centre for service in case of internal trouble. The King's African Rifles also have about 120 recruits at their Depot in or near Nairobi.

- 6. At Nairobi it will be necessary in the event of a serious riot to divide the forces at the disposal of the authorities into two boiles one for the defence of barracks and magazines and the other for action against rioters. The military forces could act under the direction of the Magistrates and would co-operate with the Police.
- The Police Ordinance, 1911, contains power (vide Sections 71-73) in the case of an unlawful assembly, rlot or disturbance or in the case of an apprehended unlawful assembly riot or disturbance for a Magistrate or a Justice of the Peace at the request of a superior police officer or an Inspector to appoint special Police Officers who have the same powers privileges and protection as ordinary police officer and who are liable to perform the same duties. Neglect or refusal to serve or tog obey lawful orders and directions by a special police officer after appointment is an offence. There would therefore seem to be no need to make any further provision with regard to special constables.
- 8. The Criminal Procedure Ordinance, 1913, Section 115 affords ample protection to Magistrates, police Officers, military officers, Non-commissioned officers, soldiers and others doing acts in good faith in pursuance of the powers conferred by Chapter IX of the Ordinance to disperse unlawful assembly and in our opinion no further legislation is required in that behalf.
 - The Committee entirely agrees with the remarks in the Secretary of State's Circular of the 11th November as to the utility of mounted men in dealing with actual rioters and in breaking up a crowd which appears to threaten trouble. A mounted force is out of the question at Mombasa but with reagrd to Nairobi it would be of the greatest use if a body of It is unlikely that the mounted troops were available. police will be able to afford to inaugurate a large enough body of mounted Police to be of any great practical use for the purposes under discussion. Such a body could not be body of hounted folice to be at any School and be the purposes under discussion. Such a body could not be sufficiently usefully employed in normal times to justify their expense and there are practical difficulties in the way of organising an efficient any rapid means of expanding the number of mounted men on an emergency occurring. The solution of the difficulty lies in the maintenance of a King's African Rifles mounted infantry depot at Nairobi. The alternative of relying on citizens who happen to possess horses or mules is unsatisfactory in that considerable time would necessarily be employed in collecting them together on an emergency.

10. The Scheme and instructions set out in (\underline{B}) attached hereto are recommended by the Committee as affording means of making military officers acquainted with their legal position and the emis to be achieved.

11. The Commissioner of Police has already issued instructions begarding the appointment of special police officers. A copy of such instructions as attached hereto and marked (C).

12. The instructions set out in D annexed hereto are suggested in the very unlikely event of martial law being proclaimed.

13. The instructions set out an E annexed hereto for picquets and guards are adopted from the enclosures to the Secretary of State's despatch and are considered sufficient.

(Sgd) J.W.BARTH.

NAIROBI. 28TH. MAY, 1919.

(Sgd) T.O.FITZGERALD, Lf.COL. COMDG. 1/3RD, K.A.R.

(Sgd) W.K.NOTLEY.
COMMISSIONER. EAST
AFRICAN POLICE.

ORDERS FOR POLICE OFFICERS IN CASE OF DISTURBANCES

(This order is mainly a summary of the law as laid down in the fodes, but Police Officers must bear in mind that it is only a summary, and that they must observe the actual words of the Sections noted).

- Keep distinct in your minds two things: -

 - (a) The dispersal of mobs.
 (b) The protection of person and property.

The rules for these are not same.

Dispersal of Mobs (see Sections 110 to 115 of the Criminal Procedure Ordinance: -

This can be done only by special order. The officers entitled to give the order are:-

(a) Any Magistrate.

- (b) A Police Officer not below the rank of Officer I/C Police Station. (C.P.O. Section 4.(1).(0).
- If the mob cannot be dispersed otherwise, an order to fire may be given by a Magistrate or by a Police Officer not below the rank of Assistant Superintendent. Fire direct. on the crowd, not over their heads.
- The mob should first be warned, unless it is behaving in such a way as to show that a warning would be useless.
- Protection of Persons and Property (see Sections 96 to 106 of the Penal Code):-

A Police Officer of any rank can take action to protect person and property. If you see a mob within reach, actual actually engaged, or threatening to engage, in any of the following orimes:-

(a) Dangerous windence to the person, (b) Burning of houses, shops or stores,

(c) Breaking into houses, shops, stores or places of

worship by night.

(d) Attacking houses, shops, stores or places of worship at any time day or night in such a way as to enganger the safety of the immates,

and you cannot get orders from the proper Authorities, and cannot otherwise stop them, FIRE UPON THE MOB TO SAVE THE PERSONS AND PROPERTY IN DANGER.

- You may be so placed that an order to fire may involve risk to innocent bystanders. If people's lives are in danger, however, and you cannot otherwise save them, you are entitled to take the risk of injuring these bystanders.
- When danger to persons and property is over, cease firing. By command of His Excellency the Agting Governor,

AIRORT

W.J.MONSON. Chief Secretary.

he 27th day of April, 1918.

ad.

ORDERS FOR OFFICER IN COMMANDOF TROOPS ACTING IN THE ASSISTANCE OF THE CIVIL AUTHORITIES.

t. If Martial Law has not been proclaimed, troops must act on any of the requisition of the following Authorities:-

Any Mardetrate, I.e.,

Resident Nacistrate, Provincial Commissioner of Chastrict Commissioner of Chastent District Commissioner.

SPECIAL POWERS OF MILITARY OFFICERS.

2. When the Public security is manifestly endangered and when no Magistrate can be communicated with any Commissioned Officer can disperse an unlawful assembly by armed force and may arrest and confine persons forming part of it. The officer should at the earliest opportunity communicate with a Magistrate and thence forward obey the Magistrate's instructions.

ACTION IN EMERGENCY FOR PROTECTING PERSONS AND PROPERTY.

3. If no Magistrate is present or can be brought to the spot in time and a wident most is engaged or threatening to engage in any of the following crimes:

(a) Dangerous violence to the person;

(b) Burning of houses, shops or stores;

(c) Breaking into houses, shops, stores, or places of

worship by night;

(d) Attacking houses, shops, stores or places of worship at any time in such a way as to endanger the safety of the inmates,

then the officer or mon-commissioned officer in charge or if there is no officer or non-commissioned officer in charge the person in command of the party may if he cannot otherwise prevent these grimes give orders to fire on the mob for the purposes of protecting persons and property and he should if necessary take the responsibility of doing so.

what the Civil Authority is empowered to ask the troops

a) to disperse the mob by force.

(b) to arrest and confine the persons forming part of the mob.

DUTY OF THE OFFICER IN COMMAND.

5. Where the services of the troops are so requisitioned the officer in command of the Detachment will take such military steps as, in his opinion, are required for these purposes. In doing so he will have absolute discretion as to the action to be taken and as to the arms, including fire arms, which the troops shall use and as to the orders he shall give, including the order to fire.

ORDERS FOR FIRING.

6. All commands to the troops will be given by the officer in sommand of the Detachment. The troops will not on any account fire excel by word of command of their officer.

For the purpose of carrying out the above orders, the

Detachment detailed to proceed to the scene of the plots will be divided into Sections of not more than 10 men, with a complement of Non-Commissioned Officers.

8. Volley firing only will be employed. Sy this means it will be much easier for the commander to control

the firing and the number of rounds to be fired.
Only one section will be allowed to fire at a time, unless a greater effort is required when named sections will be told off by the Officer-in-Charge Detachment.

Occasionally marksmen may be told off to shoot at ringleaders, thus avoiding unnecessary loss of life.

- 9. It may be found more desirable to use the bayonet in charging the rioters, in which case the commander will not hesitate to use this weaper. By this means only the leaders and the more bold of the rioters, who would be in the front ranks, would suffer.
- 10. Orders will be given to the men not to fire high, but to aim at the rioters in front.
- ii. A bugle will be blown to warn the rioters that firing is about to take place and efforts should be made to intimate that the firing will be effective.
- 12. All military precautions will be taken when proceeding to the scene of a riot, to prevent surprise.
- 13. The officer or other person in command may be so placed that an order to fire will involve risk to innocent bystanders. If peoples lives are in danger and he cannot otherwise save them he is entitled to take the risk of injuring those bystanders. Otherwise care is to be taken as far as may be possible that innocent persons do not suffer by the direction of the fire.

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SPECIAL POLICE OFFICERS -----APPOINTMENT OF.

In order that the procedure adopted in appointing Special Police Officers, when required, may be uniform, the following instructions will be followed:-

- 2. Special Police Officers may be appointed, under Section 77 of Ordinance No. 4 of 1911, by any Malastrate or Justilegos the Peace for the protection of the inhaltants, and for the security of property. In any place when it shall appear that any tunuit, riot, or outrage has taken lace, or may reasonably apprehended. Two wints will be noticed in this Section:
 - (a) Special Police Officers can only be appointed if it appears likely that the ordinary folice Officers appointed for preserving the peace are not sufficient;
 - (b) The Special Polyce Officers appointed mas be residents in the nell-bourhood in which the are required to serve.
- This important rovision of the law may be put to use in two ways.
 - (a) The appointment of a bad character, whose attendance as a Special Police Officer under proper control and discipline be preferable to the individual being at large with the moly
 - (b) The appointment of Special Tolice Officers to be of assistance to the Police.
- 4. When it is desired to appoint an individual as a Special Police Officer for the reason stated in paragraph 3 (a), a signed notice on Form Police should be served on him, a copy
- of the notice being kett, the time and place at which the notice was served and the name and the rank of the Police Officer who served it will be noted on the copy of the form served, which will be filed in a file ment for the purpose.
- 5. On reporting the individual will be sworn in on Form <u>Police</u> Should however, he fail to report hi self for duty 28a forthwith as required, a summons will be applied for, returnable forthwith, and steps will be taken for the offender to be dealt with promptly by the nearest Magistrate.
- Should the offender be convicted and pay the fine inflicted he will be immediately served with a fresh notice calling upon him to report for duty forthwith, the same procedure being followed until he does report for duty.
- 7. It is advisable to attach a Special Police Officer, appointed under these conditions, to some station where his work can be closely supervised; for example, reserve work in a station where there is always a regular Police Officer on duty. The importance of the duty will, of course, require such Police Officers to remain in Barracks, and orders will be issued accordingly.
- 8. Should a Special Police Officer refuse to perform the duties allotted to him, or attempt to leave the Barracks, he will be dealt with under the sections of the Police Ordinance relating to punishments.

Officers to assist the Police they will be summoned on Form Police and will be sworn in on Form Police. The respons-

lbility for calling upon Magiatrates or Justices of the Peace to appoint Special Police Officers rests with Police Officer in charge of the District concerned.

- 10. A careful record will be kept of all Special Police Officers so sworn in, and of the duties allotted to them. Special Police Officers are required to obey the lawful orders and directions issued to them and are subject to the same restrictions and conditions as laid down in the Police Ordinance and in Police Orders for the widenes and discipline of the members of the Police Porce:
- 11. Special Police Officers will wear a duty being on the left arm above the elbow, and a whistle and langard. Batons may be issued or attacks carried at the discretion of the responsible Police Officer in charge of the blattrict.
- 12. Any expense incurred in feeding, moving, or bilitting Special Police Officers on the orders of the Police Officer in charge of the District will, if reasonable, always be approved and paid.
- 13. On the conclusion of the duties of Special Police Officers eworn bn as brescribed in paragraph 9, a formal letter thanking each Special Police Officer for his services will be issued by the Officer in charge of the District.
- 14. Copies of the Forms referred to in paragram 4 and 9 can be obtained on application to the Commissioner. In every District a supply of these forms will be kept in the office safe, together with copies of the orders for Police Officers in case of disturbance issued with orders 19/18, para 1. These forms and orders will be kept together and will always be shown at Office inspection.

W. K. NOTLEY. COMMISSIONER, EAST AFRICA POLICE.

NATROBI. DATED 5TH NOVEMBER 1918.

FORM OF NOTICE OF APPOINTMENT OF SPECIAL POLICE OFFICERS.

То	
of	
You she hereby shidinted	a Special Police Officer,
under Section 71 of Ordinance No.	
District and you s	re hereby required to report
yourself for duty at	Police Station forthwith.
Ma_lstr	rate or Justice of the Peace.
Dated at	
This day of 19	***

Before me,

Magistrate of Justice of the Peace.

Phis + Space CAS

ORDERS FOR TROOPS, WHEN EMPLOYED AGAINST RIOTERS ON PROGLAMATION OF MARTIAL LAW.

Fire without warning:

- On any crowd armed with dangerous weapons, as guns, swords, spears, bows and arrows, kn clubs, etc., picking out the ringleaders, if possible:
- On all persons looting, inflicting intury to persons or property, burning, blowing up, running away with loot, or from lacted premises.
- On all persons destroying or damaging or attempting to destroy or damage, any bridge, railway, telegraph or telephone communications, or running away after daing so.
- On no account will firing in the air he practised as it only gives a false impression of the effectiveness of rifle fire.
- Firing will be strictly limited to the actual 3. necessities of each case and when the disturbance is subsiding, milder measures may suitable be substituted for 1t.
- It is to be clearly understood that no one is to be shot except persons actually committing, threatening or inciting to acts of violence, or seeking to avade Shooting is to be employed only as a preventative measure, not as a measure of punishment. All persons arrested must be detained for trial by s Court Martial or other regular Court.
- If any bridge, telegraph or telephone service is destroyed, and the perpetrators cannot be found, the headmen and leading men of the neighbourhood will be detained and submitted to a searching examination.

Eas Africa Protectorate.

Secret.

DRAFT.

The Officer Administering the Government of the East Africa Protectorate.

Sir,

MINUTE.

Mr.Grange 21/1 Weneral Wilson.

Mr. Redley 27 " 14 Mr. Grindle.2

Sir H. Lambert.

Sir H. Read. 28 Sir G. Fiddes.

Col. Amery. Lord Milner.

man.

I have the honour to acknowledge Si E. harthey's the receipt of your Secret despatch of 2nd June submitting a copy of the report of the Committee appointed by him you to prepare a scheme for dealing with Civil disturbances in the East Africa Protectorate.

3 Dec 1.710

2. In caply, I have to inform you that I conour generally in the report submitted, and, with reference to para, 9 thereof that the question of the maintenance of a King's African Rifles Mounted Infantry Depot at Nairobi will

3. I would suggest that the appendices to the report marked A. B. D. and E should be printed confidentially and in pamphlet, suitable for the pocket. Before taking such steps however I am of opinion that para 8 of appendix B relation to wolley firing should be amended so as to follow In General Dilamia more closely the King's Regulations (an extract. from which relating to this point, is enclosed), and that in heading appendix D the words "Police and Special Constables" should be inserted after the word "troops". Copies of the pamphlet should be forwarded to this department for record.

4. I have to add that arrangements are being made in certain Colonies etc, in connection with schemes this nature, for the collection in an emergency of all European women in one or two places of safety, and I shall be glad to receive your views as to whether it is practicable or advisable to make provision in the scheme for similar steps being taken Mombasa and Nairobi.

(or the SdS)

En. 43745/15 ED

10 Dec 1919 Josp. of Doc 30 Dane Et to info on hat patte discussion with wain

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DRAFT.

MINUTE.

- Len 8/2/4

Sir H. Lambert. Sir H. Read. 0 Sir G. Fiddes. Col. Amery.

for conson

MAST AFRICA FROTACTURATE.

SECKET.

Downing Street,

h December, 191.

Sir,

In continuation of my secret destates of December 3rd 1 have the honour to inform you that after discussion with Major A.T. Hiles, D. ..., ..., who has until recently commanded the king's African Rifles until recently commanded the king's African Rifles who that the Depot of the Mounted Infantry Company 5th King's African Rifles should be moved to Maironi. I shall be glad therefore if you will communicate with the Inspector Cemeral King's African Rifles and the Commandant of the King's African Rifles with a view to effect being given to this arrangement.

I have the homour to be.

Lir.

Your most obedient,

humble Servant,
(for the Secretary of State)

(50) [] Amery

THE OFFICAR ADMINISTRAING

THE GOVERNMENT OF THE

BAST AFRICA PHOTECTCRATE.

Sis.

I have the honour to acknowledge the receipt of Sir E. Northey's Secret despatch of 2nd June submitting a copy of the report of the Committee appointed by him to prepare a scheme for dealing with Civil disturbances in the East Africa Protectorate.

- 2. In reply I have to inform you that I concur generally in the report submitted, and, with reference to paragraph 9 thereof, to state that the question of the maintenance of a King's African Rifler Bounted Infantry Depot at Mairobi will be discussed with Ceneral Lievellyn on his arrival in this country.
- 3. I would suggest that the appendices to the report marked "A", "B", "D", and "E" should be printed confidentially and in pumphlet form suitable for the pocket. I am, however, of opinion that paragraph 8 of appendix B which deals with volley firing should be mended so as to follow more closely the ning's Regulations (an extract from which, relating to this point, is enclosed), and that in the heading to appendix "D" the words "Police and Special Constables" should be inserted after the word "troops". Copies of the pumphlet

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THE OCVERNMENT OF

THE BAST AFRICA PROTECTORATE

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You unst obedient, humile -vent,

for the Secretary of State)

PUBLIC RECORD OFFICE

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TOTAL EXPOSURES ⇒