

EAST AFR. PROT  
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Gov's Depy 180  
Bowring

AUSTRO HUNGARIAN VICE CONSUL MR O. MARKUS  
COMPLAINING AS TO TREATMENT

1915  
10th March

Submits report. Trusts will be considered  
satisfactory. Mis. Tolzappel to whom reference is  
made has not put forward any complaint.

Last previous Paper.  
43636  
11384 16 Tolzappel

Copys to. Sapiel - 15

Copy to F.O., with ref. to  
previous comm<sup>ce</sup>, for inf.

at once.  
to J.R.  
6/15/15

next subsequent Paper

GOVERNMENT HOUSE,

BRITISH EAST AFRICA

11th March 1916.

to acknowledge the receipt of your despatch No. 1-027 of November 20th, and to report thereon as requested.

2. The complaints made by Mr Otto Markus fall under two heads (1) that his consular status was not respected and (2) that he and other Austro-Hungarian and German subjects were subjected to improper treatment in the Nairobi Jail.

3. As regards the first point the Acting Provincial Commissioner at Mombasa telegraphed to me on August 18th that Mr Markus claimed immunity from arrest on the ground that he held the King's Commission as British vice-Consul signed by His Majesty King Edward VII. This claim was referred to the Attorney General and it seemed to me that the Commission of the document in question would affect the case, if the holder was a subject of an enemy country. It was suggested that Mr Markus held a passport for the purpose of the Commission.

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an Austro-Hungarian Consul. He is a member of a Mombasa business firm and such persons have in the past acted as Consular representatives of foreign countries in some cases without possessing exequaturs. However directly the fact that Mr Markus was a properly accredited Consular officer was put forward and found to be the case he was treated precisely as Herr von Hedemann had been and given his passports and passage to Europe. He was not of course permitted to remain at large in the Protectorate, which I believe he would have preferred.

4. As regards the complaints made by Mr Markus as to the treatment undergone by himself and other detenus in the Nairobi Jail I can only characterize them as a tissue of falsehood and misrepresentation. You will readily understand that it was a matter of no small difficulty to make arrangements at a moment's notice for the accommodation in custody of a large number of enemy subjects, and it was to be regretted that those of them who were not reservists had to be confined even for so short a time in the Jail, a circumstance for which they have only their own Governments to thank. Every attempt however was made to render the period of their incarceration as free from discomfort as possible. You will observe from the attached Report that the complaints as to the insanitary condition of the cells, the lack of bedding, and the inadequate feeding arrangements are without foundation.

18.1.15

5. ~~As soon as~~ it could be managed, these Austro-Hungarians and Germans who were not reservists were removed to quarters in the European School where even Mr Markus admits that they were quite comfortable. He himself it will be noticed, only spent one night in the Jail.

6. <sup>Dear</sup> The German lady to whom reference is made, a Miss Holzapfel, has not put forward any complaint as to the way in which she was treated.

7. I trust that the foregoing explanation will be considered satisfactory. With the exception of the use of the Jail, which, though unfortunate, was inevitable in the circumstances, I do not think that we have anything with which to reproach ourselves in regard to the treatment of enemy subjects in this Protectorate.

I have the honour to be,

Sir,

Your humble, obedient servant,

*Draft approved*  
 by GOVERNOR.  
*J. Bowring*  
 Governor's Deputy.

ENCLOSURE

1801 10-3-1915

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P. No. 35/1/5

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H. M's. Prison,  
Nairobi.

18th. January 1915

The Chairman,  
Prison Board.

-Complaint of Mr. O. Markus-

Sir,

With reference to B.10858 of 16th instant from the Secretariat, I have the honour to report that at the date in question-14th August 1914-Capt. Brooke-the Base Commandant-was in charge of, and made all arrangements for the accommodation & removal of German & Austrian Prisoners of War.

2. On the evening of the 14th August 1914. 14 Austrian Prisoners of War including Mr. Markus were received in Nairobi Prison, where there were already 33 interned. The total number were accommodated for the night in 22 concrete cells. As there was no time to adequately arrange for the reception of such a number some had to sleep on Prison trestle beds such as are used by European convicts which are provided with paillasses & pillows. Each prisoner had however two new blankets, and most prisoners in addition were provided with their own rugs & bedding. The cells had been formerly occupied by natives but in all instances were freshly whitewashed and disinfected with Izal before the admission of Europeans. I most emphatically deny that they were dirty. If Mr. Markus saw any marks on the concrete floor it was most probably the stain of the disinfectant. All the prison cells are more or less infected with bugs in spite of frequent disinfection and other efforts to get rid of them.

3. The European Prisoners of War were kept entirely separate from the native prisoners, the cells occupied by them were in a separate corridor and their food was cooked in a separate kitchen by one of themselves-a Mr. Than who was formerly Gref to the Norfolk

Norfolk Hotel; but some native convicts were employed as servants to clean out the prisoners' cells daily, as the habits of the latter were too clean. I must state with the statement that Europeans were ever fed together with native convicts in a kettle of boiled maize and beans. All European convicts were provided with plates, mugs, knives, forks, spoons, and special European Warders were employed to supervise their meals, exercise, etc so as to prevent any contact with the criminals.

I attach a copy of the dietary provided which they were allowed to add any articles which their friends outside, or which they had money

4. Mr. Markus only spent one night in his first night in captivity any temporary arrangements may have been put to, would no doubt loom larger than if he had endured confinement for a longer period.

The lady referred to—Miss Holtzaphel was confined in Prison. She had a cell to herself and never received any special treatment.

She was removed at my request by the Base Commandant to the European Hospital.

*J. A. Gray*

DEPUTY SUPERINTENDENT.

-F I O N S C A L E-

Bread	12	oz	per	day
Freshmeat	18	"	"	"
Fresh vegetables	16	"	"	"
Butter	2	"	"	"
Salt	$\frac{1}{2}$	"	"	"
Coffee	$\frac{1}{2}$	"	"	"
Tea	$\frac{1}{2}$	"	"	"
Sugar	3	"	"	"
Oatmeal	4	"	(cooked)	"
Milk (condensed)	1	tin	per	week.

Gov. 15811/1915  
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Fre

8 April, 1915.

Sir,

DRAFT.

The U.S.G.S.  
Foreign Office

With reference to the  
letter from this Office  
of the 20<sup>th</sup> of Nov<sup>r</sup>  
last I am &c  
to transmit to you  
for the inf<sup>n</sup> of Secy.  
Sir Edward Grey, the  
accomp<sup>d</sup> copy of a  
resp. from the Gov<sup>r</sup>  
of the E.A.P. with  
in enclosure on

MINUTE.

[43636/4]

Mr. Hooper, 7/4/15.

Mr. Bottomley 7/4

Mr.

Mr.

Sir G. Fiddes.

Sir H. Just.

Sir J. Anderson.

Lord Islington.

Mr. Harcourt.

for 780-10 March

PTA



Gov. 15811/1915

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EAR



Fre

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[FO 43636/14]

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Mr. Bottomley 7/4

Mr.

Mr.

Sir G. Fiddes.

Sir H. Just.

Sir J. Anderson.

Lord Islington.

Mr. Harcourt.

for 780-10 March

PTA

The subject of the  
alleged ill treatment  
of Mr. Otto Markus,  
late Austro-Hungarian  
Vice-Consul at Bombay.

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FOR THE  
COMMISSIONER OF STATE