ABSTRACT
The early twentieth century was a formative legislative era for the rendition of fugitives across the globe. Yet, imperial regimes were often unable to extradite fugitives. This paper draws upon a key extradition case in Trinidad involving fugitives from French Guiana penal colony who won their appeal case to avoid extradition – Kossekechatko and others v. Attorney General for Trinidad. The paper highlights how the case and its aftermath gave rise to imperial tensions. These pressures were between the rights of the imperial state to remove fugitive convicts who were cast as ‘undesirable’ individuals, the legality of deporting ‘criminal aliens’ accused of extraditable offences, and the right of refuge for French Guiana fugitive convicts as advocated by humanitarian groups. The paper shows how imperial policymakers attempted to manage this tension. It argues that the state’s right to remove fugitive convicts triumphed when reforming imperial policy on extradition and that the Trinidad government strategically deployed both policy and philanthropic groups to remove fugitives rather than grant them refuge. As an increased international condemnation of the French Guiana regime remained in the background of the case, the example of French Guiana fugitives arriving in Trinidad therefore provides an apt window onto these imperial tensions and their resolution.

KEYWORDS
Trinidad; extradition; deportation; French Guiana; law; Humanitarianism

Introduction
On July 28, 1930, a group of 11 men escaped from the penal settlement of Cayenne in French Guiana on a small open boat. After crossing over 1,000 km of sea in stormy weather, the boat capsized. Two died, but the survivors managed to reach the British colony of Trinidad. Still wearing their thick brown blouses and dark blue trousers stamped with their prison numbers, they were easily identified as the latest number of convicts who had made their bid for freedom from French Guiana. Depending on the alleged crimes
of the fugitive convicts, the Trinidad authorities had two legal choices. They could either deport these individuals or begin extradition proceedings. Over the course of the next few months, six of the nine men were deported. However, the three remaining were accused of extraditable offences, and extradition proceedings had to be started in order to remove them. After a Trinidad judge found enough evidence to extradite them, the prisoners launched an appeal against their detention and potential surrender. They eventually won their appeal and afterwards French Guiana fugitives came in greater numbers to what one metropolitan newspaper dubbed the new ‘British Isle of Freedom’. Yet their legal status remained unclear and their presence stoked a debate about state and individual rights, the legality of certain forms of alternative executive action to remove unwanted aliens, and the role of humanitarian groups in aiding fugitives’ quest for liberty. This paper explores how the Trinidad Government and Colonial Office balanced these tensions.

I first demonstrate how the presence of fugitives and the Kossekechatko case exposed the limitations of extradition law, leading to a re-evaluation of legal policy. The late nineteenth to early twentieth century was a formative era for regulating the rendition of fugitives. Britain and its imperial regimes across the globe created a new swathe of extradition, deportation and expulsion laws and regulations. This reflected their growing concerns about how social, economic and technological changes had helped create and foster transnational crime. Yet extradition was a notoriously unreliable method for the rendition of fugitives. In principle, Britain refused to surrender those accused of political crimes. The wording of extradition treaties could be ambiguous, leading to different interpretations of key words. This led to, and compounded, procedural irregularities, which in turn could result in a judge dismissing a case. There was also no consensus on the interpretation of international norms underpinning extradition treaties. This included the obligation of a state to return a fugitive and ambiguity over what actions counted as ‘compliance’ in processing rendition requests, which remains problematic even to this day. Thus, although scholars have taken great interest in the historical creation of ‘security regimes’ in Europe, the emergence of imperial extradition laws was by no means reflective of an effective, or unitary regulatory system of inter-state governance. This has led other scholars to show how individuals evaded law and found legal loopholes, as well as how states utilised extra-legal practices to support or facilitate deportation and extradition. In this paper, I provide an example of these extradition flaws within one jurisdiction of the British Empire and how it forced an imperial government and the Colonial Office to consider alternative policies regarding fugitive convicts.

Second, I argue that these policies were informed primarily by the narrative of a state’s right to remove ‘undesirable’ subjects. Fugitive cases pitted the rights of the state to remove unwanted aliens, adherence to legal obligations, and notions of individual personal liberty. Such discussions had arisen before, for example in cases involving fugitive slaves in antebellum America, as well as in cases
involving the sheltering of refugees in times of war. Yet the case of fugitives in Trinidad was different, as it involved fugitive convicts. Building upon a popular discourse against immigration and in the face of the shortcomings of law, the imperial authorities chose to ignore humanitarian appeals by the Howard League for Penal Reform, a non-governmental organisation with a base in Trinidad. Despite the League’s efforts to draw attention to the brutality of the French convict regime, calls for fugitive refuge did not gain political traction. This was because imperial officials categorised fugitive convicts as part of the ‘undesirable’ immigrant group narrative that was popular in the Caribbean and across many parts of the British Empire.

Finally, the imperial policy aiming to remove fugitive convicts toed a thin line between legality and illegality, and required the government’s strategic use of philanthropic groups. The Howard League for Penal Reform’s role in Trinidad was, like many philanthropic groups across the British Empire, to campaign for individual rights and the welfare of various colonial subjects. Indeed, humanitarian politics had played a prominent role in the debates over fugitive slaves at sea in the 1870s. Yet in Trinidad during the 1930s, the imperial debate over what to do with fugitive convicts was not about their refuge, but about how to remove them. As Lauren Benton and Lisa Ford have argued for their case study on Trinidad, anti-slavery advocates thought of imperial reconstitution as a campaign for order, rather than of rights. In this article, I argue that the policy on fugitive convicts not only focused on the denial of the right to refuge, but moreover, how to remove fugitives in an orderly way without drawing too much international attention. It was a reconfiguration of a determined plan to expunge fugitives. This relied on the strategic use of humanitarian groups to provide material aid to fugitive arrivals to encourage their voluntary onward journey or for groups to negotiate with consuls to ensure their repatriation.

The article first provides background information on the penal colony of French Guiana and discourses about illegal alien immigration in Trinidad. This explains the social and economic context in which the arrival of illegal aliens was very much unwelcome by 1930. In the next section, it traces the Kossekechatko case and the attempts of the Howard League to convince the Colonial Office to stop the extradition of fugitive convicts. The final section discusses the aftermath of the case, which led to the discussion of how British metropolitan authorities understood executive action and the role of philanthropic groups in aiding the Trinidad government to remove fugitives. The paper uses archival documents from both London and Trinidad as well as Trinidadian and metropolitan newspapers.

**Conditions in French Guiana and Escaping to Trinidad**

Starting in 1852, France sent its first convicts punished with incarceration and hard labour (travaux forces) to French Guiana. Convicts were transported
there for the next 100 years, with the imperial intention to make use of the abortive settlement as a penal colony. At first, only offenders convicted of serious common law crimes such as homicide and burglary (transportés) were sent to the colony. Shortly afterwards, political offenders (déportés) were also sent to French Guiana, and imprisoned on ‘Devil’s Island’ (Ile du Diable) off the coast. From 1885, minor offender recidivists (relégués), were also sent to French Guiana to work in labour camps. As Spieler has explored, an underlying French penal philosophy was that those sent to French Guiana were punished with a ‘civil death’.12 This meant that they were denied many civic rights as French subjects or those living within a French jurisdiction. Whilst there, the primary function of the penal regime in the colony was to confine and extract labour.13 Convicts were often forced to carry out backbreaking rudimentary work on the prison premises, on roads, or in the rainforest. This labour could lead to death, and many also succumbed to disease in the punishing climate of a tropical environment. There were high mortality rates, and deportees referred to it as the ‘dry guillotine’.14 The second ordeal for convicts awaited them after serving their time of incarceration and performing hard labour. The policy of doublage meant that convicts were forced to stay in French Guiana for a period of time after their sentence, or if their sentence was more than eight years, permanently. In other words, transportation to French Guiana was often a life sentence: incarceration, hard labour, and, if one had survived their terms, exile.

Though many tried to escape, fleeing was not easy. To the south, the settlements on the coast gave way to the inhospitable thick jungle with punishing heat and humidity, so absconders risked disease, starvation and dehydration. To the west through the jungle to the border, Dutch Guiana police were legally required to return escapees to the French Guiana authorities. There were also financial incentives for colonisers and freed convicts in French Guiana to capture escapees. To the north, the coastal waters gave way to shark-infested seas. This latter option was a more successful way to escape. If they succeeded in building a seaworthy vessel, convicts attempted to sail to places in search of liberty, such as South America or the Caribbean. By some estimates, over one hundred convicts escaped each year, either by land or by sea.15 Most hoped to reach the republic of Venezuela. However, more often than not, the sea winds and currents would send escapees to Trinidad. By the 1930s, a small but increasing stream of escapees made a successful journey across the seas to the British colony.16

Yet liberation involved more than just the escape from the penal colony. Similar to Venezuelan political refugees who arrived in Trinidad during the nineteenth century, fugitive convicts arriving in the twentieth presented legal, social and moral questions to the Trinidad Government.17 Indeed, absconding and the uncertainty of refuge in a new territory was a common feature of the history of the Caribbean. Whether fleeing political uprisings, absconding from
bonded or slave labour or emigrating for a better life, individuals often did not find a welcome or easy entry into another territory. In the interwar years, populist anti-immigration violence, for example, broke out in Haiti and Jamaica, directed against people of Chinese ethnicity and people from the Middle East. This type of xenophobia also occurred in North America, leading Erika Lee to describe it as a ‘hemispheric orientalism’. In the Caribbean, as well as the US, governments created barriers to prevent poor and certain ethnic immigrants.

Trinidad also experienced a wave of anti-immigrant policies and populist movements. Trinidad had sizeable south and East Asian immigrant influxes since the initial surge of indentured plantation labourers after 1838. These immigrant descendants, as well as later waves of East Indian and Chinese populations added to the immigrant populace. Other groups included migrant opportunist workers from Venezuela and British Guiana, alongside smaller numbers of immigrants from the Middle East. In the nineteenth century, British officials and planters saw Indian and Chinese labour as important for labour demand and social stability. However, by the 1930s, the Trinidadian press ran reports that highlighted the undesirable presence of ‘Syrian peddlers’ and ‘Chinese idlers’ that appeared to mirror other anti-immigrant narratives elsewhere in the Caribbean.

The spectre of immigration loomed large in the media, but annual immigration was only a small portion of the total population. By the end of 1931, the estimated population in Trinidad and Tobago was 414,572, with East Indian immigrants in that year – the largest immigrant population – totalling just 532. These concerns were exacerbated by the economic climate. By the 1930s, like elsewhere around the world, economic and financial downturns had increased unemployment and low wages. In Trinidad, two of the most profitable export commodities – cocoa and sugar – were in depression. The costs of immigration – as competition for jobs or a burden on state poor relief – were central to anti-immigration sentiment. Both institutional relief funds and those in receipt of funds increased year on year from 1928 to 1932.

Fugitives from French Guiana formed an even smaller portion of the overall numbers arriving on the shores of Trinidad. However, it was clear that they were highly visible as a group and the ‘Trinidadian media coverage had started to categorise them as part of this ‘undesirable’ group, undeserving of refuge. In September 1929, the Trinidad Guardian reported the arrival of suspected French Guiana fugitives in a boat, who were described as intrepid, brave men. A year later, they reported the arrival of a similar group of men, but this time they were simply labelled ‘criminals’, with no further personal or contextual information to humanise them. It appeared as though the economic downturn and popular anti-immigrant sentiment had removed any sympathy for arriving convict fugitives.
By the 1930s, colonial legislators intended to restrict further immigration to protect the labour market in Trinidad. Already, the Infirm Pauper Ordinance (1882) and the Immigrants Regulation Ordinance (1895) barred entry to those considered ‘a pauper’ or ‘destitute’. This also included ‘criminal and vicious immigrants’, which therefore included fugitives. Immigration committees were established to look into the impact of immigration on the economy and society. The 1931 committee concluded that the colony was sufficiently populated with workers and that allowing more alien immigrants to enter Trinidad in search for work would result in increasing unemployment. This would compound the pressures brought by the additional numbers of poor Trinidadians who were now unable to emigrate to South America in search of work, especially Venezuela, due to race restriction laws. The committee therefore claimed that Trinidad had no choice but to restrict its immigration laws. The committee’s findings led to an amendment to existing laws. The Pauper Immigration Ordinance and Pauper Immigration (Amendment) Ordinance (1931) outlined greater restrictions on poor immigrants. This amendment added a qualifying term of ‘destitute’ in section 4 (1), to exclude from entry those unable to deposit the sum of 50 pounds. This provision added to the Expulsion of Undesirables Ordinance (1922) that allowed ‘for preservation of peace and good order’ to remove any person.

These laws on alien criminality and immigration restriction mirrored others across the British Empire. In Britain, the 1905 Aliens Act became the first legislative attempt to establish immigration control. As Bashford and Gilhirst argue, this drew influence from colonial examples in Britain’s Empire. However, these laws stood in contrast to the general principles of extradition in Europe. This discourse on the principles of extradition emphasised the need to safeguard asylum for political fugitives and that fugitives should not be extradited where an unfair trial or torture in their home states was possible. There existed therefore a clear mounting tension between the desire of imperial governments to remove fugitive convicts, who were categorised as poor, criminal aliens, and the principle of not extraditing fugitives to a place where they were certain to face imprisonment and exile in notoriously oppressive conditions.

Unlike regular economic immigrants, the Trinidadian government could not simply deport fugitives with extraditable crimes. Instead, these fugitives had to be extradited according to the extradition statutes and treaties. These laws were the French Guiana Extradition Ordinance, the Extradition Acts (1870) and (1873) and the Anglo-French Extradition Treaty (1876). In the month of August 1930, twenty-two fugitive convicts from French Guiana landed in Trinidad in two boats and the force of the treaties and acts were exercised. The first group landed on August 7 and local police arrested them under the French Guiana Extradition Ordinance as suspected fugitives. Amongst them were three men: Gregoire Kossekechatko, Cirille Albert Caullier, and Pierre Robert Rotzenger. The governor of French Guiana made a request for the rendition
of the men, and on November 6, they were brought before Magistrate J. L. Perez, who was to determine whether there was enough evidence to extradite them. A solicitor for the Supreme Court of Trinidad and Tobago produced the documents of the charges. He acted as both interpreter and witness, translating the charges of Caullier, determined to have been convicted of ‘vol avec violences’, Kossekechatko of ‘meurtre’, and Rotzenger as ‘vols qualifiés et complicité’, as ‘robbery with violence’, ‘murder’ and ‘complicity to murder and housebreaking’. A warrant then committed the men to prison to await their extradition. In the meanwhile, Magistrate Harris, who had filled in for Perez, suspended the order for 15 days to enable the petitioners to apply for a writ of habeas corpus.

The lawyers of the prisoners, A. H. L. Messon and N. P. Bowen, launched a defence based on the first article of the French Guiana Extradition Treaty (1876). They argued that the French Guiana authorities had not produced documents, which demonstrated that the defendants had committed crimes in the territory of France, as per the wording of the treaty. They further argued that the writ issued by Magistrate Harris conferring powers of detention was an irregularity, given that he had not heard the case. The Supreme Court judges, the Chief Justice Charles P. Belcher and George Walton ruled that it was not necessary to decide the exact meaning ‘territory’ within Article 1 and it was an ‘unproved supposition’ that crimes were committed outside of France. They also considered that French courts may convict in such cases and had done so previously in cases involving fugitive convicts. Finally, looking to English common law, the Chief Justices cited a 1914 case, R v Governor of Brixton Prison, ex p Servini [1914] 1 KB 77, to support their decision that a writ of habeas corpus may be refused despite an essential element of the magistrate’s jurisdiction not been proved. The prisoners were thereafter remanded in custody. Their only remaining hope of freedom lay with an appeal by Special Leave to the Privy Council.

Extradition and the Right of Refuge

Whilst Kossekechatko, Caullier and Rotzinger spoke to their lawyers about their next move, the concurrent presence of other convicts in Trinidad highlighted the coming legal quandary created by the failure to extradite fugitives. A group accused of extraditable crimes had been brought before magistrate Greenidge. The charges and the documents produced in court were almost identical to the Kossekechatko case. However, Greenidge had decided not to proceed with extradition. Amongst the fugitives was Etienne Blengino, an Italian subject. Greenidge stated that the evidence provided did not prove that the crime for which Blengino was convicted – manslaughter – was committed within French territory as per Article I of the Extradition treaty. He therefore took the opposite position of the Supreme Court judges in the Kossekechatko case.
The discharge of Blengino demonstrated the inconsistencies of judicial interpretation of the extradition treaty. Blengino’s release also raised the question about what to do with convict fugitives whose extraditions had failed and the legality of the government’s action in deporting convicts to French Guiana under expulsion or deportation orders.

Henry Bushe, the legal advisor to the Colonial Office, summarised the predicament the government faced between the rights of the state and the proposed action of deportation. He noted that the Trinidad governor, ‘quite rightly, does not want to keep these criminals in the colony. On the other hand, it is a little awkward for him to take action which will, in effect have the same result as though they had not been discharged by the court, but surrendered’ [i.e. sent back to French Guiana].

Oscar Dowson, the assistant legal advisor, added to this cautionary sentiment, by outlining that under similar circumstances in Britain, such executive action would be inadmissible. Bushe therefore suggested that the governor should in the meanwhile refrain from any executive action. Instead, the governor should look to the Howard League for Penal Reform or representative consuls to help remove or repatriate fugitives. In the meanwhile, the immorality of deporting fugitive convicts was voiced in the House of Commons. The Home Secretary, John Clynes, was asked whether deportation orders were ever issued in the case of aliens whose extradition had been sought and refused by the Courts. Clynes denied all knowledge of Trinidad government’s proposal – or any other imperial government measures – to deport such fugitives. He replied that it was ‘not the practice in this country to use deportation as a substitute for or a supplement to extradition proceedings’.

The metropolitan authorities were therefore well aware of the humanitarian concerns surrounding the deportation of fugitive convicts and dissenting voices.

The Howard League, the penal reform group and lobbyist, also maintained pressure on the metropolitan authorities to rule out deportation of the fugitive convicts. The League focused primarily on advocacy for changes within prisons, but the remit of its work also extended to the general welfare of convicts outside of the prisons. The League’s Honorary Secretary, Cicely Craven, petitioned Henry Bushe, stating that the League appreciated ‘the point of view of the government in not wanting the island to be a dumping ground for large numbers of escaped French convicts’. Nevertheless, Craven also stressed that it was ‘contrary to established British constitutional practice for a British administration to issue and enforce a deportation order which results in a man being handed over to a country which has previously failed to secure his surrender by judicial process of extradition’.

To add support to this constitutional argument, Craven stressed that ‘public opinion would not tolerate any policy which would result in handing … men over to the French for return to Devil’s Island once they had reached British territory’.

Sensing that Bushe had brushed aside these appeals, Craven continued to press the Colonial Office and Home Office on the issue. This time, Craven
paired the question of constitutional rights with penal justice. Hitherto, the principles underlying British extradition had been linked to the concept of legal justice. In other words, Britain only extradited when there was a guarantee of a fair trial. The Honorary Secretary began the next following letter, noting that indeed, ‘Civilized nations cannot afford to give sanctuary to their neighbours’ criminals’, yet ‘extradition demands an international standard of prison conditions which shall ensure that a country is not called upon to hand men over to suffer penalties which it regards as barbarous’. Indeed, the Kossekechatko case in Trinidad demonstrated that the legal status of non-extra-dited fugitive convicts was ‘far from academic’ and an empire-wide problem. Drawing once more on the increasing international focus on the brutality of the French Guiana penal regime, Craven underlined the point that ‘civilized nations should not tolerate conditions in their prisons which make their friends and neighbours flinch from surrendering fugitives from justice’.

Drawing upon the recent political zeitgeist of international cooperation, Craven stressed that ‘nations must co-operate through the League of Nations to raise the standards of penal administration everywhere, so that no country need have conscientious scruples about entering into extradition treaties with its neighbours’. In other words, Craven tried to demonstrate that extradition could only be made in good conscience when penal reforms were implemented, and as the case of fugitive convicts showed, this was not a national, but an international concern.

These appeals received no response in London, and the fate of fugitives in Trinidad appeared to vary depending on their nationality. In some instances, the Howard League consented to negotiate with various consuls to repatriate fugitives. Etienne Blengino, the Italian freed by magistrate Greenidge for example, was released from detention and a passage to his native Italy was secured. Other French nationals however, were deported to France where their fate was unknown. Still others made their way to another country, where their fate was also uncertain. For example, the Howard League helped Joseph Rey, a French subject who spoke Spanish, to travel to South America.

Given that fugitives such as Blengino had avoided extradition to French Guiana, the League funded an appeal to the Privy Council for Kossekechatko, Rotzinger and Caullier who were still held in jail. Their petition was heard on January 17, 1931 with Denis Nowell Pritt and Horace Douglas appearing for the appellants. Pritt would later have the experience of defending fugitive appellants from French extradition, having successfully defended Ho Chi Minh against his rendition from Hong Kong. On considering the petition, the Judicial Committee of the Privy Council consisting of Lords Atkin, Macmillan and Thankerton, granted leave to appeal. The appeal put forward two legal points on interpretation of the treaties and two that involved irregularities of legal process. First, referring to Article 1 of the Anglo-French Extradition Treaty (1876), Pritt and Douglas argued that there was no evidence that the ‘crimes’ of which the appellants were convicted were committed ‘within the
territory’ of France. In the absence of evidence, there was no proof of any extraditable crime. As the key documents relating to the description of their offences and where they had been committed could not be produced, there was a reasonable assumption that the men could have committed them outside of French territory, such as Indochina. This therefore did not match the wording of the treaty. Second, there was no evidence that the crimes of which the appellants were convicted fell within the definition of the Extradition Treaty. For example, meurtre was not a translation of ‘murder’ in the English Schedule of the treaty, but had a definition closer to ‘manslaughter’ or ‘culpable homicide’. Third, the warrant of committal – the crucial document – was in the wrong form. Finally, the magistrate who heard the case did not sign the warrant.

With the League behind the appeal, it was finally discussed and judgment was given on 22 October 1931. The Lords considered the four points raised by the appellants. They first dismissed the notion that the French terms, such as meurtre did not correspond to the English translations but did not delve into what evidence was necessary to prove it. However, for the other three legal contentions of the appellants, the Lords agreed. They felt the wording of Article 1 was crucial, reiterating the importance of the wording of convicted persons as individuals ‘who have been convicted of a crime committed in the territory of the one Party’. This had not been proved in the hearing, as evidence of conviction by certificates of the clerk with indictment, trial, conviction and judgment were not provided at trial. Finally, the Lordships agreed that the third and fourth contentions of the appellants were correct; the magistrate had made the wrong order, and this order had been made coram non judice (not before a judge) signed by Magistrate Harris who had not heard the case. The men were free to stay in Trinidad, and their bid for freedom was finally successful. The case demonstrated that the presence of fugitives, and the question of what to do with those who could not be extradited, required serious consideration by the metropolitan and Trinidad authorities.

Deportation as a Tool of Removal

Immediately after the decision to release the French fugitives, the Times reported that the news attracted considerable publicity in Britain. Meanwhile, the Port of Spain Gazette reported that the case was of the ‘utmost international importance’, with the decision due to create a ‘world-wide discussion’. Aside from the unwanted attention, the outcome of the appeal spurred what the Trinidad authorities wanted least: more fugitives arriving on the island. The next year in 1932, 78 convicts successfully made the journey from French Guiana to the colony. In September 1932, the acting governor of Trinidad, Selwyn MacGregor Grier, described the situation to the Colonial Office, stating that it was ‘apparent … that Trinidad is now regarded as a health resort by the unfortunate men who are condemned by the French authorities to imprisonment and exile in
French Guiana’. Grier’s position on their refuge was uncompromising. He asserted that he would pursue every option to remove fugitive convicts without having recourse to deportation, but if necessary, even ‘their deportation on a French ship’ was ‘preferable to permitting the permanent settlement of escaped criminals in the colony’. The removal of fugitive convicts remained his primary objective.

By January 1933, the Sunday Times reported the ‘alarm at growing numbers’ reaching the ‘British Isle of Freedom’, which totalled 100 men in two years. Pointing to the Kossekechatko case, the Sunday Times blamed the decision of the Judges of the Privy Council for the rise in numbers. It claimed that ‘…[the fugitives] know that they are safe when they land because of a recent declaration of the Privy Council that they can only be handed back to the French authorities after legal proceedings and these proceedings are considered so troublesome that they are never begun’. The case had now become significant for paving the way for fugitive refuge. But it was a temporary – and hostile – place of refuge for fugitives.

Although the horrors of the French Guiana penal regime were gaining further international attention, the Trinidad and metropolitan authorities were concerned with the question of how to remove fugitive convicts, rather than how to grant them safe harbour. Harold Beckett, the head of the West Indies Department in the Colonial Office issued another warning to the governor over the proposed use of French ships to deport these men to French Guiana. It was not humanitarian reasons however, but constitutional concerns that were significant in this understanding. A recent case highlighted this consideration. A Syrian man named Nagib Constantino Hadad was due to be extradited from Colombia to Brazil. The planned extradition involved a layover in Trinidad. However, his extradition was stopped, as the Trinidad government had no legal authority to aid his extradition. In this regard, Beckett stressed that fugitives in Trinidad, whether currently present or due to go via Trinidad, must first go through the extradition process on the island.

The next consideration for the metropolitan authorities was what to do with fugitives with non-extraditable crimes, especially given the moral outrage expressed by humanitarian groups about proposed deportations to French Guiana. Some French nationals had already been deported to France, but some remained in Trinidad. Most prominently, a man surnamed Cadeaux, who was in the group that landed in 1929 with Kossekechatko, remained in Trinidad. He was convicted of a non-extraditable offence of desertion from the army. As a conscript in the French army during a campaign in Morocco, he had been taken prisoner by the Moors. When he was recaptured by the French he was reported as working for them and wearing Moorish clothing. He was therefore charged, and then convicted of desertion. He was sentenced and sent to French Guiana. He was arrested with Kossekechatko and others, but as desertion was not an extraditable offence he was not extradited. Since
then, he had been working as an itinerant seller of sweets on the streets of Port of Spain. The imperial authorities were unsure what to do with people like Cadeaux.

The Foreign Office supported a policy of deportation, at least in theory. John Simon, the Foreign Secretary, was reportedly ‘unable to take the view that the mere fact that the deportation of a man may lead to his being tried for an offence in his own country is any reason why he should not be deported’.  

This was because,

the effect would be to prevent a country from deporting the class of aliens whom it would normally most wish to deport. Aliens of the criminal classes … are those of whom a state most naturally desires to rid itself, and … its right to do so cannot in any event be in any way affected by the consideration that if they are deported they may be put on trial for some offence in their own countries’ [own emphasis added].

In other words, the state’s right to remove ‘undesirable aliens’ should override any humanitarian concern for their liberty once deported, or concern for their punishment of an offence that would not be an offence in British territory. At the same time, the Trinidad government could protect its state rights in other, more practical ways. The Foreign Office secretary suggested that ‘if the fugitive criminal is an undesirable alien, the Government of the state in which he has taken refuge can protect itself by prohibiting and preventing him from landing.’ If they had already landed, then the government should then order their deportation. In this case, Simon asserted, the fugitive must be given ‘reasonable opportunity for making arrangement for his own departure, if he fails to do so … he will of course have to be deported to the state of which he is a subject’.

After a series of discussions, the Home Office, Colonial Office and Foreign Office all agreed on the importance of Trinidad’s right to rid fugitives from its shores and avoid the extradition process altogether. One reason for favouring deportation as a general policy for the removal of convicts was because of the high number of fugitives who had served their prison terms but had been forced to remain in French Guiana. This meant that they technically did not have a concurrently existing extraditable crime, and in any other place in the world, these ‘fugitives’ would have the legal status of free men. Therefore, the Secretary of the Foreign Office became convinced that deportation, rather than extradition was suitable.

Deportation however, could still raise humanitarian outcry. In order to avoid attracting this attention, the Trinidad authorities, with metropolitan approval, thought of new ways to facilitate deportation without being seen to have an active executive role in their removal. This was achieved in two ways. First, all efforts were made to encourage fugitives to voluntarily leave the island. In some instances, the governments of certain nationals allowed their subjects a free passage back to their territory. The Trinidad authorities encouraged
fugitives to report to their consul, and the Howard League then negotiated on behalf of the Trinidad government with the consul to secure their passport and voyage. In this sense, the Howard League was complicit in the removal of fugitives from the island, in the hope that they may find liberty elsewhere. The Italian consul for example, helped repatriate a number of Italian fugitives. Second, the Trinidad government relied upon philanthropic groups to offer financial aid to fugitives so they could remove themselves to a third state. When fugitives arrived, the local Trinidad officials handed them over to these groups for short-term care. These organisations groups then set to work repairing the fugitives’ boats and gave them food supplies for an onward journey. For example, a number of French nationals were helped on their way to different parts of South America, after being provided with counterfeit identity papers. This practice was not without controversy, as the Venezuelan government was aware of fugitives from Trinidad entering its republic and accused the Trinidad governor of directing fugitives to its shores. The Trinidad governor denied this claim, stating that Trinidadian officials merely ‘helped individuals on their way’ through third parties, such as the Salvation Army and the Howard League. The government therefore strategically deployed both policy and philanthropy to get rid of fugitives.

Kossekechatko’s eventual fate however, remained unclear. As there were no naturalisation papers and little indication of whether he was later deported or whether he moved to another nation voluntarily, it is hard to tell what happened to him. The Trinidad government continued to send some French Guiana fugitives directly to France after 1937. However, the question of what to do with fugitive convicts from French Guiana did not last much longer. Escapee accounts detailing the inhumane nature of the French Guiana penal settlement helped persuade the Daladier government to halt penal transportation to Guiana in 1938, though transportation did not actually cease until after the conclusion of the Second World War in 1945.

Conclusion

This article has examined how the Trinidad and British metropolitan authorities re-evaluated policy concerning convict fugitives in Trinidad during the Interwar years. Although imperial regimes had created more inter-imperial legislation regulating the rendition of fugitives, small technicalities, such as the exact interpretation of key terms, procedural irregularities, and the inability to provide key documents could easily derail the extradition process. This left colonial governments, such as Trinidad with a new concern over the policy towards fugitive convicts.

It was clear that once they arrived in Trinidad, fugitives were unwelcome on the island. Populist sentiment and the Trinidad government were opposed to their presence in a time of economic uncertainty. By the 1930s, media reports
and anti-immigration policies helped brand fugitive convicts as ‘undesirable’ poor and criminal immigrants, and Trinidad was a hostile place for fugitives.

Yet despite the rising international condemnation of the French Guiana penal system, this did not alter government policy. The Howard League for Penal Reform was a vocal body campaigning for the end of extraditing fugitive convicts to French Guiana due to humanitarian concerns. They therefore advocated their refuge in Trinidad, but the Trinidad governor and the Colonial Office largely ignored these petitions. Instead, imperial policy changed to suit the exigencies of the government. This meant the removal of fugitive convicts or preventing their landing, and the question was not if to remove fugitive convicts who had been through the extradition process, but how to remove them.

In this regard, humanitarian groups, such as the Howard League, played an important role in the fate of the fugitives. The League was the most active non-governmental organisation in Trinidad that campaigned for the welfare, refuge and (ultimately) liberation of fugitives from French Guiana. The Trinidad government encouraged the League to work closely with consuls and individuals to procure passports and provided materials and transportation to repatriate convicts. Some may have been able to create new legal identities for themselves through acquiring passports or naturalisation. Yet, it is unclear whether these men eventually became free. In the end, the state’s right to deport fugitive convicts triumphed over humanitarian politics, and the Trinidad government utilised philanthropic groups, by allowing them to help move fugitives on. In this sense, the Trinidad government was able to extricate itself from a legal bind, by strategically using non-governmental organisations to remove fugitives from Trinidad. Ultimately, however, it was the cessation of transportation to French Guiana and the closure of the penal regime rather than British imperial policy that finally ended the legal questions raised by fugitive convicts.

Notes

1. Sunday Times, January 29, 1933.
2. Knepper, The Invention of International Crime. Concerns over fugitives were not confined to Britain and imperial regimes. Joining other western nations for example, republics in South and Central America also enacted treaty arrangements. See: Zanotti, Extradition in Multilateral Treaties and Conventions, 1–11.
3. Clarke, A Treatise Upon the Law of Extradition; Lewis, On Foreign Jurisdiction and the Extradition of Criminals; Shearer, Extradition in International Law.
4. Miller, Borderline Crime.
5. Magnuson, “The Domestic Politics of International Extradition”.
6. On the creation of ‘transnational regimes’ and the law regulating the rendition of fugitives, especially in Europe, see: Härter. “Security and Cross-Border Political Crime”; Härter, Hannappel, Tyrichter, eds, The Transnationalisation of Criminal Law in the Nineteenth and Twentieth Century.
7. Miller, Borderline Crime; Margolies, Spaces of Law in American Foreign Relations.
8. On refugees in the British Empire and imperial policy, see for example: Shadle, “Reluctant Humanitarians”.
9. See, for example: Forclaz, *Humanitarian Imperialism*. For an overview on empire and humanitarianism see: Skinner and Lester, “Humanitarianism and Empire”. On the nefarious influence or effects of humanitarian politics and campaigns see: Huzzey, “Minding Civilisation and Humanity in 1867”.
10. Mulligan, “The Fugitive Slave Circulars, 1875–76”, Sanchez, “French Guyana: The Penal Colonization of French Guyana 1852–1953”, Also see: Sanchez, *A Perpétuité: Relégués au Bagne de Guyane*. On the role of domestic groups and institutions constraining and empowering government decision-makers in the formation of extraction law, see: Magnuson, “The Domestic Politics of International Extradition”.
11. Benton and Ford, “Island Despotism”.
12. Spieler, *Empire and Underworld*.
13. On an analysis of daily life in the penal colony and its institutional dysfunction, see: Toth, *Beyond Papillon*. Also see: Redfield, *Space in the Tropics*; Spieler, *Empire and Underworld*.
14. Belbenoit, *Dry Guillotine*.
15. On the lives of convicts and escapes, see: Redfield, *Space in the Tropics*, 76–111.
16. For example, for the six months between August 1930 and end of Jan 1931, 22 fugitives from French Guiana landed in Trinidad. For the whole year of 1932 this number was 78: The National Archives (London) (Hereafter ‘TNA’): CO295/570/16 Governor of Trinidad to Secretary of state for Colonies 24 Jan., 1931; TNA: HO 45/24932 ‘Minutes’ 1 Feb., 1933; Before 1930 there were other Fugitives from French Guiana who also came in small open boats, and instances of these landings had been recorded in official correspondence, see for example: TNA: CO295/505 Sabato Grisolino, and seven others landing in august 1915, but what happened to them is not recorded.
17. Candlin, “The Empire of Women”. As Brigit Brereton notes, some wealthy Venezuelan immigrants would be considered a having integrated into the Trinidad ‘white elite’, but not all those from Spanish and Portuguese could: Brereton, *Race Relations in Colonial Trinidad*, 34.
18. Putnam, *Radical Moves*; Putnam, “The Tics Allowed to Bind”; Plummer, “Race, Nationality and Trade in the Caribbean”; Look-Lai, *Indentured Labour, Caribbean Sugar*; Putnam, “Migrants, Nations, and Empires in Transition”.
19. Lee, “The ‘Yellow Peril’ and Asian Exclusion in the Americas”; Lee, “Orientalisms in the Americas”.
20. See for example: Putnam, “Migrants, Nations, and Empires in Transition”; McKeown, *Melancholy Order*.
21. For a more in depth discussion of immigration and race relations, see: Brereton, *Race Relations in Colonial Trinidad*.
22. Lee-Loy, “Kissing the Cross,” 25–40.
23. *The Port of Spain Gazette*, February 12, 1931.
24. National Archives of Trinidad and Tobago [Hereafter ‘NATT’]: Council Papers, Vol. II, Nos. 71–132, ‘Vital statistics: Report of Registrar-General for 1932’.
25. NATT: The Dominions Office and Colonial Office List, 1930.
26. NATT: Council Papers, Vol II, Nos. 71–132 ‘Poor Relief: Report for 1931 of the Chief Inspector of Poor Relief’.
27. *The Trinidad Guardian*, September 12, 1929.
28. *The Trinidad Guardian*, September 30, 1930.
29. NATT: Ordinances Nos. 1–47, 1895.
30. Ibid.
31. *Port of Spain Gazette*, May 21, 1931 'Immigration Committee Report: temporary prohibition of free entry advocated'; NATT: Confidential Despatches from the Secretary of State, 1931, W. O’Reilly, British Legation, Caracas to Arthur Henderson, M.P., 6 Nov., 1930. The fear of destitute immigrants and their impact on the domestic job market was not unique to Trinidad, but a concern for many imperial regimes in the British Empire and in Britain. See for example, on the origins of the Alien Act, 1905 and perception of Jewish and East European immigration and xenophobia in Britain: Gainer, *The Alien Invasion*.

32. NATT: Council Papers, Vol. II, Nos.71–132 ‘Administration Report for the Year 1931’.

33. On immigration restrictions on ‘undesirable’ persons in Britain and the British empire see for example: Bashford and Gilhirst, “The Colonial History of the 1905 Aliens Act”; Lake and Reynolds, *Drawing the Global Colour Line*.

34. Bashford and Gilhirst, “The Colonial History of the 1905 Aliens Act”.

35. On the principles of political asylum and moral arguments for refuge, see: Clarke, *A Treatise Upon the Law of Extradition*; Shearer, *Extradition in International Law*.

36. Modifications were made later with the French Guiana Extradition Ordinance (1925).

37. TNA: HO 45/24932 ‘Privy Council Appeal No. 17 of 1931’ – ‘Reasons for report of the Lords of the Judicial Committee of the Privy Council, delivered the 22nd October, 1931’.

38. TNA: HO 45/24932 *The Times*, July 24, 1931.

39. TNA: CO 295/570/16 *Port of Spain Gazette*, 'French Fugitives must be Surrendered, Court Refuses Habeas Corpus’ 22 Nov., 1930.

40. Ibid.

41. Ibid.

42. CO295/570/16 C. M. Craven, Hon. Secretary, The Howard League for Penal Reform to H. G. Bushe, Colonial Office, 16 Feb., 1931; CO295/570/6 A. Hollis, Governor of Trinidad to G. Bushe, Colonial Office, 24 Jan., 1931.

43. TNA: CO295/570/16 Henry Grattan Bushe, Legal advisor to Colonial Office, 29. Jan., 1931.

44. Ibid.

45. Ibid.

46. Hansard, House of Commons, Deb. 19 Feb., 1931, 248, c1430.

47. Ibid.

48. Ibid.

49. Ibid.

50. TNA: HO 45/24932 ‘Extract from the “Howard Journal” Vol.III, no. 2, 1931’.

51. Ibid.

52. Ibid.

53. Ibid.

54. TNA: CO295/570/16 Governor of Trinidad to Secretary of state for Colonies 24 Jan., 1931; TNA: CO295/570/16 ‘Memorandum’, Acting Attorney General Governor of Trinidad to Lord Passfield, Colonial Office, 31 Dec., 1930; CO295/570/16 Governor of Trinidad to Secretary of state for Colonies 24 Jan., 1931.

55. TNA: CO295/570/16 ‘Memorandum on the case of Caullier, Kossakhatko and Rotsinger’ (by the Acting Attorney General), forwarded by: A. Hollis, Governor of Trinidad to Lord Passfield, Colonial Office, 31 Dec., 1930.

56. TNA: HO 45/24932 *The Times*, July 24, 1931.

57. *The Times*, ‘Judicial Committee of the Privy Council’ 28 Jul., 1931; TNA: HO 45/24932 ‘Privy Council Appeal No. 17 of 1931’ – ‘Reasons for report of the Lords of the Judicial Committee of the Privy Council, delivered the 22nd October, 1931’.
58. Ibid.
59. *The Times*, ‘Judicial Committee of the Privy Council: Fugitives from Devil’s Island’, 28 Jul., 1931.
60. *Port of Spain Gazette*, July 28, 1931.
61. TNA: HO45/24932 ‘Minutes, 9th May, 1933’. Sir P. Cunliffe-Lister.
62. TNA: HO 45/24932 S. M. Grier, Acting Trinidad Governor to P. Cunliffe-Lister, Colonial Office 15 Sep., 1932.
63. TNA: HO 45/24932 S. M. Grier, Acting Trinidad Governor to P. Cunliffe-Lister, Colonial Office 15 Sep., 1932.
64. *Sunday Times*, January 29, 1933.
65. Ibid.
66. TNA: HO45/24932 H. Beckett, Colonial Office, Nov., 1932’ Also see: TNA: CO295/578/4.
67. TNA: HO 45/24932 Foreign Office, Dec., 1932.
68. Ibid.
69. Ibid.
70. TNA: HO 45/24932 Foreign Office to Governor of Trinidad, 3 Jan., 1933.
71. Ibid.
72. Ibid.
73. TNA: CO295/580/2 Foreign Office to Trinidad Governor, 30 Jun., 1933.
74. TNA: CO295/578/16 Various correspondences, dated January 1933.
75. Charles Greenidge applied for Letters of Denization for Kossekechato who was a former Russian subject, but this was rejected. The Home Office suggested that Kossekechato could aggregate time in another colony such as British Honduras, where Greenidge now served as Chief Justice, although there appears to be no evidence of this happening.
76. TNA: CO295/598/17.

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