

NOTE

RELEASE OF PRISONERS IN THE CONTEXT OF NEGOTIATIONS FOR COLONIAL INDEPENDENCE FROM BRITISH RULE

Cyprus

The Greek Cypriot campaign for Enosis (Union with Greece) began in 1950, but did not gather momentum until late 1954. From then until early 1959, a campaign of guerrilla warfare against the British authorities was conducted, interspersed with periods of truce and negotiation. Archbishop Makarios was closely involved with Grivas (the leader of EOKA) in the decision to start the armed uprising. In 1955 a state of emergency was declared by the British authorities, giving the Governor the right to detain and deport anyone without trial. The Governor had talks with Makarios on measures to promote "a wide measure of self-government" during 1955 and early 1956. When these failed to reach agreement, the British broke off the talks and interned Makarios on the Seychelles. Thereafter, Makarios refused to negotiate while in detention. In March 1957, EOKA offered a truce to facilitate negotiation, on condition that Makarios was released. The British government released Makarios from the Seychelles, and allowed him to go anywhere he wished except to Cyprus. He arrived in Greece on 17 April 1957. His release produced a lull in the fighting for 6 months but no basis could be found for renewed negotiations. A new Governor, Sir Hugh Foot, took over on 3 December 1957. In an effort to improve the atmosphere for negotiations, he immediately released 100 detainees (around 2000 detainees were held in total). He also offered to meet Grivas secretly, unarmed and alone, but this offer was not taken up. Serious peace moves began in December 1958. EOKA called a truce at this time. The talks were formally between the Greek, Turkish and British governments and took place in Zurich. The Greek Cypriots were not directly represented, but the Greek government consulted Makarios. Agreement was eventually reached in February 1959 on measures leading to independence for Cyprus. An aspect of the Agreement was that Grivas was given safe-conduct to leave Cyprus and all detainees were released.

encourage his supporters to participate in the formation of a new Kenya ment.

In 1947 the Kenya African Union (KAU) under the leadership of Jomo Kenyatta launched a campaign for Kenyan self-government. Failure to make progress led to the outbreak of Mau Mau violence in 1950. After initially regarding the disturbances ^{as} more of a nuisance than a danger, the authorities declared a state of emergency in October 1952 which continued until January 1960. This gave the authorities the right to detain people without trial. Kenyatta and around 200 other KAU leaders were detained. The KAU organisation was proscribed in June 1953. In 1953 Kenyatta was found guilty of "managing Mau Mau" and sentenced to 7 years imprisonment. The trial was widely seen as having unsatisfactory ^{features} feelings, and the nature of Kenyatta's involvement with Mau Mau remains unclear. What is clear is that imprisonment greatly increased his influence among the African community. During the emergency, African political parties were proscribed between June 1953 and June 1955. From June 1955 onwards African political organisations were permitted at district level but not at national level. National political parties were not permitted again until after the ending of the state of emergency, which continued until 1960, although the security forces had largely succeeded in neutralising Mau Mau as a serious threat by June 1955. Following the British general election of 1959, a constitutional conference was convened in London to negotiate a new constitution to provide the basis for a move towards independence. African nationalists demanded the release of Kenyatta to attend the conference as a delegate, but the British government would not agree to this. They initially refused to accept the presence in any delegation of anyone considered responsible for Mau Mau, but later agreed to issue blank passes to delegations so that they could admit members of their choice. The London conference succeeded in negotiating a new constitution. Thereafter the state of emergency was ended, and the formation of nationwide African political organisations was permitted. Most detainees were released at this time but the release of Kenyatta was delayed until 1961. The timing of his release appears to have been used by the British government as a bargaining counter to

encourage his supporters to participate in the formation of a new government.

Ireland, 1916-21

India

1916-17

In India, those seeking independence from British rule did not resort to terrorism but rather to "civil disobedience". The main movement seeking independence, the "Congress Party", intensified the campaign in August 1942 by launching the "quit India" campaign. This resulted in the arrest by the British authorities of virtually the entire Congress leadership, most of whom were kept in detention until the end of hostilities, though Gandhi himself was released in May 1944 for health reasons. On release, the Congress leaders participated in the negotiations leading to Indian independence in 1947.

Gold Coast/Ghana

Kwame Nkrumah was a leading figure in moves to secure independence for the Gold Coast in the immediate post Second World War period. In 1949 he founded a new political party, the Convention Peoples' Party, which campaigned for dominion status. He became in effect the leader of the African community in the Gold Coast. In 1950, he rejected proposals by the British authorities for a limited form of self-government and launched a campaign of "positive action" based on the "civil disobedience" methods which had been used by the Congress party in India. The Governor thereupon declared a state of emergency and imprisoned Nkrumah. The British authorities decided to hold a general election in the Gold Coast on the basis of their proposal for self-government. They appear to have hoped that, with Nkrumah imprisoned, his party would wither away and more conservative politicians would have a chance of emerging. In the event however, Nkrumah and his supporters won 48 out of the 84 seats. After some hesitation, Nkrumah was released from prison and, under the title "leader of government business", joined the Governor's Executive Council. A year later his title was changed to that of Prime Minister of a self-governing and later independent Ghana.

Ireland, 1916-21(i) 1916-17

Following the Easter Rising in 1916, the British authorities imposed martial law and appointed a military governor with full powers of detention and court martial of civilians. He ordered the wholesale arrest of Sinn Fein supporters, whether or not they had actually taken part in the rising. Over 3000 were arrested, some 2000 of whom were tried by court martial, the rest held without trial. Some were quickly released, but 1867 were interned in Britain, mainly at Frongoch in Wales. Martial law was lifted in November 1916. Releases from Frongoch began in December 1916 under an amnesty declared by the Chief Secretary for Ireland. The initial releases were of those (including Michael Collins) who had been held without trial. A further amnesty was declared in June 1917 for all the remaining 1916 prisoners (including De Valera). This was designed to create a favourable atmosphere for the "Irish Convention" which the government convened in July 1917 in an attempt to find a solution to the Home Rule problem.

(ii) 1919-21

Following the December 1918 Westminster elections, the Sinn Fein representatives refused to take their seats and established themselves in Dail Eireann on 21 January 1919. The British authorities initially took no action, but in August 1919 they declared it an illegal organisation and at the same time ^{proscribed} ~~proclaimed~~ the Sinn Fein party. In January 1920, in the face of mounting violence, additional legal powers were given to military commanders to carry out searches and arrests. A sweeping programme of arrests and internment followed and by July 1921, 4,454 IRA volunteers had been interned. A further wave of arrests followed in November 1920, including Griffith and Barton, who were eventually released to take part in the Treaty negotiations. Following an

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exchange of correspondence between Lloyd George and De Valera both sides eventually agreed on a truce on 12 July 1921 to enable peace negotiations to take place. This provided for the suspension of aggressive acts by both sides and of "all raids and searches" (ie no further arrests) by the British. The truce did not, however, provide for release of prisoners already held, but these were all eventually released as an aspect of the peace process. An amnesty and guarantee of safe conduct was afforded to the Irish delegates to the Treaty negotiations.

Mr Thomas - 8 (1)

POLITICAL MOVEMENT AND THE PROVISIONS

Thank you for sending me a copy of your note of 12 September 1953.

1. I share Mr Killett's doubts about the wisdom of the example but not because of the nature of British political rule. I am no escape from thinking that the first principle is

we are not addressing a committee which we are to leave the room with the result that the police, the justice and prisons will fall under the control of others and any changes by representatives of the state will be very a little way ahead of what they would have happened in any case

the crimes committed by some of those in power in Northern Ireland were committed against members of the other community in the province and, in my view, those conditions will continue to exist where they are under whatever Irish political arrangements were put in place.

2. Because of the first of those two points it may be that British rule is the most relevant time and place to look for relevant precedents. Do we know if any duly tried and sentenced prisoners were released in June 1917 as opposed to interned or some half-way arrangement? Could we look closer to how do

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