

SECRET

WAR/W2I/1#7

C.S.

1942.

No.

5/17/42

39

Secretary of State.

SUBJECT.

19 42.

7th May.

PROCEDURE IN REGARD TO THE DETENTION
OF ALIENS

Previous Paper.

MINUTES.

1-2.
3

1. of S. Secret Circ. Tel. of 4/5/42
- Unnumbered " " 8/5/42.

For action by Leg. Adv. on his return to States.

[Signature] 9/5/42

Legal Adviser for necessary action, please.

[Signature]
9/5/42.

H. P. S.

4.

Draft Order for further review

22-5-42.

[Signature]
L.A.

[Signature]

Order No. 9/1942 submitted for signature, pl.

[Signature]
23/5/42.

Subsequent Paper.

5

Telegram No. 104 to S. of S. of 23/5/42.

S. of S. Secret Circular Saving telegram of 24.2.42. 6-8.

Legal Adviser

Will you kindly advise as to the action to be taken on reds 6-8.

A.A. J. J. C. S.
1/6/42.

H. B. J.

Necessary orders herewith.

3/6/42.

P.B.
Z.A.

Draft Order Amending the Defence Regs. 1939, of 5.6.42. 9.

Y.C. Amending Order submitted for signature, pl.

A.A. J. J. C. S.
6/6/42.

Report as in (8) to S. of S.

P.B. 6/11/42

* Pl. note (8) has not been entered.

P.B.

Despatch No. 55 to S. of S. of 6.6.42.

10-12.

Y.C. Despatch & Copies of Order No 4/1942 submitted for signature, pl.

A.A. J. J. C. S.
8/6/42.

Telegram No. 118 to S. of S. of 8/6/42. 13.

Enc. Telegram No. 101 from S. of S. of 24/6/42. 14.

Legal Adviser

For necessary action re. red 14, pl.

A.A. J. J. C. S.
26/6/42.

H. B. J.

Necessary orders herewith. 15.

27/6/42

P.B.
Z.A.

Y.C. Red (15) submitted for signature, pl.

A.A. J. J. C. S.
29/6/42.

- 16. Telegram No. 130. to S. of S. of 29/6/42.
- 17. Telegram No. 108 binc. from S. of S. of 2/6/42.
Ref: recd (14), necessary action has been taken.
A.G.S.
2/7/42.
- 18-19. Telegram No. 116 binc. from S. of S. of 11/7/42.
Legal Adviser
Will you please take necessary action on recs 18-19.
A.G.S.
13/7/42.
- 20-22. Despatch No. 67 to S. of S. of 21. 7. 42.
- 23. Minute to Registrar-General of 21. 7. 42.
Legal Adviser (24)
M.P. rtd: ref my minute of 13/4/42, pl.
A.G.S.
- ~~H. B. J.~~ (25)
Please see my minute no S. 7/39.
A.B.
22-7-42
L.A.
- (26)
Action taken in M.P. 20/42.
A.A.
22/7/42.
- 27. S. of S. Secret Circ. telegram Saving of 25. 5. 42.
- 28. Spn. to S. of S. of 18. 8. 42.
- 29. S. of S. Secret Circ. Tel. Saving of 28/4/43
- 30. " Circ. Despatch (30) of 14. 7. 43.
L.A.
Could you prepare the necessary Order please?
A.B.
11/9.
- ~~H. B. J.~~ (31)
Order & other copies transmitted
A.B.
6-9-43.
L.A.
- 32. Order, No. 6 of 1943 of 9. 9. 43.

G.F.

(33)

It G.F. will be pleased to refer (32), I will deal with (30) on the return of the file. The Order now revised is at (30) & the S.O.S. instruction to remove is at (29).

KB
7/9

(34)

G.F.

Ref. (30). The only non-enemy alien interned here was, I gather, Hamm. She was sent to ^{S. Africa} ~~the U.K.~~ when she is believed now to have been released & she was released in 1941. I went to U.K.

2. Enemy aliens included a number of seamen & they have all been transferred to S. Africa, this being a Dominion such cases are not covered by this despatch.

3. The case of Krauss is already down for review "from time to time" & I have asked it for review next June. It was reviewed last June & another review now is unnecessary.

2. f. a necessary.

KB
9/9

(35)

10/11/43

Minute to Registrar-General of 22/11/43.
Despatch, No. 57 to S.O.S. of 22. 11. 43.

S.O.S. Secret Saving Telegram No. 3 of 29/3/44 38.

L.A.

For your comments please.

KB
22/1/44

H.B.S.

Necessary draft Order (copies)
Herewith.

41.

26-5-44.

KB
L.A.

(41)

Y.E.

(20) was revoked owing to a misreading of (29). We are now asked to re-enact. The L.A. Submits an Order accordingly.

I am surprised at the opinion that Defence Reg. 17 A. contemplates the making of Rules. I should have thought it provides rather for ad hoc directions by the Governor. We want to avoid making more rules of this kind if we can.

LB
30/5/44

(42)

Y.E.

Discussed with H.F. The Order is re-enacted but there is no need to make any rules at present.

LB
4.6.44

43. Minute to Registrar-General of 1.8.44.

44. Despatch, no. 47 to S. of S. of 1.8.44.

45. Circular telegram saving from S. of S. of 10.7.44.

(46)

ACS
H. Hauss file pl.

LB
6/9/44

(47)

ACS
M.P. C/4/42, Hecceich pl.

LB
6/9/44

Y.E.,

(48)

I submit a draft Saving Telegram, reference 45 and paragraph 3 of 30A.

LB
8.9.44 ✓

49. Saving telegram, no. 21 to S. of S. of 9.9.44.

50. Circular Min. Telegram from S. of S. of 25.1.45.

51. Telegram No 30 to S. of S. of 31.1.45.

G.F.

(53)

We did receive Circular Tel. No (3.) of the 25th Jan,
 but we had two Circ. Tels. No (2) [(50) lesson & (29) on
 66/43] both of which have been answered. I
 suspect (50) lesson & should have ^{been} numbered (3)
 & the mistake has led to confusion in
 the C.C. Draft reply submitted.

KB
 21/2/45

(54)

The C.C. is going too fast now!
 AL 21/ii/45

- Telegram No 48 to S. of S. of 22. 2. 45. 55.
- Unnumbered Telegram from S. of S. of 23. 2. 45. 56.
- Telegram No 52 to S. of S. of 27. 2. 45. 57.

W.N.

DECODE.

2

TELEGRAM.

No. 110. *From* SECRETARY OF STATE FOR THE COLONIES.
To HIS EXCELLENCY THE GOVERNOR.

Despatched: 7th May, 19 42. *Time:* 0440.
Received: 8th May, 19 42. *Time:* 1030.

No. 74. Circular. SECRET. Detention of Aliens.

1. Present practice in the United Kingdom is to restrict the use of Defence Regulation No. 18 B to British subjects (including dubious nationals one of whose nationalities is British). Aliens whose detention is considered necessary on security grounds are detained under Article No. 12 (5) (a) of the Aliens' Order. Latter procedure confers no right to make objection to Advisory Committee.

2. In certain Colonies cases have occurred in which only conclusive evidence alien enemy agent are obtained from singularly delicate sources and could not be placed before an Advisory Committee. In such cases it is usually desired to bring the agent concerned to the United Kingdom for interrogation but the Home Secretary is not prepared to make Requisition Order under United Kingdom Defence Regulation No. 18 B a bonafide individual concerned is detained in the Colony under Regulation equivalent to United Kingdom Defence Regulation No. 18 B unless the case has first been examined by the local Advisory Committee.

3. If provision comparable to Article No. 12 (5) (a) of the United Kingdom Aliens' Order were made in the Colonies this difficulty would not arise so far as aliens are concerned. I should be obliged therefore if you would as soon as possible take the power by means of a Defence Regulation to enable the Governor to direct detention of any alien against whom a Deportation Order has been made if in the opinion of the Governor (a) the deportation of the alien would be impracticable or prejudicial to efficient prosecution of any War in which His Majesty may be engaged, and (b) his detention is necessary or expedient for securing public safety, Defence of the realm or maintenance of public order. It will also be necessary unless sufficient powers already exist to make provision empowering Governors to direct deportation of any alien if he is satisfied that the deportation of that alien is necessary for securing Public safety or Defence.

4. Though the main reason for taking these powers in the Colonies is explained in paragraph 2 above I consider that in all cases in which it is necessary to detain aliens for security reasons these new powers should be used in preference to those local regulations equivalent to United Kingdom Defence Regulation No. 18 B. It should be made clear that the new powers apply only repeat only to aliens and not to British subjects or British protected persons.

They wouldnot be used against enemy aliens whose cases would continue to be dealt with under the powers prerogative.

5to Though aliens detained under this procedure have no right to appeal the Advisory Committee it has been found convenient to appoint a committee to which the Home Secretary in his absolute discretion can refer any case which he considers it desirable should be examined by an impartial tribunal, e.g. where there is considerable element of doubt or where the persons of known integrity strongly vouch for individual concerned. Similar practice should be adopted in the Colonies though it would not be necessary to set up additional committee and cases where necessary can be referred to existing Advisory Committee under Defence Regulation equivalent to United Kingdom Regulation No. 18 B.

6. Cases of persons detained under new procedure should be reported to me by Saving telegram unless circumstances (e.g. removal of aliens from ships) call for quick report. Report should contain full name of person detained nationality before his occupation and such as indication of grounds on which action was taken.

CIRCULAR TELEGRAM NO. 74.

(1.)

Page 2.

7. This procedure should also be used for detention of aliens who have been removed from ships calling at Colonial ports and reports requested in paragraph 6 above will then include those asked for in my telegram No. 35 Circular Maritime of August 18th 1941.

8. Please telegraph as soon as these new powers have been taken and procedure in operation and forward copies of the Regulations by mail.

SECRETARY OF STATE.

I. D. C. O.

M.P. 176/39.
Red 191.
See 254
(5)

3

DECODE.

TELEGRAM.

No. 138.

From SECRETARY OF STATE FOR THE COLONIES.

To HIS EXCELLENCY THE GOVERNOR.

Despatched : 8th May, 19 42. *Time :* 0945.

Received : 8th May, 19 42. *Time :* 10.30.

Red 50

UNNUMBERED. My telegram No. 74 Circular. Please mark secret.

SECRETARY OF STATE.

(H.)

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

Order No. 7 of 1942.

A. H. ...

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 :-

2. The following Regulation shall be substituted for Regulation 17A of the Defence Regulations, 1939, (hereinafter referred to as the Principal Regulations).

Deportation
of Aliens.

3. The Governor may, if he thinks fit, make an Order (in this Regulation referred to as a deportation Order) requiring an alien to leave and to remain thereafter out of the Colony.

4. Where a deportation Order has been made with respect to any alien, and, in the opinion of the Governor

- (a) the deportation of the alien would be impracticable or prejudicial to the efficient prosecution of any war in which His Majesty may be engaged, and
- (b) the detention of the alien is necessary or expedient for securing the public safety, the defence of the realm, or the maintenance of public order,

the Governor may direct that the alien be detained; and an alien detained in pursuance of any such direction shall be deemed to be in legal custody and shall be detained in such manner as the Governor may direct.

5. Regulation 17A of the Principal Regulations shall be re-numbered 17B.

Dated this *23rd* day of *May*, 1942.

By Command,

S. H. ...
For Colonial Secretary.

DECODE.

5

TELEGRAM.

From HIS EXCELLENCY THE GOVERNOR.

To SECRETARY OF STATE FOR THE COLONIES.

Despatched : 23rd May, 19 42. Time :

Received : 19 Time :

Red 50.

No. 104. With reference to your telegram No. 74 Circular Secret paragraph 8 necessary steps have been taken May 22nd.

G. T. C.

GOVERNOR.

8

~~TOP SECRET~~

From the Secretary of State for the Colonies.

To the Officer Administering the Government of FALKLAND ISLANDS.....

Circular Saving telegram. Secret.

24th February, 1942.

Instances have occurred of suspect individuals arriving in the United Kingdom who claim United States nationality, but who cannot be positively identified by means of photographs or personal particulars as United States Federal Bureau of Investigation to whom such cases are referred rely upon finger prints for this purpose.

In view of the great and potentially increasing importance of these cases, the Aliens Order, 1920, a copy of which was enclosed in my Circular Note of 27th September, 1939, has been amended by an Order in Council dated 22nd January, 1942, a copy of which is enclosed, providing that any person authorised by the Home Secretary to act thereunder may arrange for any alien detained in lawful custody to be photographed and measured in the manner set out in paragraphs 2 and 3 of the Persons in Custody (Photography and Measurement) (No. 2) Rules 1939. A copy of these Rules is enclosed.

I consider it desirable that Colonial Governments should have similar powers and I should be obliged if you would arrange accordingly and report when you have done so.

*ids 15-23
n.p. 1607 35
R. & O.
139 1737.*

*no recd
(13)*

4

STATUTORY RULES AND ORDERS

1942 No. 95

ALIEN

THE ALIENS ORDER, 1942.

At the Court at Buckingham Palace, the 22nd day of January,
1942.

PRESENT,

The King's Most Excellent Majesty in Council.

His Majesty, in pursuance of section one of the Aliens Restriction Act, 1914, as amended by any subsequent enactment, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:—

4 & 5
Geo. 5. c. 12.

1. This Order may be cited as the Aliens Order, 1942.
2. After Article 15 of the Aliens Order, 1920(a), there shall be inserted the following Article:—

“ 15A. Where an alien is in custody, having been arrested or detained in the exercise of any power conferred by this Order or by Regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940, any person authorised by the Secretary of State to act under this Article may take all such steps as may be reasonably necessary for photographing, measuring and otherwise identifying the alien in such manner as may be prescribed.”

Identifica-
tion of
aliens in
custody.

Rupert B. Howorth.

(a) S.R. & O. 1920 (No. 448) I, p. 138.

LONDON

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1942

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STATUTORY RULES AND ORDERS

1939 No. 1737

EMERGENCY POWERS (DEFENCE)

Identification of Persons in Custody

THE PERSONS IN CUSTODY (PHOTOGRAPHY AND MEASUREMENT)
(No. 2) RULES, 1939, DATED NOVEMBER 30, 1939, MADE BY
THE SECRETARY OF STATE UNDER REGULATION 88D OF THE
DEFENCE (GENERAL) REGULATIONS, 1939.

In pursuance of Regulation 88D of the Defence (General) Regulations, 1939^(a), I hereby make the following Rules:—

1. Subject as hereinafter mentioned and without prejudice to any other powers in that behalf, a person to whom these Rules apply may be photographed and measured by any constable or prison officer.

2. The photographs to be taken may include a photograph of the full face, a photograph of the true profile and a full-length photograph.

3. The measurements to be taken may include:—

his height when standing;

the size and relative position of every scar and distinctive mark upon any part of his body; and

the external filament of the fingers and thumbs of both hands—to be taken by pressing them, first upon an ink plate, and then upon paper or cardboard, so as to leave a clear print of the skin surface.

4. A photograph of a person taken in pursuance of the powers conferred by these Rules shall not be published, except for the purpose of tracing him, or shown to any person, other than a constable or servant of the Crown acting in the course of his duty or a person authorised by a constable or servant of the Crown so acting to see it.

5. Where a person has been photographed or measured under these Rules, all photographs (both negatives and copies), finger-print impressions and records of measurements so taken shall, unless he is convicted of an offence to which Part V of the

Defence (General) Regulations, 1939, applies, be destroyed upon the conclusion of the proceedings taken against him unless the Secretary of State otherwise directs, and in any case as soon as may be after the expiration of the Emergency Powers (Defence) Act, 1939^(a).

6. These Rules apply to any person in custody whom the proper officer of police (that is to say, any officer of police being of a rank not lower than that of inspector or being in charge of a police station) has reasonable grounds for suspecting to have committed an offence to which the said Part V applies.

7.—(1) These Rules may be cited as the Persons in Custody (Photography and Measurement) (No. 2) Rules, 1939.

(2) These Rules shall not extend to Northern Ireland.

(3) The Persons in Custody (Photography and Measurement) Rules, 1939^(b), are hereby revoked.

John Anderson,
One of His Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.

30th November, 1939.

(a) 2 & 3 Geo. 6. c. 62.

(b) S.R. & O. 1939 No. 1041.

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1939

Price 1d. net

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

Order No. 8 of 1942.



Governor.

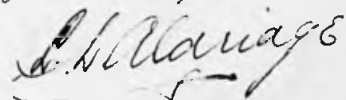
Under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows :-

1. Regulation 17 A of the Defence Regulations, 1939, is amended by the addition thereto of the following paragraph :

4.A. Where an Alien is in custody, any person authorised by the Governor may take all such steps as may be reasonably necessary for photographing, measuring, obtaining the finger prints of and otherwise identifying the alien in such manner as may be prescribed by the Governor.

Dated this 5th day of June, 1942.

By Command,



For Colonial Secretary.

M.F. No. S/17/42.

Identificat-
ion of Aliens
in custody.

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

(Sgd.) A. W. CARDNALL

Governor.

No. 7 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 17A of the Defence Regulations, 1939, (hereinafter referred to as the Principal Regulations).

2. The Governor may, if he thinks fit, make an Order (in this Regulation referred to as a deportation Order) requiring an alien to leave and to remain thereafter out of the Colony.

Deportation of Aliens.

3. Where a deportation Order has been made with respect to any alien, and, in the opinion of the Governor

- (a) the deportation of the alien would be impracticable or prejudicial to the efficient prosecution of any war in which His Majesty may be engaged, and
- (b) the detention of the alien is necessary or expedient for securing the public safety, the defence of the realm or the maintenance of public order,

the Governor may direct that the alien be detained; and an alien detained in pursuance of any such direction shall be deemed to be in legal custody and shall be detained in such manner as the Governor may direct.

4. Regulation 17A of the Principal Regulations shall be re-numbered 17B.

Dated this 23rd day of May, 1942.

By Command,

(Sgd.) L. W. Aldridge

for Colonial Secretary.

M.P. S/17/42.

No. S/17/42.

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

MINUTE.

6th June, 19 42.

From

The Colonial Secretary,

Stanley, Falkland Islands.

To The Registrar-General,

STANLEY.

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, regarding the deportation of Aliens, dated the 23rd of May, 1942.


for Colonial Secretary.

(12)

GOVERNMENT NOTICE,

STANLEY,

6th June, 1942.

FARLELAND ISLANDS.

No. 55.

My Lord,

Red 2.

With reference to your Secret Circular Telegram, No. 74 of the 7th May, 1942, on the subject of the detention of Aliens, I have the honour to forward herewith six copies of an Order amending the Defence Regulations, 1939, dated the 23rd of May, 1942.

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.

DECODE.

13

TELEGRAM.

From..... HIS EXCELLENCY THE GOVERNOR.

To..... SECRETARY OF STATE FOR THE COLONIES.

Despatched : 8th June, 19 42. *Time* :

Received : 19 *Time* :

Red E.

No. 118. With reference to your Circular Saving telegram Secret of
24th February necessary steps taken 5th June.

G.T.C.

GOVERNOR.

5/23/39

DECODE.

TELEGRAM.

No. 267. From SECRETARY OF STATE FOR THE COLONIES.

To HIS EXCELLENCY THE GOVERNOR.

Despatched : 24th June, 19 42. Time : 20.10.

Received : 25th June, 19 52. Time : 10.30.

Circular No. 101. Detention of Aliens.

Reeds 1+2

1. Regret application of procedure under Regulation which in my Circular telegram No. 74 you were asked to make has been found on further examination to be of doubtful legality in case of Alien removed from an alien ship or aircraft. This provision will be useful in other cases where local detention of aliens on security grounds is desirable and should therefore still be made or be retained (where already made). In order to provide for the category described in paragraph 2 in my telegram Circular No. 74 I shall be glad if you would make Defence Regulation in the following terms:-

"Where the Governor has reason to believe or cause to believe any alien on Board an alien vessel or aircraft arriving in (-) has recently been concerned in acts prejudicial to public safety to Defence or to efficient prosecution of the war or in preparation or instigation of such acts he may order such alien to be removed from such vessel or aircraft and temporarily detained pending his removal from (-). Whilst so detained such alien shall be deemed to be in lawful detention".

2. It will also be necessary unless sufficient powers already exist to make provision empowering the Governor to direct removal to any country willing to receive him of any alien detained under the New Regulation if he is satisfied that removal of the alien is necessary for securing Public Safety or Defence.

3. Paragraph 5 and 6 of my telegram Circular No. 74 should be regarded as applicable to all cases falling under the proposed New Regulation and I shall be glad if you will telegraph when the new power has been taken and forward copies of the Regulation by mail.

See
mail
(10)

I. D. C. O.

SECRETARY OF STATE.

(15.)

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

Order No. ¹⁰ 19 of 1942.



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. Paragraph 4 of Regulation 17A of the Defence Regulations, 1939, is amended by the addition of the words "and Regulation 17B shall be renumbered 17C" after the words "shall be renumbered 17B".

2. Regulation 17A of the Defence Regulations, 1939 is amended by the addition of the following paragraph:-

5. Where the Governor has reason to believe or cause to believe any alien on board an alien vessel or aircraft arriving in the Colony has recently been concerned in acts prejudicial to public safety to Defence or to efficient prosecution of the war or in preparation or instigation of such acts he may order such alien to be removed from such vessel or aircraft and temporarily detained pending his removal from the Colony. Whilst so detained such alien shall be deemed to be in lawful detention.

Dated this 29th day of June, 1942.

By Command,



for Colonial Secretary.

DECODE.

12

TELEGRAM.

From HIS EXCELLENCY THE GOVERNOR.

To SECRETARY OF STATE FOR THE COLONIES.

Despatched : 29th June, 19 42. *Time* :

Received : 19 *Time* :

Red 14.

No. 130. With reference to your telegram No. 101 Circular paragraph 3
action taken June 29th.

G.T.C.

GOVERNOR.

DECODE.

17

TELEGRAM.

No. 15.

From SECRETARY OF STATE FOR THE COLONIES.

To HIS EXCELLENCY THE GOVERNOR.

Despatched : 2nd July, 19 42. *Time :* 0305.

Received : 2nd July, 19 42. *Time :* 1030.

Red '4.

No. 108. Circular. With reference to my telegram No. 101 Circular June 24th please delete the words "temporarily" and "pending his removal from (-)" at the end of the First Regulation accordingly.

I.D.C.O.

SECRETARY OF STATE.

*Red 15
Amended
B.H.G.
3/7/42.*

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

Governor.

No. 8 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. Regulation 17A of the Defence Regulations, 1939, is amended by the addition thereto of the following paragraph :

Identification of Aliens in Custody.	4A. Where an Alien is in custody, any person authorised by the Governor may take all such steps as may be reasonably necessary for photographing, measuring, obtaining the finger prints of and otherwise identifying the alien in such manner as may be prescribed by the Governor.
--------------------------------------	--

Dated this 5th day of June, 1942.

By Command,

for Colonial Secretary.

M.P. S/17/42.

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

SEBASTIAN W. CARDINALI

Governor.

No. 10 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. Paragraph 4 of Regulation 17A of the Defence Regulations, 1939, is amended by the addition of the words "and Regulation 17B shall be renumbered 17C" after the words "shall be renumbered 17B".

2. Regulation 17A of the Defence Regulations, 1939, is amended by the addition of the following paragraph :-

5. Where the Governor has reason to believe or cause to believe any alien on board an alien vessel or aircraft arriving in the Colony has recently been concerned in acts prejudicial to public safety, to Defence, or to efficient prosecution of the war, or in preparation or instigation of such acts, he may order such alien to be removed from such vessel or aircraft and detained. Whilst so detained such alien shall be deemed to be in lawful detention.

Dated this 30th day of June, 1942.

By Command,

SEBASTIAN W. CARDINALI

for Colonial Secretary.

M.P. S/17/42.

GOVERNMENT HOUSE,

STANLEY,

21st July, 1942.

FALKLAND ISLANDS.No. 67.

My Lord,

With reference to your Circular despatch of 26th March, 1942, Saving Telegram, No. 16 of 31st March, 1942, and Circular telegram, No. 101 of 24th June, 1942, I have the honour to forward herewith six copies each of the Trading with the Enemy (Specified Persons) (Amendment) (No. 5) Order, 1942, dated the 9th June, 1942, Leave and Passage (Amendment) Regulations, 1942, dated the 30th June, 1942, an Order by His Excellency the Governor amending the Defence Regulation 1939, dated the 30th June, 1942, and Proclamation, No. 6 of 1942, dated the 23rd June, 1942.

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.

Red 14

S/17/42, S/10/39
S/43A/39
115/33.

No. (It is requested that in any reference to this minute, the above Number and the date may be quoted).

MINUTE.

21st July, 1942.

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, authenticated copies of The Trading with the Enemy (Specified Persons) (Amendment) (No. 5) Order, 1942, Orders by His Excellency the Governor amending the Defence Regulations, 1939, Leave and Passage (Amendment) Regulations, 1942, and Proclamation No. 6 of 1942.

K. G. BRADLEY

Colonial Secretary.

S/17/42



(24)

From the Secretary of State for the Colonies.
FALKLAND ISLANDS
To the Officer Administering the Government of

Circular Telegram Saving. (~~Secret to Gambia~~)

25th May, 1942.

Secret

Recd.

By circular secret saving telegram of
24th February 1942.

Identification of Aliens.

✓

Please report by mail action taken.

FALKLAND ISLANDS.

S E C R E T.

His Excellency the Governor of the Falkland Islands presents his compliments to the Right Honourable the Secretary of State for the Colonies, and with reference to Colonial Office Secret Circular Telegram Saving of the 25th of May, 1942, has the honour to refer to Governor's despatch No. 67 of the 21st of July, 1942, transmitting copies of an Order, No. 8 of 1942, made by His Excellency on the 5th of June, amending Regulation 17 A of the Defence Regulations, 1939.

Red 27.
Red 22.
Red 20.

NEWT HOUSE,
FANLEY.
August, 1942.



From the Secretary of State for the Colonies.
To the Officer Administering the Government of
Circular Telegram Saving.
28th June, 1943.

SECRET.

Rec'd 8

My secret circular savingram of the 24th of February, 1942. Identification of aliens in custody. Rules 4 - 6 in United Kingdom S.R. and O. 1939 No.1737 apply to persons suspected of having committed certain offences (see United Kingdom Defence Regulation 86D under which they were made), and are therefore inappropriate in the case of aliens in custody whom it is merely desired to identify. Where these particular Rules have been reproduced locally they should therefore be revoked.

See rec'd 9.

G 96333

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S/17/42



CIRCULAR

Downing Street,

14th July, 1943.

Sir,

I have had under consideration the desirability of Colonial Governors reviewing at regular intervals the cases of persons detained under powers conferred upon Governors by Colonial Defence Regulations or interned in Colonial Territory by the exercise of the Royal Prerogative. It is the practice of the Home Secretary periodically and at regular intervals of not more than 12 months to review the cases of persons detained under United Kingdom Defence Regulation 18B, and I believe that some Colonial Governors already follow a similar practice. It seems desirable that this practice should in future be universally adopted in the Colonies, Protectorates and Mandated Territories in respect of all persons detained or interned in these territories. (For the sake of brevity the term "Colony" is used throughout this despatch to include all the above classes of territory). The persons likely to be affected fall into three classes, namely:-

(a) British subjects and aliens, (other than enemy aliens) detained under Colonial Defence Regulations equivalent to United Kingdom Regulation 18B;

(b) aliens (other than enemy aliens) detained under Regulations described in my circular telegrams Nos. 74, 101 and 108 of 1942

and (c) enemy aliens interned under the Prerogative.

Similarly it seems desirable to adopt the practice of regular review in respect of persons in these three classes who have for climatic, security, or other reasons been transferred from detention or internment in one Colony to detention or internment in another.

2. I should be obliged therefore if you would at your earliest convenience review the cases of all persons whom you have caused to be detained or interned within the Territory with which you are concerned; and thereafter at intervals of not more than twelve months. It does not seem necessary to include in the initial review any cases which you have already reconsidered during 1943; or to include in the initial or subsequent reviews any case in which the weight of evidence of subversive activity or disposition against the interned or detained persons is such as clearly to require his detention for the duration of the war, despite any change in local conditions, and to render reconsideration nugatory. This suggested procedure for initial and subsequent review is not of course intended to preclude you from reconsidering at any time any case in which the acquisition of new evidence, or a change of circumstances or the existence of especial hardship seem to warrant exceptional treatment.

Reds 2, 14, 17.

*Hayman
revised in UK
Saffner J. Saffner
Hobbs
Krauss Stanley*

G104492

The Officer Administering
the Government of

30ff

3. I should be glad to receive reports upon cases of British subjects and aliens thus reviewed. I suggest that in reviewing the cases of all British subjects it would be advantageous to obtain the views of your Advisory Committee. In reviewing the cases of detained aliens (other than enemy aliens) you should at your discretion and as an act of grace to the detained alien seek the advice of your Advisory Committee or some comparable body in reviewing suitable individual cases. Similarly in reviewing the cases of enemy aliens professing anti-Nazi or anti-Fascist sentiments, it seems suitable to seek the opinion of your Advisory Committee or of some comparable body.

4. With regard to the principles which should guide you in the conduct of these reviews, I think it would be desirable, especially in view of the wide and proper interest shown in the administration of Regulations affecting the liberty of the subject, that in cases of British subjects in detention you should apply your mind de novo to the original grounds and circumstances of their detention and consider to what extent these grounds or circumstances may have been modified by the progress of the war. Any British subject released as a result of your review who does not belong to the Colony and who desires to return to the territory to which he belongs should, within the inevitable limitations of available transport, be assisted to return thither. With regard to aliens (other than enemy aliens) whom you decide to release and who cannot usefully be employed locally, you may wish to consider whether it would be desirable or practicable to repatriate or deport them to their own country.

5. The treatment of persons who have been transferred from detention or internment in one Colony to detention or internment in another seems to me to be the joint responsibility of the transferring Colony and the receiving Colony, since although after transfer such persons pass into the jurisdiction of the receiving territory it is generally at the request of the transferring territory that they are received. Moreover the relevant information, witnesses, etc., are for the most part more easily assembled in the transferring Colony, the local conditions prevailing in which have, too, very often a substantial bearing on the original detention. But there is some danger that this joint interest may result in uncertainty over the quarter in which responsibility for ensuring the review of their cases rests. I suggest therefore that it should be the responsibility of the Government of the transferring Colony to initiate a regular review in consultation with the Government of the receiving Colony of the cases of all transferred British subjects and aliens (other than enemy aliens). The Regulations in virtue of which such persons are transferred provide for no hearing by an Advisory Committee in the receiving Colony; moreover aliens detained under powers taken in conformity with my circular telegrams Nos. 74, 101 and 108 of 1942 are not entitled to be heard by an Advisory Committee in the territory where they are detained in the first place. Nevertheless Governors of transferring Colonies would be generally well advised to consult their Advisory Committees in reviewing the cases of British subjects transferred into detention in another Colony and need not consider themselves precluded from seeking the opinion of an Advisory Committee in the case of transferred aliens. British subjects released in receiving Colonies under the above arrangements should, unless they are strongly opposed to returning, be repatriated at the earliest opportunity to the Colony from which they have been transferred or to the territory to which they belong. Aliens should be disposed of in the manner described in paragraph 4 or returned to the transferring Colony.

other than
enemy
aliens

G104493

306

6. With regard to transferred enemy aliens, I consider that the initiative should rest with the Government of the Colony which has received them, and which should review their cases in consultation with the Government of the transferring Colony. Cases of transferred enemy aliens professing anti-Nazi or anti-Fascist sympathies should be submitted to an Advisory Committee or comparable body in the receiving territory. I suggest this different procedure in the case of enemy aliens because although the Government of a receiving Colony is unlikely to be embarrassed by any action taken in respect of the release or detention of transferred non-enemy aliens, it may be necessary for that Government in some measure to align their policy over the release of transferred enemy aliens with that pursued in respect of local enemy aliens.

7. This procedure of initiating reviews is in general designed to ensure that the case of no detained or interned person shall fail to receive review by reason of any doubt about the relative responsibility of the two Governments concerned. It is not intended to preclude either a transferring or a receiving Colony from taking the initiative where individual circumstances seem to warrant this action. It is not, however, in any circumstances necessary for Colonial Governments to initiate a review of the cases of persons transferred to the United Kingdom.

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

OLIVER STANLEY.

G104494

36a.

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

(Sgd.) A. W. CARDINALL

No. 6 of 1943.

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. Order No. 8 of 1942, dealing with identification of Aliens in custody, made by the Governor on the 5th day of June, 1942 is hereby revoked.

Dated this 9th day of September, 1943.

By Command,

K. G. BRADLEY

Colonial Secretary.

M.P. S/17/42.

No. S/17/42.

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

MINUTE.

(36)

22nd November, 19 43.

From

The Colonial Secretary,

Stanley, Falkland Islands.

To The Registrar-General,

STANLEY.

I have the honour to forward herewith, for insertion in the files of the Registrar-General, an authenticated copy of Order, No. 6 of 1943, dealing with the identification of Aliens in custody.

K. G. BRADLEY
Colonial Secretary.

GOVERNMENT HOUSE,

STANLEY,

22nd November, 1943.

FRENCH ISLANDS.

No. 57.

Sir,

Red 29

With reference to your Secret Circular Telegram
 Daving of the 26th of June, 1943, I have the honour to
 forward herewith six copies of Order, No. 6 of 1943,
 of the 9th September, 1943, revoking Order, No. 8 of
 1942 dealing with identification of Aliens in custody.

I have the honour to be,

Sir,

Your most obedient,
 humble servant,
 (Sgd.) A. W. CARDINALL

RIGHT HONOURABLE

D. F. G. STANLEY, P.C., M.P.,
 SECRETARY OF STATE FOR THE COLONIES.

38

Saving.

From the Secretary of State for the Colonies.

To the Officer Administering the Government of FALKLAND ISLANDS

Date 20th March, 1944.

No. 3 Saving. **SECRET**

Recd 37

Your despatch No. 57 of the 22nd November.
Revocation of Order No. 8 of 1942.

Recd 29

Recd 8

My secret circular telegram of the 28th June last referred to the Persons in Custody (Photography and Measurement) (No.2) Rules, 1939 (S.R. & O. 1939 No. 1737), a copy of which was enclosed in Lord Cranborne's secret circular saving telegram of the 24th February, 1942, and suggested that as rules 4 to 6 were, for the reason given, inappropriate in the case of aliens in custody whom it was merely desired to identify these particular rules should be revoked where they have been reproduced locally.

Order No. 8 of 1942 (now revoked by Order No. 6 of 1943) added an additional paragraph (4A) to Regulation 17A of the Falkland Islands Defence Regulations, under which the Governor was authorised to prescribe the manner in which the various measures for the identification of aliens in custody should be carried out. This would appear to contemplate the making of rules similar to the Persons in Custody (Photography and Measurement)(No. 2)Rules, 1939 of the United Kingdom. No rules corresponding to these Rules, however, would appear to have been made in the Falkland Islands, but by revoking Order No. 8 of 1942 it will be no longer possible to make them even if at some future date it should be deemed desirable to do so.

/In

38a

Saving.

From the Secretary of State for the Colonies.

To the Officer Administering the Government of.....

Date.....

No. Saving.

In these circumstances, I would suggest that Order No. 8 of 1942 should be re-enacted. When this has been done, consideration could then be given as to the desirability of making rules corresponding to the United Kingdom Rules referred to above, but omitting rules 4 to 6 as suggested in my secret circular telegram of the 28th June last.

43a

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

(Sgd) A. W. CARDINALL

No. 2 of 1944.

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. Regulation 17A of the Defence Regulations, 1939, is amended by the addition thereto of the following paragraph :-

Identification of Aliens in custody.

4A. Where an Alien is in custody, any person authorised by the Governor may take all such steps as may be reasonably necessary for photographing, measuring, obtaining the finger prints of and otherwise identifying the alien in such manner as may be prescribed by the Governor.

Dated this 30th day of May, 1944.

By Command,

K. G. BRADLEY

Colonial Secretary.

No. S/17/42.

MINUTE.

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

From The Colonial Secretary,

Stanley, Falkland Islands.

1st August, 19 44. (43)

To The Registrar-General,

STANLEY.

I have the honour to forward herewith, for insertion in your files, an authenticated copy of Order, No. 2 of 1944, dealing with the Identification of Aliens in custody.

K. B. BRADLEY

Colonial Secretary.

44

GOVERNMENT HOUSE,
STANLEY,
1st August, 1944.

FALKLAND ISLANDS.

No. 47.

Sir,

Red 38

With reference to your Secret Telegram Saving, No. 3 of 29th March, 1944, I have the honour to forward herewith six copies of Order, No. 2 of 1944, of the 30th May, 1944, dealing with identification of aliens in custody.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

(Sgd.) A. W. CARDINALL

THE RIGHT HONOURABLE
O. P. C. STANLEY, P.O., M.P.,
SECRETARY OF STATE FOR THE COLONIES.

S/17/42.



COLONIAL OFFICE

14221/44

PAGE NO. 1

From the Secretary of State for the Colonies.
To the Officer Administering the Government of
Circular Telegram Saving.

10th July, 1944.

My circular despatch of 14th of July, 1943.

Review of cases of detainees, etc.

I shall be grateful to receive reports on any cases of enemy aliens reviewed in addition to those of non-enemy aliens.

I regret that my intention may not have been clear from first sentence in paragraph 3 of my circular despatch under reference.

SECR.

G 65066

Red 30.

49

SAVING TELEGRAM.

To the Secretary of State for the Colonies,
From the Officer Administering the Government
of the Falkland Islands.

Date: 5th September, 1944.

No. 21 SAVING.

Red Hb

Your Circular Telegram Saving of the 10th July. Review of cases of detainees, etc.

The only person detained in this Colony is an enemy alien, Dr. Helmuth Krauss. His case was reviewed in February of this year. The reasons for his detention were given in the correspondence ending with my Secret Telegram, No. 225 of the 20th of December, 1942, and the present position is set out in my Secret Telegram, No. 210 of 25th August, 1944.

*Reds 53^a
109 in
2/4/42*

GOVERNOR.