

CHAPTER 2

TREATMENT AND ADMINISTRATION – INTERNEES

1. Early in 1940 the Swiss Legation in London advised that the German Government had accepted a proposal by the International Red Cross Committee that the belligerent Powers should make binding declarations, on the basis of reciprocity, that the provisions of the Prisoners of War Convention signed at Geneva in 1929 should be applied generally to internees. The Government of the United Kingdom had already indicated to the International Red Cross Committee that civilians of enemy nationality interned in the United Kingdom were, in principle, treated in accordance with the relevant Convention but that there must necessarily be some differences of detail in treatment; for example, civilian internees were not necessarily fed and clothed on the same scale as prisoners of war, they were not paid, and they could not be compelled to work.
2. In replying to the proposal put forward by the German Government, the Foreign Office stated that it appeared to His Majesty's Government that the matter presented greater practical difficulties than the International Red Cross Committee appreciated. It was pointed out that the Convention was intended to govern the conditions of internment of men mainly in the younger age groups who had been captured in the field and that it would be often impossible, or undesirable, to attempt to apply the letter of the convention to men of varying ages and diverse conditions of life who are non-combatants and have taken no part in active warfare.
3. The International Red Cross Committee was further advised that even in its application to military prisoners of war it had been found that, as was almost inevitable, certain provisions of the Convention were not altogether acceptable or free from ambiguity. Differences of opinion had arisen already between His Majesty's Government and the German Government on such matters as pay, food, clothing, working pay and accident compensation, which were still under discussion. It was argued that if an attempt were made to apply, except on broad lines, the provisions of the Convention to the treatment of a class of persons in whose interest it had not originally been framed, it would be inevitable that further differences would be revealed, the solution of which would prove extremely difficult.
4. In these circumstances, His Majesty's Government indicated that while enemy aliens interned in the United Kingdom were being treated in principle in accordance with the provisions of the Convention, no further obligation in the form of a binding declaration could be accepted.
5. The Commonwealth Government concurred in the attitude adopted in the United Kingdom and steps were taken to ensure that all internees held were treated in accordance with the spirit of the Convention. The provisions of the Convention were accordingly incorporated or interpreted in National Security (Internment Camps) Regulations made under the National Security Act 1939-1940.
6. These regulations formed the whole basis of the administration of internees in the Commonwealth and should be made the subject of intensive study by students of the problem, or by officers who may at a later stage be concerned in the establishment and administration of internment camps. A copy of these regulations is attached to this report as Appendix 2.
7. It will be observed that the Adjutant-General received power under regulation 7 of these regulations to make Internment Camp Orders in relation to the management, inspection and internal economy of internment camps. Appropriate orders were made from time to time and all these were later incorporated for convenience in Internment Camp Order No.10, vide Appendix 2.

8. From the start it was apparent that the views of the United Kingdom on the subject of the application of the Convention to civilian internees were sound in that problems constantly arose in respect of the extent to which particular provisions of the convention should be applied to civilians and the manner of application. Important and far-reaching decisions had to be made and the principle adopted was invariably to apply such provisions to the fullest extent practicable consistent with humanitarian considerations after taking into account the age and condition of the internees concerned.

9. It is not proposed to deal here with the many difficulties encountered as they can more readily be incorporated in the various chapters of this report, dealing with particular aspects of administration. It is desired, however, to emphasise that the reader should at all times during the reading of the report keep in mind the attitude adopted by the United Kingdom. By this means he will appreciate the reason for various decisions by the Army which were supported, where necessary, by the Commonwealth Government.

10. The treatment of internees throughout the war and during the post-war period up to the time of the final closing of camps, was always the subject of interest and criticism by the public and the press, and often formed a basis for lively political argument. Various refugee organisations in Australia interested themselves in securing the release of internees and at the time of their repatriation. Official Visitors appointed to inspect and report on internment camps, Protecting Power Representatives and Red Cross organisation also took active interest in the welfare and interests of internees. It will be realised that the Director of Prisoners of War, who was charged with the responsibility of administering internees, was faced with a problem requiring firm handling and the use of utmost tact and diplomacy. The portions of this report dealing with detailed administration will show that these onerous duties were performed throughout with entire satisfaction.

11. Because Protecting Power Representatives, the Apostolic Delegate, the International Red Cross Delegate, and representatives of Philanthropic bodies such as the Red Cross and the YMCA all became aware that policy matters relating to internees were administratively handled by the Directorate, it became the accepted practice for such representatives to have direct contact with the Director. This opportunity for personal discussion of problems proved invaluable and greatly facilitated the work of all concerned. Whenever necessary, any discussions were made official by the transmission of confirmatory letters through appropriate channels.