

SECRET.

WAR/W2I/1#8

C.S.

1942.

No.

S/20/42

29

Secretary of State.

SUBJECT.

19 42.

11th July.

Previous Paper.

PROCEDURE FOR THE
DETENTION OF BRITISH SUBJECTS OR BRITISH
PROTECTED PERSONS.

Regulation 17 of the Defence
Regulations, 1939.

Extracted from M.P. S/17/42.

MINUTES.

1-2.

S. of S. Secret linc. Telegram No. 116 of 11/7/42.

Legal Adviser,

Will you please take necessary action on redds
(1) and (2).

(Itld.) L.W.A.

for C.S.
13/7/42.

Extract from sheet 5 of M.P. S/7/39.

H. C. S.

3-5.

Necessary Order and copy herewith.
Ref: para: 6 on page 3 of the Order :- The U.K.
Regulation says: "The Secretary of State shall make a
report to Parliament at least once in every month" &c.,
&c. - I have made the period three months but perhaps
His Excellency would prefer a longer period.

(Itld.) A. C.

Legal Adviser.

J.F.

*You may consider that six monthly returns
will be sufficient (S.6). The second page must
be retyped in any case.*

*2. The Adm. Cttee need not be appointed
until a case arises?*

Subsequent Paper.

*KB
24/7.*

I think an advisory ctee already exists
- It consists of Col Sec, G.C. Troops & N.C. Co.
- but whether that is still in being I
know not. In any case it looks as if it
had a rather too great military bias

[Signature] 25/11/42

A.C.S.

H.F. does not wish to alter the "three members", but P(3)
must be retyped in any case. When submitting
for signature please also advise me of the position
about the Committee.

[Signature]
21/7.

Non. C.S.

Page 3 of red 5 has been retyped & is now
resubmitted for signature.

On 30/5/40, Govt. Notice No. 53 was issued under
the provisions of Reg. 17 of the Defence Regulations, 1939,
appointing an Advisory Committee for the purposes of
that Regulation, consisting of:-

Non. Col. Sec. (Chairman)

G.C. N.O. etc.

G.C. O.C. F.I.D.F.

So far as I am aware there has been no alteration
in the constitution of this Committee.

[Signature]
25/7/42.

Copy of reds 3-5 passed to printer 24/4/42.

[Signature]
27/7/42.

A.C.S.

We will leave the possible reconstruction of this
Ctee until a case arises & we know with what
type of man we have to deal.

Telegram No. 171 to Secretary of State of 25/8/42.

Despatch No. 72 to S. of S. of 26.8.42.

Minute to Registrar-General of 26.8.42.

Telegram Circular No. 5 from Secretary of State 3/2/43

[Signature]
28/7.

6

7-8.

9-10

[Signature]

[Signature]

11. S. of S. Secret Circ. (2) Dispatch of 25/4/44.
 12. Circular Telegram No 64 from S. of S. of 20. 6/44.
 13. Telegram No 163 to Secretary of State of ~~1. 7. 44~~

(14)

Res

As we had a nil return I do not think we need send a monthly telegram unless any changes do occur.

NB
1/5/44

15. Telegram circular Unn. from S. of S. of 5. 9. 44.
 16. Telegram No 217 to Secretary of State of 7. 9. 44.
 17. " No 237 " " " " of 3. 10. 44.
 18. " No 268 " " " " of 3. 11. 44.
 19. " No 288 " " " " of 5. 11. 44.
 20. Circular Telegram No. 140 from S. of S. of 4. 11. 44.
 21. Telegram No. 1 to S. of S. of 2. 1. 45.
 22. Telegram No. 32 to S. of S. of 1. 2. 45.
 23. Telegram No 601 to S. of S. of 2. 3. 45.
 24. " No. 95 " " " " 3. 4. 45
 25. " No 123 " " " " 1. 5. 45.
 26. " No 150 " " " " 5. 6. 45.

hr
31/1/45

DECODE.

5/17/42. (1) (2)
TELEGRAM.

From SECRETARY OF STATE FOR THE COLONIES.

To HIS EXCELLENCY THE GOVERNOR.

Despatched: 11th July, 19 42. Time: 2120.

Received: 12th July, 19 42. Time: 1030.

Red 2.
Red 14.
Red 14.
Red 17.
ins
5/17/42.

SECRET. Circular No. 116. I have had under consideration a question of the powers of detention for security reasons in the Colonial Empire and have come to the conclusion having regard to additional powers which will be available by virtue of the provisions which you were requested to make in my telegrams Nos. 74 and 101 Circular as amended by my telegram No. 108 Circular it is desirable as a matter of general policy that the present local Defence Regulation equivalent to United Kingdom Defence Regulation 18 B should be replaced by a Regulation in terms identical with the United Kingdom Regulation 18 B. Position will then be that the powers mentioned in my telegrams Nos. 101 and 108 Circular will be used for detention of aliens and the powers of the local Defence Regulations equivalent to United Kingdom Regulation 18 B will only be used when it is desired to detain British subjects or British protected persons. I should be obliged if you would in consultation with your advisers review the present Defence Regulation equivalent to United Kingdom Regulation 18 B in the territory with which you are concerned and make the necessary changes to bring it into line with the United Kingdom Regulation 18 B as soon as possible and inform me by telegram when you have done so.

2. Main difference in its present form and local Defence Regulations based on Regulation 18 model Colonial Code of Defence Regulations is that the former contains more detailed provision regarding the procedure of the Advisory Committee and in particular require the chairman of the Advisory Committee to furnish a detainee with such particulars as are in the chairmans opinion sufficient to enable him to present his case. To enable the chairman to fulfil this requirement it is normal practice in this country to furnish him with all the available information about the detainee including any secret records or documents which may be relative. The Committees aim is to put before the detainee as many of the matters alleged against him as possible having regard to the British Governments of security.

3. Consideration of the reports of the Advisory Committees in the Colonies has suggested the practice and procedure of the Advisory Committee in this country would afford useful guidance to Colonial Committees and I consider it important in order to give full effect to the change in the text of the Regulation requested in paragraph 1.

Telegram that the procedure of these committees should be brought into line with that the following summary may be useful begins.

(1) Proceeding before the committee which are conducted in camera are of informal character and concluded as administrative rather than judicial enquiry. Case against detainee is not presented by any one on behalf of the Government as the committee have been made aware of it by pursuing all relevant documents relevant for the hearing. Only members of the Committee and its staff and the detainee are present.

(2) Detainee is questioned very fully by the committee on all matters alleged against him with the exception that in very rare cases when the evidence is of high secrecy or the delicate nature of the allegations cannot be put to the detainee. This is a matter for arrangement between the committee and the security authorities.

(3) If the committee require any further information arrangements are mad for the attendance of persons able to supply it though such persons cannot be compelled to attend do not give evidence on oath and are not liable to cross examination. Any such person called before the committee remains only while being questioned and detainee is not present when they give their evidence.

(4).

DECODE.

TELEGRAM.

From

To

Despatched : 19 Time :

Received : 19 Time :

Page 2. (Circular telegram No. 116).

(4). It is not the usual practice to produce agents before the Committee as there are obvious objections on security grounds to doing so. If however in any case (e.g. a case in which sole or main evidence against the suspect is that of an agent) the Committee feels justice cannot be done unless they examine the agent would be produced before the committee unless there were special and exceptional considerations of public importance which made this course impossible. If the committee in such a case wish to see the agent and the security service objected the matter would be referred to the Secretary of State before a final decision was taken. It is usual for security service in submitting a case for detention to state attention as regards to any information derived from the agents, whether there is any objection to the agent being produced before the committee.

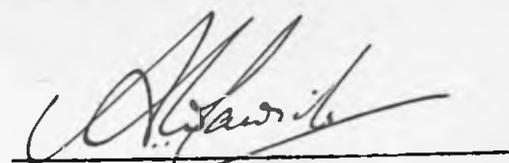
(5). Documents furnished for the committees use are not repeat not handed to the detainee except in very exceptional circumstances but the committee at its discretion may read cases from the documents in the course of the hearing.

(6) Committees recommendation is not repeat not communicated to the detainee or made public. Ends.

I.D.C.O.

SECRETARY OF STATE.

ORDER BY HIS EXCELLENCY THE GOVERNOR
AMENDING THE DEFENCE REGULATIONS, 1939.


Governor.

Order No. // of 1942.

Under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:-

1. The following Regulation shall be substituted for Regulation 17 of the Defence Regulations 1939 as amended by the Defence (Amendment) Regulations, 1940.
17.(1) If the Governor has reasonable cause to believe any person to be of hostile origin or associations, or to have been recently concerned in acts prejudicial to the public safety or the defence of the realm, or in the preparation or instigation of such acts, and that by reason thereof it is necessary to exercise control over him, he may make an order against that person directing that he be detained.

Detention orders.

(1A) If the Governor has reasonable cause to believe any person to have been or to be a member of, or to have been or to be active in the furtherance of the objects of, any such organisation as is hereinafter mentioned, and that it is necessary to exercise control over him, he may make an order against that person directing that he be detained.

The organisations hereinbefore referred to are any organisation as respects which the Governor is satisfied that either:-

- (a) the organisation is subject to foreign influence or control, or
- (b) the persons in control of the organisation have or have had associations with persons concerned in the government of, or sympathies with the system of government of, any Power with which His Majesty is at war,

and in either case that there is danger of the utilisation of the organisation for purposes prejudicial to the public safety, the defence of the realm, the maintenance of public order, the efficient prosecution of any war in which His Majesty may be engaged, or the maintenance of supplies or services essential to the life of the community.

(1B) If the Governor has reasonable cause to believe:-

- (a) that the recent conduct of any person for the time being in an area to which this paragraph applies, or any words recently written or spoken by such a person expressing sympathy with the enemy, indicates or

indicate/

indicate that that person is likely to assist the enemy; and

- (b) that by reason thereof it is necessary to exercise control over that person;

he may make an order against that person directing that he be detained.

The Governor may by order apply this paragraph to any area to which he thinks it necessary or expedient that this paragraph should apply, having regard to any actual or immediately apprehended enemy action.

(2) At any time after an order has been made against any person under this Regulation, the Governor may direct that the operation of the order be suspended subject to such conditions:-

- (a) prohibiting or restricting the possession or use by that person of any specified articles;
- (b) imposing upon him such restrictions as may be specified in the direction in respect of his employment or business, in respect of the place of his residence, and in respect of his association or communication with other persons;
- (c) prohibiting him from being out of doors between such hours as may be so specified, except under the authority of a written permit granted by such authority or person as may be so specified;
- (d) requiring him to notify his movements in such manner, at such times, and to such authority or person as may be so specified;
- (e) prohibiting him from travelling except in accordance with permission given to him by such authority or person as may be so specified,

as the Governor thinks fit; and the Governor may revoke any such direction if he is satisfied that the person against whom the order was made has failed to observe any condition so imposed, or that the operation of the order can no longer remain suspended without detriment to the public safety or the defence of the realm.

(3) For the purposes of this Regulation, there shall be one or more advisory committees of persons appointed by the Governor; and any person aggrieved by the making of an order against him, by a refusal of the Governor to suspend the operation of such an order, by any condition attached to a direction given by the Governor or by the revocation of any such direction under the powers conferred by this Regulation may make his objections to such a committee.

(4) It shall be the duty of the Governor to secure that any person against whom an order is made under this Regulation shall be afforded the earliest practicable opportunity of making to the Governor representations in writing with respect thereto and that he shall be informed of his right, whether or not such representations are made, to make his objections to such an advisory committee as aforesaid.

(5) Any meeting of an advisory committee held to consider such objections as aforesaid shall be presided over by a chairman nominated by the Governor, and it shall be the duty of the chairman to inform the objector of the grounds on which the order has been made against him and to furnish him with such particulars as are, in the opinion of the chairman, sufficient to enable him to present his case.

(6) The Governor shall make a report to the Secretary of State for the Colonies at least once in every three months as to the action taken under this Regulation (including the number of persons detained under Orders made thereunder) and as to the number of cases, if any, in which he has declined to follow the advice of any such advisory Committee as aforesaid.

(7) If any person fails to comply with a condition attached to a direction given by the Governor under paragraph 2 of this Regulation, that person shall, whether or not the direction is revoked in consequence of the failure, be guilty of an offence against this Regulation.

(8) Any person detained in pursuance of this Regulation shall be deemed to be in lawful custody and shall be detained in such place as may be authorised by the Governor and in accordance with instructions issued by him.

Dated this *25th* day of July, 1942.

By Command,

Kenneth Bradley
Colonial Secretary.

3/20/42.

DECODE.

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TELEGRAM.

From HIS EXCELLENCY THE GOVERNOR.

To SECRETARY OF STATE FOR THE COLONIES.

Despatched : 25th August, 19 42. Time :

Received : 19 Time :

Red 2.

No. 171. With reference to your No. 116 Circular paragraph 1 necessary action taken.

GOVERNOR.

G.T.C.

(7)

Order by His Excellency the Governor amending the Defence Regulations, 1939.

No. 11 of 1942.

~~FRANCIS A. W. CARDINALI~~
Governor.

Under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :-

1. The following Regulation shall be substituted for Regulation 17 of the Defence Regulations, 1939, as amended by the Defence (Amendment) Regulations, 1940.

Detention orders.

17. (1) If the Governor has reasonable cause to believe any person to be of hostile origin or associations, or to have been recently concerned in acts prejudicial to the public safety or the defence of the realm, or in the preparation or instigation of such acts, and that by reason thereof it is necessary to exercise control over him, he may make an order against that person directing that he be detained.

(1A). If the Governor has reasonable cause to believe any person to have been or to be a member of, or to have been or to be active in the furtherance of the objects of, any such organisation as is hereinafter mentioned, and that it is necessary to exercise control over him, he may make an order against that person directing that he be detained.

The organisations hereinbefore referred to are any organisation as respects which the Governor is satisfied that either

- (a) the organization is subject to foreign influence or control, or
- (b) the persons in control of the organisation have or have had associations with persons concerned in the government of, or sympathies with the system of government of, any Power with which His Majesty is at war,

and in either case that there is danger of the utilisation of the organisation for purposes prejudicial to the public safety, the defence of the realm, the maintenance of public order, the efficient prosecution of any war in which His Majesty may be engaged, or the maintenance of supplies or services essential to the life of the community.

(1B). If the Governor has reasonable cause to believe :-

- (a) that the recent conduct of any person for the time being in an area to which this paragraph applies, or any words recently written or spoken by such a person expressing sympathy with the enemy, indicates or indicate that that person is likely to assist the enemy; and
- (b) that by reason thereof it is necessary to exercise control over that person;

he may make an order against that person directing that he be detained.

The Governor may by order apply this paragraph to any area to which he thinks it necessary or expedient that this paragraph should apply, having regard to any actual or immediately apprehended enemy action.

(2) At any time after an order has been made against any person under this Regulation, the Governor may direct that the operation of the order be suspended subject to such conditions :-

- (a) prohibiting or restricting the possession or use by that person of any specified articles;
- (b) imposing upon him such restrictions as may be specified in the direction in respect of his employment

or business, in respect of the place of his residence, and in respect of his association or communication with other persons;

- (c) prohibiting him from being out of doors between such hours as may be so specified, except under the authority of a written permit granted by such authority or person as may be so specified;
- (d) requiring him to notify his movements in such manner, at such times, and to such authority or person as may be so specified;
- (e) prohibiting him from travelling except in accordance with permission given to him by such authority or person as may be so specified,

as the Governor thinks fit; and the Governor may revoke any such direction if he is satisfied that the person against whom the order was made has failed to observe any condition so imposed, or that the operation of the order can no longer remain suspended without detriment to the public safety or the defence of the realm.

(3) For the purposes of this Regulation, there shall be one or more advisory committees of persons appointed by the Governor; and any person aggrieved by the making of an order against him, by a refusal of the Governor to suspend the operation of such an order, by any condition attached to a direction given by the Governor or by the revocation of any such direction under the powers conferred by this Regulation may make his objections to such a committee.

(4) It shall be the duty of the Governor to secure that any person against whom an order is made under this Regulation shall be afforded the earliest practicable opportunity of making to the Governor representations in writing with respect thereto and that he shall be informed of his right, whether or not such representations are made, to make his objections to such an advisory committee as aforesaid.

(5) Any meeting of an advisory committee held to consider such objections as aforesaid shall be presided over by a chairman nominated by the Governor, and it shall be the duty of the chairman to inform the objector of the grounds on which the order has been made against him and to furnish him with such particulars as are, in the opinion of the chairman, sufficient to enable him to present his case.

(6) The Governor shall make a report to the Secretary of State for the Colonies at least once in every three months as to the action taken under this Regulation (including the number of persons detained under Orders made thereunder) and as to the number of cases, if any, in which he has declined to follow the advice of any such advisory Committee as aforesaid.

(7) If any person fails to comply with a condition attached to a direction given by the Governor under paragraph 2 of this Regulation, that person shall, whether or not the direction is revoked in consequence of the failure, be guilty of an offence against this Regulation.

(8) Any person detained in pursuance of this Regulation shall be deemed to be in lawful custody and shall be detained in such place as may be authorised by the Governor and in accordance with instructions issued by him.

Dated this 25th day of July, 1942.

By Command,

K. G. BRADLEY

Colonial Secretary.

GOVERNMENT HOUSE,

STANLEY,

26th August, 1942.

PAKLAND ISLANDS.

No. 72.

My Lord,

With reference to your Secret Circular telegram No. 116 of the 11th of July, 1942, I have the honour to forward herewith six copies of an Order made by me on the 25th of July amending Defence Regulations, 1939.

Red 2

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble servant,

THE RIGHT HONOURABLE
THE VISCOUNT CRANBORNE,
SECRETARY OF STATE FOR THE COLONIES.

No. 8/20/42.

(It is requested that, in any reference to this minute, the above Number and the date may be quoted).

MINUTE.

26th August, 19 42.

From The Colonial Secretary,

To The Registrar-General,

STANLEY.

Stanley, Falkland Islands.

I am directed to forward herewith, for insertion in the files of the Registrar-General, an authenticated copy of an Order by His Excellency the Governor amending the Defence Regulations, 1939, dated the 25th of July, 1942.

for Colonial Secretary,

DECODE.

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TELEGRAM.

From..... SECRETARY OF STATE FOR THE COLONIES.

To..... HIS EXCELLENCY THE GOVERNOR.

Despatched: 3rd. February 19 43. Time: 10.30.

Received: 5th. February 19 43. Time:

Circular No. 15. MOST SECRET.

My attention has recently been drawn to case/ⁱⁿ which certain British subjects detained under Colonial regulations equivalent United Kingdom Defence Regulation 18 B have on advice Security Authorities been held INCOMMUNICADO. Such treatment is difficult to justify save in most exceptional circumstances and is in conflict with practice in this country. Persons detained under United Kingdom Defence Regulation 18 B are allowed to communicate in writing with their legal advisers and any letters addressed to High Court are forwarded. All such letters however are scrutinized by detaining authorities.

Detainees are also allowed to have interviews with their counsel or solicitor, such interviews being in sight but not in hearing of detaining authorities. Interviews with clerks to counsel or solicitors take place in hearing and in sight of detaining authorities. Subject to camp or prison censorship all detainees are allowed to correspond with relatives and friends and public persons, e.g. Members of Parliament.

2. It is appreciated that in certain cases it may be desirable, at all events for some period, to hold detainees INCOMMUNICADO. British subjects however should not be detained INCOMMUNICADO for more than 10 days without reference to me by telegram stating reasons of Security Authorities for such detention, the proposed period of such detention, and your views on propriety of this course.

SECRETARY OF STATE.

I.D.C.O.



COLONIAL OFFICE

14231/1/43

PAGE NO.1

CIRCULAR (2)

SECRET.

Downing Street,

25th April, 1944.

Sir,

From time to time a number of legal problems have arisen over the transfer between Colonial Dependencies, or between a Dependency and the United Kingdom, of persons detained under Defence Regulations. In order to give all Colonial Governments the benefit of the experience which has been gained in handling cases of this kind in the Colonial Office during the past 4½ years, my advisers have prepared the enclosed memorandum which it is hoped will be of use to Colonial Governments and their Legal Advisers.

2. There is attached to the memorandum the draft of a model ordinance which it is suggested should be held in readiness to be passed should the need arise in any case. I would emphasize that it is not suggested that any action should be taken in this matter unless circumstances arise to render it desirable. The primary object of the memorandum is to provide a simple code of procedure for ready reference.

I have the honour to be,
Sir,
Your most obedient, humble servant,
OLIVER STANLEY.

The Officer Administering
the Government of

G 41561

11^a**MEMORANDUM****SECRET****Transfers of persons detained
under Defence Regulations.**

1. This memorandum refers to persons, whether British subjects or non-enemy aliens, who have been lawfully ordered to be detained in a Colonial territory under Defence Regulations, but whose continued detention there is impracticable or inexpedient. It does not refer to enemy aliens, whose internment is effected under the Royal Prerogative, and whose transfer involves no legal formalities.

2. Reason for transfer.

The reason for such transfers is sometimes that climatic and other conditions in a particular Colonial territory renders undesirable the prolonged detention of individuals unaccustomed to those conditions and sometimes that the transfer of an individual detainee to the United Kingdom or to some other Colonial territory is necessary for his better interrogation or safer custody.

3. Legislation required.

It is necessary that both the territory in which a person is detained and from which he is to be transferred (the "transferring territory") and the territory to which he is to be transferred (the "receiving territory") should possess certain complementary (or interlocking) powers. For this purpose it is desirable:-

(i) that the Governor of a transferring territory should possess powers not only (a) lawfully to detain a person but also (b) lawfully to transfer such person out of the jurisdiction of the transferring territory into that of the receiving territory;

(ii) that the Governor of a receiving territory should possess powers lawfully to receive and detain a person transferred from a transferring territory.

4. Legislation already suggested.

With regard to (a) in paragraph 3 (i) above, all Colonial Governors have been invited to take powers by Defence Regulation to detain British subjects, and to model their local Defence Regulations on Defence Regulation 188 of the United Kingdom (circular telegram No. 116 Secret of 1942). They have also been invited to take powers by Defence Regulation to detain non-enemy aliens resident or otherwise situated in a Colonial territory (circular telegram No. 74 Secret of 1942). They have been further invited to take power by Defence Regulation to remove aliens arriving in a Colonial territory on board a ship or aircraft from the ship or aircraft and to detain them (circular telegrams Nos. 101 and 108 Secret of 1942). As regards paragraph 3 (i) (b) above, however, only a few Colonial territories have been invited to pass legislation specifically enabling the transfer of a detained person to another territory. This problem has been considered ad hoc as particular cases have arisen in certain territories. This point is dealt with in paragraph 5 below. With regard to paragraph 3 (ii), all Colonial Governors have been invited in a

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circular

11^b

circular despatch dated the 27th of September, 1940, to take powers by Defence Regulation, modelled generally on United Kingdom Defence Regulation 18BA, to receive and detain persons transferred for detention from another Colonial territory or from the United Kingdom.

5. Further Legislation needed.

To complete the legal process of transfer, Governors of transferring territories must also possess powers lawfully to direct the removal of persons out of their own jurisdiction into that of receiving territories (see paragraph 3 (i) (b) above). It is assumed that hitherto it has been the practice of transferring Governments to issue a deportation order against a detained person who is to be transferred before placing him on board a ship or aircraft bound for the receiving territory. The Secretary of State is advised that some doubt attaches to the propriety of this action since it might be represented that a person in a transferring territory against whom a deportation order had been made could not then be regarded as still being in a condition of lawful detention - an essential condition in view of the terms of the order in virtue of which he will be detained in a receiving territory. In some territories, moreover, it is doubtful whether the existing powers of deportation (especially in respect of British subjects) are sufficiently wide for the purpose in view.

6. Model Ordinance.

It is therefore suggested that Colonial Governments should hold in readiness to introduce at short notice, should the necessity arise, legislation on the lines of the attached model draft Ordinance. It is important that the powers contemplated in this draft should, for reasons described in Lord Moyne's confidential circular despatch of the 29th of May, 1941, be assumed by Ordinance and not by Defence Regulation.

7. Detainees in transit.

It is not always possible to secure a direct passage for a detainee from the transferring territory ("A") to the receiving territory ("B"). If he passes in transit through a third territory ("C"), that territory being a Colonial territory, the Governor of territory "C" must have power lawfully to order the detainee's temporary detention in territory "C" and his removal when opportunity permits the resumption of the detainee's journey to territory "B". This power is provided for by clause 4 of the model Ordinance. (N.B. This provision is additional to the provisions of the model already adopted in one or two territories).

8. Summary of procedure.

Thus the process of transfer contemplated is as follows:-

(a) If it is desired to transfer a person from territory "A" in which he has been lawfully ordered to be detained, into lawful detention in territory "B" the Governor of territory "B" would first make an Order for his reception and detention under a Defence Regulation made in the terms stated in Lord Lloyd's circular despatch of the 27th of September, 1940.

(b) The Governor of territory "A" would then make an Order, under clause 1 of the draft model Ordinance accompanying this memorandum, providing for the removal of the detainee to territory "B".

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(3)

(c) Should the detainee on his journey to territory "B" pass in transit through territory "C", the Governor of territory "C" would make an Order under Clause 4 of the model draft Ordinance providing for his temporary reception and detention in territory "C" and his removal from the territory when opportunity arises for his onward journey to territory "B".

(d) The procedure at (c) above would also apply in the event of further intermediate stages in the journey being necessary.

9. Advisory Committee.

Before a detainee is transferred it is desirable that he should have received (or express his willingness to forgo) any hearing before an Advisory Committee to which he may be entitled by the Regulation under which he is detained in the transferring territory.

Colonial Office.
25th April, 1944.

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11^aText of operative clauses of model Ordinance

1. Where any person has been lawfully ordered to be detained in _____, the Governor may, if it appears to him that the continued detention of that person in _____ is impracticable or inexpedient, make arrangements with the Government of the United Kingdom or of any other country or territory to which the Emergency Powers (Defence) Act, 1939, of the United Kingdom has been extended by Order in Council made under section four of that Act for the removal of that person to the United Kingdom or to that other country or territory, as the case may be, and may make an order directing that the said person be removed, in pursuance of the arrangements, from _____ and for that purpose be placed on board a ship or aircraft.

2. Where a person lawfully ordered to be detained in any country or territory to which the Emergency Powers (Defence) Act, 1939, of the United Kingdom has been extended by Order in Council made under section four of that Act has, in pursuance of arrangements made between the Government of that country or territory and the Governor, been removed to _____ and is detained therein, the Governor shall, on receiving a request from the Government of that country or territory that the said person shall be returned thereto, make an order directing that the said person be placed on board a ship or aircraft for the purpose of his being returned to that country or place.

3. Where a person -

- (a) lawfully ordered to be detained in a country or territory to which the Emergency Powers (Defence) Act, 1939, of the United Kingdom has been extended by Order in Council made under section four of that Act is, in pursuance of arrangements made between the Government of that country or territory and the Government of the United Kingdom or of some other country or territory to which the said Act has been so extended, being removed to the United Kingdom or that country or territory as the case may be, or
- (b) after having been so removed is being returned to the first mentioned country or territory

and passes or is likely to pass in transit through _____, the Governor may make an order directing that the said person be detained and placed on board a ship or aircraft for the purpose of his continuing his journey.

4. Any person with respect to whom an order has been made under this Ordinance may be detained in such manner as may be directed by the Governor and shall be deemed to be in lawful custody while so detained and while on board any ship or aircraft on which he has, in pursuance of the order, been placed.

5. The operation of any order made under this Ordinance for the placing of any person on board any ship or aircraft shall not be affected by any proceedings instituted or by any procedural act under any other law with the object of preventing or delaying the departure of that person.

6. This Ordinance shall apply to all persons, whether British subjects or not and whether born in _____ or not.

G 41565

DECODE.

12

TELEGRAM.

From Secretary of State.

To His Excellency the Governor.

Despatched: 20th June, 19 44. Time: 1730.

Received: 21st June, 19 44. Time: 1030.

Circular No. 64. In view of the increasing Parliamentary interest in continued detention of persons under Defence Regulations, please telegraph as soon as possible after June 30th number of persons on June 30th (1) detained under equivalent to United Kingdom Regulations 18B. (2) Detained on grounds of security without trial under other emergency power, both categories classified under (a) British subject and British protected person (b) Non-enemy aliens. Also the number in category (1) in which case recommendations of Advisory Committee has not (repeat not) been followed showing (a) and (b) separately.

2. Number in each category released or added during each successive month should be telegraphed as early as possible after the end of each month.

3. Monthly telegram required under paragraph 2 above should also include number of cases where recommendations of Advisory Committee, made during the months under review, has not been followed.

4. Names not (repeat not) necessary.

SECRETARY OF STATE.

G.T.C.

DECODE.

13

TELEGRAM.

From His Excellency the Governor.

To Secretary of State.

M.P. S/20/42.

Despatched : 1st July, 1944. Time :

Received : 19 Time :

Recd 12

No. 163. Your Circular Telegram No. 64 of 20th June.

(1) nil (2) nil.

GOVERNOR.

G.T.C.

DECODE.

15

TELEGRAM.

From Secretary of State.

To His Excellency the Governor. M.P. S/20/42

Despatched: 5th September, 19 44. *Time:* 1900.

Received: 6th September, 19 44. *Time:* 1030.

Recd 12

Circular Unnumbered. (2). 5th September. My telegram No. 64

Circular. Detentions. Please telegraph July figures.

SECRETARY OF STATE.

DECODE.

(16)

TELEGRAM.

From His Excellency the Governor.

To Secretary of State.

Despatched: 7th September, 19 44. Time:

Received: 19 ... Time:

Red 15

No. 217. Your telegram 5th September Circular Unnumbered (2). Detentions. Figures for July and August nil (1) and (2).

GOVERNOR.

DECODE.

17

TELEGRAM.

From His Excellency the Governor.

To Secretary of State for the Colonies.

M.P. S/20/42.

Despatched: 3rd October, 1944. Time:

Received: 19... Time:

Red 16

No. 237. My telegram No. 217. Detentions. September figures nil (1) and (2).

GVERNOR.

G. T. C.

DECODE.

(18)

TELEGRAM.

From His Excellency the Governor.

To The Secretary of State.

M.P..S/20/42.

Despatched : 3rd November, 19 44. Time :

Received : 19 ... Time :

Red 17.

WITHOUT PRIORITY. No. 268. My telegram No. 237.

Detentions. October figures nil (1) and (2).

GOVERNOR.

DECODE.

19

TELEGRAM.

From His Excellency the Governor.

To The Secretary of State.

M.P. s/20/42.

Despatched: 5th December, 19 44. Time:

Received: 19 ... Time:

Rad 18

IMPORTANT.

No. 288. My telegram No. 268. Detentions. November figures nil (1) and (2).

GOVERNOR.

DECODE.

20

TELEGRAM.

From Secretary of State for the Colonies.

To His Excellency the Governor.

Despatched : 4th December, 19 44. Time : 1930.

Received : 5th December, 19 44. Time : 1030.

Recd 12.

IMMEDIATE. Circular No. 140. My Circular No. 64.

Detained persons. In order to reply to Parliamentary questions I would be grateful to receive returns for November by 11th December, repeat 11th.

See Recd 19.

SECRETARY OF STATE.

G.T.C.

DECODE.

TELEGRAM.

From His Excellency the Governor.

To Secretary of State for the Colonies.

M. P. S/20/42.

Despatched: 2nd January, 19 45. Time:

Received: 19 ... Time:

Recd 19.

WITHOUT PRIORITY. No. 1. My telegram No. 288.

Detentions. December figures nil (1) and (2).

GOVERNOR.

DECODE.

TELEGRAM.

From His Excellency the Governor.

To Secretary of State for the Colonies.

Despatched : 1st February, 1915. Time :

Received : 19 ... Time :

Recd 21

WITHOUT PRIORITY. No. 32. My telegram No. 1.

Detentions. January figures nil (1) and (2).

GOVERNOR.

DECODE.

23

TELEGRAM.

From His Excellency the Governor.

To Secretary of State for the Colonies.

M.P. S/20/42.

Despatched : 2nd March, 19 45. *Time* :

Received : 19 ... *Time* :

Red 22.

WITHOUT PRIORITY. No. 61. My telegram No. 32.

Detentions. February figures nil (1) and (2).

GOVERNOR.

G.T.E.

DECODE.

TELEGRAM.

MP. No. S/20/42.

From His Excellency the Governor.....

To The Secretary of State for the Colonies.

Ret 23.

Despatched : 3rd April, 19 45. Time :

Received : 19 Time :

WITHOUT PRIORITY.

No. 95. My Telegram No. 61 Detentions. March figures nil
(1) and (2).

GOVERNOR.

G.T.C.

DECODE.

M.P. No. S/20/42.

25.

TELEGRAM.

From His Excellency the Governor.

To Secretary of State for the Colonies.

Despatched : 1st May, 19 45. Time :

Received : 19 ... Time :

Recd 24

No. 123. My telegram No. 95. Detentions. April figures
nil (1) and (2).

GUVNE.

G. T. C.

DECODE.

26

TELEGRAM.

From His Excellency the Governor.

To Secretary of State for the Colonies.

M.P. S/20/42.

Despatched: 5th June, 19 45. Time:

Received: 19 ... Time:

Red 25

No. 150. My telegram No. 123. Detentions. May figures
nil (1) and (2). Relative Regulations now repealed.

GOVERNOR.