



Australian Government

Defence Honours & Awards Tribunal

**REPORT INTO RECOGNITION FOR FAR EAST PRISONERS OF WAR WHO
WERE KILLED WHILE ESCAPING**

April 2010

LETTER OF TRANSMISSION

Inquiry into Recognition for Far East Prisoners of War who were killed while escaping

The Hon Dr Mike Kelly AM MP
Parliamentary Secretary for Defence Support
Parliament House
Canberra ACT 2600

Dear Dr Kelly

I am pleased to present the report of the Defence Honours and Awards Tribunal on the Inquiry into recognition for Far East Prisoners of War who were killed while escaping.

The inquiry was conducted in accordance with the Terms of Reference. The panel of the Tribunal that conducted the inquiry arrived unanimously at the findings and recommendations set out in its report.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Mark Lax', with a stylized flourish at the end.

Air Commodore Mark Lax, CSM
Acting Chair
9 April 2010

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TERMS OF REFERENCE

On 24 June 2009, the Parliamentary Secretary for Defence Support, the Hon Dr Mike Kelly AM, MP, requested the Defence Honours and Awards Tribunal to inquire into and report on recognition for Far East prisoners of war who died while escaping from the Japanese during World War II.

The Terms of Reference for the inquiry read:

The Defence Honours and Awards Tribunal shall inquire into and report on recognition for Far East prisoners of war who died while escaping from the Japanese during World War II.

In particular the Tribunal is to:

- a. examine the Imperial recognition policy and practices extant during and immediately after World War II in respect of prisoners of war who died while escaping from Japanese detention;
- b. consider whether this policy and practice was considered by Australian authorities in respect of Far East prisoners of war and whether that policy and practice was recognised by the Commonwealth; and
- c. determine whether contemporary Australian recognition should be given to Far East prisoners of war who died while escaping from the Japanese and the form of that recognition if applicable.

The Tribunal is to examine relevant documentary evidence, and consider the nature and context of the service, in relation to the criteria for Australian and Imperial awards that existed at that time, in order to arrive at a fair and sustainable response to claims for recognition.

The Tribunal is to report to the Parliamentary Secretary for Defence Support on its findings in regard to the above and any recommendations that arise from the inquiry.

In making its findings and formulating its recommendations the Tribunal is required to maintain the integrity of the Australian honours and awards system and identify any consequential impact any finding or recommendation may have on that system.

The Tribunal is to determine its own procedures, in accordance with the general principles of procedural fairness, when conducting its inquiry as set out in these Terms of Reference. In this regard, the Tribunal may interview such persons as it considers appropriate and consider material provided to it that is relevant to these Terms of Reference.

This inquiry is to be held without a public call for submissions and the Tribunal will make recommendations to the Parliamentary Secretary regarding the public release of the report.

EXECUTIVE SUMMARY

1. The Defence Honours and Awards Tribunal was established administratively in July 2008. It inquires into, and in its present role makes recommendations to the Government on, matters referred to it by the Government relating to the granting of honours and awards to serving and former members of the Australian Defence Force (ADF). The Tribunal may also consider individual claims to medals that have been refused by the relevant awarding authority.

2. The Tribunal received a submission from Mr John Bradford of Adelaide, South Australia, seeking recognition for Far East Prisoners of War killed while trying to escape, or who were executed following recapture. Mr Bradford seeks the award of a Mentioned in Despatches (MID), or the contemporary equivalent, for those Australian World War II soldiers he has identified as eligible.

3. The MID is an Imperial Award the origins of which can be traced to the 18th Century, or possibly earlier. The MID is awarded by the Sovereign on the recommendation of the Service Chiefs or their delegate. For World War II veterans, the award is symbolised by the wearing of a stylised oak leaf worn on the ribbon of the War Medal 1939-1945.

4. When considering the eligibility criteria for the award of the MID, the Tribunal reviewed the basis on which the award had been created and the circumstances in which it has been awarded. It paid heed to the integrity of the Australian system of honours and awards and the consequential impact any finding or recommendation might have on that system.

The Tribunal's Findings

5. After considering all the material before it, including relevant official records, the criteria for the award of the MID and the material and oral evidence provided by Mr Bradford and the Department of Defence, the substantive findings of the Tribunal are as follows:

- The Australian government adopted the conditions and procedure for the award of a posthumous MID that had been accepted by the British Imperial Prisoners of War Committee;
- Australian Prisoners of War who were killed escaping from prison camps or who were executed following recapture were eligible for consideration for the posthumous MID if they were blameless for their capture and had made a determined effort to escape;
- Nineteen of the servicemen identified on the nominal roll prepared in 1945 and added to on 20 February 1946 were eligible for consideration for the posthumous MID, but only one serviceman was given the award as a result of being executed after recapture. (Two of the executed servicemen had been awarded a posthumous MID for other reasons.);
- The Commander-in-Chief did not consider the remaining servicemen on the nominal roll for the award of a posthumous MID;
- The Tribunal identified two servicemen, not included on the nominal roll who were executed after recapture, and who were eligible to be considered for the posthumous MID;

- The posthumous Commendation for Gallantry is equivalent to the posthumous MID; and
- The Tribunal concluded it was unlikely further Far East Prisoners of War would be identified as being eligible for the posthumous MID.

6. In these circumstances, the Tribunal considers that it is appropriate that the servicemen identified as having been executed during an escape or after recapture from a Prisoner of War Camp should be awarded retrospectively and posthumously the Commendation for Gallantry.

7. The Tribunal recognises that implementation of this recommendation may cause difficulties for Defence in identifying an appropriate recipient. Its second recommendation is directed towards this issue.

8. The Tribunal recognises the sensitive nature of some of the content of this report. However, it considers that the servicemen who were executed deserve public recognition for their heroic conduct. Accordingly, it is recommended that the report be publicly released.

RECOMMENDATIONS

9. The Tribunal makes the following recommendations:

Recommendation 1: The 20 men identified in the report at Appendix 2 Tables 1 and 2 be retrospectively and posthumously awarded the Commendation for Gallantry.

Recommendation 2:

- The Commendation for Gallantry should be presented to the family member in possession of the deceased's World War II medals.
- If the family is no longer in possession of the deceased's WWII medals, then the Commendation for Gallantry should be presented to the most entitled next of kin in accordance with current Defence policy on the posthumous issue of medals.
- Should a dispute arise over the application of the Defence policy, then the matter should be referred to the Tribunal for consideration and advice on who should be presented the award.

Recommendation 3: This report should be publicly released.

REPORT OF THE TRIBUNAL

Introduction

1. The Defence Honours and Award Tribunal ('the Tribunal') was established administratively in July 2008. It inquires into, and in its present role makes recommendations to the Government on, matters referred to it by the Government relating to the granting of honours and awards to serving and former members of the Australian Defence Force (ADF).
2. The Tribunal may consider individual claims to defence medals and awards that have been refused by the relevant awarding authority. It may also consider issues of principle relating to Defence service honours and awards.
3. The Tribunal received a submission from Mr John Bradford of Adelaide, South Australia, seeking recognition of Far East Prisoners of War ('FEPOWs') killed while trying to escape, or who were executed following recapture. Mr Bradford argued that the award of a Mentioned in Despatches (MID) or the contemporary equivalent award should be made to those Australian World War II soldiers he has identified as eligible. On a number of occasions from 2002 onwards, Mr Bradford had requested that the Department of Defence award the posthumous MID to the identified servicemen. The Department had rejected Mr Bradford's requests.
4. This inquiry was undertaken by the following members of the Tribunal:
Ms Christine Heazlewood (Presiding Member)
Air Commodore Mark Lax CSM (Retd) (Member).

Steps taken in the inquiry

5. Because of the sensitive nature of the subject matter, the Tribunal was directed in its Terms of Reference to conduct its inquiry without a public call for submissions. The Tribunal was also directed to make recommendations to the Parliamentary Secretary regarding the public release of the report.
6. The Tribunal commenced its inquiry on 24 June 2009. During its deliberations, the Tribunal considered written submissions from Mr Bradford, an email in support of Mr Bradford's submission from Major General W. Crews (Retd), President, Returned & Services League Australia, and a submission and records from the Department of Defence. The Tribunal also heard oral evidence from Mr Bradford on 27 October 2009.

Historical Background

7. Australia declared war on Japan on 9 December 1941. On 15 February 1942 Singapore fell and more than 15,000 members of the Australian Military Forces (the AMF) were captured by the Japanese forces. Altogether approximately 22,000 Australian servicemen were captured and detained in prisoner of war camps across South East Asia and in Japan after the fall of Malaya, Singapore, the Dutch East Indies and other nearby countries.
8. Camp Commanders made it clear to prisoners that if they attempted to escape from captivity they would be executed. A proclamation was posted in camps which stated, *Those who escape or plan to escape shall be shot dead and In case there is a fugitive, the guard as well as the officers to whom the fugitive belongs shall take the responsibility.* During the

period of their imprisonment a number of prisoners escaped or attempted to escape from the camps. Most of these prisoners were executed whilst escaping or after being recaptured.

9. The prisoners identified by Mr Bradford were Australian soldiers who he believed had either been killed while attempting to escape, or were executed by their Japanese captors after they had been recaptured. The Tribunal examined the files of these Australian soldiers.

10. Twenty-one of the servicemen on Mr Bradford's list were also listed on the nominal roll, the list of servicemen identified by the Military Secretary on 10 June 1945 and 20 February 1946 as being prisoners of war who were killed whilst attempting to escape or who were recaptured and executed. No RAAF or RAN members are included on the nominal roll or Mr Bradford's lists of affected persons.

Mentioned in Despatches Award

11. The award MID arose in the 18th century (or possibly earlier) when a detached commander in the British Army sent a report to London in a written despatch regarding the service of a deserving officer. The MID was given for gallantry or valuable service and could be awarded posthumously. The *mention* of the officer's name in the report would be published in the *London Gazette* to inform the public of the officer's bravery or merit. The other ranks were included in the award in 1843. In 1902 the MID was formally recognised as an award when it was decreed that the *mention* must be published in the *London Gazette*. In 1919 the award was certified by the King and in 1920 an emblem, the stylised oak leaf, was presented to the person to acknowledge the award.

12. Medals for service by Australians in World War II were Imperial awards. They were accordingly governed by rules determined by the Monarch on the advice of the British Government. In June 1946, following the end of the War, a United Kingdom committee known as the Committee on the Grant of Honours Decorations and Medals produced a document setting out the conditions for the award of War Medals and Campaign Stars. This Command document known as Command Paper 6833, determined the eligibility of Australian servicemen and women for awards. In Australia a paper titled *Summary of the Conditions of Award of the Campaign Stars, the Defence Medal and the War Medal* was issued under the authority of the Honourable John Dedman, MP, Minister of State for Defence, in December 1948 (the Dedman Paper). This paper set out the conditions for the award of medals, awards and emblems approved by the King in Command Paper 6833.

13. Both the Command Paper and the Dedman Paper referred to the MID, and provided that, *The single bronze oak leaf emblem signifying in the Forces and the Merchant Navy, either Mention in Despatches ... will if granted for service in the war of 1939-45, be worn on the ribbon of the War Medal.* Neither paper set out the conditions for the award of the MID.

The MID and Prisoners of War

14. In a British Army Order published on 5 May 1919 the Army Council decided that prisoners of war *may be considered appropriate* [for the award of the MID], *provided that no blame has been attached to the individual in respect of original capture –*

- a) *Exceptional service rendered by officers and soldiers, whilst prisoner of war or interned.*

- b) *Exceptionally gallant conduct and/or determination displayed by officers and soldiers in escaping or attempting to escape captivity.*

15. In October 1942, the British War Office Policy with respect to awards for prisoners of war was to reward those who showed *outstanding performance*. The Policy quoted the 1919 Army Order noting that prisoners of war would *be eligible for the same gallantry distinctions as are normally reserved for service under fire* and that the leader of a party that escaped should receive a higher award.

16. In November 1943 the Imperial Prisoners of War Committee decided *that prisoners of war belonging to the Royal Navy, Army and Royal Air Force who were killed while trying to escape shall be regarded as eligible for consideration for the award of a posthumous Mention in Despatches*. To ensure the application of a uniform system for dealing with all the Imperial Forces, the Committee suggested that the following procedure be adopted to determine eligibility:

- a. *The Directorate of Prisoners of War to collect information from all sources concerning all prisoners of war killed while attempting to escape.*
- b. *This information would be passed on in the case of Dominion ... personnel to the Dominion representative concerned ... for confirmation or for further information.*
- c. *The Directorate of Prisoners of War would then decide in the light of all the evidence available whether the escape should be considered as genuine and if it is considered genuine should submit the facts to the Honours and Awards Branch of the Service concerned or to the Dominions ... representative for consideration for an award. The decision whether or not a recommendation for an award should be made will be the sole discretion of the Honours and Awards Branch of the Service concerned or to the Dominions ...*

17. The decision of the committee was transmitted to the Australian Department of the Army on 24 November 1943, which then referred the matter to the Department of Defence on 31 January 1944 for consideration by the Defence Committee, noting *this matter has been brought to the notice of the Commander-in-Chief, Australian Military Forces, who has approved of the proposals*. A letter in reply (undated) to the Department of the Army acknowledged this advice and stated *effect should be given to this recommendation*.

18. On 16 February 1944 the Defence Committee noted the decision made by the Imperial Prisoners of War Committee and expressed the opinion *the same consideration should be given to prisoners of war belonging to the Royal Australian Navy, Australian Military Forces and Royal Australian Air Force who are killed while trying to escape*. On 21 February 1944 the Department of Defence cabled the Australian High Commission Office in London seeking advice from the War Office on the appropriate procedure to be adopted in relation to prisoners missing in the South-West Pacific Area. The reply was received on 19 March 1944. The Department was advised that all recommendations would be retained at the War Office and considered when the individual was repatriated or rejoined the Service. (At this stage the fate of the prisoners of war was unknown.)

19. On 7 March 1944 the Secretary of the Department of Defence wrote to the Department of the Army advising of the Defence Committee decision and noting that the procedure to be followed would be up to each Service Department. This correspondence was also copied to the Departments of Navy and Air. On 21 March 1944 the Secretary, Department of Army advised the Secretary, Prime Minister's Department, that the

Department of Army agreed with the decision of the Defence Committee with respect to members of the Australian Forces.

20. A cablegram of 25 March 1944 to the High Commissioner's Office from the Department of Defence and copied to the Prime Minister, Defence, Army, Navy and Air Force stated that the same consideration should be given to Australian prisoners as to British prisoners as set out in the Memorandum of 24 November 1943.

21. On 21 June 1945 a minute accompanying the nominal roll compiled for the Military Secretary noted that the roll was *for such action as is deemed fit for effecting the granting of posthumous MID awards to the deceased members named*. The circumstances of the deaths of a further four members were still under investigation; additional information certifying the circumstances of the deaths of three of these members was forwarded on 20 February 1946. Altogether there were 21 names on the nominal roll including the name of a member who had surrendered after escaping.

22. A memorandum dated 10 June 1945 from the Military Secretary to the Commander in Chief suggested that the MIDs should be made to the *former PsW (sic) who were in Japanese hands and were killed* (the nominal roll). Written on the memorandum was the word *Hold* and *25 July 45*.

23. A quota system existed for the award of the MID, being one award for every 250 persons in a six month period. This restriction did not apply in the case of POWs.

24. On 3 November 1950 the Minister for the Army wrote to a member of the public and advised him that *full consideration was given to all recommendations* for awards arising out of service during the World War II, and no further action would be taken. The Ministry of Defence (UK) advised the Australian High Commission on 3 October 1979 that there would be no further review of the awards made for the 1939-45 War. On 8 July 1983 the Governor-General stated that in 1952 King George VI had decided that after that date no further awards arising out of service during World War II would be made. In October 1992 the Prime Minister announced that the Queen was of the view that Australian citizens should be recognised exclusively by the Australian system of honours and awards. No further recommendations would be made for Imperial awards, including the MID. This decision was reaffirmed in 1996. A timeline of all considerations is at Appendix 1.

Prisoners of War - Europe

25. In Europe and the Middle East 8184 members of the AMF were captured by the German and Italian Forces and their allies and were detained as prisoners in various prisoner of war camps across Europe. Of these approximately 600 members escaped, although a majority of those (about 400) simply walked out when Italian guards abandoned their posts when Italy surrendered to the Allies on 8 September 1943. It would appear that approximately ten to 15 prisoners were killed escaping or after recapture. For the most part Germany complied with the Geneva Convention, and escaped prisoners were not shot as a matter of course if they were recaptured. The exception to this was the escape from Sagan Prisoner of War camp now known as 'The Great Escape' where 50 recaptured prisoners were executed by the Gestapo on Hitler's orders. The RAF Air Historical Branch confirmed the number executed and advised 'it [the award of the MID] was applied en masse to the Sagan escapers because of the extraordinary circumstances of the case.'

26. At least 63 Australian escaped prisoners were awarded the MID and 32 received a higher award. (The Tribunal notes that it is not now possible in every case to identify the reason why an MID was awarded. In some cases it may have been for reasons other than the person's escape from a prison camp.)

Prisoners of War - Japan

27. In the Far East approximately 22,000 members of the AMF were captured by the Japanese Forces. The deaths of 22 members of the AMF were investigated in 1945 and 1946. Twenty one of these members were identified on the nominal roll as having been killed attempting to escape or executed after they were recaptured. Up to another 30 members may have escaped from camps. Many of these escapees were killed or died in the jungle. Actual numbers are difficult to ascertain from the official records. The deaths of the 21 members identified on the nominal roll were investigated at the time and the circumstances of their deaths recorded in their files. Of the 21 members identified in the nominal roll, three members were posthumously mentioned in despatches, and one member surrendered and was subsequently executed. The file of another member was amended after the War. The nominal roll showed that he had been killed after he had been recaptured. The amendment to the file stated that he had surrendered and then been executed. None of the remaining 16 members who escaped and were subsequently executed were awarded decorations.

The submissions

28. Mr Bradford sought to have Australian Prisoners of War of the Japanese who were executed while trying to escape or following recapture fully recognised with the award of a posthumous MID. According to Mr Bradford, a total of 23 Australian FEPOW had been identified as falling into this category. Four members were subsequently awarded an MID and one member was not eligible. Twenty-two of these names were the same as those whose circumstances had been investigated for inclusion on the nominal roll. During the hearing Mr Bradford submitted that a further three members should also be considered. Two of the names included on Mr Bradford's list referred to the same member.

29. Mr Bradford conceded that there was no 'automatic' entitlement to the MID, but that each case should have been dealt with on its merits. He concluded that the authorities in Australia did not apply the agreed policy to the members he had identified who were executed by the Japanese.

30. Further, Mr Bradford claimed that there is substantial evidence to suggest the policy of awarding MIDs to such prisoners was widely implemented in the European Theatre. He used the example of the 'Great Escape' from Sagan as evidence of the policy. In that incident, 76 men escaped through a tunnel and all but three were recaptured. Fifty men including five Australians were later executed. The five Australians killed were awarded the MID.

31. According to Mr Bradford, of the 63 known Prisoners of War in Europe who were executed while trying to escape, 62 (including 15 Australians) received the MID. For the Far East, of the 43 known instances, 16 (including one Australian) received the MID. The percentages are 98% and 37% respectively. These figures refer to all Allied Prisoners of War, not just members of the AMF.

32. Mr Bradford requested retrospective awards for the Australian FEPOWs who were killed while attempting to escape, as he believes a great injustice has been done. He concedes

the Imperial award of MID is no longer available and has suggested that an Australian award, the Medal of Gallantry, would be appropriate.

33. The Department of Defence does not support recognition for prisoners of war who died or were killed while escaping from captivity during World War II, beyond the individual awards made at the time with the benefit of contemporary knowledge and standards. Defence further contends that even if there were new evidence, the decisions made at the time would need to stand. The decision of the King in 1952 and the introduction of the Australian system of honours and awards mean that it is no longer possible to award the MID to the persons identified by Mr Bradford.

Australian Prisoners of War - eligibility for the MID

34. In 1919 the British Army Council decided that prisoners of war may be considered for the MID if they were not to blame for their capture, and either they rendered exceptional service while a prisoner, or they displayed exceptionally gallant conduct or determination when escaping or attempting to escape. This policy was reiterated in 1942 and defined further in November 1943 by the British Imperial Prisoners of War Committee. Prisoners of war belonging to British Forces who were killed while trying to escape would be eligible for consideration of the posthumous MID. The procedure adopted when considering whether the MID should be awarded was:

- Collect information about the escape attempt;
- Determine whether the escape attempt was genuine; and
- If the escape was genuine, decide whether the MID should be given in the particular case.

35. This policy and procedure was adopted by the Australian Defence Committee on 16 February 1944 and a copy of the decision was provided to the Prime Minister's Department and the Departments of the Army, Navy and Air Force.

36. The Tribunal is satisfied that in 1944 the Australian Government adopted the policy and procedures developed by the British Committee. Australian prisoners of war who were killed attempting to escape or who were executed after being recaptured were eligible to be considered for the MID. To be awarded the MID, the Commander-in-Chief had to determine if each serviceman should be granted the award. The Cablegram from the Prime Minister's Department of 20 March 1944 stated that a person would have to be blameless for their capture and show the requisite standards of gallantry.

37. On 10 June 1945 the Military Secretary of the AMF forwarded the names of 18 members to the Commander-in-Chief (the nominal roll) together with a Minute Paper noting that the circumstances of a further four members were still being investigated. In the Minute Paper it was suggested that the posthumous MID should be made to the servicemen identified on the nominal roll. The deaths of these men had been investigated and it had been established that 17 of them had either been killed escaping from captivity or executed after recapture. One serviceman was executed after surrendering. On 20 February 1946 a further three servicemen were certified as having been killed escaping or following recapture. Following a court of inquiry in December 1945 it was established that another member identified on the roll had surrendered and then been shot. That is, 19 members were eligible to be considered for the award of the MID.

38. Three of those 19 men were subsequently awarded an MID; NX12243 Major A. Mull, VX31946, Sergeant C.E. Danaher and VX63100 Corporal R.E. Breavington. The awards to Major Mull and Sergeant Danaher were promulgated in the *London Gazette* on 1 August 1946; however no citations are available stating why the award was made. Private Breavington's award for *services rendered while POW in Japanese hands*, was promulgated on 6 March 1947. The only further relevant information the Tribunal could locate, was a copy of the Minute Paper of 10 June 1945 regarding consideration of the nominal roll members on which it had been written *Hold* and the date *25 July 45*.

39. The documents establish that 19 of the servicemen identified in the nominal roll were entitled to be considered for the award of the MID.¹ Of these, it can be said for certain that only Corporal Breavington was awarded the MID as a result of his execution. The documents do not reveal whether the discretion to award the MID was ever exercised in relation to the remaining 18 men.

40. Defence argued that all men on the nominal roll had been considered for the MID, and the decision had been made to award the MID to only three men. The Commander-in-Chief had made the decision based on the contemporaneous evidence and values. After 65 years the Tribunal could not be expected to know the evidence and apply those same values.

41. The first issue for the Tribunal is whether a decision was ever made in relation to the remaining 18 men on the nominal roll. The note on the Minute Paper indicated that on 25 July 1945 it had been decided to refrain from making a decision at that time. In 1947 a decision to award an MID was made in relation to Corporal Breavington. It was impossible to determine from the documents if a decision was made in relation to the other men on the nominal roll in 1946 or later.

42. The evidence in support of a decision having been made in relation to all men on the nominal roll is that at least one man was awarded the MID in 1947 because he had been executed after escaping. That is, at some stage after the war, the names on the nominal roll were considered for the award of the MID and on the evidence available at the time, it was considered that one of those identified was worthy of receiving the award.

43. The evidence against the decision having been made in relation to the other men identified on the nominal roll, is that Corporal Breavington escaped with another prisoner. The same circumstances applied to both men involved in the escape and their recapture and execution. Nothing in the record shows that the escape of Corporal Breavington was more determined or his actions more exceptionally gallant than the man who escaped with him. The information contained on the nominal roll and in the individual files, explain that the circumstances of the escape and recapture of 18 of the 19 servicemen not awarded the MID were determined and exceptionally gallant. For example, it is recorded that the circumstances of Private A.J. Bell's execution *showed extreme bravery*.

44. It has been suggested that Major A. Mull and Sergeant C.E. Danaher were awarded MIDs because of their escape and execution. Major Mull was shot by Burmese police after escaping; Sergeant Danaher escaped with seven other prisoners (referred to in the correspondence as the Tavoy Eight), all of whom were executed following recapture. However, it seems to the Tribunal that it is more probable that the awards of the MID to

¹ Two members were not eligible because they had surrendered.

Major Mull and Sergeant Danaher were because of their bravery *before* they were captured. The file of Sergeant Danaher reveals that he gave gallant and distinguished service in Malaya in 1942 before his capture. It also states that he was awarded a 'live' MID. Similarly Major Mull's file reveals that he was awarded a 'live' MID. This means that only Corporal Breavington received the posthumous MID because of his escape. His file contains an eye witness account of the execution of both Corporal Breavington and Private Gale but there is no indication on the file of why he was awarded the MID and not Private Gale. It would appear that of the 19 men on the roll who were certified eligible for the posthumous MID, only Corporal Breavington was given the award for being executed following an escape attempt.

45. By contrast, in Europe and the Middle East, approximately 200 Australian prisoners genuinely escaped from camps, and approximately ten to 15 of these were killed escaping or executed after capture. At least 95 Australian prisoners of war were given the MID or a higher award.

46. In the absence of any evidence of a decision being taken in relation to the servicemen named on the nominal roll, the Tribunal concludes that, following the decision on 25 July 1945 to refrain from making a decision, the eligibility of those servicemen for the award of a posthumous MID was subsequently overlooked. In these circumstances, it is appropriate that the Tribunal consider their eligibility for recognition based on the evidence that is available.

47. Their escapes were genuine and determined, they probably knew they faced death if they attempted to escape, the recapture of 18 of the servicemen was blameless and they showed exceptional bravery when they were executed. They were all deserving of the honour of being awarded the posthumous MID.

48. Mr Bradford's list included Private W.F. Schubert NX2567 and Gunner A. Cleary VX52128. The file of Private Schubert recorded that he had 'died POW, shot attempting to escape on or after 15/6/42'. The file of Gunner Cleary noted that he had been murdered by a Japanese officer. The War Memorial records state that Gunner Cleary had escaped, was recaptured and died after being subjected to cruel treatment by his captors. The Tribunal determined that Private Schubert and Gunner Cleary were also deserving of the honour of being awarded the posthumous MID.

Award of the posthumous MID

49. Prisoners of war were eligible for consideration for the posthumous MID if they were blameless for their capture, they showed determination when they escaped and they showed exceptional gallantry during their capture and execution. The Department of Defence argued that the 21 servicemen identified in the nominal roll had been considered for the MID based on the best evidence available in 1945 and 1946 and the values of that time. The circumstances of the death of each of the men has been recorded in the contemporaneous records and in their individual files and certified as accurate. The Tribunal has been able to access that information and determine how each man died (Appendix 2). The values in 1945 are those set out in the eligibility criteria for the posthumous MID adopted by the Australian government and these are the values applied by the Tribunal.

50. The Tribunal finds that 20² of the servicemen identified by Mr Bradford are eligible for consideration for posthumous MIDs and the Tribunal concludes that they meet the conditions for the award because of their exceptional bravery.

Changes to the Australian Awards System

51. In 1952, King George VI decided that no further awards would be made for service arising out of the Second World War. However, medals continued to be awarded after that time because of the particular circumstances in each case. In 1975 Australia introduced its own honours and awards system and in 1992, Queen Elizabeth II decided that no further Imperial awards would be given to Australian servicemen and women. Mr Bradford accepted that no further Imperial awards would be made and submitted that it would be appropriate to award the Medal of Gallantry to the next of kin of the executed servicemen. The Tribunal notes that the equivalent award in the Australian honours and awards system to the MID is the Commendation for Gallantry and it can also be awarded posthumously. The Commendation for Gallantry is awarded to military personnel for acts of gallantry in action considered worthy of recognition. The criteria are similar to the conditions for the award of the MID and would be an appropriate award for these servicemen.

The Tribunal's Findings

52. After considering all the material before it, including relevant official records, the criteria for the award of the MID and the material and oral evidence provided by Mr Bradford and the Department of Defence, the substantive findings of the Tribunal are as follows:

- The Australian government adopted the conditions and procedure for the award of a posthumous MID that had been accepted by the British Imperial Prisoners of War Committee;
- Australian Prisoners of War who were killed escaping from prison camps or who were executed following recapture were eligible for consideration for the posthumous MID if they were blameless for their capture and had made a determined effort to escape;
- Nineteen of the servicemen identified on the nominal roll prepared in 1945 and added to on 20 February 1946 were eligible for consideration for the posthumous MID, but only one serviceman was given the award as a result of being executed after recapture. (Two of the executed servicemen had been awarded a posthumous MID for other reasons.);
- The Commander in Chief did not consider the remaining servicemen on the nominal roll for the award of a posthumous MID;
- The Tribunal identified two serviceman, not included on the nominal roll who were executed after recapture, and who were eligible to be considered for the posthumous MID;
- The posthumous Commendation for Gallantry is equivalent to the posthumous MID; and
- The Tribunal concluded it was unlikely further Far East Prisoners of War would be identified as being eligible for the posthumous MID.

² The 18 members on the nominal roll plus the two members identified by Mr Bradford

53. In these circumstances, the Tribunal considers that it is appropriate that the servicemen identified as having been executed during an escape or following recapture from a Prisoner of War Camp should be awarded retrospectively and posthumously the Commendation for Gallantry.

54. The Tribunal recognises that implementation of this recommendation may cause difficulties for Defence in identifying an appropriate recipient. Its second recommendation is directed towards this issue.

55. The Terms of Reference require the Tribunal to make recommendations to the Parliamentary Secretary regarding the public release of the report. The Tribunal recognises the sensitive nature of some of the content of this report. However, it considers that the servicemen who were executed deserve public recognition for their heroic conduct. Accordingly, it is recommended that the report be publicly released.

RECOMMENDATIONS

56. The Tribunal makes the following recommendations:

Recommendation 1: The 20 men identified in the report at Appendix 2 Tables 1 and 2 be retrospectively and posthumously awarded the Commendation for Gallantry.

Recommendation 2:

- The Commendation for Gallantry should be presented to the family member in possession of the deceased's World War II medals.
- If the family is no longer in possession of the deceased's WWII medals, then the Commendation for Gallantry should be presented to the most entitled next of kin in accordance with current Defence policy on the posthumous issue of medals.
- Should a dispute arise over the application of the Defence policy, then the matter should be referred to the Tribunal for consideration and advice on who should be presented the award.

Recommendation 3: This report should be publicly released.

APPENDICES

Appendix 1 - Timeline

5 May 1919 - Army Order policy in regards to attempted escaped POWs 'will be eligible for gallantry decorations as are normally reserved for service under fire.'

October 1942 - War Office Policy on awards for escaped prisoners of war.

10 November 1943 – Memo from Directorate of POWs regarding recognition of POWs to be passed to the Dominions. POWs are 'eligible for consideration ...'.

24 November 1943 – High Commissioner's office to Secretary of the Dept of Army in Australia through PMs Dept - re recognition of POWs as 'eligible for consideration' for the award of posthumous MID.

31 January 1944 - Memorandum to Secretary, Department of Defence noting that the Commander in Chief had approved the Memo of November 1943.

12 February 1944 – British Memo to the Australian Defence Committee for consideration of posthumous awards for POWs killed while trying to escape.

15 February 1944 – Minute regarding Australian Defence Committee recommending approval.

16 February 1944 – Australian Defence Committee consideration of British policy was agreed and would be adopted.

21 February 1944 – Cablegram to High Commission London seeking advice on procedure.

7 March 1944 – Memorandum from Department of Defence to Departments Army, Navy and Air that escaped prisoners of war who had been killed would be eligible for consideration for the MID.

19 March 1944 – PM Department to Australian High Commissioner in London. The Department was advised that all recommendations would be retained at the War Office and considered when the individual was repatriated or rejoined.

20 March 1944 - Cablegram from Prime Minister's Department to the High Commission London setting out the requirements for the MID.

21 March 1944 – Secretary of the Dept Army to Secretary PM's Dept quoting Memo 13531 of 24 Nov 1943 that Australia will adopt the same policy.

10 June 1945 – Minute from the Military Secretary to Commander in Chief, further MID consideration and enclosing the nominal roll *Deceased P.W. Escapees*, regarding 18 men's escape and execution.

21 June 1945 – The nominal roll of 10 June 1945 certified correct.

25 July 1945 – The Minute of 10 June 1945 was placed 'on hold'.

20 February 1946 – Three further men's escape and execution certified as correct.

3 November 1950 – Letter from the Minister of the Army to a member of the public regarding no further action to be taken with respect to review of 1939-1945 awards.

1952 – His Majesty King George VI announced there would be no further consideration of awards made for the war of 1939-1945. This decision was reiterated by the Sovereign in 1965, 1983 and finally, in 1992.

3 October 1979 – British Ministry of Defence letter to the Australian Defence Staff, London. No further review of awards for the 1939-1945 War to be undertaken.

8 July 1983 – Governor-General to Department of the Special Minister of State. No further awards for WW II service post the King's 1952 decision to be considered.

5 October 1992 – Prime Minister Keating announces that Her Majesty Queen Elizabeth II is of the view that Australians should be recognised 'exclusively by the Australian system of honours'. Consideration of further British or Imperial awards therefore ceased.

Appendix 2 - Members Considered by the Tribunal

Table 1 –Members who were executed during escape or following recapture: Mr Bradford’s list plus Private J. Bell

Name, Rank	Number	Date Caught	Date Executed	Execution Location and Remarks
Bell, Pte Alexander John	VX73838	?	16 Mar 43	Thambyujayat, Burma
Bell, Sgt Joseph Kenneth	VX34637	?	16 Sep 42	Kuala Lumpur
Bell, Pte Joseph	VX50944 and VX18156	?	18 Jun 42	Malaya
Cleary, Gnr Albert Neil also Cleary, Gnr Albert Neale	VX52128	?	20 Mar 45	Ranau, Borneo
Cumming, Gnr Thomas Stephen	VX31670	?	6 Jun 42	Tavoy, Burma
Davies, WO II Leslie George	NX66447	?	22 Mar 42	Sumatra
Dickinson, Gnr Keith Johnson	VX57167	?	2 Mar 43	Thambyujayat, Burma
Emmett, L/Bdr Aubrey Alfred	VX38444	?	6 Jun 42	Tavoy, Burma
Gale Pte Victor Lawrence	VX62289	?	2 Sep 42	Changi
Glover Gnr Alan William	VX57043	?	6 Jun 42	Tavoy, Burma
Harvey, Sig Howard Frederick	NX49419	?	11 May 43	Sandakan. Betrayed by natives and executed
Jones, L/Bdr Arthur Henry	VX46835	?	6 Jun 42	Tavoy, Burma
Jones, Sgt Caryle Benjamin	NX45920	16 Feb 42	22 March 42	Djambi Camp Sumatra recaptured and executed
Mackay, Sig Theodore Rutland Brydon Also known as McKenzie, Pte Daniel Seaforth	QX15656	?	11 May 43	Sandakan Betrayed by natives and executed * Claimant lists McKenzie as initials D.F.
Quittenton, WOII Matthew Wallace	VX45344	16 Feb 42	6 Jun 42	Tavoy, Burma
Reeve, Gnr Arthur	VX27292	Feb 42	6 Jun 42	Tavoy, Burma
Schuberth, Pte William Forges Also known as Schuberth, Pte William Forbes	NX2567	?	30 Jul 42	Malaya
Wilson, Gnr James Alexander Thomas	VX47903	16 Feb 42	6 Jun 42	Tavoy, Burma

18 names

Table 2 – Members executed after recapture who received the MID but for other action

Danaher, SGT Clifford Edmund	VX31946	16 Feb 42	6 Jun 42	Tavoy, Burma 'live' MID, 30 Aug 46
Mull, Maj. Alan	NX12243	16 Feb 42	10 Mar 43	Thambyujayat, Burma 'live' MID, 9 May 46

2 names

Table 3 – Members who received the MID executed after recapture

Breavington, Cpl, Rodney Edward	VX63100	16 Feb 42	2 Sep 42	Changi Posthumous MID, 1947
Hatfield, Pte Eric Edward	NX37426	?	6 Dec 43	Posthumous MID on 17 Mar 47 – ‘for outstanding service as a POW in Europe’ Note: this is not correct – Most likely awarded the MID because he was executed by the Japanese in attempting to escape.

2 names

Table 4 – Members on Mr Bradford’s list who do not qualify

Crease, Gnr Wally Also known as Crease, Walter Gardner	NX38584	?	12 Mar 45 or 14 Mar 45	Borneo No mention of execution Died of disease - Malaria
Goulden Pte Robert S.	NX10420	16 Feb 42	1 Jun 42 or 12 Jul 42	Victoria Point, Burma Not recommended at the time His file says a court of inquiry found witnesses to his shooting without trial after he surrendered
McLachlan, L/Bdr Kenneth Donald	NX54192	22 Jan 42	22 Jan 42	Malaya Not a POW No mention of execution
Whitfield, Pte George Herman	NX69005	?	14 Dec 42	Burma Not recommended at the time

4 names

Note

There remain some discrepancies with dates and explanations of cause of death between the personal file, the AWM Roll of Honour and the DVA Nominal Roll of WWII

Appendix 3 - Written Sources Consulted by the Tribunal

Archival Sources

Australian War Memorial

AWM54 781/ 6/6 [Prisoner 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

AWM119 122 Posthumous MIDs [Mention-in-Despatches] for PsW [Prisoners of War] killed whilst attempting to escape [Gnr A Reeve; WOII M W Quittenton; Gnr J A T Wilson; L/Bdr A H Jones; L/Sgt A W Glover; Sgt C E Danaher; L/Sgt T S Cumming; L/Bdr A A Emmett; Gnr K J Dickinson; Pte A J Bell; Capt A Mull; Pte R S Goulden; Pte G H Whitfield; Pte D S McKenzie; Sig H F Harvey; Pte R E Breavington; Pte V L Gale; Pte J Bell; also refers to possible awards to WOII L G Davies; Sgt J K Bell; Sgt C B Jones; L/Bdr K D McLachlan]

AWM119 185 Honours and Awards Ex Prisoners-of-War Europe - BEM [British Empire Medal], MM [Military Medal] and MID [Mentioned in Despatches Pte H P Lennard]

AWM54 781/6/7 Prisoner of War Statements - Interrogation reports of escaped Prisoners of War by Allied Interrogation Service, CMF 1944

National Archives of Australia

B883 VX73838 Bell Alexander John

B883 VX34637 Bell, Joseph Kenneth

B883 VX50944 Bell, Joseph

B883 VX63100 Breavington, Rodney Edward

B883 VX52128 Cleary, Albert Neale

B883 NX38584 Crease, Wally

B883 VX31670 Cumming, Thomas Stephen

B883 VX31946 Danaher, Clifford Edmond

B883 NX66447 Davies, Leslie George

B883 VX57167 Dickinson, Keith Johnson

B883 VX38444 Emmett, Aubrey Alfred

B883 VX62289 Gale, Victor Lawrence

B883 VX57043 Glover, Alan William

B883 NX10420 Goulden, Robert Stuart

B883 NX49419 Harvey, Howard Fredrick

B883 NX37426 Hatfield, Eric Edward

B883 VX46835 Jones, Arthur Henry

B883 NX45920 Jones, Carlyle Benjamin

B883 QX15656 Mackay, Theodore Rutland Brydon

B883 NX54192 McLachlan, Kenneth Donald

B883 NX12243 Mull, Alan

B883 VX45344 Quittenton, Matthew Lawrence

B883 VX27292 Reeve, Arthur

B883 NX2567 Schubert, William Forbes

B883 NX69005 Whitfield, George Herman

B883 VX47903 Wilson, James Alexander Thomas

B3856 144/14/65 Correspondence concerning Cpl R E Breavington VX63100 and
Pte V L Gale VX62289

A816 66/301/60 Posthumous awards for prisoners of war killed while attempting to escape

A5799 26/1944 Posthumous awards for prisoners of war killed while trying to escape

A2031 53/1944 Posthumous awards for prisoners of war killed while trying to escape :
Agendum Number - 26/1944 : Date of meeting - 16 February 1944

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Harrison, C. *Ambon, Island of Mist*, self published, Geelong, 1988

Nelson, H. *Prisoners of War: Australians under Nippon*, Australian Broadcasting Commission, Sydney, 1985

Smith, N. Lt Col *Tid Apa, the history of the 4th anti-tank regiment*, Military History Research & Publications, Gardenvale, 1992

Wigmore, L. *The Japanese thrust, Australia in the war of 1939-45*, Australian War Memorial, Canberra, 1968

Other published sources

Supplement to the London Gazette 9 May 1944

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Supplement to the London Gazette 9 October 1945.

Supplement to the London Gazette 18 October 1945

Supplement to the London Gazette 31 January 1946

Supplement to the London Gazette 13 September 1946

A Matter of Honour, the Report of the Review of Australian Honours and Awards, 1995

Report of the Committee of Inquiry into Defence Awards, 1993/4

The Canberra Times, article on Japanese war crime trials, 6 June 1950

The Canberra Times, article on Japanese war crime trials, 16 June 1950

The Canberra Times, article on Japanese war crime trials, 20 June 1950

Internet sources

An account of the execution of the Tavoy eight by Alan Brown

http://www.cofepow.org.uk/pages/stories_kwai_bridge.htm

Australian War Memorial account of Australian prisoners of war in WWII

<http://www.awm.gov.au/exhibitions/stolenyears/index.asp>