July 17, 1910

HOW SAVARKAR HAD BEEN DELIVERED

A DOUBLE VIOLATION WAS COMMITTED --- THE RETURN OF THE EXTRADITED PERSON IS REQUIRED.

Last night we received from Marseilles, the following telegram from citizen Cadenat, MP and Deputy Mayor of Marseille:

Marseille, July 16.

The Hindu Savarkar was taking a shower in his cabin. The porthole being open, he plunged into the harbor. The English detectives shouted "Stop thief!" as Savarkar swam to the dock.

There, a sergeant of the maritime police stopped him and handed him over to the detectives, when he should have handed him over to the special commissioner of the port.

We do not need to belabor the crucial importance of the telegram so eloquent in its brevity. It fully confirms our initial information and further aggravates the facts that we were the first to denounce.

From the very specific findings made by Cadenat, it emerges, in effect, that the unfortunate Savarkar was handed over to his jailers only at the cost of a double irregularity, a double illegality.

First one, the English spies have falsely denounced him as a thief---This was a despicable lie, which only ended in the arrest of the young revolutionary. This is the first irregularity which vitiates the extradition principally.

Then, a second error was committed by the sergeant of the maritime police, Marseille, who handed over Savarkar to the English police, when he should have taken him to the special commissioner of the port.

Faced with this twofold violation of Law and legal procedures, undoubtedly a single action is essential: the English authorities should be put on notice to bring on Savarkar French soil.
The Savarkar Case

and Opinion

A significant article of the "Temps" – A call upon the Government.

The protest, in favor of the young Hindu, revolutionary writer, Savarkar, that originally we alone, among all the press were making, is now being significantly echoed.

Thus the Temps, which initially had simply reproduced a cynical note of some bureaucrat of the Beauvau set, yesterday, gave information of a different character, in which it very explicitly recognizes the merits of our claims for Savarkar.

The great evening newspaper wrote, in effect: "The Right of Asylum has been violated by the French police, who, no doubt, unfamiliar with these issues (sic) seeing a fugitive, have simply given him up to his pursuers".

The Temps apparently ignores the critical results of the investigation conducted by our friend Cadenat, who established, as we know, that the Marseilles police were first deceived by the English detectives who falsely presented Savarkar to them as a "thief"; nonetheless, they then committed a definite mistake by not taking Savarkar before the special commissioner of the port. The excuse that they "would not be aware of these issues" cannot therefore in any degree justify the violation by them of their own administrative requirements.

With this reservation, the fact remains that the Temps is in agreement with in finding that a violation of the Right of Asylum has been committed. And this is of importance, above all.

Jean Longuet.
The Liberte of yesterday published the following important information:

As a result of the administrative inquiry ordered in the arrest, in Marseille, of the Hindu Savarkar, a political prisoner escaped from a British ship, the French government has just sent a note to the Foreign Office, claiming Savarkar's release or surrender to the French authorities.

So far the British agents have seemed to consider the arrest of Savarkar—made by our police in the port of Marseille—as possibly illegal in principle, but not requiring them to bear any consequences of this illegality.

But, by law, Savarkar could not be arrested or pursued on French territory. By the error made by the police regarding his status as a political prisoner he was apprehended and handed over to English agents.

It is appropriate to note that in similar cases, the British government always demands territorial respect and we have a right to expect that, in all the reservations about the role and personality of Savarkar, the Foreign Office will welcome the protest made in principle by the French government.
July 21, 1910

THE DEFENCE OF THE RIGHT OF ASYLUM

THE "TIMES" AND THE SAVARKAR CASE

THE SOPHISTRY OF THE CONSERVATIVE ENGLISH NEWSPAPER

As expected, the conservative English press and in particular the Times, argue an ineligible estoppel for claims we have made in favor of Savarkar. The great reactionary newspaper of the City, begins first of all, by firing off a great argument that the campaign for the young Hindu writer is a "socialist agitation."

It is true that we were the first to put the question before the public, that our friends Jaurès and Cadenat took the first and decisive steps. But the Times will be hard put it to establish to the English public, that the point of view currently defended in our country by the Temps, the Matin, the Journal, the Liberté, the patrie, and the Libre Parole, is a specifically socialist perspective.

The Imperial Power claims to take advantage of this particular argument that Savarkar, "British subject", is currently in the hands of British authorities. But this argument is of no value in the face of clear regulations of public international law, the interpretation cannot, in this case, be of any doubt.

Yes or no, Savarkar, political offender, was on French soil when the police handed him over to British authorities? That is the question.

To this the Times replies that the irregularity committed—upon which is based the note by the French government—was committed by, not a British subject, but a French official.

This is another way, completely inaccurate and misleading, of interpreting the facts: the irregularity committed by the French maritime police has its origin in an irregular prior act, a gross deception perpetrated by the English detective from Scotland Yard and his two auxiliary Hindu police. All three uttered, indeed, the cries of "Stop thief!"

And because they had so abused the good faith of the French policeman that he arrested Savarkar and handed him to them - forgetting in his zeal of catching the alleged robber that he was required to first take him to the Commissioner of the port.

We are confident that the Liberal government of Mr. Asquith, inspired as it is by the glorious memory of Glaston, imbued with all the historical tradition of his party and Liberal England, the great protector of the Right of Asylum, will certainly refuse to follow the reactionary suggestions.

Jean Longuet
The SAVARKAR CASE

And the British government

The Diplomatic phase---The crux of the matter

The Savarkar case has definitely entered the diplomatic phase. All suggests that it will not run on eternally and will soon be resolved with the only solution that complies with the incontrovertible rules of international law issues.

Night before last the question was put to Sir Edward Grey in the House of Commons by the Liberal MP, Ward and our friend Keir Hardie. Both members confined themselves to asking the head of the Foreign Office if it was true that he was hearing the case of the French government and what attitude he would take in respect of Savarkar. Sir Edward Grey, cloaked in diplomatic reserve did not vouchsafe any definite opinion. However, one trusts that the Liberal British government will refuse to accept the untenable hypothesis of the Times and other conservative newspapers.

Besides, the quasi-official "news" that the Havas agency received from London indicates that the French ambassador, M. Cambon, has full confidence in the outcome of his contacts with the Foreign Office.

(contd on next page)
Here is the text in extenso:

Conversations about Savarkar are ongoing between the French government and the British government. It is above all now, better to clearly identify the points apart.

Soon as they are properly established, the question will enter the field of international jurisprudence, and will focus likely on two points:

Did the British ship carrying political prisoners have a right to enter French territorial waters and in a French port without giving advance notice officially to the French government?

Secondly, was not Savarkar immediately covered by the asylum upon gaining French soil?

There is no doubt that these two points are resolved in favor of the French contention.

When the time comes England, time and again, proclaims the Right of Asylum; it has always been the world champion, the most energetic defender. The preceding set by it are many.

In view of the facts it is impossible to argue that the error of the policeman, who arrested Savarkar and brought him on the English ship, could change the legal point of view of the case. The policeman could hardly do otherwise, given the circumstances.

Indeed, it must be remembered that both, the British and the French government, have signed an agreement under which any deserter from a British ship in a French port, is brought back by the French authorities on the ship which he escaped from. And reciprocally, any deserter from a French ship in an English port is given by the English authorities back to the French ship.

The French government was not officially notified that there were political prisoners on board the Morea; the policeman who saw Savarkar land assumed more easily, as we know, that he was a deserter from the ship—what is the exact version is of little import! In either case, the French authorities were deceived about the real status of the "offender".

And this deception of the person, this "fraudulent tactic" alone would be sufficient to vitiate the summary extradition of Savarkar who was a victim of it, and require his return to France.

Jean Longuet
England must return Savarkar

FRENCH OPINION IS UNANIMOUS

The Journal des débats—not accused of being a socialist by the Times—joining the French newspapers that support the principles of international law, has called out for the return of Savarkar to France. Here is the passage, primary and categorical, from this article:

"It is obvious, that the error once discovered, the English authorities should not retain their captive. Savarkar cannot not stay, for the present, in their hands even assuming the offense for which he was prosecuted is provided for in the existing treaties between England and France, because the formalities of the extradition cannot be substituted by the summary arrest and surrender as practised in Marseilles. But, how very much more reason there is, when the detainee is a political prisoner. Based on the information given this morning by one of our colleagues, Savarkar would be the subject of proceedings against him on account of speeches, and writings published in London; the British authorities have decided to have him tried in India and it was during his transfer from London to Bombay that he had managed to escape. If our information is accurate, he should certainly be brought back to France and stay free. If he had fled British territory, to travel to our country and had set foot in Calais, Boulogne or any other point of our routes, any extradition request against him was inadmissible. Therefore, Britain clearly cannot take advantage of the blunder that was committed by one of our agents. She could not do so, even if this awkwardness was not caused by her own nationals. It can do even less if, as we are assured, the Constable of Marseilles has been misled by the cries of the crew of the Morea.

It is self-evident, and England will have to visit the representations so courteously made."
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<td><strong>The Right of Asylum</strong> The principal liberal English newspaper speaks for our theory</td>
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We had, early in the Savarkar case, expressed the hope that the English Liberal Party, faithful to all its traditions, would join forces with us to enforce—even in the case of an implacable enemy of the English power—the Right of Asylum they have always championed.

We see now with satisfaction, that the Daily News, the liberal daily very prominent in London, speaks out strongly in favor of the theory that we have advocated here. It says in part: "We cannot doubt the illegality of the act of the French police, who delivered the refugee Savarkar without a warrant. When he gained the French territory, he came under the protection of the extradition treaty between this country and France. He could not be taken from there, other than under the procedure stipulated in the Treaty and with the restrictions contained therein."

And the Daily News renders cheap the miserable argument of The Times that claims "the British government could not be held liable for error of a French policeman". It shows that the error and illegality of the latter "would have been impossible without the involvement of British officials."

And the liberal newspaper ends by showing that if England did not today respect Savarkar's Right of Asylum, it would be unable to assure in the future such respect in the case of a Garibaldi or of Kossuth.

Jean Longuet
In defiance of the representations of France, the English judges determine to try the fugitive
Strange news are coming from India and we are really to ask ourselves what the effect has been, so far, of the representations formally announced by the French government in respect of the individual, Savarkar whose Right of Asylum was outrageously violated.

Last July 14—strange ephemeral—the ship, Morea, aboard which was the young Hindu revolutionary, touched Bombay and that very day Savarkar was transferred, by an express sent from Delhi, to Nasik, where it was announced that he would be tried.

However, informed by a telegram from our friend, the citizen Cama, a Bombay Hindu lawyer, Mr. Joseph Baptista—retained to defend Savarkar—, requested three "solicitors" in the great Hindu city, MM. Daphtary, Ferreira and Divan, to obtain permission for him to communicate with his client from the senior British judge, M. A. Montgomerie.

On August 1, the three "solicitors" received a letter, of a remarkable insolence, from the judge Montgomerie, the authentic text of which is given below:
Mr. Daphtary, Ferreira and Divan, Solicitors, Bombay.

Nasik, on 1 August 1910.

Gentlemen,
I have the honor to acknowledge receipt of your letter no. 5076, dated 27 last, in which you asked permission for Mr. Joseph Baptista to have an interview with Vinayak Damodar Savarkar, currently charged at my court. I wish I could give you satisfaction.

As you undoubtedly know, the accused is prosecuted under the amended law of the criminal code of 1908; as such he is not entitled to counsel. In addition, the accused has not, to my knowledge, indicated any desire to consult Mr. Baptista and I cannot recognize "Madame Cama" as authorized to assign interviews of prisoners entrusted to my care.

I have the honor to be your, obedient servant.

A. Montgomerie, Magistrate 1st Class.

We do not even comment on the insulting and cruel irony of this letter, very characteristic of the mentality of the British officials of Hindustan. In a letter full of moderation and dignity, the three "solicitors" gave it the appropriate response.

What we condemn is the gross carelessness of these magistrates, who without even having the common courtesy to await the outcome of diplomatic negotiations being held between the Foreign Ministry and the Foreign Office, claim, against all odds, to try Savarkar --- if one can call the same procedure a trial.

We offer, for the appreciation of all sound consciences, the infamous Anglo-Hindu law of 1908, referred to so calmly by Mr Montgomerie, which tries an accused without having even the basic and necessary security for a defense! When the Russian Czarism in Siberia sends its political enemies, it at least has the frank cynicism to call it the vengeance of administrative acts rather than the ordinance of justice.

But the unseen question is: what will be the attitude that Mr. Pichon intends to adopt in the presence of the shamelessly outrageous Czarist bureaucrats of British India and how he intends to enforce Savarkar's Right of Asylum, and honor the same in republican France.
A Violation of the Right of Asylum

SAVARKAR TO BE TRIED

English newspapers have published a dispatch from Bombay as follows:

Bombay, Sept. 12. - Savarkar, Hindu student arrested in London and deported for being an accomplice in the murder of Mr. Jackson, a tax collector, arrived here this morning, coming from Nasik. The trial will begin this week. - Beutier.

The Times, dealt with the Savarkar case, shortly and dryly, content with giving this news in a corner of the page.

The Daily News, the great liberal newspaper of London, on the other hand, inserted the dispatch prominently and then points out, objectively and without comment, the special circumstances of what they own the French press calls the "Savarkar Case".

We also recall the circumstances in our turn, because the case is extremely serious—and we are determined to go all the way for justice to be obtained.

The Hindu revolutionary writer, Savarkar, was arrested last March in London, Victoria Station, on charges of sedition and conspiracy against the British government and complicity in the murder of Mr. Jackson. The complicity being the purchase in Paris of weapons one of which was used in the murder of the British public servant.

Though Savarkar resided for four years in Europe, especially France and England, he was deported to India to be tried by local courts.

He embarked last July 1 from Gravesend, on the English ship Morea, in the custody of a Scotland Yard detective and three police from India.

However, the Morea was at Marseilles, on the night of July 7 to 8 and, according to the Daily News, unlike the usual practice, the French police had not been informed that a political prisoner was on board.

Taking advantage of a moment when the guards thought he was going for a bath, Savarkar escaped the ship from the porthole of the bathroom. He threw himself into the sea and swam to the docks.

Here again, not to be accused of bias, we give the floor to an English newspaper, the Daily News. Our colleague says:

"As Savarkar gained the quay, he was stopped by a policeman, whose attention was attracted by the cries of "Stop thief!" coming from the ship, and delivered to the Detective English."

The case is very simple.

A British subject who is a political refugee was on French soil. He was arrested and delivered to the British police by mistake, because he was believed to be a thief.
The French police delivered to the English police an alleged thief, and not a political refugee.

So we have the right to assert that to condemn Savarkar is to commit a serious attack against the law, a serious attack against the Right of Asylum, arising as it is from a lie of the English police, from the abusing of the confidence of the French police.

Dare we hope that all the press in this country, such as the Temps, the Libre, the Parole le Journal, the Patrie, the Matin, the Liberté and lastly all those newspapers that took interest in the Savarkar Case at the time of the incident in Marseille, will take to heart, each in his view, the defense of the honor of the French Republic and its traditions?

They must, especially since the press campaign started in France on this case stopped after the note of the Foreign Ministry announcing that "the French Government had sent to the Foreign Office", a note demanding the release of Savarkar, or surrender to the French authorities."

We ourselves have not pressed the matter, since the assurance given by M. Pichon to Cadenat and Jaurès.

Either the foreign minister made a commitment that he could not keep, in which case he has misled the public, or he himself was deceived.

Either way, quick action needs to be taken.
September 18, 1910

THE TRAVESTY OF FRANCE

THE SAVARKAR CASE

HUMILIATING PASSIVITY OF THE FRENCH GOVERNMENT

The Temps is sending to London a letter that could very well be titled "Semi-official note of the French government on the Savarkar case."

So says the London correspondent (?) Temps:

The trial of the Hindu, Savarkar, is about to commence in Bombay. We know that the French government requested the extradition of the Hindu, who was stopped by a French police officer during his visit to Marseilles, and delivered by mistake to the English authorities. In his trial in the Indian courts, so believe some English newspapers, including the Daily News, the French claim was not taken into account.

This interpretation is entirely wrong. In fact, the procedure followed by the Indian Justice is entirely independent of the British government; it is only when the award of the Indian Court must be executed that the British government may consider making delivering Savarkar to France. Meanwhile negotiations, on the extradition request, are continuing between Paris and London and I have reason to believe that no obstacle has come to disturb their peaceful and slow deliberations.

This distinction between Indian justice and British administration smacks only of English diplomacy. It's fun to want to complicate a simple thing. It is their pleasure to complicate a simple matter.

By way of Indian justice, the French government can know the English government only. It is between the offices of London and Paris, what should be done if things any difficulty arose India, Egypt or the Cape Colony.

And that is all the more reason, that the Foreign Office and the Foreign Ministry, must resolve between themselves an issue arising from an incident that took place on French territory and in which the only players were police of England and of France.

As for the belief of the Temps correspondent (?) that "negotiations are continuing without any obstacle to disturb their peaceful and slow deliberations" is nothing but an intolerable irony.

The Right of Asylum should be treated with a little more respect.

And if M. Pichon has seen fit not to inform the public about the ongoing negotiations on the Savarkar case and thinks now that the Foreign Ministry of the Republic can wait, hand upon hand, while a political refugee arrested on French soil is being tried, we hope that there is still someone, in the country and in Parliament, who will demand an explanation and accountability from him.
September 23, 1910

The Savarkar Case

Who are we kidding?

Mrs. B. R. Cama, editor of the valiant Indian revolutionary Voice, Bande Mataram, sends us the interesting letter, given below, on the Savarkar case:

Dear Sir,

I would draw your attention to the current state of the Savarkar Case.

Two months have passed since the beginning of the first diplomatic talks between London and Paris. During those days, the English and French newspapers have published contradictory and unbelievable news. It is said that the English government declined to return Mr. Savarkar to the French authorities and have taken him for trial to a court in Bombay. Parisian newspapers, so far most eager in demanding his release, now maintain a deliberate and disturbing silence.

It tells us that no definitive answer has been received by the Ministry of Foreign Affairs. Yet, at the same time, assurance is given to us that the commencement of the trial against Mr. Savarkar is not an insult to the dignity of France. It appears that the French government wants to cover up the matter so as not to interfere with its ally.

Bizarre and absurd arguments have been used to justify the current criminal indifference of the French government. The British assure us that the Government of Britain has no connection with the judicial system of India and cannot enforce Mr. Savarkar’s return to France until after the trial, when he could be delivered to the executive power of Britain!

This reasoning is false and ridiculous. The Government of India is a department of the British administration, since India does not enjoy the right of autonomy which was granted to the English colonies. “The Secretary of State”, head of Government of India, is still a cabinet minister in London, formally responsible to the British Parliament. Judges are appointed in the Bombay by King of England and fulfill their duties upon authorization from him. A Hindu may appeal to the Privy Council in London against a ruling of the High Courts of India; and right now there is a Hindu member in this board. For terms of international policy, India is a province of England, and all diplomacy dealing with India is set in London. The argument of the Temps is a childish excuse to evade the difficulties of this question.

We know that the international situation in which France finds herself is very delicate. But the French government should not yield to Britain in a case dealing with the country’s honor and the fundamental rights of man.
The entente cordiale (agreement formed between Britain and France in 1904) should facilitate her work, rather than lower her prestige in the eyes of the civilized world.

From the national party of India and the Hindus enjoying freedom and hospitality in your country, I kindly request your support in our campaign against the bad faith and petty deceit of the British government.

I hope that the French public opinion would require that the process against Mr. Savarkar is at least postponed and that the British government make a definitive response to the just demand of the Government and the French people.

Accept, Sir, my most distinguished sentiments.

Mrs. B. R. CAMA,
Editor of the Bande Mataram.

This letter is the best answer we can give to the despatch sent by the correspondent (?) of the Temps to the newspaper on 17th, current.

The assertion, made by the official newspaper of the Government that "the procedure followed by the Hindu justice is entirely independent of the British government" does not rest on any foundation.

And it is through these ambiguous processes it is sought to mislead the French public in a case where the dignity of the whole country is at stake!

It is already intolerable that a Government of the Republic has allowed the violation of the Right of Asylum with impunity. But it would exceed its limits, if it was still trying to evade responsibility by versions contrary to the truth.
The Havas agency communicates to us the following dispatch:

London, September 23. - A statement from the Foreign Office said that the news yesterday morning by the press concerning a declaration that the Indian government would have made to the British government regarding the extradition of Savarkar is absolutely wrong.

The international issue which arises in this case is still the subject of negotiations with the French government.

The official circles have chosen, finally, to speak! Not in France, of course, but in England.

The responsibility of Mr Pichon is only thereby graver.

For, at the same time as the Savarkar Case « is still the subject of negotiations with the French government », they are about to try Savarkar.

Possibly, those famous negotiations will still continue, even when Savarkar will be condemned?

If the country and the House are content with the role played in this case by the Foreign Minister of France, they are really the too easily satisfied!

We require an explanation from M. Pichon.

His silence in these circumstances is an insult and a provocation.
September 27, 1910

The Savarkar Case

THE LEAGUE OF HUMAN RIGHTS
Letter to the Minister

Francis de Pressensé, president of the League of Human Rights, has just sent the following letter to the Minister of Foreign Affairs:

Mr. Minister,

I believe, I must earnestly call your attention to the case of Mr. Savarkar who on July 7, was seized on French soil by a French policeman and then handed over to English sailors belonging to the ship Morea from which Mr. Savarkar escaped.

I have received detailed information on this case. It follows that Mr. Savarkar is a young Hindu scholar affiliated with the National Party which pursues the emancipation of India. Accused of having spread the doctrines of this party he was arrested in London and being condemned to be brought back to India for trial earlier this year, he accordingly boarded the Morea, bound for that country. The event that I mention occurred when the Morea was anchored in Marseilles. Mr. Savarkar managed to escape and reach the quay by swimming. He traveled about 300 meters into French territory, but stopped exhausted, and was then joined by a French policeman who arrested him and handed over to the sailors and the British police in pursuit of the fugitive. They forced him to return to the Morea.

There is no doubt that this arrest has been made in violation of a basic principle of international law. Having taken refuge on French soil, Mr. Savarkar was there under the protection of French law. The obligation for France to claim Mr. Savarkar from the British government, therefore, seems to me inevitable. And it is impossible that Mr. Savarkar is, as announced in the newspapers, taken before an Indian Court prior to being returned to his refugee status gained after escaping from the Morea. And the public as a whole will certainly be pleased to learn that you will not condone from a friendly Government an insult to France which in this circumstance was the quite unmerited disregard of her inviolate territory. Also, since France and England have decided to defer to an arbitration all disputes that may arise between the two States, why does the French Government not seize this opportunity to request that the issue of extradition of Mr. Savarkar be referred to the tribunal in The Hague?
The Savarkar Case

ALL RIGHTS OF THE DEFENSE ARE SCATHINGLY VIOLATED

We have before us a very important letter from Bombay. It is signed by counsel for Savarkar. Here, in all seriousness, it tells us the facts.

On August 15, Mr. Joseph Baptista, Savarkar’s lawyer, asked to interview his client. On September 2, the judicial department of Poona responded to Mr. Baptista telling him he could talk to Savarkar next day, that is to say, Saturday, Sept. 3.

When he arrived at the Yeravada prison, Mr. Baptista was informed by the Inspector General of Police, Kirkee, of the conditions to which he was required to submit regarding his conversation with Savarkar: an inspector would be present at the interview; he was to hear all the conversation, which was required to be confined exclusively to the defense of Savarkar in the High Court of Justice, for the case where the prisoner is prosecuted.

Mr. Baptista protested, in the presence of the police inspector, and in a letter to the Public Prosecutor’s office of Poona, against the illegal barriers that had been imposed on his mission to advocate.

Furthermore—and this is extremely grave—British judicial authorities have not only kept Savarkar in ignorance of the French government’s action regarding him, but they have banned Mr. Baptista from informing his client of his friends’ cablegram from Paris telling him of the procedures they propose to undertake to pique the interest of the French public in his case.

Just to ensure that Savarkar does not object to the trial by alleging that he is under the protection of France! Thus, the poor Hindu is the victim of the most monstrous treachery ever seen.

And M. Pichon, the Foreign Minister of France, is but an impassive witness to this violation of justice, the violation of the Right of Asylum!

It should be remembered that the arrest and imprisonment of Savarkar on French territory, without government permission, constitutes a scathing violation of the People’s Rights.

Do not forget, in effect, that the English detectives have committed an indescribable violation in arresting, and imprisoning a political refugee in French territory.

The question is extremely serious. The public has a right to be informed about the action of the French government in this case. And demands that it do so.

It is impossible that such a flagrant violation of the Right of Asylum be committed without the country knowing the reasons that prevent Mr. Pichon from defending the honor of France and all our republican
October 2, 1910

The Savarkar Case

Do you hear, Mr. Pichon?

A CASE OF NATIONAL HONOR

We received the following message:
Bombay Sept. 30. - After the first hearing of a witness about the establishing of a secret society, the judge asked if Savarkar wished to examine the witness. Savarkar stood up and declared he was under the protection of France, whose hospitality he enjoyed before being brought back by force. He refuses to recognize the jurisdiction of the court.

Despite the despicable maneuvers of his jailers, Savarkar was able to learn that he was being looked out for in France.

Probably he received a quick briefing, a mere few words, indicating only that there is still an asylum in France and some dignity among the French.

And so, the Hindu writer could stand up and declare in the court that he did not recognize its jurisdiction for he had the honor and advantage of being under the patronage of a Republic that stands by the Declaration of Human Rights.

Only, Savarkar is unaware that in this Republic, there is now a Minister of Foreign Affairs to whom national dignity and republican traditions have very little value!

More than ever we demand that Mr. Pichon speak up. More than ever we want Mr. Pichon to act.

The country must not suffer a minute more of the humiliation that the Foreign Minister imposes by his unspeakable behavior.
Savarkar able to speak

He has revealed the facts which show that Britain has truly assassinated the People’s Right.

Finally! Savarkar was able to speak.

The stringent secrecy to which the unfortunate prisoner was subjected since the incident in Marseilles was lifted to permit him, on September 3, to confer, briefly and upon conditions, with his counsel.

It was only on the 14 of the last month that is to say on the eve of appearing before the court, that Savarkar was able to talk freely with Mr. Joseph Baptista, who was to take over his defense.

The Hindu writer then told his counsel, with all sorts of details, the truly odious conditions under which he was taken to Marseilles, his escape from the ship Morea, the way his arrest played out and the treatment meted out to him until his arrival at the Yeravada prison at Poona.

His account is particularly interesting as it corrects some very important points in the various versions that have been given so far. So, let us unfold it in full for the eyes of our readers.
The Arrest

Here is the literal translation of the key passages of a letter from Mr. Baptista, written in Bombay, dated 17 September:

As soon as the Morea entered the port of Marseilles, Savarkar asked to be taken ashore on French soil. He also demanded his release. In other words, Savarkar alleged that his arrest was illegal and that he was the victim of an arbitrary arrest.

Two French officials came aboard the Morea, but talking to them was forbidden for Savarkar. He then determined to himself to escape.

He escaped, indeed, but when he succeeded in reaching the quay, setting foot on French soil, he found that two British policemen and three of Morea’s crew had rushed in pursuit of him. Savarkar ran about 300 meters, but he soon saw that his pursuers were quickly gaining ground and so, he sought to claim the aid of a French policeman, whom he begged to take him to the Commissioner.

Meanwhile, British police arrived. One took Savarkar by the neck and the other by the arm. The writer was taken back on board in this brutal way, chained and placed in absolute secrecy.

The Morea stayed in the port of Marseilles more than 24 hours after the event.

These are the facts in all their impressive simplicity.

Furthermore, Mr. Baptista has certain considerations in his letter exposing new facts that we believe is our duty to make known.

At no point was there a formal summons from the British police to the French policeman, nor was there a regular handing-over—with good reason—from the French policeman.

Given these glaring facts, one must conclude that the British police have forcibly removed Savarkar from the French jurisdiction, and that the capture was made on French territory, in defiance of international law.
Mr. Baptista tells us more about what happened after the arrival of Savarkar in Bombay:
Since his arrival in Bombay, the unfortunate Savarkar was subjected to absolute secrecy. I was mortally prevented from even seeing him, though I invoked the right conferred by my profession. Until the interview at Poona, September 13, and again on this occasion I could not affirm the international issue raised in the wake of his arrest in French territory.
Savarkar was not aware of this issue until he was permitted to read newspapers, which is around 12 or 13 September 1910.

Moreover, he was not permitted to approach the French government in this matter.
And counsel for Savarkar concludes his letter with these important notes:
In such circumstances, it would be extremely desirable that France gave to Savarkar the opportunity to submit his case to the French government. And this is only possible if France asks England to provide a more direct version of the case.
The facts

We can conclude from the contents of this letter and the revelations of Savarkar, that before us is a case even more serious than was previously thought, because we were kept in the dark that:

1) Savarkar was prohibited from talking to the French officials while the ship was in French waters;

2) British police gave chase to a political refugee on French territory and captured him by using violence;

3) Savarkar was tied up and held incommunicado for more than twenty-four hours on a ship anchored in a French port, without the country’s authorities being aware of it.

It is, as we see, the most marked attack imaginable on the People’s Right. It is an unacceptable insult to the dignity of the country.

As if these facts were not serious enough, we are informed that the "Secretary of State" telegraphed from London to Bombay saying that the case against Savarkar could proceed freely.

Should not that have rendered void the negotiations being made on this subject with France?

Has the French government, by its own admission, withdrawn their claim for the return of Savarkar?

(contd)
WHAT NEXT?

We read in the Opinion:

Newspapers of all shades have protested against the arrest of the Hindu, Savarkar, who, according to the rules of international law, should be returned to France.

England has said that Savarkar will be returned to France only once the trial is over, as his testimony is essential in the great Trial of the Deccan.

But a telegram from Reuters that the English newspapers carefully concealed in a corner of the page, announced that the trial would last two years.

In the meantime, the Foreign Ministry will likely have forgotten Savarkar.....

M. Pichon shall be held accountable, because, rather the world mocks him, than he mock the world.
October 7

The Savarkar Case
Referred to Arbitration

Late at night we received the following telegram sent by the Havas agency.

The agreement reached is far from giving the hoped for satisfaction, per the international law. Savarkar will not be released until after the arbitration decision. As can be expected, it will be done, as always, in a distant time.

London, October 6. - According to a statement from the Foreign Office, an agreement was reached between Britain and France about the Hindu Savarkar who, having escaped from a British ship in Marseilles, was brought aboard the ship by French agents. The circumstances of the escape and the surrender of Savarkar will be referred to arbitration along with the question of international law raised by this case.

If the trial proceedings currently underway in India establish the guilt of Savarkar, the conviction against the Hindu will not be executed pending the decision of the arbitral tribunal. Meanwhile, Savarkar will not be released.
The Savarkar Case

COMPOSITION OF THE TRIBUNAL

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Upon agreement between the British and French governments, the arbitration tribunal to rule on the case of Savarkar—who was, we recollect, arrested on the docks of Marseilles by the British police after he had managed to escape by swimming from the steamer Morea, aboard which he was being held, on his way to be tried in India—will be composed of:

- Beernaert, Belgian, President.
- M. G. de Savornin-Lohman, Dutch.
- Mr. Gramm, Norwegian.
- Mr. Louis Renault, the French.
- Lord Desart, English.

Mr. Beernaert is the well-known Belgian statesman, Mr. Lohman and Mr. Gramm are esteemed lawyers. Lord Hamilton Cuffe Desart, former English Treasury solicitor, is one of the most prominent personalities of the English legal world. Louis Renault, who is a remarkable business lawyer, is to represent France and will be a formidable opponent.

Our friend Jean Longuet, attorney at law, was chosen by Savarkar to follow the trial on behalf of the Court of Arbitration and represent his interests in The Hague.
February 20, 1911

The Savarkar Case

PROCEEDINGS OF THE COURT – A British Contention-
The award shall be rendered on Thursday or Friday.

The Hague, February 17. - Behind the tightly shut doors of the "Rincêgrach" Hall, proceedings in the Savarkar case continue before the international tribunal with a diplomatic slow pace.

On Thursday was held the first secret session. I can tell you it was entirely devoted to the presentation of the French position.

Professor Weiss, with his sharp mind and his well-known legal science, replied in an hour and a quarter, to all the British arguments and witnesses. The atmosphere of courtesy and good grace of the British representatives that reigned undiminished during the proceedings since the session began, prevailed during this session, too. Started at 2:30 p.m., it was adjourned at 3:45 p.m., immediately after Mr. Weiss had finished his speech. Today the Court of Arbitration has heard the response of the British agent, Mr. Crowe, to which Mr. Weiss made a rejoinder which, too, was followed by a counter-reply of the English lawyer.

The matter under advisement

The Court ruled then that it was sufficiently informed and will consider the matter under advisement. It warned the agents of power involved that they would be notified at least two days before the day on which the award would be made. It is likely that it will be next Thursday or Friday.

It is absolutely impossible to provide any data on the outcome of the discussions of this mysterious court, but from the information I collected, there is no doubt that if by extraordinary chance France does not get satisfaction and the violation of Right of Asylum is somehow sanctioned by the Court, which is the highest authority of the international law, the fault will lie with the "senior officials" of France who dealt with the case from the first.

(contd)
Police accountability

Above all, and regardless of the result of this prominent international trial, it will still be necessary to highlight in Parliament the danger of the intrigues and machinations of the General Surete - which does not run rampant even in Russia. It is certain that the only—and certainly very weak—argument of England lies in such cooperation that the Chief of General Security, M. Hennion, made as early as June 29, 1910, to Sir Henry, Superintendent of the Secret Police in London, to keep an eye on the boat where Savarkar was held during his stay in Marseilles.

The British have argued that there had been, in advance, a waiver of the Right of Asylum from France.

Professor Weiss has naturally responded very forcefully, that France cannot be represented by its ... “snitches”, even if he be the Chief; even so one can see the good use that London shall make of this monstrous abuse of his power committed by Mr. Hennion. There should be a sanction given to this state of affairs whereby the police of Europe are prevented from forming a new "Holy Alliance" of such international “snitches,” to deal with all political refugees falling under the power of their dictatorship.

Savarkar must be released

Nevertheless, the facts are very much in support of the French position; that Savarkar was torn from French soil improperly and contrary to law being so certain, all quibbles quoted should definitely count for little in the minds of the judges and Savarkar will be returned to France in the end. It will be, as Professor Weiss rightly said in his speech, a victory for ... Britain itself, the time-honored protector of all political refugees.

The greatest danger seems to be that judges may get the deplorable impression that France—or at least its government—referred the case to the Court of the Hague to save face and not from concern of her dignity, so clearly involved in this case.

But despite everything, we have reason to believe that M. Pichon never wanted to play this shameful comedy; he has, on the contrary, given to the representatives of our country at the Hague instructions consistent with our dignity and to all the traditions of republican France.

- H
February 25, 1911

The Award of the Savarkar Case

In its rulings, the Court of Arbitration decided that Savarkar will not be returned. — Playing favorites?

It is with painful surprise that we learned last night, the award rendered by the Court of Arbitration in the Savarkar case.

In the following terms, the Hague, acquaints with the unfortunate decision:

"Humanité"—Paris

The Hague, February 24.—(For dispatch of our correspondent.) The Court of Arbitration said that since Britain did not resort to fraudulent actions or acts of violence to regain possession of Savarkar, his arrest did not violate the sovereignty of France.

She adds that "in assuming that there were irregularities, there is no rule of international law, under which, a power should return a prisoner because of misconduct done by the foreign agent that delivered him to them."

Therefore, Savarkar should not be returned to France.

Furthermore, according to the Havas dispatch the judgment declares that "admitting that illegality was committed, it was in good faith."
It is impossible to meet in a court ruling so many inaccurate and unfounded statements.

To say that there was no "fraudulent actions" by the English agents, for the delivery of Savarkar, and adding that it was made in "good faith" is simply to deny or ignore the circumstances which, in fact, are the least questionable and the most established.

Constable Pesquié, has repeatedly said---and no one denied that---Savarkar was given into the hands of Hindu police because they, in the words of the English magazine Nation, had misrepresented the true status of the fugitive to him.

The cries, "Stop thief!" that arose from the bridge of the British ship are the most marked fraudulent actions. The invitation of the British Consul Pesquié asking "to prevent the escape of marine deserters" is further evidence of bad faith of the British officials in this case and the fraudulent conditions in which the arrest took place.

We will come back to this ruling tomorrow and give you something to dwell on.

Nevertheless, it is hoped that the British government having obtained satisfaction for its self-esteem and "imperial" pride will take into consideration the need for graciousness toward this heroic young Hindu revolutionary – otherwise doomed to the 1"dry guillotine", the Andaman islands, the Indian Siberia.

The Liberal Government of Mr. Asquith would be honored highly in the eyes of world taking such an action with respect to Vinayak Damodar Savarkar.

Jean Longuet.

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1 English translation of a French phrase la guillotine sèche which was the prisoner slang for the Devil's island Penal colony at French Guiana.
February 26, 1911

THE ACCOUNTING OF THE RENEGADE

The Governmental responsibility in the Savarkar Case

The Minister of Foreign Affairs had, in advance abandoned the Right of Asylum

We now have the full text of the Award of the arbitration tribunal in The Hague for the Savarkar case, and we are at liberty to put it before you.

The preamble in which the court attempts to justify its decision can be reduced to two considerations.

It is especially in the first category, concerning the administrative responsibilities of France in the case, which we are interested in and from which it is important to learn a lesson.

The tacit acquiescence of France

To tell the truth, the Humanite had last week in a letter from the Hague, dated February 17, that is to say, eight days before the judgment was made, clear responsibility laid at the door of the consequence of the agreement between Mr. Hennion, and the head of the English Police and the possibility that it would be deemed as a finding of implied abandonment of the Right of Asylum by France. It now appears in the light of the Hague ruling that the responsibility was higher still and that his incompetence, along with his servility to the British government, had put the French government in a position such that the Hague was paralyzed in its actions in advance. Here, indeed, what we read in the Award:

(contd)
Whereas, with regard to the facts that gave rise to the dispute between the two governments it is established that, in a letter dated June 29, 1910, the head of the Metropolitan Police in London has informed the Director of General Security in Paris that the British Indian subject, Vinayak Damodar Savarkar, was sent to India for the purpose of being prosecuted for a murder case, and so on. (for abetment of murder, etc.) and he would be on the ship Morea, calling at Marseille on 7 or July 8.

Place Beauvau against the Right of Asylum

Whereas that following this letter, the Ministry of the Interior, in a telegram of July 4, 1910, informed the prefect of the Bouches-du-Rhône that the British police had sent to Savarkar to India, aboard the SS Morea, that the telegram states that "some Hindu revolutionaries, currently on the continent, could take this opportunity to facilitate the escape of the stranger," and that the warden is requested "if he wishes, to take the necessary steps to prevent any attempt of this kind."

Whereas the Director of General Security, meanwhile, replied July 9 1910 to the letter from the police chief in London, making it known that he gave the necessary instructions to avoid incidents in the transition through Marseilles of named Vinayak Damodar Savarkar, on board the steamer Morea:

(contd)
Whereas on July 7 the Morea arrived in Marseilles, the next day six or seven in the morning, Savarkar managed to escape, reached the land by swimming and started to run, he was arrested by a sergeant in the French coastguard and brought on board only three people from the ship gave assistance to Brigadier Pesquie to return the fugitive on board; on July 9, the Morea left Marseilles, taking the latter:

The prefect of Marseille against the Right of Asylum

On the other hand, going on in the same vein, the Judgement states:

Whereas it is apparent that the brigadier who effected the arrest was not unaware of the presence of Savarkar on board and he had, like all the French gendarmes and agents, been instructed to keep from boarding any Hindu who is not carrying a passenger ticket:

Whereas, under the circumstances, the guards in charge of Savarkar believed they could count on the assistance of French agents:

Whereas it is established that a Commissioner of the French police came on board shortly after his arrival at the port and gave orders, to the prefect at his disposal, for the monitoring exercise;

That the Commissioner was therefore linked with the British police officer charged, with his agents, with the custody of the prisoner;

That the Prefect of Marseille, as the result of a telegram of July 13, 1910 to the Minister of Interior, said he acted on this occasion, according to the instructions of preserving the general safety of taking the necessary steps to prevent escape of Savarkar.
We will not go into the second line of thought developed in the decision, the above line of thought we have discussed yesterday, except to observe that it truly exaggerates the role of the policeman Pesquié in the arrest by arguing - contrary to all evidence - that the role of the police was the Anglo-Hindu police was secondary.

**Hennion and Briand**

There is, in any case, no question that in this deplorable affair, the most serious responsibility lies with the Director-General of the security and, ahead of him in hierarchy, Aristide Briand. It is impossible that this sorry politician has not known and approved the servile actions of his subordinate, to help the British government against the Hindu revolutionary.

At the moment when the wretched Renegade is obliged to leave his office, it is just that his shameless abandonment of Right of Asylum for political refugees is exposed, that is his worth expressed throughout in a career of treason and cowardice.

Jean Longuet