



Kenyan Emergency Group Litigation

Statement following the Court of Appeal decision to refuse permission in 'TC34'

We are extremely disappointed by the decision handed down by the Court of Appeal on 9th October 2018 refusing TC34 permission to appeal the High Court Judgment in this case.

The legal team involved has worked tirelessly to bring some degree of justice for our client, but this is secondary. Our chief concern is for our client who will not receive compensation for his experiences as a British Subject which has had a major impact on the remainder of his life, having been detained without trial for several years and subjected to unjustifiable violence and abuse.

The British Government has admitted torture and ill-treatment at the hands of the Colonial Administration. It is sad our sophisticated justice system has been unable to reconcile this admission with compensation paid to the victims of our Colonial past.

The statement made by William Hague MP, the Foreign Secretary, that "*We understand the pain and grievance felt by those who were involved in the events of the Emergency in Kenya. The British government recognises that Kenyans were subject to torture and other forms of ill treatment at the hands of the colonial administration. The British government sincerely regrets that these abuses took place...*", would appear to be all the comfort the UK is to make available to our client. This is, in our opinion, completely unsatisfactory.

This, the first detailed judgment, will have a clear impact on the remaining Test Claimants, and the near 41,000 on the Group Litigation Order. We are considering the prospects of the litigation in light of the Court of Appeal's refusal to allow permission to appeal.

While his case has failed, we would like to commend TC34 for his fortitude and courage shown within the legal process, to relive his highly disturbing experiences of the past and reflect on the injustice this decision brings.