



Scan to know paper details and
author's profile

Violation of the Geneva Convention: A Comparative Study of the Shackling of Prisoners of War in Europe, 1940-1943

Dr. Lee Rippon

ABSTRACT

During the First World War, the practice of reciprocity through reprisals and maltreatment against prisoners of war led to the international law against such actions in the newly developed 1929 Geneva Convention Relative to the Treatment of Prisoners of War. Despite the new Convention, the practice of reciprocal treatment in the form of reprisals remained significant among belligerent states during the Second World War. Yet, it is important to understand how international conventions such as the Geneva Convention could be manipulated to pursue a course of reprisal action that would impact prisoners. Critically, the ability to manipulate the enemy through the treatment of their prisoners of war (POWs) established the British government's attitude toward prisoner of war reprisals. Equally important, the Australian and Dominion governments' response to the treatment of their Prisoners of War (POWs) during instances of reprisals and punishment as a sovereign government and member of the British Empire.

Keywords: geneva convention, prisoners of war, shackling crisis, reprisals, second world war, international humanitarian law, pow camps, british empire military policy, italy world war ii, wartime legal diplomacy.

Classification: LCC Code: KZ6471

Language: English



Great Britain
Journals Press

LJP Copyright ID: 573306

Print ISSN: 2515-5784

Online ISSN: 2515-5792

London Journal of Research in Humanities & Social Science

Volume 26 | Issue 1 | Compilation 1.0



Violation of the Geneva Convention: A Comparative Study of the Shackling of Prisoners of War in Europe, 1940-1943

Dr. Lee Rippon

ABSTRACT

During the First World War, the practice of reciprocity through reprisals and maltreatment against prisoners of war led to the international law against such actions in the newly developed 1929 Geneva Convention Relative to the Treatment of Prisoners of War. Despite the new Convention, the practice of reciprocal treatment in the form of reprisals remained significant among belligerent states during the Second World War. Yet, it is important to understand how international conventions such as the Geneva Convention could be manipulated to pursue a course of reprisal action that would impact prisoners. Critically, the ability to manipulate the enemy through the treatment of their prisoners of war (POWs) established the British government's attitude toward prisoner of war reprisals. Equally important, the Australian and Dominion governments' response to the treatment of their Prisoners of War (POWs) during instances of reprisals and punishment as a sovereign government and member of the British Empire.

How the Convention and reprisals against prisoners in POW camps were implemented, and the difference between punishment and reprisals is important. Although the punishment of shackling in November 1941, inflicted on Australian soldiers in Italian camps, violated international conventions as well as Italy's military regulations. This act of shackling originated from an incident within the POW camp itself. It can be compared to the more widely recognised political reprisal known as the shacking crisis of 1942-1943. Analysing the ongoing violations of international conventions leading up to the shackling incidents and distinguishing between the two episodes is

essential to understanding how belligerent governments manipulated the Convention to serve their national interests. Central to these events is the impact on prisoners in POW camps, who were particularly vulnerable; therefore, the actions in Italy and during the shacking crisis are comparable in this regard. However, during the crisis, Britain and Germany exploited prisoners of war as political instruments, transforming the episode of reprisal into a wartime weapon. A comprehensive review of the Geneva Convention, especially the articles concerning reprisals and the mistreatment of prisoners, in relation to British and Dominion forces, will illuminate the treatment of prisoners during the Second World War.

Keywords: geneva convention, prisoners of war, shackling crisis, reprisals, second world war, international humanitarian law, pow camps, british empire military policy, italy world war ii, wartime legal diplomacy.

I. INTRODUCTION

It is important to establish the distinction between punishment and reprisals taken against prisoners in POW camps, as set out in the articles of the Convention. However, before the difference between punishment and reprisal can be examined, it is crucial to understand the events that led up to the creation and implementation of the 1929 Geneva Convention Relative to the Treatment of Prisoners of War.

Before the First World War, the first significant piece of legislation specifically addressing POWs was the *Declaration of Paris of 1856*, which marked the end of the Crimean War (1853-1856).¹

¹ James Garner, *International Law and the World War*, vol.1 (London: Longmans, Green and Co, 1920), 12.

While it did not recognise the status of POWs or how they should be treated during the conflict, the treaty did identify what should happen to the prisoners at the end of the war, stating, ‘Prisoners of War shall be immediately given up on either side.’² During the nineteenth century and in the years after the *Declaration of Paris of 1856*, a significant number of international conventions were revised or developed.³ Three years after the end of the Franco-Prussian War (1870-1871), the Brussels Conference was assembled in 1874.⁴ The conference produced the first international code of land warfare, which set down twelve basic rules governing the treatment of prisoners of war.⁵ Article 23, most importantly stated, ‘They must be humanely treated’.⁶ It was the first time that the humane treatment of prisoners of war was documented in international law. The *Laws and Customs of War on Land (Hague, II)* followed in 1899, providing greater detail on the treatment and management of prisoners of war; from that

time, prisoners of war have been recognised in international law.⁷

In the twentieth century, international laws continued to be revised and developed. While the *Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field* was improved in 1906, the most significant pre-war convention to be revised regarding prisoners of war would be the *Laws and Customs of War on Land (Hague IV)*, 18 October 1907.⁸ Heather Jones suggests that reprisals were standard practice in previous European conflicts.⁹ As a result of reprisal activity during earlier conflicts and with nothing to prevent the activity in international law, belligerent governments understood that reciprocal agreements would also need to be negotiated to ensure decent treatment of the POWs. Therefore, the 1907 Hague Convention would be significant in the management and treatment of prisoners of war. When the First World War broke out, the pre-existing body of untried international law governing how hostilities should be conducted and how prisoners of war ought to be treated would be tested. During the war, belligerent governments began to expose the deficiencies in the Hague Convention as it related to prisoners of war, especially in the context of reprisals and reciprocity. At times, they have to negotiate their own reciprocal arrangements to ensure the welfare of those in captivity. Even with the Hague Convention and manuals of military law, events in April 1917 showed that POWs remained a significant political and military problem that could be used as a tool to manipulate enemy behaviour and highlighted the deficiencies in the current convention. In June 1917, the Australian government was informed that a delegation would proceed to the Hague for an Anglo-German

² Treaty of Paris 1856, Article 6. <http://content.ecf.org.il> accessed 22 June 2021. The Declaration was drafted and signed between the warring monarchs of Great Britain, France, the Ottoman Empire, Sardinia and Russia.

³ International laws revised or developed between 1856 and 1874 include, *Instructions for the Government of Armies of the United States in the Field, Lieber Code*, 24 April 1863. <http://ihl-databases.icrc.org> accessed 22 June 2021., *Convention for the Amelioration of the Condition of the Wounded in Armies in the Field*. Geneva, 22 August 1864 <https://ihl-databases.icrc.org/ihl/INTRO/120> accessed 30 September 2022., *Additional Articles relating to the Condition of the Wounded in War*. Geneva, 20 October 1868. <https://ihl-databases.icrc.org/ihl/INTRO/125> accessed 30 September 2022., *Declaration Renouncing the use, in time of war, of explosive projectiles under 400 grammes weight*. St Petersburg, 29 November to 11 December 1868. <http://ihl-databases.icrc.org> accessed 22 June 2021. The Declaration forbid the use of specific explosive projectiles with the aim of fixing the technical limits the necessities of war ought to yield., *Laws and Customs of War on Land (Hague, II)* 29 July 1899. Treaty Series 403, 1899., International Declaration concerning the Laws and Customs of War., Brussels, 27 August 1874 <https://ihl-databases.icrc.org/ihl/INTRO/135> accessed 4 October 2022.

⁴ Tracey Leigh Dowdeswell, “The Brussels Peace Conference of 1874” and the Modern Laws of Belligerent Qualification”. *Osgoode Hall Law Journal* 54, no. 3 (2017): 805.

⁵ Dowdeswell, “The Brussels Peace Conference of 1874”, 806.

⁶ Project of an International Declaration concerning the Laws and Customs of War. Brussels, 27 August 1874. <http://ihl-databases.icrc.org> accessed 22 June 2021.

⁷ *Laws and Customs of War on Land (Hague, II)* 29 July 1899. Treaty Series 403, 1899., *Laws and Customs of War on Land (Hague IV)* 18 October 1907. Treaty Series 539, 1907.

⁸ *Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field*. Geneva, 6 July 1906. <https://ihl-databases.icrc.org/ihl/INTRO/180> accessed 30 September 2022., *Laws and Customs of War on Land (Hague IV)* 18 October 1907.

⁹ Heather Jones, *Violence against Prisoners of War in the First World War: Britain, France and Germany, 1914-1920* (Cambridge: Cambridge University Press, 2011), 134.

Conference. Set for 28 June, the British and German representatives would discuss issues involving prisoners of war, including reprisals.¹⁰ The Anglo-German Conference produced a newly negotiated agreement titled, *An Agreement between the British and German Governments Concerning Combatant and Civilian Prisoners of War*, which clarified several issues that had complicated prisoner treatment between the two states.¹¹ The new prisoner of war agreement with Germany was sent to Australian Prime Minister William ‘Billy’ Hughes on 28 July 1917. Significantly, point 9 addressed the matter of reprisals between the belligerents,

That all reprisals against individuals shall be at once cancelled. No further reprisals shall take place except on four weeks’ notice, and the execution of all sentences for offences committed by combatants or civilians between the date of capture and 1 August shall stand over till the conclusion of peace ends.¹²

The issue of reprisals and the necessity for agreements during the First World War served as the catalyst for the revision of international law in the interwar period.

II. THE 1929 GENEVA CONVENTION FOR PRISONERS OF WAR

With a number of documented failings in the management of prisoners of war during the First World War, it was recognised that the Hague Convention was inadequate to deal with POW matters and needed to be revised.¹³ This recognition ultimately led to the 1929 Geneva Conference and the formation of a specific convention on the treatment and management of

prisoners of war, known as the *1929 Geneva Convention Relative to the Treatment of Prisoners of War*.¹⁴

Preparations for a new and improved convention began in Geneva in 1921, and the International Committee of the Red Cross (ICRC) wrote the draft convention in 1923.¹⁵ The draft code was circulated to participating countries shortly before the conference, and governments made numerous recommendations for the amendment of the POW regulations. Considering the willingness of belligerents to participate in reprisals during the war, the reprisal issue mentioned in the draft document provoked surprisingly little conversation.¹⁶ The British government did propose that states be allowed to apply reprisals under certain circumstances; however, the British proposal found little support, and the matter was never put to a vote.¹⁷ What was less clear was whether those present at the conference honestly believed it was possible to completely abolish reprisals under a new prisoner-of-war law.¹⁸ The 1923 draft was reviewed at the 1929 Geneva Diplomatic Conference. The outcome of the 1929 Conference was a document containing new regulations explicitly governing the treatment of prisoners of war.¹⁹ The *1929 Geneva Convention Relative to the Treatment of Prisoners of War*, with over ninety articles specifically aimed at the treatment and management of prisoners of war, did not replace the Hague Convention.²⁰ The new Geneva Convention would complement the Hague Convention, which provided only seventeen articles concerning prisoners of war. Importantly, it covered other aspects of conduct in war that

¹⁰ NAA: A2 1919/67 Prisoner of War Agreement with Germany. Telegram Secretary of State for the Colonies to the Prime Minister, 30 June 1917.

¹¹ NAA: A2 1919/67 An Agreement between the British and German Governments Concerning Combatant and Civilian Prisoners of War, July 1917.

¹² NAA: A2 1919/67 Telegram Secretary of State for the Colonies to the Prime Minister – new prisoners of war agreement with Germany, 28 July 1917.

¹³ A. Gillespie, *A History of the Laws of War Volume 1, the customs and laws of war with regards to combatants and captives* (Oxford: Hart Publishing Ltd, 2011), 180.

¹⁴ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*. Geneva Treaty series 846, 1929.

¹⁵ Allan Rosas, *The legal status of prisoners of war: a study in international humanitarian law applicable in armed conflicts* (Helsinki: Suomalainen Tiedeakatemia, 1976), 76.

¹⁶ Neville Wylie, The 1929 prisoner of war convention and the building of the inter-war prisoner of war regime. In S. Scheipers (eds) *Prisoners in war*, pp. 91-108 (Oxford: Oxford University Press, 2010), 98.

¹⁷ Wylie, The 1929 prisoner of war convention and the building of the inter-war prisoner of war regime, 98.

¹⁸ Wylie, The 1929 prisoner of war convention and the building of the inter-war prisoner of war regime, 98.

¹⁹ Rosas, *The legal status of prisoners of war*, 76.

²⁰ Gillespie, *A History of the Laws of War Volume 1*, 180.

were not included in the Geneva Convention, and would remain in force for the States that did not ratify the new Geneva Convention.

For the first time, a convention provided POWs with the right to have representatives within the camps and regulations concerning judicial and disciplinary proceedings. Critically, it outlined the role of the protecting powers and what authority the protecting powers would be provided to safeguard the interests of POWs. Finally, it described the humanitarian role of the International Committee of the Red Cross (ICRC), which was considerably different from that of the protecting powers.²¹ However, the most insightful development of the 1929 Geneva Convention was the prohibition placed on reprisals and collective punishments.²² Given the usefulness and political advantages of reprisals, and some countries' views on the issue, the ICRC's ability to secure an agreement for the total abolition of such activities was especially notable.²³ These attitudes toward reprisals and deficiencies in the Convention would once again become problematic as the new, untried Convention would be put to the test during the Second World War.

2.1 Second World War and the Geneva Convention

Belligerent states during the Second World War would refer to the Geneva Convention for guidance regarding the humane treatment of men in captivity.²⁴ At times of maltreatment and reprisal, belligerents drew in particular on Article 2 of the convention, which stated, 'measures of reprisal against them [i.e., POWs] are prohibited.'²⁵ Crucially, the convention did not provide details about what constituted maltreatment or reprisal, nor did it include any penalties for the violation of the articles relating

to the enforcement of reprisals and maltreatment. Nonetheless, Article 2 Section 2 would continue to be referred to when reprisal measures were undertaken, stating, 'They [POWs] must at all times be humanely treated and protected, particularly against acts of violence.'²⁶ Even so, this did not prevent belligerent governments from resorting to reprisals throughout the war in an attempt to manipulate the behaviour and policy of the enemy government. Although belligerent governments were well aware of international conventions regarding prisoners of war and included articles to the effect in their military manuals, belligerents employed a policy of reprisals and maltreatment against prisoners of war to curb enemy behaviour in the general war effort and on the battlefield.

In the early days of the Second World War, Berlin had a catalogue of complaints about British conduct on the battlefield.²⁷ Previously, German accusations of wrongdoing had met with protests of innocence and efforts to appease for the sake of the prisoners on behalf of the British. However, a considerable number of incidents led to complaints from the Germans dating back to the previous year, and the British willingness to back down was waning.²⁸ Maltreatment and reciprocal reprisals persisted throughout the war. Even in the last days of the war, the Office of the High Commissioner for the United Kingdom in Canberra expressed its concerns regarding reprisal action,

The High Commissioner directs me to say that he has been asked to invite the attention of the Commonwealth authorities to the fact that a report has appeared in a Swiss newspaper and was cabled to the United Kingdom from Switzerland on 14 March [1945] to the effect that the Germans are contemplating reprisals

²¹ Geneva Convention of July 27, Relative to the Treatment of Prisoners of War, Article 86, 87 and 88, 957-958.

²² Rosa, The legal status of prisoners of war, 77.

²³ Wylie, The 1929 prisoner of war convention and the building of the inter-war prisoner of war regime, 98.

²⁴ Roger Deacon. "Clausewitz and Foucault: War and Power," *Scientia Militaria* 31, no. 1 (2003): 41.

²⁵ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*. Geneva Treaty series 846, 1929. Article 2, 938.

²⁶ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 2, 938.

²⁷ Bob Moore. The treatment of prisoners of war in the Western European theatre of war, 1939-45. In S. Scheipers (eds) *Prisoners in war*, pp. 111-125 (Oxford: Oxford University Press, 2010), 114.

²⁸ Mackenzie, "The Shackling Crisis: A Case-Study in the Dynamics of Prisoner-of-War Diplomacy in the Second World War," 85.

on Allied prisoners of war for the recent bombing of certain German cities.²⁹

These examples of reprisal actions undertaken throughout the war varied in type and length depending on the enemy's supposed wrongdoing or breach. Sadly, for the prisoners, some were more severe than others. Fortunately, in the Western European theatre, the Geneva Convention was mostly upheld; violations and cases of ill-treatment, including death among prisoners, were considered the exception rather than the norm.³⁰ However, as will be explored below, the existence of the conventions did not guarantee the consistent treatment of POWs during the Second World War, because where there was an unspoken reciprocity principle, the better negotiating position was held by the power holding the greater number of enemy prisoners.³¹

What would be important at the time of reprisal and maltreatment of prisoners is the role of neutral organisations. Neutral organisations were relied upon by belligerents to oversee the treatment of prisoners and ensure their humane treatment.³² The Geneva Convention envisaged that the protecting power would be the primary inspector of POW camps, collector of information, and reporter of any breaches and violations. Article 86 lays out the role and responsibilities of the protecting power regarding the safeguarding of prisoners of war,

Representatives of the protecting power or its accepted delegates shall be permitted to go to any place, without exception, where prisoners of war are interned. They shall have access to all places occupied by prisoners and may interview them, as a general rule, without

witnesses, personally or through interpreters.³³

The ICRC's role was not defined in the same way by the Geneva Convention as that of the protecting powers; even so, its humanitarian work was considered essential. Article 88 recognised the ICRC's contribution to the wellbeing of POWs in enemy captivity, stating 'the foregoing provision are not an obstacle to the humanitarian activity which the International Committee of the Red Cross may use for the protection of prisoners of war, with the consent of the interested belligerents.'³⁴ As part of its role to humanise war and ease the suffering of prisoners, the Red Cross became intimately involved in monitoring the fate of POWs.³⁵ At the outset of the war, the ICRC considered its role to be a liaison between national Red Cross Societies and governments.³⁶

2.2 Australians in Italy

The experience of captivity in Italy was varied and largely depended on the conduct of the camp commandants. Attitudes of individual camp commandants did not appear to be a consideration under the convention; it was assumed that all signatories would comply. However, Italy, though a signatory, had not ratified the Convention and, as a result, was not required to adopt it. Article 82 recognises that not all States were party to the Convention³⁷, but does in Article 1 state,

The present Convention shall apply, without prejudice to the stipulations of Title VII:

1. To all persons mentioned in Articles 1, 2 and 3 of the Regulations annexed to the Hague

²⁹ NAA: A1066 IC45/6/2/15 Office of the High Commissioner for the United Kingdom, Canberra, 20 March 1945.

³⁰ David Rolf. 'Blind Bureaucracy': The British Government and POWs in German Captivity, 1939-45. In B. Moore and K. Fedorowich (eds) *Prisoners of War and their captors in World War II*, pp. 47-67(Oxford: Berg, 1996), 56.

³¹ Walter Wynne Mason, and New Zealand Department of Internal Affairs War History Branch. *Prisoners of War Official History of New Zealand in the Second World War 1939-45* (Wellington: War History Branch Department of Internal Affairs, 1954), 52.

³² Moore and Fedorowich, *The British Empire and its Italian Prisoners of War 1940-1947*, 16.

³³ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 86, 957.

³⁴ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 88, 958.

³⁵ Gerald Steinarcher, *Humanitarians at War: The Red Cross in the shadow of the Holocaust* (Oxford: Oxford University Press, 2017), 8.

³⁶ International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War (September 1, 1939 – June 30, 1947) vol. 1 General Activities* (Geneva: ICRC, 1948), 67.

³⁷ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 82, 956.

Convention respecting the laws and customs of war on land, of October 18, 1907, and captured by the enemy.³⁸

Italy ratified the 1907 Hague Convention, which contained articles, though not as comprehensive, regarding the treatment of prisoners of war. Importantly, in 1938, Italy produced a document titled the *Italian War and Neutrality Laws*. A copy was translated and sent to Viscount Halifax at the Foreign Office by the British Ambassador in Rome, James Drummond, the Earl of Perth.³⁹ The document discussed Italy's role in a time of war and its position on neutrality. It also made specific reference to the matter of prisoners of war, adopting the expression 'prisoners of war: hostages,' which led to the suspicion that Italy would consider prisoners of war and hostages to be the same in any future hostilities.⁴⁰ The document suggested that the Italian government was prepared to follow the Geneva Convention: 'Prisoners of war will be treated in accordance with the relative international conventions.'⁴¹ More importantly, Article 101 explains,

A measure will be issued by the Head of the Government containing the regulations regarding the formation and function of offices to provide assistance and information for prisoners of war and to regulate relations between prisoners and foreign countries.⁴²

A month after Italy entered the war, Lord Halifax communicated to Rome Britain's position concerning the Geneva Convention. Although Britain was aware that Italy had acknowledged the use of relevant conventions in the *Italian War and Neutrality Laws*, Britain sought formal agreement. Still, it was December 1940 before

Britain, and as a result, Australia received notification of Italy's intentions toward the Geneva Convention.⁴³ This was because the Italian government had reservations regarding several articles of the convention, under Article 83, 'upon commencement of hostilities, authorised meetings of representatives of the respective authorities charged with the administration of prisoners of war.'⁴⁴ Italian authorities instructed the United States Embassy in Rome to inform Britain that they required a number of articles to be negotiated and would await the British response before considering the Convention to be in force.⁴⁵ There was, for example, disagreement with the Italian government regarding Article 86, which recognised that the protecting powers would be 'charged with safeguarding the interests of belligerents.'⁴⁶ Furthermore, Italy did not agree to the protecting power taking a predominant role in POW matters; instead, it favoured the Red Cross.⁴⁷ The United States, which was acting as the protecting power for Britain and the Dominions, was not happy about being refused the opportunity to fulfil its responsibilities under the convention. They suggested that such refusal could have embarrassing repercussions for all concerned, including Italian prisoners of war detained in Britain.⁴⁸ However, as Italy had not ratified the Convention, they were not obligated to follow the regulations.

In December 1940, the United States Embassy in Rome wrote to Anthony Eden at the Foreign Office. Included in the communication was Rome's response to Lord Halifax's earlier correspondence from 1 July 1940 regarding the

³⁸ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 1, 938.

³⁹ TNA: FO 916/2597/4 Foreign Office: Consular (War) Department, later Prisoners of War Department. Welfare of Australians in Italy. Translation of Italian War and Neutrality Laws, 31 December 1938.

⁴⁰ TNA: FO 916/2597/4 Translation of Italian War and Neutrality Laws, 31 December 1938, Article 99, 46.

⁴¹ TNA: FO 916/2597/4 Translation of Italian War and Neutrality Laws, 31 December 1938, Article 101, 46.

⁴² TNA: FO 916/2597/4 Translation of Italian War and Neutrality Laws, 31 December 1938, Article 101, 46.

⁴³ NAA: A1608 A20/1/1/Part 1 American Embassy Rome to Anthony Eden Foreign Office, London, 30 December 1940.

⁴⁴ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 83, 957.

⁴⁵ TNA: FO 916/161 Italian and British Prisoners of War – reciprocal treatment, 1941. Translation from the Italian Ministry of Foreign Affairs to the United States Embassy, Rome, 10 December 1940.

⁴⁶ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*. Geneva Treaty series 846, 1929. Article 86, 957.

⁴⁷ TNA: FO 916/161 Letter from American Embassy, London to the Foreign Office, 7 January 1941.

⁴⁸ TNA: FO 916/161 Letter from American Embassy, London to the Foreign Office, 7 January 1941.

Geneva Convention. The Italian government replied, 'Italian Government considers in force [the] International Convention relative to [the] treatment of prisoners of war, signed at Geneva July 27th, 1929, without prejudice.'⁴⁹

When Australian prisoners of war arrived on the Italian mainland, they were transferred to several different camps. Most Australian soldiers found themselves detained at Grupignano (Campo PG57).⁵⁰ The Camp Commandant, Vittorio Calcaterra, was described as a fervent fascist previously in charge of an Italian Police District. To the POWs, he proved to be a particularly strict and ruthless disciplinarian; his attitude caused the violation of the Geneva Convention on many occasions.⁵¹ Harsh and arbitrary sentences of imprisonment were common at Grupignano.

Among the incidents of maltreatment that violated the Geneva Convention at Grupignano was the so-called hair-cutting episode described by a number of Australian POWs in their repatriation interviews with Australian Army Intelligence. One such report was made by Corporal Claude Day. During his repatriation interview, he said, 'I did 31 days in cells in Grupignano being [a] collective punishment'.⁵² A more detailed account regarding the incident was sent to the High Commissioner in London, in which Day describes Calcaterra's order of close clipping.

Each man who refused to submit to hair clipping was removed from the ranks and handcuffed. After about 22 had been so handcuffed, Camp Leader Sgt. Maj. Cotman, an Australian prisoner of war who had been temporarily absent from the compound... upheld protests whereupon he was handcuffed and forcibly hair cropped in front of the whole

parade amid derisive laughter from Calcaterra and his officers.⁵³

This was a violation under Articles 46 and 54 of the Convention. Article 46 explains,

Punishments other than those provided for the same acts for soldiers of the national armies may not be imposed upon prisoners of war by the military authorities and courts of the detaining Power...Collective punishment for individual acts is also forbidden.⁵⁴

While Article 54 states,

Arrest is the most severe disciplinary punishment which may be imposed on a prisoner of war. The duration of a single punishment may not exceed thirty days. This maximum of thirty days may not, further, be exceeded in the case of several acts for which the prisoner has to undergo discipline at the time when it is ordered for him, whether or not the acts are connected.⁵⁵

During the incident, the Australian prisoners voiced their support for their camp leader, Sergeant-Major Cotman, calling out, 'Good luck to you, Cotty'. Calcaterra claimed that they called him a dog (*cane*) in Italian, resulting in every fifth man, thirty in all, including Cpl Day, being handcuffed along with the twenty-two already in handcuffs for refusing a haircut.⁵⁶ In his interview, Day complained about the injustice he faced during his time at Grupignano.⁵⁷ Fortunately, Day was not the only prisoner to record the shackling at Grupignano; other prisoners corroborated his

⁴⁹ AMW 54 779/4/2 Australian Prisoners of War in Europe, 15 July 1943., also see AWM: 54 779/3/116. Statement by NX8889 Cpl C. F. Day – AASC 18 Bde, 10 July 1943., NAA: A989 1943/925/1/17. Cablegram Prime Minister's Office to High Commissioner's Office, London, 15 July 1943.

⁵⁴ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*. Geneva Treaty series 846, 1929. Article 46, 949.

⁵⁵ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*. Geneva Treaty series 846, 1929. Article 54, 950.

⁵⁶ AWM: 54 779/4/21 [Prisoners of War and Internees—Treatment by Enemy:] Reports by International Red Cross and Protecting Powers on conditions existing in Prisoner Of War Camps in Germany and Italy 1941-1945. Department of External Affairs to Department of Army, 15 July 1943.

⁵⁷ NAA: B833 NX8889 Day, Claude Frederick.

⁴⁹ NAA: A1608 A20/1/1/Part 1 American Embassy Rome to Anthony Eden Foreign Office, London, 30 December 1940.

⁵⁰ Tom Trumble, *Tomorrow we escape: one man's extraordinary story of courage and survival from Tobruk to the prison camps of occupied Europe* (Australia: Penguin Books, 2014), 107.

⁵¹ Peter Stanley., R. Reid., J. Moremon., and N. Anderson. *Stolen years: Australian prisoners of war* (Canberra: Commonwealth of Australia, 2002), 14-15.

⁵² NAA: B833 NX8889 Day Claude Frederick.

account, allowing for a better understanding of the event and how the collective reprisal action led to a breach of the Convention.⁵⁸ Malcolm Webster described the event in considerable detail in his memoir,

During November 1941, the Colonel mounted his far-reaching edict dubbed the 'hair raid'. All prisoners were ordered to have their hair removed. On principle, we protested against this order...Next day, our refusal to have all our hair cut off prompted the Colonel to react angrily. He quickly called a full parade and descended on us with squads of military guards and Carabinieri. Machine guns were set up...The Colonel and his Command, on one hand, needing to enforce their authority and we stubborn Australians trying to stick to our guns. Twenty-two pairs of handcuffs were wheeled in on a handcart... Following further refusal, the first twenty-one prisoners in our group were handcuffed. They were marched off to have their hair shorn off by the camp barber.⁵⁹

Webster's account explains the outcome of the hair-cutting episode,

We were all handcuffed to the rope. This forced us to remain in a standing position for many hours each day for almost three weeks. Conditions were quite grim and very uncomfortable. Every morning we were escorted, in pairs, by the guards, to a wash house. Five minutes only was allowed to wash our hands and faces. As the window shutters were kept closed, the goal interior was dark and gloomy. No exercise was permitted outside the goal...Father Cotta, who was originally at Prato all'Isarco, visited the 'boob.' He was appalled at the inhuman conditions prevailing at the goal and immediately declared he would have things improved by reporting to the authorities in Geneva, Switzerland. Shortly afterwards, a Swiss

Delegation arrived, and after their inspection, conditions improved for the inmates.⁶⁰

During the punishment taken against the prisoners for refusing to cut their hair, an agent from the protecting power frequently visited, while the ICRC only visited twice.⁶¹ During a visit from the ICRC, their representative, Dr Lambert, spoke with Colonel Calcaterra, who informed him that the reprisal was the fault of the prisoners. Calcaterra complained to the ICRC representative on his own behalf about the hair-cutting situation; he protested against the prisoners' resistance to the order to have their hair shaved.⁶² Lambert, in his report, explained that twenty prisoners had been confined in a special hut that served as a prison. He further stated that the prisoners were allowed out of the hut to walk in the small outdoor space provided; otherwise, they were treated the same as the other prisoners.⁶³ Despite what Lambert's camp report records, it does not correspond with the repatriation reports or personal memories of the prisoners in the camp. Furthermore, it does not mention handcuffs or the extra prisoners punished for allegedly calling Calcaterra a dog. The inaccuracy of the ICRC report, unknown to the Australian government at the time.

The Australian government was slowly gaining information regarding the treatment of its POWs in Italy. By July 1943, Australian authorities had received several reports from the protecting powers, the ICRC and an advance party of repatriated Australian POWs from Italy, describing the conditions and activities of mistreatment.⁶⁴ Additionally, in July, the Department of External Affairs received a report containing a statement from Major Raymond Binns, an Australian medical officer, who

⁶⁰ Webster, *An Italian experience*, 79.

⁶¹ NAA: A989/1/1943/925/1/17 Prime Ministers Department to High Commissioner's Office London, 1 July 1943.

⁶² NAA: A816 67/301/16 Australian prisoners of war in Germany and Italy – reports on camps – File III. ICRC camp report Grupignano Camp visited on 9 December 1941, P Lambert, 5.

⁶³ NAA: A816 67/301/16 ICRC camp report Grupignano Camp visited on 9 December 1941, P Lambert, 5.

⁶⁴ AWM 54 779/4/21 Secretary Department of External Affairs to Secretary Department of Army, 1 July 1943.

⁵⁸ NAA: A989/1/1943/925/1/17 Treaties Red Cross prisoners of war reports on Italian camps 1943-1944. Cablegram Prime Ministers Department to High Commissioner's Office London, 15 July 1943.

⁵⁹ Malcolm Webster. *An Italian experience* (Victoria: M. R. Webster, 1995), 78.

described the handcuffing at Grupignano. The report stated that the leading cause of complaint at the camp was the brutal attitude of the camp commandant, Calcaterra. Binns explained, 'Men [are] frequently handcuffed in detention for up to four hours a day and, as they must exist on Italian rations, are in very weakened condition at the end of thirty days.'⁶⁵ Captain Gordon Gilbert, also a medical officer, made a statement regarding the harsh treatment of POWs and the ruthless attitude of Calcaterra. He explained that though he did not witness the shackling of the prisoners during the hair-cutting incident because he did not arrive at the camp until 6 November 1941, the incident was reported to him on his arrival. Included in his statement, Gilbert provided an appraisal of Calcaterra, stating he was 'harsh, overbearing and arrogant'.⁶⁶ Prior to the early repatriation of some sick and wounded prisoners and protected personnel, it would have been difficult for the Australian government to establish a clear understanding of what was happening in Italy due to the slow receipt and possibly inaccurate camp reporting. Despite this mistreatment of Australian prisoners at Grupignano, Captain James Ryan of the 11th Field Ambulance explained in his report to Army Headquarters, once repatriated, that during his time at the camps between 1 December 1941 and 16 February 1942, the morale of the Australian prisoners was excellent, recalling that 'One was proudest of being an Australian in a prison camp.'⁶⁷

2.3 The Shackling Crisis 1942-1943

At no other time during the war was the issue of politically motivated reciprocity as significant as

in the case of the shackling crisis. German prisoners captured and handcuffed during the raid at Dieppe and later during the British commando raid on the Channel Island of Sark were the catalyst for what became the most well-known example of political reprisal and attempted military manipulation during the Second World War.

The reprisal began on the morning of 8 October 1942 at a number of camps located in the German Reich. The shackling of prisoners in camps, as a result of alleged battlefield violations, was in itself a breach of the convention under the above-mentioned Articles 2, 49 and 54. The shackling continued into November, and it became increasingly evident that not everyone in British political circles supported the reprisal. Major Quintin Hogg MP wrote to Churchill to 'express in the strongest possible terms my disapproval of the Government's policy on the chaining of German prisoners.'⁶⁸ Hogg continued that he believed this tactic would fail, fearing that the Germans intended to use British prisoners as hostages, and he implored Churchill to reverse the War Office's policy.⁶⁹ The Archbishop of York and the Archbishop of Canterbury also became involved in the debate over reprisals. They acknowledged that the British government had made a number of protests to the German authorities about the reprisal; however, they also made it clear to the British government that they opposed any reprisals against innocent prisoners of war.⁷⁰ The opposition did not sway Churchill and as the shackling continued, but significantly so did resistance to the action.

The British Prisoners of War Relatives Association also expressed their disapproval of the reprisals, which they had opposed since the beginning, writing to Churchill's Private Secretary, Anthony Bevir, in order to draw attention to letters sent by

⁶⁵ AWM 54 779/4/2 Australian Prisoners of War in Europe. Secretary, Department of External Affairs, 1 July 43.

⁶⁶ AWM 54 779/4/19 Statement by Captain Gordon Gilbert SX 5894 – Brutal Treatment of PW in Italian Camps.

⁶⁷ AWM 54 781/6/6 [Prisoners of war statements – Europe] File containing material (Statistics citations, escapes, etc) prepared by L Parker at Central Army Records Office for use of Official War Historian, in the preparation of section dealing with Australian Prisoners of War (Army) taken in the Middle East, Greece and Crete and held in Camps in Germany and Italy. Prisoners of War in Europe – Report on Italian prison camps by QX 6083 Capt., J. J Ryan, MC, AAMC.

⁶⁸ TNA: PREM 4/98/2 Shackling of Prisoners of War, 01 October 1942 – 31 December 1943. Letter to Prime Minister Churchill from Major Quintin Hogg, MP, 7 November 1942.

⁶⁹ TNA: PREM 4/98/2 Letter to Prime Minister Churchill from Major Quintin Hogg, MP, 7 November 1942.

⁷⁰ TNA: PREM 4/98/2 Bishopthorpe, York to Prime Minister, 15 October 1942., letter Canterbury to Prime Minister, 2 November 1942.

British POWs. The prisoners had reported to their families that their German guards disliked carrying out the order to handcuff the prisoners, so they suggested it could be ‘an opportunity for calling the thing off. If both sides are averse to it, it would make it much easier to do.’⁷¹ Notably, one letter summarised by Churchill’s Private Secretary explained, ‘While loyally supporting you, [they] are very anxious about reprisals which they regard as a mistake.’⁷²

Letters received from British officers in German camps in November 1942 described the shackling of prisoners. One such letter included the number of prisoners in the camp suffering from the reprisal action, ‘besides the Canadians in the same barracks as we, think there are 232 other officers handcuffed, including the colonies.’⁷³ In his ICRC report, received from Rudolf Burchardt, who had visited Oflag VIIB, Eichstätt, on 2 November, it was reported that there were 350 handcuffed officers and orderlies, but the nationality of the prisoners concerned was not provided. He also explained that ‘the handcuffed officers and orderlies make it a point of honour not to show how deeply they resent this treatment.’⁷⁴ The later protecting power report discussing visits to the camp from 6 January to 17 March 1943 explained that the handcuffed officers were not kept entirely separate from the other prisoners.⁷⁵

The political issue surrounding the reprisal prompted the British authorities to examine their policies and their interpretation of the Geneva Conventions.⁷⁶ In 1943, the British government

⁷¹ TNA: PREM 4/98/2 British Prisoners of War Relatives Association to Private Secretary of the Prime Minister Anthony Bevir, 20 November 1942.

⁷² TNA: PREM 4/98/2 Note for Prime Minister, 22 November 1942.

⁷³ TNA: PREM 4/98/2 Note for Prime Minister, 22 November 1942.

⁷⁴ AWM: 54 779/4/21 Prisoners of War and Internees – Treatment by Enemy. Australian Military Forces PW in Europe, Oflag VIIB – Eichstedt visited by ICRC 2 November 1942.

⁷⁵ AWM: 54 779/4/21 Prisoners of War and Internees – Treatment by Enemy. Australian Prisoners of War in Europe, Oflag VIIB, Protecting Power visits to camp 6 January to 17 March 1943.

⁷⁶ Moore, *The treatment of prisoners of war in the Western European theatre of war, 1939-45*, 114.

attempted to differentiate between the treatment of POWs on the battlefield and their treatment once they were officially detained in POW camps. They based their claim on the principle that the Geneva Convention had no bearing on the battlefield.⁷⁷ The British government used Article 1, Section 2, to form their argument. They believed the article allowed for certain exceptions to the treaty regulations.⁷⁸ The present Convention shall apply without prejudice,

To all persons belonging to the armed forces of belligerent parties, captured by the enemy in the course of military operations at sea or in the air, except for such derogations as might be rendered inevitable by the conditions of capture. However, such derogations shall not infringe upon the fundamental principles of the present Convention; they shall cease from the moment when the persons captured have rejoined a prisoner of war camp.⁷⁹

The article allowed relaxed regulations under certain conditions, which the British government used to support its stance. It can be argued that Britain’s attempt to justify its actions by citing Article 1 was lacking merit, since the Geneva Convention’s Articles 5 and 6 specify rules for the capture of enemy personnel. However, these articles only cover interrogating prisoners of war upon capture, not the procedures for capturing prisoners or the use of physical restraints. A letter from Britain’s Minister in Bern, Sir Clifford Norton, to Anthony Eden, dated 16 April 1943, discussed the application of Article 2 and the practice of shackling prisoners during military operations.

The Geneva Convention lays down generally that prisoners of war must be humanely treated, and the point at issue between His Majesty’s Government and the German Government is what constitutes such

⁷⁷ TNA: CAB 66/33/38 War Cabinet – Shackling of Prisoners of War Draft telegram to Berne. Draft telegram to Mr. Norton, 24 January 1943.

⁷⁸ International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War*, 368.

⁷⁹ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 1, Section 2, 938.

treatment. The Geneva Convention gives very little guidance on this question and lays down no rule about the shackling or binding of prisoners during operations...His Majesty's Government have and will continue scrupulously to observe not only the terms but also the spirit of the Geneva Convention, Article 2 of which lays down that prisoners of war shall "at all times be humanely treated and protected". I should perhaps add that that article of the Convention of which Germany was a signatory also provides that "measures of reprisal against them are forbidden".⁸⁰

At the same time, in April 1943, the British War Cabinet continued to support ending reprisal measures, while still emphasising the need for battlefield restraints under certain conditions.

I believe my colleagues are generally agreed that we must maintain our present position and continue to press for the removal of the reprisal measures. The disadvantage of this course is that, if it is adopted, there is no present prospect of our prisoners of war being unshackled; on the other hand, to accept without reservation the German demand would involve the prohibition of certain measures of restraint which are not only in our view consistent with a true interpretation of the provisions of the Geneva Convention but have hitherto been regarded as necessary for the efficient conduct of military operations.⁸¹

While the British government was trying to end the reprisal, the War Cabinet recognised the key issue that led to the breakdown in negotiations with their German counterparts,

The German government had asked for an assurance that the shackling of German prisoners in any circumstances whatsoever would be forbidden, but that we had maintained that in certain circumstances on the field of battle, binding of prisoners was

permissible and that it was on this point that negotiations had broken down.⁸²

The British government remained steadfast in its position. In August, the Swiss Foreign Minister informed the British government that both von Ribbentrop and Field Marshal Wilhelm Keitel had expressed their support for abolishing the shackling and intended to approach Hitler regarding the matter.⁸³

III. DOMINION OPPOSITION

Opposition in the Dominions toward the shackling of POWs continued to grow. Still, Britain had not recognised the depth of the Dominions' sensitivity over the fate of their prisoners. It continued to insist on its collaborative POW policy that was now considered not fit for purpose.⁸⁴ The shackling crisis had severely damaged the Canadian government's confidence in the united POW policy that had now resulted in a system of reprisals. Like Canada, other Dominion governments lent their voice to the growing opposition to the reprisal action. New Zealand was not in favour of the approach taken by the British government. A telegram from the New Zealand government to the Dominion Office, also sent to the Australian government, explained that the situation had been carefully considered and that this course of action could not be defended. It also noted that the New Zealand government advised Britain that 'little was to be gained by taking the matter further', considering it was not likely to improve the situation and would likely lead to 'unfortunate consequences.'⁸⁵ At the same time, the High Commissioner for the Union of South Africa, Sidney Waterson, responded to the reprisal action, explaining that General Jan Smuts said the Union government was concerned about the possible results of what may be described as a

⁸² TNA: CAB 65/34/10 War Cabinet Meeting, 19 April 1943.

⁸³ TNA: PREM 3/363/2 Telegram from Dominion Office to the Australian government, 10 August 1943.

⁸⁴ Wylie, *Barbed Wire Diplomacy*, 211.

⁸⁵ TNA: WO 32/11107 Inward Telegram from New Zealand government to the Dominion Office, 12 October 1942; and NAA: A816 54/301/242 Cablegram from the Prime Minister of New Zealand to the Prime Ministers Department – Australian War Cabinet, 12 October 1942.

⁸⁰ TNA: CAB 66/36/8 War Cabinet – Shackling of Prisoners of War Proposed Statement, Annex 2, 16 April 1943.

⁸¹ TNA: CAB 66/36/8 Shackling of Prisoners of War Proposed Statement, 16 April 1943.

competition in reprisals, with Germany setting the pace. Smuts went further, saying it was the opinion of the Union government that ‘all possible avenues of escape from the seeming impasse should be explored before we commit ourselves to a policy of competitive reprisals.’⁸⁶ Australian High Commissioner Stanley Bruce added Australia’s criticism of the action. He made it clear that in the first instance, Australia had taken a strong line against the tying up of prisoners in the field of battle and if steps were taken by the German authorities to intensify the current situation by shackling a greater number of prisoners that the Commonwealth government would undoubtedly agree that it would be wrong for it to take any action that would lead to a competition of brutality with the enemy.⁸⁷

The Australian government continued to voice its opposition to the reprisal, informing the Dominion Office in London of its concerns regarding the issue, explaining that ‘the matter is one of such general concern and potential danger to a large number of Australians now in the hands of the Japanese.’⁸⁸ The government went further, stating,

We have little faith in the value of reprisals, especially in cases where the burden falls on helpless captives on both sides and where competition in cruelty can be carried on indefinitely with far more embarrassment to us than to the enemy. We are greatly concerned at the consequences to prisoners held by [the] Japanese.

There seems to be a valid distinction between prisoners detained during the actual progress of operations and those who are in secure custody. The validity of this distinction is clearly in dispute between belligerents within

the meaning of Article 87 of the Convention. Therefore, a Conference should be suggested under Article 87, and the German government asked in the meantime to withdraw its order for manacling of Dieppe prisoners.

Before your decision is announced, we desire to be informed of it, also of the view of other Dominions, so that we can determine our position.⁸⁹

On 15 October 1942, there was additional communication between the Secretary of the Department of Defence, Frederick Shedden, and the Australian Government’s Accredited Representative in London, Sir Earle Page. In it, the Australian government once again confirmed its position on the ongoing policy of reprisal,

- Contrary to express provisions of the Geneva Convention
- Repugnant to deep-seated humanitarian instincts.
- Quite ineffective as a deterrent to German barbarism.
- Likely to involve cruelty to prisoners in Japanese hands.⁹⁰

The Dominion government’s response and the attitude of Churchill led the Dominion High Commissioners to make representations to Churchill regarding the situation in November 1942. They were adamant that the current state of affairs was unsatisfactory; nevertheless, they did recognise the difference between the course Britain had taken and the position the Canadian government had imposed on them.⁹¹ While moves were being made in London to break the stalemate, Mackenzie King noted in his diary on 3 November that he spent time drafting a letter to Churchill about the shackling issue, along with a

⁸⁶ TNA: WO 32/11107 Letter from High Commissioner for Union of South Africa to Mr Clement Attlee Dominion Office, 12 October 1942.

⁸⁷ TNA: WO 32/11107 Army Council Secretariat – Prisoners of War, War Cabinet held on 14 October 1942

⁸⁸ NAA: A981/4 TRE 742 External Affairs Department, Treaties Red Cross – Chaining of Prisoners of War, Cablegram from the Prime Minister’s Department to the Secretary of State for Dominion Affairs, London, 11 October 1942.

⁸⁹ NAA: A981/4 TRE 742 Cablegram from the Prime Minister’s Department to the Secretary of State for Dominion Affairs, London, 11 October 1942.

⁹⁰ NAA: A981/4 TRE 742 Cablegram from Mr Shedden to Commonwealth Accredited Representative, London, 15 October 1942.

⁹¹ TNA: PREM 3/363/2 Prime Minister – Chaining of Prisoners, 27 November 1942.

message to the Dominion Office.⁹² In the telegram, the Canadian government informed Britain that it was worried about the tying up of prisoners of war. It was also made clear that the governments of South Africa, Australia and the United States were of the same opinion.⁹³ Like the other Dominions, Canada had, since the beginning of the war, agreed that the welfare of the empire's POWs in enemy hands should be managed by the Foreign Office and a branch of the War Office in London, the Imperial Prisoners of War Committee, which was not formed until April 1941, with representatives from each Dominion forming the committee.⁹⁴ At its first meeting on 5 November 1941, the chairman, Mr Duncan Sandys, reminded the committee that 'the treatment of POWs was always likely to assume political importance and cause a great deal of feeling if things went wrong.'⁹⁵ In his view, the committee could perform an essential administrative function regarding prisoners of war by discussing broader policy questions.⁹⁶ It quickly became evident in London that the Dominion governments were worried that the crisis might escalate to the point where it would adversely affect more and more prisoners. Consequently, within days of the first round of shackling, they informed London of their strong desire for a negotiated solution.⁹⁷

In December 1942, the War Committee of the Canadian Cabinet told the British government that the 'War Cabinet feel Canada is compelled to take independent action with a view to effecting the unshackling of prisoners of war.'⁹⁸ It was

considering two options. The first was approaching the Swiss government directly through the Swiss Consul General in Canada. The second was fixing a date on which the shackling of prisoners of war in Canada would cease, regardless of the action taken by the British or German governments.⁹⁹ This course of action did not sit well with the British War Cabinet. It was thought that if the Canadian government acted independently of Britain, the result would be unfortunate since 'it was essential that we should act in step.'¹⁰⁰ Due to the problems Churchill had in gaining the support of the Dominions, he faced questions in parliament about the level of consultation, if any, he had with the Dominions in relation to the shackling issue. Mr Stokes asked Churchill whether the Prime Minister of Canada had been consulted before the decision to manacle prisoners was taken. Churchill responded,

On account of the urgency, it was not possible to consult any of the Dominion Governments upon the counter-measures to the German shackling which were deemed necessary in October by His Majesty's Government.¹⁰¹

Australia declined to participate in the shackling of German prisoners within its camps on the Australian territory. Consequently, due to Canada's initial engagement in the shackling of prisoners, Canada's High Commissioner in Canberra, Thomas Davis, received an angry response from the Australian Minister for External Affairs, Dr. Herbert Evatt. Nonetheless, Prime Minister John Curtin adopted a more measured tone, informing Mackenzie King of his concerns that such reprisals might adversely impact Australians held by the enemy. These concerns were presumably influenced by reports from Berlin indicating that any mistreatment of

⁹² MG26-J13, 12725 WLM King, Mackenzie King diary entry, 3 November 1942.

⁹³ TNA: PREM 3/363/2 Telegram from Canadian government to the Dominion Office, 3 November 1942.

⁹⁴ TNA: PREM 3/363/2 Telegram from Canadian government to the Dominion Office, 3 November 1942.

⁹⁵ TNA: WO 163/152, Imperial Prisoner of War Committee – War Office and Ministry of Defence and Predecessors 1 November 1941– 28 February 1943. First Committee Meeting 5 November 1941.

⁹⁶ TNA: WO 163/152, First Committee Meeting 5 November 1941.

⁹⁷ TNA: PREM 3/363/2 Telegram from Canadian government to the Dominion Office, 3 November 1942.

⁹⁸ TNA: PREM 3/363/2 Telegram from Canadian High Commissioner in London to Dominions Office, 2 December 1942.

⁹⁹ TNA: PREM 3/363/2 Telegram from Canadian High Commissioner in London to Dominions Office, 2 December 1942.

¹⁰⁰ TNA: PREM 3/363/2 War Cabinet 164, 3 December 1942. Telegram from Dominion Office to Australian and other Dominion government, 3 December 1942.

¹⁰¹ Hansard, House of Commons, Volume 385, 8 December 1942 – Chained Prisoners of War.

German prisoners would necessitate reparations by the entire Allied prisoner of war contingent.¹⁰²

By mid-December 1942, the British government informed the Dominions that it had rescinded the order to carry handcuffs into combat, should such an order have existed.¹⁰³ Nevertheless, with Churchill's nonchalant approach toward the retaliation measures, concerns within the Dominion government regarding prisoners of war continued to escalate. The Dominion Office recognised the need for reassurance; consequently, by the end of December 1942, Australia and other Dominion governments were notified that it had always been the policy of the British government to scrupulously observe both the letter and the spirit of the Geneva Convention. Furthermore, it declared its ongoing commitment to strictly adhere to the principles of the Geneva Convention.¹⁰⁴ This information would have been reassuring to the Australian government had its troops been involved in the missions at Dieppe or Sark, which prompted the unusual form of retaliation. Nonetheless, the Australian government understood that the actions of one Dominion could influence another. Moreover, the Australian government had no specific reason to believe that Australian prisoners of war would be implicated in the current events, particularly since the initial application of shackling targeted the prisoners at Dieppe. However, Australian prisoners of war were included in the political reprisals when the handcuffing policy was subsequently extended to other prisoners.

IV. ICRC AND THE PROTECTING POWER UNDER THE GENEVA CONVENTION

While Australia urged the British to seek a solution under Article 87 as early as 11 October 1942, the Swiss authorities, in their role as the protecting power, had already contacted both Britain and Germany regarding the shackling

issue under Article 87 in September 1942, before the first handcuffs were even in place. They were aware of the previous threats and wanted to stop the reprisal before it began. They suggested that in order not to inflict any further suffering on the POWs and ensure reciprocal respect for the prisoners' welfare, the reprisals under which British, Canadian and German soldiers were suffering be brought to an end.¹⁰⁵ However, it was at the point where the dispute seemed irreconcilable that the ICRC also decided to intervene. In a telegram addressed to all the governments concerned, dated 9 October 1942,

Official press reports refer to reprisals against prisoners, measures contrary to Article 2, Section 3 of the Geneva Convention of 1929. In the view of the ICRC, such a measure might gravely prejudice the whole question of PW and affect the work of the Red Cross. The ICRC offers its good offices for all mediation in the situation requires.¹⁰⁶

Due to the apparent deadlock in negotiations, the ICRC and the protecting power became involved in the dispute under Article 87 of the Geneva Convention. Article 87 states,

In case of disagreement between the belligerents as to the application of the provisions of the present Convention, the protecting power must, in so far as possible, lend their good offices for the purpose of settling the difference.¹⁰⁷

The British government were extremely hesitant to engage in any external intervention. German authorities, on the other hand, looked favourably on the Swiss and ICRC's offers of help to bring the crisis to an end and publicise Germany's complaints.¹⁰⁸ By late October 1942, possibly after receiving the ICRC's letter, the British

¹⁰² Vance, "Men in Manacles: The Shackling of Prisoners of War, 1942-1943", 487.

¹⁰³ NAA: A981/4 TRE 742 Cablegram from Secretary of State for Dominion Affairs to Prime Minister's Department, 19 December 1942.

¹⁰⁴ TNA: PREM 3/363/2 Shackling of Prisoners of War, 01 October 1942 – 31 December 1943.

¹⁰⁵ NAA: A981/4 TRE 742 Cablegram from Secretary of State for Dominion Affairs to Prime Ministers Department, 8 September 1942.

¹⁰⁶ International Committee of the Red Cross. *Report of the International Committee of the Red Cross on its activities during the Second World War*, 369.

¹⁰⁷ Geneva Convention of July 27, *Relative to the Treatment of Prisoners of War*, Article 87, 958.

¹⁰⁸ Wylie, *Barbed Wire Diplomacy*, 149.

government began to look more positively at the offers of intervention. After discussions with the Swiss, the British government approved the unshackling of all German prisoners by Christmas 1942. In contrast, the German High Command never openly agreed to end the reprisal, and the shackling continued.¹⁰⁹ Then, in December, the Swiss Foreign Minister Marcel Pilet Golaz informed the British government that the German government now declared that ‘it will act at once if the cause of its reprisal is removed.’¹¹⁰

By the European summer of 1943, the Swiss government, in its role as protecting power, indicated that it believed the time was right for a new initiative to bring the crisis to an end. And so, after receiving a message from Marcel Pilet-Golaz in July, the Swiss Foreign Minister in Berlin spoke with the German Foreign Office about the shackling issue.¹¹¹ Unfortunately, despite the Swiss Minister in Berlin’s frequent representations to the German authorities, there was no question of releasing shackled prisoners, because Hitler personally insisted on this action, and von Ribbentrop, despite his previously mentioned declaration that the shackling should end, supported him.¹¹² Accordingly, on 17 August, the Swiss ambassador in Berlin contacted the German foreign office with what was described as an ‘unofficial suggestion’ from Marcel Pilet-Golaz. It was explained that an end to the shackling would benefit prisoners of war on both sides and enable talks regarding an exchange.¹¹³ There need not be an official statement indicating any loss of face, but the Swiss minister could report to London, through Bern, that the shackling had ceased.¹¹⁴

In mid-November 1943, ICRC representative Carl Burckhardt went to Berlin to meet with von Ribbentrop, and the two formed a plan. First, it was agreed that the handcuffs would be removed

from prisoners held in Germany.¹¹⁵ Thereafter, a report would be sent to the British and Canadian governments advising them that this had happened. The information would be distributed in confidence and not for publication. Then, finally, on 21 November, all handcuffs were officially removed.¹¹⁶ The Secretary of State for Dominion Affairs informed the Australian War Cabinet on 30 November 1943 that Professor Burckhardt had returned to Bern from Berlin and had sent a personal message to Anthony Eden, stating that, from 22 November, the Germans had agreed to remove the handcuffs.¹¹⁷ Even so, the order would not be officially withdrawn, but would merely no longer be carried out. In addition, the Australian government was informed that the ICRC representative in Berlin would immediately start visiting camps to confirm that German authorities were following the withdrawal of handcuffs, with the reports to be sent to the British government. However, Burckhardt specifically asked that no publicity be given to the unshackling of the prisoners.¹¹⁸

By the end of the war, Max Huber, president of the International Red Cross, had come to the conclusion that ‘practical success depends not only on legal reciprocity but also on one national interest balanced with the other.’¹¹⁹ Under these conditions, an international convention agreed to in peacetime proved a poor defence against the pressures of total war. The shackling reprisal was a political fight that served to remind both sides of what could happen if the mutual-hostage factor were ignored.¹²⁰ In the context of the British Empire, however, it strained the relationship between London and the Dominions, particularly Australia and Canada.

¹⁰⁹ Mackenzie, “The Treatment of Prisoners of War in World War II”, 493.

¹¹⁰ TNA: PREM 3/363/2 Diplomatic Bag from Berne to Foreign Office, 13 December 1942.

¹¹¹ TNA: PREM 3/363/2 Telegram from Dominion Office to the Australian government, 19 July 1943.

¹¹² TNA: PREM 3/363/2 Telegram from Dominion Office to the Australian government, 10 July 1943.

¹¹³ Mackenzie, “The Shackling Crisis”, 93.

¹¹⁴ Mackenzie, “The Shackling Crisis”, 93.

¹¹⁵ Caroline Moorehead. *Dunant’s Dream: War, Switzerland and the History of the Red Cross* (New York: Carroll & Graf Publishers, Inc, 1999), 402-403.

¹¹⁶ Moorehead, *Dunant’s Dream: War*, 402-403.

¹¹⁷ NAA: A2684 1091 Cablegram from Secretary of State for Dominion Affairs, London to War Cabinet, 30 November 1943.

¹¹⁸ NAA: A2684 1091 Cablegram from Secretary of State for Dominion Affairs, London to War Cabinet, 30 November 1943.

¹¹⁹ Mackenzie, “The Shackling Crisis”, 98.

¹²⁰ Mackenzie, “The Shackling Crisis”, 97.

V. CONCLUSION

Reprisals and mistreatment of prisoners of war manifested in various forms and were not exclusive to a single belligerent nation. The concepts of reciprocity and reprisals in POW policy remained pertinent throughout the duration of the conflict. Prisoners suffered such politically motivated reprisals as governments sought to gain advantages and influence the behaviour of opposing sides. Notably, a distinction existed between political reprisals and disciplinary punishments within prison camps. The example of punishment discussed in this paper pertains to the shackling punishment inflicted on POWs at Grupignano in Italy. Although such actions still contravened the Geneva Convention, they originated from the camp commandant's perception of the prisoners' resistance to obeying orders. Despite the questionable legitimacy of the commandant's directives, this incident is correctly classified as 'punishment' because it occurred within the prison camp and was initiated by camp officials.

In contrast, the retaliation involving the shackling of prisoners of war carried out by Germany, Britain, and Canada in 1942 and 1943 was a consequence of the handcuffing of German POWs on the battlefield. The shackling of prisoners in POW camps became a highly publicised contest of wills between Churchill and Hitler. It served as a notable example of the influence of reciprocity in the treatment of prisoners of war. As a broader phenomenon extending beyond any individual camp, it markedly differed from the shackling at Grupignano. In this instance, the shackles became a political instrument and a visual symbol of specific reprisal methods employed to influence future battlefield conduct. This event resulted in over a year of political retaliation inflicted on prisoners of war by belligerent governments. Consequently, the shackling crisis emerged as the most prominent political reprisal of the war, exemplifying the power of reciprocity and national interest in prisoner treatment. The shackling at Grupignano occurred in November 1941, eleven months prior to the so-called shackling crisis of 1942-1943, and there is no evidence to suggest that German authorities chose handcuffs because

Italians had previously employed this method. Conversely, it was evident that handcuffs were used in German camps during the shackling crisis because they had been used on the battlefield by British and other Allied soldiers upon capturing prisoners. These episodes of punishment and reprisals would lead to future changes in the Geneva Convention in the postwar period, which would influence the treatment of prisoners of war in later conflicts.