

Declassified E.O. 12356 Section 3.3/NND No. 785015

ACC

10000/101/449
(VOL. III)

Declassified E.O. 12356 Section 3.3/NND No.

785015

10000/101/449
(VOL. III)

PRISONERS OF WAR
MAY - OCT. 1944

COPY

AFHQ

HQ ACC

S-349

2 OCT

SECRET

PRIORITY

ACTING CHIEF COMM.

SECRET ID YOUR LETTER GEORGE FIVE THREE EIGHT THREE POINT
SIX OF TWO FOUR SEPTEMBER CMA SUBJECT CLN ITALIAN POW ID
PAREN TO AFHQ FOR GEORGE FIVE FROM HQ ACC FROM STONE
PERSONAL PAREN ALTHOUGH YOUR LETTER IS CLASSIFIED SECRET
PLEASE CONFIRM THAT ITS CONTENTS MAY BE COMMUNICATED TO
ITALIAN GOVERNMENT

AUTHENTICATED:

/t/ ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

3293

SECRET

8

105

LIST OF PAPERS

File under No. 383.6

PRISONERS OF WAR

(4)

Office of the
Secretary General

HQ ALLIED CONTROL
COMMISSION

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
96	Chl AAI, A110	17 Aug 44	Freedom, ACC	Status of CC.RR. and Finance Guards on arrival in Italy
97	Ltr, AFHQ, CR/3101/G1 B	17 Aug 44	ACC, MIA	Employment of Italian POW in Italy
98	Ltr, A/CC 383.6	27 Aug 44	Bonomi	Sending of visitors to AFHQ and Italian POW camps suggested (NOT SENT)
99	Ltr, A/CC 383.6	28 Aug 44	Bonomi	Sending of visitors to AFHQ and Italian POW camps suggested
100	Ltr, 1001, Bonomi	2 Sep 44	Capt Stone	Brig. Gen. Dapino Vincenzo and Lt. Massa Vittorio will visit POW camps
101	Ltr, A/CC 383.6	8 Sep 44	Bonomi	Visit to AFHQ & Italian POW camps should take place shortly
102	Memo, SG 383.6	3 Sep 44	WMD & IPW S/C	Refers folio 100 for action.
103	Ltr, Gazzera, 6973/N/I/ C/2/B	22 Sep 44	ACC	2nd Lt. Roberto CARDANO escaped from PW unit
104	Ltr, A/CC 383.6	30 Sep 44	CCG, AFHQ	Apprehension of escaped Italian PW (Co-operators)
105	Chl, S-349	2 Oct 44	AFHQ	Pls confirm that contents of letter re Italian POW can be communicated to Italian Government

3295

D

Q. M. C. Form 358 (Old No. 400)
Revised July 20, 1918

LIST OF PAPERS

File under No. 383.6

PRISONERS OF WAR

(3)

HO ACC, APO 394
Sec'y Gen.

B-17711

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
73) #1405	BADUGLIO	10 MAY	MAC FARLANE	LENGTHY COMMENTS ON LABOR PWS REQUEST OFFICIAL NAME IN JUNE
74) M192	MAC FARLANE	12	AFHQ	RE ANSWER (72)
75) F 45375	FREEDOM	13	MAC FARLANE	Re (72) NOT DESIRABLE TO INFORM IT GOVT.
76) CC/G/297	MAC FARLANE	15	AFHQ	OUTLINES (EE) FOLIO #73
77) M 203	"	17	"	PL PREPARE SIGN NOEL CHARLES TO RE- PRESENT OUR VIEWS ON (72) TO BAD.
78) CC/P/304	"	18	BADUGLIO	STALLS ON REPLY TO (73)
79) M 206	"	18	AFHQ	INFORMS THAT REPLY TO BADUGLIO RE (73) IS BEING HELD OFF
80) G-51 383.6	AFHQ	26	MAC FARLANE	(73) + (76) HAVE BEEN REFERRED TO U.S. & BRITISH GOVTS.
81) —	ALEXANDER KIRK	13 JUNE	"	FWDs WAR DEPT. PRESS RELEASE ON UTILIZATION OF IT PW VOLUNTEERS
82) #1890	BONOMI	23	"	URGES QUICK REPLY TO (73)
83) A/CC 383.6	STONE	26	AFHQ	" " " " " FWDs (82)
84) " "	"	26	BONOMI	INFORMS THAT (82) HAS BEEN FWDd TO AFHQ.
85) AAI 13012/A(0) AQ 11/1 AAI 12072/A(0)	AAI ARMY S/C AAI	25 25 4 JULY	ARMY SUB.COM AAI HQ, ACC	APPREHENSION OF ESCAPED IT PWS (CO-OPERATORS) HERE IN ITALY 10,000 PWS TO BE BROUGHT TO ITALY IS SUBJECT.
86) A/CC 383.6	STONE	18	HQ, AAI	FOUO IT PWS NOT TO BE BROUGHT TO ITALY
87) A/CC/O14.33 #410/POL	GAZZERA	5 18 JUNE	AFHQ CHARLES ACC	PROBLEM OF IT PWS NOW IN ITALY EMBARRASSING PROBLEM NEEDS FAST SOLUTION
88) G-5-383.6	AFHQ	17 JULY	ACC	ITAL SOLDIERS EMPLOYED AS TW IN BRITISH WEST AFRICA.
89) 520/POL/C.2 ASC/112/9	GAZZERA CAMBELL	16 23	ACC AFHQ	SITU. OF ITALIAN PW IN BRITISH HANDS
90) TEL # 6 " 185 " 507	ITAL. FOREIGN AFFS " "	27 29 29	BERNE " MADRID	REPUBLICAN ITAL PWS WILL BE TREATED AS PW. ITAL GOVT WILL ABIDE BY INTERNATIONAL WAR LAWS.
91) 568/POL/14/2 A/L 383.6	GAZZERA STONE	22 28	ACC AFHQ	ITAL. PW - GENERAL POLICY. GAZZERA, POSITION UNDEFINABLE, SHOULD GIVE GOVT. CLEAR STATEMENT OF WAR POLICY
92) FX 77299	NATUUSA	31	AAI, ACC, MAIA, AFHQ	RETURN WHAT ACTION GI MEMO RETREAT- MENT OF PW FOR 2. ITAL ARMY + NORTH AN ITAL ARMY.
93) A/L 100.7	STONE	1 AUG.	POLITICAL SEC.	ITALY + USSR NEGOTIATING RELEASE OF ITAL PW. GIVE ME AMMUNITION.
94) A/L 383.6	STONE CAMBELL	18 July 31 "	O/S AFHQ A/CC ACC.	COMPLAINTS OF UNJUST TREATMENT, OF ITAL PW. SHOULD BE REGARDED ON HIGH LEVEL.
85a) ASC/1101 A/CC 383.6	ARMY SUB.COM A/CC, ACC	16 July 18 July	AAI AAI	Apprehension of Escaped Italian PW (Co-operators)
95) 526/POL/C.2	HIGH COMMISSIONER FOR POW	19 July 44	ACC	ITALIAN PW CAMP HELD BY FRENCH + ENGLISH IN TUNIS
1 PM/1/39	ANDY IPH S/C	8 AUG 44	G-5, AFHQ	MISTREATMENT OF ITALIAN PW BY ENGLISH + FRENCH

Instructions.—When papers on a subject become numerous they will be numbered serially and brief entries made on this form.

EWS/imm

A/CC 383.6

30 September 1944

SUBJECT: Apprehension of escaped Italian Ps.W. (Co-operators)

TO : Chief of Staff,
Allied Force Headquarters

The attached translation of letter No. 6973/W/1/0/2/B dated 22 September 1944 from the Italian High Commissioner for Prisoners of War is forwarded.

1. The case referred to brings up the question of what is the policy with regard to Italian Prisoners of War from co-operator units who proceed on leave, or absent themselves from the unit to which they are attached and do not return.
2. It is pointed out that the question of the Italian Government handing over, or helping in any way in the arrest of an Italian Prisoner of War who has absented himself and who claims he has escaped, opens up all sorts of political questions, and of course leaves the Italian Government open to attacks in the Press and elsewhere.
3. The question of the import into Italy of considerable numbers of Italian Prisoners of War was referred to this Headquarters by Headquarters, Allied Armies in Italy in their letter No. AAI/3072/A(0) dated 4 July 1944, to which I replied by letters ASC/1/101 dated 16 July 1944 and A/CC 383.6 dated 18 July 1944 - (copies of correspondence attached.)
4. Since writing the letters above referred to, I have received no instructions which set out the policy to be adopted, or any information which I could pass to the Italian Government showing the action contemplated with regard to the reclaiming of Italian Prisoners of War who absented themselves or refused to return to the units with which they had been working.
5. A clear statement or directive on this question is requested.

3292

Copy to G-3
Drafted by

WMD&IPW Sub-Com.
DISPATCHED 30 SEP 44 *ly*

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

FILES A(8)

104

C O P Y

HIGH COMMISSIONER FOR PW

22 September 1944

FILE NO. 6973/M/I/G/2/B

TO: A.C.C. R O M E.

SUBJECT: 2nd Lt. Roberto CARDANO.

2nd Lt. Roberto CARDANO, Italian Officer and PW, was assigned to a group of Italian PW workers, which travelled through Naples in July or in the first days of August 1944. The above was given permission to visit his family, and, after leaving his unit, escaped and did not return to it.

A few days later the unit embarked.

The Allied Police, having been entrusted with this case, arrested CARDANO and handed him over to the Military Command of Campania, which released him and intends to clarify his situation and to assign him to one of its units.

The A.C.C. know, that the provisions of the Geneva Convention recognize not only the right of the PW to escape for the purpose of joining his own national armed forces, but also assert that he is not to be called to task after a successful escape and after having already joined the above mentioned forces. This means that, because of his reentrance into the ranks, the PW ceases immediately to be considered as such and, therefore, is no longer subjected to the authority of the Detaining Power nor is he any longer limited in his actions by the provisions of the Geneva Convention; he also can neither be considered still under the rule of the first, nor dependent upon the second, provided that he has not been captured again in battle.

It seems, therefore, to the Italian Authorities, that 2nd Lt. CARDANO, having returned to the jurisdiction of Italian Authorities (Military Command of Campania), which has disposed of his case as it has seen fit, could not be arrested again by the Allied Police, which has consigned him to these Authorities. Because of this very fact, 2nd Lt. CARDANO ceased to be a PW and, therefore, could not become such again as a result of his second arrest.

I beg to point out the fact that the second arrest of the above and his transfer to an internment camp, so that he may be sent to Algeria, is certainly prejudicial from a moral and material standpoint.

The Italian Authorities, therefore, will be grateful to the A.C.C. if it will kindly investigate to which internment camp Lt. CARDANO has been sent. If possible, an order may be given that he be released and put at the disposal of the Military Command of Campania even though unfortunately he be sent to Algeria.

329

A few days later the unit embarked.

The Allied Police, having been entrusted with this case, arrested CARDANO and handed him over to the Military Command of Campania, which released him and intends to clarify his situation and to assign him to one of its units.

The A.C.C. know, that the provisions of the Geneva Convention recognize not only the right of the PW to escape for the purpose of joining his own national armed forces, but also assert that he is not to be called to task after a successful escape and after having already joined the above mentioned forces. This means that, because of his reentrance into the ranks, the PW ceases immediately to be considered as such and, therefore, is no longer subjected to the authority of the Detaining Power, nor is he any longer limited in his actions by the provisions of the Geneva Convention; he also can neither be considered still under the rule of the first, nor dependent upon the second, provided that he has not been captured again in battle.

It seems, therefore, to the Italian Authorities, that 2nd Lt. CARDANO, having returned to the jurisdiction of Italian Authorities (Military Command of Campania), which has disposed of his case as it has seen fit, could not be arrested again by the Allied Police, which has consigned him to these Authorities. Because of this very fact, 2nd Lt. CARDANO ceased to be a PW and, therefore, could not become such again as a result of his second arrest.

I beg to point out the fact that the second arrest of the above and his transfer to an internment camp, so that he may be sent to Algeria, is certainly prejudicial from a moral and material standpoint.

The Italian Authorities, therefore, will be grateful to the A.C.C. if it will kindly investigate to which internment camp Lt. CARDANO has been sent. If possible, an order may be given that he be released and put at the disposal of the Military Command of Campania even though unfortunately he be sent to Algeria.

/s/
The High Commissioner
General Pietro Gazzera

3291

103

HJM/ha

Secretary General

Visits to POW Camps

SG 383.6

War Materials Disposal & Italian PW
Sub-Commission

3 September 4

The attached letter, No. 1001, from Prime Minister Bonomi, is referred to you for action. Letter referred to by Bonomi is our A/CC 383.6 dated 28 August 1944, of which you have already received a copy.

ROBERT E. DON
Major, A.G.D.
Secretary General

1 Incl:
Bonomi's ltr 1001 of 2 Sept 44

383.6

54 65329

Hq ACC - Secy Gen
DISPATCHED
4 Sep 7 1944
W. H. H. H.
EXH.

FILES A B

100

102

JAG/1111

A/00 383.6

8 September 1944

My Dear Mr. Prime Minister:

In acknowledging your letter H.10010 of 2 September 1944, let me add that I have forwarded to Allied Force Headquarters the names of those officers you selected.

The visit to Allied Force Headquarters and those localities where prisoners of war are stationed in Italy should take place very shortly.

As soon as this Headquarters receives the itinerary from Allied Force Headquarters, General Dupino Vincenzo and Lieutenant Marra Vittorio will be notified.

Yours very truly,

ELBERT W. STONE
Captain, USAR
Acting Chief Commissioner

His Excellency Ivanoe Bonomi,
The President of the Council of Ministers,
Italian Government,
Rome.

Prepared by

J. A. Campbell
Lieut.-Colonel,
WD & IW Sub-Commission.

FILES A/B
383.6

3289

Hq ACC	Sec'y Gen.
DISPATCHED	
Date	Time
9 Sept	1030
VIA	110.
10012	101

TRANSLATION

THE PRESIDENT OF THE
COUNCIL OF MINISTERS

Rome, 2 September 1944

n. 1001

ADM. SEC. APO 394
78 Sec'y Gen.
Rec'd 3 Sept 1944
By _____ LSR

Dear Captain,

Thank you very much for the initiative that you had.

The visit of the places where the Italian prisoners of war are employed in Italy, and that of their working and living conditions will help better to enlighten the Government about the importance of the questions related with the prisoners of war which are now to be dealt with.

Brigadier General Lapino Vincenzo, Secretary General of the Alto Commissariato of prisoners of war, and Lieutenant Massa Vittorio, interpreter, have been delegated for the visit.

The Sub-commission in charge of the organization of the visit will be able to communicate directly to these two officers the itinerary which will be settled and the modalities of the journey.

Sincerely Yours,

/s/ Ivanoe Bonomi

Captain U.S.A.R.
Ellery M. Stone
Acting Chief Commissioner
Allied Control Commission

R o m e

FILES A 3288
for

383.6
100

EFB/ajp

A/CC 383.6

28 August 1944

My dear Mr. Prime Minister:

I am of opinion that until the status of Italian prisoners of war is decided it might be of interest to the Italian Government to send representatives to visit Allied Force Headquarters and localities where Italian prisoners of war are employed in Italy, so that you can inspect and see for yourself the conditions under which Italian prisoners of war are utilized.

In this connection, I extend to you an invitation to send such representatives as you wish to Allied Force Headquarters and the localities where prisoners of war are stationed in Italy.

On receipt of your reply, which if you accept should include the names of those you wish to send, an itinerary will be drawn up at Allied Force Headquarters which I shall forward to you in due course. It is anticipated that the visit should not last longer than four or five days.

Yours very truly,

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

His Excellency Ivanoe Bonomi,
The President of the Council of Ministers,
Italian Government,
Rome.

c.o. WMD & IPW Sub-Com.

General Haggard

FILES A-B

3287

Mo	A C C	Secy Gen.
DISPATCHED		
Date	Time	21 Aug 1944
Via	AFB.	94
Notes	WRR.	

Prepared by WMD & IPW BC

DeCampbell H. Col.

JAC/von

A/CC 383.6

27 August 1944

My dear Mr. Prime Minister:

I am of opinion that until the Status of Italian Prisoners of War is decided it might be of interest to the Italian Government to send representatives to visit Allied Force Headquarters and localities where Italian Prisoners of War are employed so that you can inspect and see for yourself the conditions under which Italian Prisoners of War are utilized.

In this connection, I extend to you an invitation to send such representatives as you wish to Allied Force Headquarters and the localities where Prisoners of War are stationed.

On receipt of your reply which if you accept should include the names of those you wish to send; an itinerary will be drawn up at Allied Force Headquarters which I shall forward to you in due course. It is anticipated that the visit should not last longer than four or five days.

Yours very truly,

ELDERY W. STONE
Captain, USNR
Acting Chief Commissioner

His Excellency Ivanoe Bonomi
The President of Council of Ministers
Italian Government

Copy to: General Gazzera,
High Commissioner for Prisoners of War.

3286

98

COPY

SUBJECT: Employment of Italian PW in Italy.

Allied Force Headquarters.

CR/3101/G1(Br)

17 August 1944

Headquarters,

Allied Control Commission (Army Sub-Commission).

1. Reference your letter of 28 July 44 enclosing memo 558/Pol/14/2 of 22 July 44 from the Italian High Commissioner and previous correspondence. It is felt that there is some misunderstanding regarding the employment of Italian PW in Italy.
2. In order that the Allied policy may be fully understood an invitation is extended through you to the appropriate Italian Military authorities to visit their Headquarters and localities where Italian PW are employed.
3. It is hoped that a representative from the Allied Control Commission will accompany the Italian authorities on their visit, the purpose of which is to enable all concerned to see for themselves the conditions under which Italian PW are utilized under British Command in Italy.
4. On receipt of your reply, which should include the names of the visitors an itinerary will be drawn up and forwarded to you. It is anticipated that the visit should not last longer than four or five days.
5. For your information it is not at present intended to reopen negotiations with the Italian Government on the status of prisoners of war. The purpose of the invitation to the Italian representatives is simply to study and report to the Italian Government on the prevailing conditions of Italian Prisoners of War employed in Italy.

M. W. M. MACLEOD,
Brigadier,
A.D.A.C.(C).
for Major General
DAG, G.1 (Br)

3285

97

C O P Y

S E C R E T

FREEDOM ACC

108/17

AAI

NONE

SECRET

ALLO

IMPORTANT

AUG 17/NFT

CITE: FHGCT

Reference your FX 80119 of 7. State if intended to release from PW status
Carabinieri and Finance Guards on arrival this country

DIST

(Inf Act)	WMD & I POW	2
(Info)	A/CC	
	Public Safety	
	Admin Sec	
	File	2
	Float	

383,6 POW

S E C R E T

AUG 18/0015

3284

File 11-0
96

H.Q. ALLIED CONTROL COMMISSION
APO 394
WAR MATERIAL, DISPOSAL AND ITALIAN PW SUB COMMISSION

ITW/1/139

8 August 1944

To: G-5 Section, Allied Force Headquarters.

Subject: Mistreatment of Italian PW by French and British.

- 1/. Forwarded herewith is a translation of letter No. 526/Pol/C.2 dated 19 July from Italian High Commissioner for Prisoners of War, subject as above.
- 2/. Concerning the complaints of mistreatment by the French authorities, your attention is directed to the High Commissioner's letter No. 62/Pol dated 14 April which was forwarded to AFHQ, Chief of Staff, under cover of AOC letter No. CC/C/248 dated 29 April, which was answered by AFHQ letter file AG 383.6-3 CAP-6 dated 12 June, in which it was stated that AFHQ would use its offices to investigate conditions in French Camps for Italian Prisoners of War.
- 3/. Please supply such information as is available so that I may reply to the High Commissioner on this subject and if possible answer the charges made in the letter attached.

For the Chief Commissioner :

J.A. CAMPBELL
Lt.-Colonel
W.M.D. & I. PW. S.C.

Encl.

Ltr No. 526/Pol70.2
Dated 19 July - Copy to Sec'y Gen.

383.6

Files A-100
3283

95

HIGH COMMISSIONER FOR PW
File No. 526/pol/C.2

ROME 19 July 1944
To : A.C.C. ROME

SUBJECT : Italian PW camp held by French and English authorities in Tunis.

Referring to my letter No. 60/201. dated 14 April. I believe it to be my duty to submit to the attention of this Commission, in behalf of Government, the following facts that I know only now.

1. Regarding the Italian prisoners in the French concentration camps in Tunisia.

ZAGHOUAN DEPOT XVII

SCUSE

ONDQUILL ET D'EL ONDIANE

BIZERTE DEPOT XV

SUMADIA

LAVETIE

As to those camps, there is a complaint because of the lack of equipment and the bad postal service. It seems that the prisoners of war are clothed so badly as to deprive them of their self pride and necessary comfort. In the camp of ONDQUILL ET D'EL ONDIANE the conditions are absolutely inadequate;

- a) The sanitary conditions are insufficient.
- b) The billets are without light and beds.
- c) The food is scarce.
- d) The equipment poor and soap is lacking.
- e) The stew is wet and odorous.

"I have complaints from a small camp of 50 PW in the harbor of Carrières where they are isolated without help and comfort.

2 PW camp 205 of KASSAR SAID under the British authority. The Italian PW are with German PW and the conditions of life are not according to the regulations of Art. 10 of the Geneva Convention.

I hope that this Commission will call the attention of the proper authorities so paragraph 9,10,11,12 of the Geneva Convention so as to improve thereby conditions of the PW.

I thank your Commission and I pray that you will let me know the steps taken.

THE HIGH COMMISSIONER
/s/ General Pietro Gazzera.

3282

95

COPY

EWS/ajp

A/CC 383.6

18 July 1944

SUBJECT: Complaints of Unjust Treatment of Italian PW

TO : Chief of Staff, Allied Force Headquarters Advanced.

1. In letters ACC/383.6 dated 28 June, A/CC 383.6 dated 23 June, ASC/1/102 dated 14 July, ASC/1/5 dated 11 July and ASC/1 dated 10 July, and other recent letters from this headquarters a number of complaints on the treatment of Italian PW in different parts of the world have been forwarded. As you are aware, the question of prisoners of war is one of great concern to the Italian Government and if we are unable to meet them on the main question of status, it is most desirable that we should be in a position to rebut such complaints as:

- a) small numbers of PW's being sent to malarial districts;
- b) PW's not receiving their personal effects and monies prior to leaving PW camps on repatriation;
- c) letters being returned to relatives marked "Repatriated" when the man is still a PW.

2. These and other such complaints may be small matters in themselves, but cumulatively, if left unanswered for any length of time, they must adversely affect our good name and the readiness of the Italian military and other authorities to cooperate wholeheartedly in the war effort. I do not intend to suggest that the Italian Government have as yet reached the point of non-cooperation, but the fact that they are entirely in our hands in these matters and have so few, if any, means of reacting, should of course make us more, rather than less, scrupulous in answering their enquiries and complaints.

3. I should therefore be grateful if these questions could be reviewed as a matter of major policy and not of minor administrative routine.

DRAFTED BY JAC.

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

Copies to: British Resident Minister
U.S. Political Adviser
Political Section (3) Copies)
PW Section, Army Sub-Commission.

COPY

ALLIED FORCE HEADQUARTERS
Office of the Chief of Staff

	HQ ACC, AFO 394		
	383 Secy Gen		
	Recd 4 Aug 0940		
	By D R R		

30 July 1944

SUBJECT: Complaints of Unjust Treatment of Italian Prisoners
of War.

TO : Acting Chief Commissioner, Allied Control Commission.

1. Receipt is acknowledged of your memorandum on the above subject
dated 18 July 1944.

2. This Headquarters is, of course, very much aware of the concern
which the prisoner of war question is causing the Italian Government,
and complaints such as you have cited are given the most scrupulous
investigation. You will appreciate that such scrupulous investigation
takes time and in consequence entails delay in the transmission of final
replies.

3. You may rest assured that questions of this nature have always
been, and will continue to be, considered in this Headquarters as
matters of policy rather than of minor administrative interest.

By command of General WILSON:

/s/ Lowell D. Rooks ?
for
J. A. H. GAMBELL,
Lieutenant General,
Chief of Staff.

Copies to:

G-1(A)
G-1(B)
British Resident Minister
U.S. Political Adviser

Copy to War Materials Disposal & Italian PW S/C.

Files A (B)

3283

COPY

94

HEADQUARTERS ALLIED CONTROL COMMISSION
Office of the Chief Commissioner
APO 394

ENS/dfc

1 August 1944

A/CC OCO.7

MEMORANDUM TO: Political Section

1. Reference following extract from PRB/RLO, July 30, subject:
"Trend of Copy Filed by Correspondents."

"Chinsigo (TNS) The Italian and Russian Governments are negotiating for the release of Italian prisoners of war. Moscow is said to be "receptive" for "certain conditions" which are now under discussion."

2. I suggest you draft letter to AFHQ for my signature, informing them of the possibility of such an agreement in order that it will not come as a surprise and in order that they will be informed of the situation.

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

Hq ACC - Secy Gen.
DISPATCHED
Date-Time 2 Aug 0900
Via SG messenger
initials DFE

3279

00007

SECRET

AAI, ACC, AMIA, AFHQ REAR FOR LIAISON SECT ON ALL ACTION
CG SIGNED NATOUA

FX 77299

JULY 31/1318

24/01

SECRET

PRIORITY

CITE: HAGAP

RETURN WITHOUT ACTION MEMORANDUM FROM G1 DIVISION NATOUA DATED 12 JULY 1944.
SUBJECT TREATMENT AS PRISONERS OF WAR UNDER GENEVA CONVENTION FOR ITALIAN
TROOPS IN ROYAL ITALIAN ARMY AND NORTHERN ITALIAN ARMY. SOLELY FOR YOUR
INFORMATION, THIS MATTER UNDER CONSIDERATION OF COMBINED CHIEFS OF STAFF
AND DEPARTMENT OF STATE DESIRES THAT NO APPROACH IN THE MATTER BE MADE TO
FOREIGN AUTHORITIES PENDING DECISION OF COMBINED CHIEFS OF STAFF.

ACC DIST

Action -JMD & 1 POW
Info A/CC
File (2)
Float

(C O P Y)

3273 (B)

SECRET

92

383.6

JAC/rac

28 July 1944

Subject: Italian Prisoners of War - General Policy

To : Allied Force Headquarters, G-5 Section, APO 512

50660
30 JUL 1944

1. The attached translation of letter 558/POL/14/2 dated 22 July, from General Gazzera, the Italian High Commissioner for Prisoners of War, is forwarded.
2. In forwarding this letter, I would again point out that the position in regard to Italian PW continues to cause embarrassment to the Italian Government.
3. I do not wish to over stress the point, but I am of opinion that it would be preferable to notify the Italian Government precisely what is being done, rather than leave them to find out for themselves, or have pointed out to them by their repatriated PW as is the case at present.
4. Articles have, within the past few days, appeared in the Italian press on the question of PW, and why they should still be considered as such when their brothers fight alongside the Allies. Further, certain papers have started to attack General Gazzera, and, unless a solution of one kind or another to the PW problem can be found at a very early date, Gazzera may well resign or be forced into doing so by the attacks made against him and position in which he finds himself.
5. Gazzera has stated that his position is becoming untenable, and while he understands there are reasons for all that is being done, he may be left with no alternative but to resign, unless he is put in a position to explain to his government so that they in turn may explain to the Italian people what is happening with their PW and reasons why the Allied manpower situation makes it necessary to proceed as we are doing for the benefit of the War effort.
6. I trust that I may receive instructions on this question, which will enable me to go to the Italian Government with advice which will assist in releasing them from this embarrassment which may easily turn into a political crisis for them.

Original given to:
Col. Spofford by Lt. Col. Campbell
28 July 44

HILARY W. STONE
Captain, USAR
Acting Chief Commissioner

3277
91

TRANSLATION

One 24 July 1944

HIGH COMMISSIONER FOR PW

File No. 558/POLY/2

TO: A.C.C., Rome

SUBJECT: Payment of the credits of PW during the time of their captivity

As is known, the President of the Council has asked through his letters No. 1405 of May 5, 1944, and No. 1890 of June 23, 1944, for official and exact informations about the units which the Allied authorities appear to have formed with Italian soldiers held as PW in British or American countries, into special labour units, even without consulting the R. Italian Government about it.

But up till now we only had informations by privates or through the wireless and the Allies News about all this. Now by Italians from Africa that these units have been formed without the approval of the R. Italian government. Not only this, but the local Allies authorities appear to have, by an absolutely one-sided criterion, published administrative dispositions for the economical treatment of the soldiers who make part of the units. Among others there seems to be one disposition which says:

"The Italian Government is responsible for the payment of the Credits of the Italian PW's at the moment of their liberation."

As it was already several times my duty to inform in other circumstances that the R. Italian Government could not accept, if really it has been emanated, the one-sided interpretation of the Articles 77, 24, 28, 34 of the Convention of Geneva of July 27th, 1929. Those Articles prescribe that before their liberation THE PWs should be satisfied in the payment of all their credits by detaining power and this in the currency in which his credit has matured, unless the PW himself accepts payment in another currency.

This same Convention fixes in Art. 34 that the compensations for the work done by the PW should be to charge of the detaining power. Then therefore the Government of the National the PW belongs to, should not have to make any reimbursement. Still, presiding entering into the merit of the formation of the labour units, waiting for the Allied authorities to answer the demand of informations asked for by H.E. the President of the Council, neither the above mentioned administrative dispositions nor all the others of the same nature fixed without any agreements with the R. Italian Government, can be recognized as being legal by that same government. Therefore it is my duty to declare this most explicitly so as to avoid the rising of misunderstandings, now that the service of the remission of money by PW to persons in Italy is slowly rebeginning.

HIGH COMMISSIONER
/s/ General Pietro Gazzera

C O P Y

TELEGRAM 6, July 27, TO ITALIAN LEGATION AT BERNE, SWITZERLAND, FROM
ITALIAN MINISTRY OF FOREIGN AFFAIRS:

Your are instructed to hand to International Red Cross official reply
of Royal Government giving most emphatic assurance of observance by Italy
of International War Laws, although International Red Cross telegram
mentioned in your 2059 concerning International obligations of belligerents
was not received by us. You will word reply in appropriate terms. As
suggested in your telegram, you will stress German violations of war laws
together with any other points you should deem it pertinent to emphasize.

PRUNAS

3275

Above telegram dispatched 30 January 1944.

/s/ Donald M. Decker
Political Section.

90

C O P Y

TELEGRAM 185, July 29, TO ITALIAN LEGATION AT BERNE, SWITZERLAND, FROM ITALIAN MINISTRY OF FOREIGN AFFAIRS:

International Red Cross Committee Delegate, M. Pradervant, has communicated to the President of the Council, Bonomi, that the Central Red Cross Committee desires to receive from the Italian Government an official communications confirming that Republican Italian Prisoners of War captured by Italian Armed Forces are considered Prisoners of War.

According to this delegate, this communication could effectively be used by the Central Committee for obtaining equal recognition toward Italian Military Personnel at present interned in Germany.

With reference also to my telegram No. 6 of 27 January, Your Excellency is asked to give formal assurance in the sense desired.

TELEGRAM 507, July 29, TO ITALIAN EMBASSY AT MADRID, SPAIN, FROM ITALIAN MINISTRY OF FOREIGN AFFAIRS:

From more and more sources this Ministry continues to learn of the increasingly serious situation of our military and civilian internees in Germany. It becomes urgent therefore to intensify the initiative of Italians abroad to speed up the work already being done by the delegations of the International Red Cross. Dispatches should contain above all medicines, food, and clothing. Packages should all be sent to the central seat of the International Red Cross to be subsequently sent to Germany.

Will your Excellency please take steps in this sense and transmit similar instructions to the Italian Representatives at Berne, Buenos Aires and Lisbon, who should do their utmost as soon as possible to begin this helpful activity and in particular with regard to resulting organizations which can be obtained in the heart of each community of Italians abroad and arrangements for transport through International Red Cross.

Above telegrams dispatched 31 July 1944.

/s/ Donald M. Decker
Political Section

H.Q. ALLIED CONTROL COMMISSION
APO 394

ASC/1/12/9

23 July 1944

To: Allied Force Headquarters, APO 512.

Subject: Situation of PW in British Hands.

- 1/. The attached translation of letter No. 530/Pol/312 dated 16 July from the Italian High Commissioner for Prisoners of war is forwarded.
- 2/. May I be informed if the information asked for can now be given or if the position remains the same as stated in your signal F45375 of 13 May?

For the Chief Commissioner:

Encl. as above.

J.A. Campbell
J.A. CAMPBELL
Lt.-Colonel

W
3
1
2

File A x (B)

3274

84

T R A N S L A T I O N

HIGH COMMISSIONER FOR POW

ROME 18 July 44

File No 530/Pol/CI2

TO:- A.C.C. Rome

SUBJECT:- Situation of POW in British Hands.

With the occupation of Rome and the return of the Royal Italian Government to the various ministries, I had hoped to be able to collect sufficient information concerning the number and disposition of Italian Prisoners of War in British Hands. Unfortunately the documents recovered are incomplete and do not set forth the necessary information concerning the disposition of the POW in the various parts of the world, (i.e. from India to Egypt).

For this reason I find myself obliged to frame a prayer for the kind help of the A.C.C., so that they might communicate with and procure from the proper Department of the British Ministry of War - even in an unofficial capacity - enlightenment of the situation with reference to the number of POW in British hands and their disposition in the various countries.

This information - even if, on the other hand, it is not too specific out of necessity - will greatly facilitate my discharge of the duty to provide for the Italian Prisoners of War.

THE HIGH COMMISSIONER
(General Pietro GAZZERA)
/s/ P Gazzera.

ALLIED FORCE HEADQUARTERS
G-5 Section

Cms/CF/seb

17 July 1944

G-5: 383.6

SUBJECT: Italian Soldiers Employed as POW in
British West Africa

TO : Headquarters, Allied Control Commission
(Attention: Army Sub-Commission)
AFO 394.

you in B file

Receipt is acknowledged of your letter on the above subject (ASC/10/102 of 14 July), with the letter of the Italian High Commissioner there inclosed (No. 463/Pol of 29 June). Steps have been taken to cause the matter to be studied and presented to the Political Council, AFHQ, for consideration. You will be advised when a decision is reached.

CHARLES M. SPOFFORD
Colonel, G.S.C.
Asst. Chief of Staff, G-5

Files A - B

COPY

3272

383.6
88

EWB/ha

A/cc 014.33

5 July 1944

My dear Mr. Ambassador;

attached

6 JUL 1944

#410/PL

I enclose copies of a letter received from General Canzera
and my own letter to AFHQ on the subject.

I should be grateful for any weight which you may be able to
throw into the scales.

Yours sincerely,

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

The Honorable Alexander Kirk
The American Ambassador
Naples

014.33 Request POW Gene

3271

NF

(87)

WES/hd

1/00 014.33

5 July 1944

subject: Repatriation of Italian Prisoners of War

6 JUL 1944

To: Allied Force Headquarters
(Attention: Chief of Staff)

1. In previous communications the point of view of A.C.C. has been made clear in regard to the status of Italian prisoners of war in liberated Italy.

2. I now enclose a further letter, together with translation, from the Italian High Commissioner for Prisoners of War again setting out in detail the views of the Italian Government on the subject of their prisoners of war in Italy.

3. There is little doubt that the position with regards to Italian prisoners of war in Italy is causing embarrassment to the Italian Government, and if the position remains the same may well be the cause of serious discontent among the population, thus weakening the government.

4. I therefore request that I may be issued with a definite instruction on this matter, as it is now becoming extremely difficult to satisfy the Italian government without a definite statement as to our policy.

5. It is my opinion that a decision one way or the other should be made available to the new government.

ELBERT W. STONE
Captain, USNR
Acting Chief Commissioner

2 Incls:

- 1 - Ltr fr Gen Cassara, No. 410/Pol of 18 Jun 44
- 2 - Translation of ltr No. 410/Pol of 18 Jun 44

cc: The Hon. Alexander Kirk
Sir Noel Charles

3275
NE
+ 011 248 (8)

TRANSLATION No 840 - SORISI

High Commissioner for POW
File No 410/Pol

Cava 18 June 44
TO:- A.C.C. Salerno

SUBJECT:- ITALIAN POW IN ITALIAN TERRITORY.

1. As you well know, the Allied Forces are detaining Italian soldiers in Italian territory, considering them, even now, as POW, in one of three principal categories:
 - a) Military units formed and commanded, actually, by Allied officers, - as pioneer, signal, port, hospital, services, interior, Military police companies, transportation, etc.; and perhaps in other units, not known to Italian Military Authorities, or in isolated service attached to various commands;
 - b) Soldiers free on parole, (Sicily), who have signed an agreement, giving their word of honor;
 - c) In POW camps.

I have already at other times pointed out, as was my duty, how, from the point of view of the Royal Government, this is contrary to the provisions of the Geneva Convention of 27 July 1929, and how, in view of our co-belligerence, it is also contrary to military and political convenience. Each time I have set forth concrete proposals whereby the contribution of these POW to the war effort would not only be legalized, suffering no diminution, but rather being increased.

I submit a resume' of views previously expressed on the subject.

2. Undoubtedly, the decision to utilize Italian POW in military units has suggested itself to the Allied Authorities as a result of the establishment of co-belligerency with the Royal Italian Government, which has continually expressed and actuated its intention to give maximum support to the fight against the Germans.

But the Geneva Convention, in clear and forceful language, forbids the employment of such by the Detaining Power in tasks, which have direct connection with military operations (Article 31).

Therefore, properly to request POW to perform such tasks, forbidden by the Geneva Convention, it should have been necessary that ~~making~~ a specific agreement had been effected with the Italian Government, providing consent to such request (Art. 83), which has not been consummated, despite the manifest good-will of the latter. (Such tasks are being performed generally by Italian POW here in Italy).

Further, because of the restrictions imposed by Art 31, it is not sufficient that POW have eventually personally to perform labor that contravenes the Geneva Convention. The more so, because, after months and years of captivity, the POW may be easily influenced by his observation and desire for greater liberty and, more strongly, that of reaching the soil of his fatherland, possibly to reunite with his relatives, to accept any renunciation. Proof of this is the fact that many of such POW, members of the aforesaid units, have deserted to contact their families and the ranks of the Italian Army.

Please note that when one of these Italian soldiers escapes from a POW unit and delivers himself to Italian authorities, he is only

c) in POW camps.

I have already at other times pointed out, as was my duty, how, from the point of view of the Royal Government, this is contrary to the provisions of the Geneva Convention of 27 July 1929, and how, in view of our co-belligerence, it is also contrary to military and political convenience. Each time I have set forth concrete proposals whereby the contribution of these POW to the war effort would not only be legalized, suffering no diminution, but rather being increased.

I submit a resume' of views previously expressed on the subject.

2. Undoubtedly, the decision to utilize Italian POW in military units has suggested itself to the Allied Authorities as a result of the establishment of co-belligerency with the Royal Italian Government, which has continually expressed and actuated its intention to give maximum support to the fight against the Germans.

But the Geneva Convention, in clear and forceful language, forbids the employment of such by the Detaining Power in tasks, which have direct connection with military operations (Article 31).

Therefore, properly to request POW to perform such tasks, forbidden by the Geneva Convention, it should have been necessary that ~~making~~ a specific agreement had been effected with the Italian Government, providing consent to such request (Art. 83), which has not been consummated, despite the manifest good-will of the latter. (Such tasks are being performed generally by Italian POW here in Italy).

Further, because of the restrictions imposed by Art 31, it is not sufficient that POW have eventually personally to perform labor that contravenes the Geneva Convention. The more so, because, after months and years of captivity, the POW may be easily influenced by his obsessions and desire for greater liberty and, more strongly, that of reaching the soil of his fatherland, possibly to reunite with his relatives, to accept any renunciation. Proof of this is the fact that many of such POW, members of the aforesaid units, have deserted to contact their families and the ranks of the Italian Army.

Please note that when one of these Italian soldiers escapes from a POW unit and delivers himself to Italian authorities, he is only doing his duty; he is free defacto and in law, and he may not return as a POW except when captured in combat (Art 50).

All these facts demonstrate not only the illegality but also the inapplicability of the position resultant upon these soldiers and the Italian Authorities, not to mention the unfortunate and regrettable reaction on the Italian people.

Aside from that, it is the intention and purpose of the Italian Government that its participation in co-belligerency be manifest in every conceivable manner consistent with national honor and dignity. Accordingly, should all Italian soldiers forming these units be declared completely free and restored to their full status as Italian soldiers, the Government would so establish their military and administrative capacity and maintain their organization under Italian law, discipline and tradition, as not to interfere with the effectiveness of the operations in which these units are engaged at this

delicate moment of the war; they would become regular Italian units, employed by the Allies, as is the case with other Italian units, on the front lines and behind the lines.

In addition to the conformity with International Law, the following concrete advantages would be enjoyed:

- the elimination of the humiliation of the state of imprisonment, under which these Italian soldiers are now living in the presence of free comrades-at-arms, would restore to them contentment of mind and a soldier's spirit;
- by working for the Allied Armed Forces in obedience to orders transmitted through the Italian Government, they would have the confidence of working for the good of their country and would even bring new zest to their labors;
- operating under the orders of their natural and legally constituted commanders, they would be constrained to a more customary and effective discipline in the task itself.

In conclusion, on this point, we propose that Allied Authorities may see fit to effectuate an agreement with the Italian Authorities, whereby these POW units, without delaying their operations or altering their effacacious loyalty, may be transformed into regular Italian units of free Italian soldiers.

3. The binding declaration of freedom on parole, signed by a certain number of soldiers of the Italian Armed Forces in Sicily, appears on the enclosed form.

To solicit its execution by Italian POW and effect its acceptance by them is palpably contrary to the laws of warfare:

- a) Because freedom on parole may be conceded by the Detaining Belligerent to the POW only if the laws of the prisoner's country authorize this liberty (see Art 10 of Regulations added to the 4th Convention of the Hague dated 18-10-07, specifically reenacted and incorporated in Geneva Convention relative to POW of 1929 as Art 89 of the latter);
- b) Because there not only does not exist a norm in Italian law authorizing this type of freeing Italian POW, but there is in existence, instead, the pronounced promulgation of Italian law prohibiting it, it being provided by the Military Law Penal Code that its acceptance by an Italian POW constitutes a crime (Art 217 C.M.P.G.: "The Italian POW who, by giving his word of honor not to participate further in hostilities, obtains from the enemy freedom from war imprisonment, is punished by imprisonment of from three to five years.");
- c) Because, under Art 3 of the Geneva Convention of 1929, belligerents must respect the honor and personality of POW, and it is an infraction of that obligation, in this respect to put POW in this position by so impelling offers, such as this type of freedom, against the will of their government and their duty to their country.

Furthermore, to suppose that soldiers, freed on parole, shall fulfill the obligations imposed by the attached, is no less illegal:

3263

effectiveness, they would be constrained to a more customary and effective discipline in the task itself.

In conclusion, on this point, we propose that Allied Authorities may see fit to effectuate an agreement with the Italian Authorities, whereby these POW units, without delaying their operations or altering their efficacious loyalty, may be transformed into regular Italian units of free Italian soldiers.

3. The binding declaration of freedom on parole, signed by a certain number of soldiers of the Italian Armed Forces in Sicily, appears on the enclosed form.

To solicit its execution by Italian POW and effect its acceptance by them is palpably contrary to the laws of warfare:

- a) Because freedom on parole may be conceded by the Detaining Belligerent to the POW only if the laws of the prisoner's country authorize this liberty (see Art 10 of Regulations added to the 4th Convention of the Hague dated 18-10-07, specifically reenacted and incorporated in Geneva Convention relative to POW of 1929 as Art 89 of the latter);
- b) Because there not only does not exist a norm in Italian law authorizing this type of freeing Italian POW, but there is an existing one, instead, the pronounced promulgation of Italian law prohibiting it, it being provided by the Military Law Penal Code that its acceptance by an Italian POW constitutes a crime (Art 217 C.M.P.G.: "The Italian POW who, by giving his word of honor not to participate further in hostilities, obtains from the enemy freedom from war imprisonment, is punished by imprisonment of from three to five years.");
- c) Because, under Art 3 of the Geneva Convention of 1929, belligerents must respect the honor and personality of POW, and it is an infraction of that obligation, in this respect to put POW in this position by so impelling offers, such as this type of freedom, against the will of their government and their duty to their country.

Furthermore, to suppose that soldiers, freed on parole, shall fulfill the obligations imposed by the attached, is no less illegal:

- a) because, once freed, POW are not POW any more, despite the title under which such freedom was gained (repatriation, escape, exchange, release on parole) and therefore, they cease to be subject to the sovereignty of the Detaining Power and pass automatically under that of their native state. Their duties and their juridical and military responsibility as soldiers, which, during imprisonment, had been paralyzed, but not impaired in their constituency (because during imprisonment, the soldier is still considered as still in service), they reattain in full efficiency and such become factual and operative;
- b) because, by virtue of the condition of ~~if~~ fact and consequence of law, they must immediately present themselves to the Italian military authorities and submit to its orders, without which they would be guilty of another crime, to wit, that, under Art 218 of C.P.M.G.: "the military who, in whatsoever manner has regained his freedom from war imprisonment, does not present himself without just reason to an Italian military authority within three days

following that on which he entered the state territory or territory occupied by Italian Armed Forces, is punished by military imprisonment up to five years.
5) because, even under this pretext, by obligating freed POW to commit this new crime it would be a violation of their honor and personality, as stated previously, under Art 3 of the Geneva Convention.

The continuation of the rights of the Detaining Power after liberation, manifested by the attached document, are absurd not only on the contemplation of the law warfare, but as well with respect to the more fundamental laws of international nature, because it resolves itself into a very grave disregard of the sovereign rights of another state.

We must add that the irregularity of these pretensions is also aggravated by the existence of the state of co-belligerency:

1. - because this, having swept aside (at least ~~de facto~~) the state of counter-belligerence, has automatically eliminated (at least de facto) also the reason for imprisonment and therefore our POW should be released "a fortiori" from such a state, without any conditions whatsoever;
2. - because, in this manner, the Italian state is prevented from recuperating an appreciable nucleus of its own very good soldiers, who could be usefully employed in the cooperative war effort, which is their desire and which has been pursued with much firmness also in the interest of the Allied Forces.

From a practical point of view, as well, the undesirable consequences arising from this method of liberation practiced by the Allied Authorities, are none the less serious, since, should the Italian authorities, as they must, enforce the Italian law against Italian POW so liberated, they are clearly placed in a position whereby they cannot fulfill the obligations which they have assumed with the liberating Power; and if the law is not enforced, they put in jeopardy, in their own eyes, in those of their comrades-at-arms, even of the Italian populace itself, not only the prestige of the latter but also the efficiency of military discipline: which would be a great deal more harmful for the Italian State.

In conclusion, then, for this point we also propose that the Allied Military Authorities, by leaving free those soldiers who have given their parole (whereas the fact of liberation is juridically irrevocable since the condition of imprisonment is extinct), may annul the obligation which was assumed and put them at the disposition of the Italian Military Authorities, who will take action to organize them in an orderly manner and will provide for their employment according to the military exigencies of co-belligerency.

4. Regarding Italian military yet detained in Italian territory in POW camps, we point out that:

a) - war imprisonment, according to the spirit of the Geneva Convention, is a security measure to provide against the possibility of captured combatants retaking arms against the detaining belligerent. Now this has no further reason to exist in regard to Italian soldiers - if the legalities are to be respected - since the Italians,

3267

any conditions whatsoever;

2. - because, in this manner, the Italian state is prevented from recuperating an appreciable nucleus of its own very good soldiers, who could be usefully employed in the cooperative war effort, which is their desire and which has been pursued with much firmness also in the interest of the Allied Forces.

From a practical point of view, as well, the undesirable consequences arising from this method of liberation practiced by the Allied Authorities, are none the less serious, since, should the Italian authorities, as they must, enforce the Italian law against Italian POW so liberated, they are clearly placed in a position whereby they cannot fulfill the obligations which they have assumed with the liberating Power; and if the law is not enforced, they put in jeopardy, in their own eyes, in those of their comrades-at-arms, even of the Italian populace itself, not only the prestige of the latter but also the efficiency of military discipline: which would be a great deal more harmful for the Italian State.

In conclusion, then, for this point we also propose that the Allied Military Authorities, by leaving free those soldiers who have given their parole (whereas the fact of liberation is juridically irrevocable since the condition of imprisonment is extinct), may annul the obligation which was assumed and put them at the disposition of the Italian Military Authorities, who will take action to organize them in an orderly manner and will provide for their employment according to the military exigencies of co-belligerency.

4. Regarding Italian military yet detained in Italian territory in POW camps, we point out that:

3267

- a) - war imprisonment, according to the spirit of the Geneva Convention, is a security measure to provide against the possibility of captured combatants retaking arms against the detaining belligerent. Now this has no further reason to exist in regard to Italian soldiers - if the legalities are to be respected - since the Italians, for a period of months, as co-belligerents, serve and fight completely with the Allied Armed Forces against the common enemy.
- b) - the zone where Italian soldiers are now detained as POW is an area in which the Italian Government has received from the Allied Authorities the exercise of its sovereignty, and it seems paradoxical, therefore, that in such territory there could exist Italian citizens held as POW of foreign Powers, and co-belligerents, at the same time.
- c) - since the POW are subject to the rights and duties of the Geneva Convention, they should be safeguarded by a Protecting Power. Now, it is absurd that, in Italian territory, Italian citizens could and must be safeguarded by a foreign neutral power.
This consideration applies as well to instances of Italian POW units and of prisoners released on parole.
- d) - the Italian people cannot seem to understand, nor view with equanimity, this detention of their sons in prison camps while other sons of theirs fight together with the keepers of those same camps. Further, they cannot conceive, by way of justification,

any reasons of internal law, as has been advanced in reference to POW in Great Britain and America. Therefore, considerations of moral and political expediency, in the writer's mind, compel the liberation of these Italian soldiers and placing them at the disposition of the Italian Military Authorities.

e) - Someone has said that among the POW there are soldiers who profess political policies contrary to co-belligerency. Italian Authorities have the means of enforcing obedience by Italian military of whatever political conviction, and of preserving public order against the stupid wishes of any politically dissenting citizen.

This cannot therefore be a serious motive for delaying the liberation of these Italian military.

5. As a general conclusion, the Royal Government proposes that Allied Authorities consent, for the above-mentioned categories of Italian soldiers, and for all those who, continuing in the status of POW, were in any manner employed by the Allies in Italian territory, to the solution of Justice and humanity which I have the honor of proposing: that is, the cessation of the state of POW.

By being included in the status of co-belligerency and delivered of unrest, these Italian soldiers will impart a more loyal zest to their task, and the population, at present disheartened because of their sons imprisonment near their own homes, will increase their confidence in the Allies' sense of Justice; the Allied Authorities, military and civil, will be more free to exercise their authority to the advantage of military discipline and of internal civilian order.

THE HIGH COMMISSIONER
(GENERAL PIETRO GAZZERA)
/s/ P Gazzera.

in any manner employed by the Allies in Italian territory, to the solution of Justice and humanity which I have the honor of proposing: that is, the cessation of the state of POW.

By being included in the status of co-belligerency and delivered of unrest, these Italian soldiers will impart a more loyal zest to their task, and the population, at present disheartened because of their sons imprisonment near their own homes, will increase their confidence in the Allies' sense of Justice; the Allied Authorities, military and civil, will be more free to exercise their authority to the advantage of military discipline and of internal civilian order.

THE HIGH COMMISSIONER
(GENERAL PIETRO GAZZERA)
/s/ P Gazzera.

3268

(8)

TRANSLATION

Bilingual Document
(English-Italian)

REQUEST FOR LIBERATION ON BEHALF OF HONOR

Place _____ Date _____
TO: The General Officer Commanding the 7th Army of the United States, Allied Armed Forces, on behalf of an officer of the Italian Armed Forces.

Particulars of person making request: _____
Name: _____
Matriculation Number: _____
Rank in the Italian Armed Forces: _____
Residence in Sicily: Commune of _____ Province of _____
Occupation or profession: _____
Date of birth: _____
Place of birth: _____
Civilian status: _____
Number of minor children or dependents other than wife: _____

I the undersigned (rank in the Italian Armed Forces) residing as set forth above, now a prisoner of war of the United States, request liberation on my word of honor for the purpose of (strike out words not applicable):

- a) Returning to my family.
- b) Proceeding to _____ to take up useful employment.

If my request is granted I pledge myself with my signature and upon my personal honor to hold myself to the following conditions:

- a) Upon arriving at the above-mentioned destination I will register my name in the register of the nearest office of the Allied Military Government and from then on I will present myself at the aforementioned office at intervals prescribed by the Civil Affairs Officer. I will not change my place of residence without the prior consent of the office of the Allied Military Government with which I am registered.

3265

Italian Armed Forces

Particulars of person making request: _____

Name: _____

Matriculation Number: _____

Rank in the Italian Armed Forces: _____

Residence in Sicily: Cause of _____ Province of _____

Occupation or profession: _____

Date of birth: _____

Place of birth: _____

Civilian status: _____

Number of minor children or dependents other than wife: _____

I the undersigned (rank in the Italian Armed Forces) residing as set forth above, now a prisoner of war of the United States, request liberation on my word of honor for the purpose of (strike out words not applicable):

- a) Returning to my family.
- b) Proceeding to _____ to take up useful employment.

If my request is granted I pledge myself with my signature and upon my personal honor to hold myself to the following conditions:

3265

- a) Upon arriving at the above-mentioned destination I will register my name in the register of the nearest office of the Allied Military Government and from then on I will present myself at the aforementioned office at intervals prescribed by the Civil Affairs Officer. I will not change my place of residence without the prior consent of the office of the Allied Military Government with which I am registered.
- b) I will hold myself bound to scrupulous observance of all orders and instructions contained in the proclamations, general orders, notices, or regulations issued by the Allied Military Government of Occupied Sicily.
- c) I will abstain from any act of hostility against the Allied Armed

18

Forces and from any act that might aid the enemies of the aforesaid armed forces, from any act of violence or from any act whatever that might cause a disturbance of public order.

d) I am fully aware that if I should be guilty of falling short of any of the abovementioned conditions whatsoever, my freedom upon word of honor will be annulled and I shall be tried before a military court. I am furthermore fully aware that if I should be apprehended bearing arms or waging war in any manner whatsoever against the Allied Armed Forces I shall lose my right to be treated as a prisoner of war and shall be tried before a military court of the Allied Armed Forces and shall be subject to the penalty of death.

Signature of the prisoner _____

Signature of witnessing prisoner _____

Transmitted by _____ (Name and rank of the officer of the Italian Armed Forces making the presentation)

Date _____

Signature of the Provost Marshal _____

HEADQUARTERS OF THE SEVENTH ARMY

The freed prisoner will carry with him at all times his own copy of this document, which must be exhibited upon demand to any member of the Allied Armed Forces or of the Royal Carabinieri or of any other agent of the division of public safety.

TRANSLATION

326

(87)

SECRET

File A (E)

EWB/hjp

A/CC 383.6

18 July 1944

SUBJECT: Apprehension of Escaped Italian POW (Co-operators)

TO : Headquarters, Allied Armies in Italy

1. This is in reply to your letter of 4 July, AAI/3072/A(0), on the above subject.
2. This subject and the copies of letters forwarded with your letter were discussed with the Supreme Allied Commander at AFHQ Adv on July 11th.
3. I recommended that the 10,000 POW should not be sent to Italy because of the grave political questions which it would raise. The subject was discussed on July 12th by the Supreme Allied Commander and the Head of MMIA.
4. It is my understanding that as a result of these discussions it is not now planned to bring these 10,000 POW to Italy.

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

cc: MMIA

3263

(86)

SECRET

C O P Y

A/CC 383.6

EWS/hjp

18 July 1944

SUBJECT: Apprehension of escaped Italian POW (Co-operators)

TO : Headquarters, Allied Armies in Italy.

- 1/. This in reply to your letter of 4 July, AAI/3072/A (o) on the above subject.
- 2/. This subject and the copies of letters forwarded with your letter were discussed with the Supreme Allied Commander at AFHQ Adv on July 11th.
- 3/. I recommended that the 10,000 POW should not be sent to Italy because of the grave political questions which it would raise. The subject was discussed on July 12th by the Supreme Allied Commander and the Head of MMIA.
- 4/. It is my understanding that as a result of these discussions it is not now planned to bring these 10,000 POW to Italy.

ELLERI W STONE
Captain, USNR
Acting Chief Commissioner

S E C R E T

3262

85a

C O P Y

ASC/1/101

16 July 1944

TO: Allied Armies in Italy.

SUBJECT: Apprehension of Escaped Italian PW (Co-operators)

Reference your AAI/3072/A(O) of 4 July 1944.

1/. It is understood that when this question was discussed with General Sir Maitland Wilson and Captain STONE a few days ago, it was decided that new instructions would be issued in regard to this matter.

2/. No action will now be taken until further instructions are received.

For the Chief Commissioner:

(Sgd) J. A. CAMPBELL
Lt.-Colonel
Army Sub-Commission

3261

85a

COPY

056499
3 JUL 1944
SECRET

SUBJECT: - Apprehension of Escaped
Italian POW (Co-operators).

HQ ALLIED ARMIES IN ITALY.

AAI/3072/A(O).

4 Jul 44.

HQ, A.C.C.

1. Copy of this HQ letter of even number dated 25 Jun 44, addressed to Army Sub-Commission ACC, is forwarded, together with a copy of General Browning's reply.
2. Will you please consider the question and approach the Italian Government in accordance with para 6 of the first quoted letter.

XXXXXXXXXXXX
Col.
for Brigadier,
D.A.G.

TW/IY.

sent to Political Section for
comments 8/7/44, with copy
to Army S/C Rear Hq

NF
3263

383.6 - good

(85)

C O P Y

SUBJECT: Apprehension of Escaped
Italian PW. (Co-operators).

S E C R E T

Army Sub Commission, A.C.C.
 Main Hq (MMIA)
 LEQUILE (LECCO)
 AQ/11/1.
 29 June 44.

H.Q. AAI.

Your AAI/3072/A(0) dated 25 June -

1. I agree in general with your letter as above.

2. The position of P of W is anomalous and no solution has been come to by the Allied Governments. I understand that the Italian Government will NOT "play" and so no "formula" is likely to be produced. But this is a matter for ACC to advise on. Therefore, we must act independently as best we can.

3. The following are some ideas on this subject:-

(a) P of W have for long past been used for work for the Allies in organized units with better privileges than the ordinary Italian soldier. They are thus unlikely to desert permanently.

(b) We need this manpower, particularly if the Italian Army ceiling is reduced to 447,300 as proposed by AFHQ.

(c) Therefore we must take these 10,000 P of W and do the best we can with them. If they slip off to see their families and do not come back under a fortnight, we tell CC.M. If they come back we say and do nothing.

If CC.M. picks them up, those of non-military age are demobilised, those of military age are enrolled in the Army - without punishment for deserting, except to demand back their P of W uniforms. We must hope they will not desert, but if they do, we can do nothing about it, except as above.

(d) We must treat them as they have been treated in NORTH AFRICA, but try and keep them separate from other Italian troops.

(e) Presumably they would only be used for labour and not (a) Guard duties.

4. The above are only my personal ideas. I think it is really a political matter which should be advised on by ACC. I know General MAC- FARLANE made many efforts to achieve a solution which failed due to factors outside his control.

1. I agree in general with your letter as above.
2. The position of P of W is anomalous and no solution has been come to by the Allied Governments. I understand that the Italian Government will NOT "play" and so no "formula" is likely to be produced. But this is a matter for ACC to advise on. Therefore, we must act independently as best we can.
3. The following are some ideas on this subject:-
 - (a) P of W have for long past been used for work for the Allies in organized units with better privileges than the ordinary Italian soldier. They are thus unlikely to desert permanently.
 - (b) We need this manpower, particularly if the Italian Army ceiling is reduced to 447,300 as proposed by AFHQ.
 - (c) Therefore we must take these 10,000 P of W and do the best we can with them. If they slip off to see their families and do not come back under a fortnight, we tell CC.RA. If they come back we say and do nothing.

If CC.RA. picks them up, those of non-military age are demobilised, those of military age are enrolled in the Army - without punishment for deserting, except to demand back their P of W uniforms. We must hope they will not desert, but if they do, we can do nothing about it, except as above.

 - (d) We must treat them as they have been treated in NORTH AFRICA, but try and keep them separate from other Italian troops.
 - (e) Presumably they would only be used for labour and not (a) Guard duties.
4. The above are only my personal ideas. I think it is really a political matter which should be advised on by ACC. I know General MACFARLANE made many efforts to achieve a solution which failed due to factors outside his control.

tvs.LB.

(Sgd) L. Browning.
Major General.
Army Sub Comm, A.C.C.

(52)

C O P Y

SUBJ CT: - Apprehension of Escaped
Italian PW. (Co-operators).

HEADQUARTERS
ALLIED ARMIES IN ITALY
CAF
25 Jun 44
AAI/3072/A(U)

Army Sub-Commission,
ACC.

Reference AG 383.6 dated 30 May 44 from CG PBS.

1. AFHQ intend shortly to import into ITALY 10,000 Italian PW who can play a vital part in the maintenance of this Force. As carefully organized and equipped units they are of far greater value to us than equivalent units of the Italian Army. On this basis, our policy must be to keep these PW units intact.
2. When the 10,000 PW are imported there will be a natural tendency for personnel to desert in order to visit their families and for other reasons. The only deterrent which the system of the PBS applies is the fact that on apprehension the absconder rejoins the Italian Army with its lower standard of living. This penalty is not sufficiently hard to prevent desertion.
3. Presumably deserters within the desobilization categories would not be returned to the Italian Army and would be demobilized on apprehension.
4. In view of the foregoing, the arrangements in force as described in PBS letter quoted above are not acceptable.
5. The status of Italian PW employed in formed units by the Allied Forces is now officially described as "Co-operator". They are employed in the same manner as other units of the Italian Army and, therefore, cannot be regarded in a true sense as PW. That being so, the argument by CG Italian Forces in CAMPANIA that the international military code boliges an officer to assist in the escape of PW of his own nationality must be interpreted in a broader sense, in view of the abnormal state of affairs in ITALY and the employment of these units in conjunction with the Italian Army as stated above.
6. It is considered that the matter should be taken up with the Italian Government, in order that they may produce a formula by which the scruples of their officers are satisfied and the deserters returned to the units in which they are employed, as it is only by the co-operation of the Police, Military Authorities and Carabinieri that deserters can be apprehended.
7. Will you please consider the matter and let us have your views.

3254

1. AFHQ intend shortly to import into ITALY 10,000 Italian PW who can play a vital part in the maintenance of this force. As carefully organized and equipped units they are of far greater value to us than equivalent units of the Italian Army. On this basis, our policy must be to keep those PW units intact.
2. When the 10,000 PW are imported there will be a natural tendency for personnel to desert in order to visit their families and for other reasons. The only deterrent which the system of the PBS applies is the fact that on apprehension the absconder rejoins the Italian Army with its lower standard of living. This penalty is not sufficiently hard to prevent desertion.
3. Presumably deserters within the demobilization categories would not be returned to the Italian Army and would be demobilized on apprehension.
4. In view of the foregoing, the arrangements in force as described in PBS letter quoted above are not acceptable.
5. The status of Italian PW employed in formed units by the Allied Forces is now officially described as "Co-operator". They are employed in the same manner as other units of the Italian Army and, therefore, cannot be regarded in a true sense as PW. That being so, the argument by CG Italian Forces in CAMPANIA that the international military code obliges an officer to assist in the escape of PW of his own nationality must be interpreted in a broader sense, in view of the abnormal state of affairs in ITALY and the employment of these units in conjunction with the Italian Army as stated above.
6. It is considered that the matter should be taken up with the Italian Government, in order that they may produce a formula by which the scruples of their officers are satisfied and the deserters returned to the units in which they are employed, as it is only by the co-operation of the Police, Military Authorities and Carabinieri that deserters can be apprehended.
7. Will you please consider the matter and let us have your views.

3253

(Sgd) T. Welch. Col.
for General,
Commander-in-Chief.

TW/JD

Copy to G(SD)

85

14
EWS/cfo
TAG

A/CC 383.6

26 June 1944

DSM 387
27 JUN 1944

My dear Prime Minister,

The contents of your letter No. 1890 dated 23 June 1944 has been passed to Allied Force Headquarters, and I hope to be able to give you a reply on this matter in the near future.

Yours very sincerely,

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

H.E. Sig. Ivanoe Bonomi
President of the Council
Salerno

cc: Army Sub-Commission
Rear Hq ACC

NF
32578

Being suspended by ASG
Secty Gen - office force.
Suspend To July 10
152 (84)

EW/ife
JAB

334 370
27 JUN 1944

A/CC 333.6

26 June 1944

Subject: Italian Military Personnel Detailed as Prisoners of War.

To: Chief of Staff, Allied Force Headquarters, APO 512.

- file 782*
1. Reference is made to attached translation of letter No. 1990 dated 23 June 1944 from the President of the Council, H.E. Sig. Bonomi.
 2. The new government is clearly returning to the attack on this subject.
 3. May this matter please receive early attention and information be given as to the lines along which a reply should be made.

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

cc: Army Sub-Commission
Rear Hq ACC

NF

3256

Agreement File 333.6
P.O.W.
(83)

C O P Y

TRANSLATION

PRESIDENT OF THE COUNCIL

Cava dei Tirreni, 23 June 1944

File No. 1890

TO: General Sir Noel Mason MacFarlane
Chief of the ACC, Naples

Dear General,

Among the many and serious problems with which the Royal Government must deal, there exists, as you well know, the problem of the Italian Military Personnel still detained as Prisoners of War in all parts of the world and even in the national territory.

In his letter of May 10th, No. 1405 directed to you, my predecessor, His Excellency Marshal Badoglio, in summarizing the matter, explained again the Italian Government point of view and asked for an official explanation of the new organization which the Allied Governments, according to press and radio dispatches, would have given to the Italian Military Personnel in their hands.

With your letter No. 304 of May 18th, Your Excellency assured him of having transmitted that letter to the Allied Command at Algiers and you expressed the hope of receiving a prompt reply.

However, up to date no further communication has been received by the Italian Government regarding the matter. I do not hide from you the fact that the prolonging of this situation of uncertainty renders painful and difficult the work of the government, insofar as regards the Italian Military Personnel still detained as prisoners of war who write letters into the country relative to their state of mind; insofar as concerns hundreds of thousands of families impatient to see the situation solved for their distant and still captive relatives in such a way as to conform to the effort which liberated Italy wishes to carry out, shoulder to shoulder, with the Allies against the common enemy.

Therefore, I would be grateful to you, Dear General, for a prompt reply which would smooth the way to effect an agreement--conforming to international law and to Italian national dignity--which until now we have been unable to reach, notwithstanding all the good Italian intentions.

I thank you in advance with cordial greetings.

/s/ Ivance Bonomi

3255

C O P Y

82

UNITED STATES REPRESENTATIVE
ADVISORY COUNCIL FOR ITALY

Naples, June 13, 1944.

STRICTLY CONFIDENTIAL

My dear General MacFarlane,

I am transmitting herewith, for your information, a copy of a United States War Department press release dated May 7, 1944, concerning service units formed for Italian prisoners of war.

Sincerely yours,

A. Kuhl

Enclosure as stated.

General Sir Noel Mason MacFarlane,
Chief Commissioner,
Allied Control Commission,
Naples.

*No action
Keep for
reference.*

Wm 6

3254

(81)

C O P YWAR DEPARTMENT
Press BranchFOR RELEASE IN SUNDAY PAPERS, MAY 7, 1944.For Radio Broadcast after
9:30 p.m. EDT May 6, 1944.SERVICE UNITS FORMED
FOR ITALIAN PRISONERS OF WAR

The War Department announced today that in furtherance of Italian cobelligerent efforts, Italian prisoners of war who volunteer are being given the opportunity to serve in service units organized on a military basis. Parallel arrangements are being made, in so far as is practicable, by the Government of the United Kingdom.

These units will render services of various kinds in support of the war effort against the common enemy, except in actual combat. They will be staffed with Italian officers and noncommissioned officers, and will be extended liberties and privileges not heretofore available to them. The units organized by the United States will be under the ultimate command of American officers, and will be subject to American military law and regulations.

Italian personnel volunteering for assignment to these service units will continue to be paid the present rates of pay for labor prescribed by the Army pursuant to its obligations under the Geneva Convention governing prisoners of war. However, a portion of this will be paid in cash and the remainder in Post Exchange coupons instead of the entire sum being paid in coupons as at present. The amount not paid in cash may be credited to the individual's account with the Treasury of the United States if he so elects.

Service units will be organized along American military lines to perform service functions for our forces similar to those now being performed by American service units. The arrangement is expected to release thousands of American soldiers for other duty.

Lieutenant General Brehon Somervell, U.S. Army Commanding General, Army Service Forces, is responsible for the organization, training and utilization of the units. Brigadier General John M. Bager, U. S. Army, former Chief of Staff, Fifth Service Command, Columbus, Ohio, has been named Commanding General of the units, which will be under the overall supervision of the Service Commands in which they are stationed.

Training will be conducted under existing mobilization ^{325g} programs for the type of service to be performed, with the omission of tactical and weapon training and such other modifications as may be deemed advisable. Instruction in the English language will be stressed, with particular reference to vocabulary relating to the tasks of the individual

The War Department announced today that in furtherance of Italian cobelligerent efforts, Italian prisoners of war who volunteer are being given the opportunity to serve in service units organized on a military basis. Parallel arrangements are being made, in so far as is practicable, by the Government of the United Kingdom.

These units will render services of various kinds in support of the war effort against the common enemy, except in actual combat. They will be staffed with Italian officers and noncommissioned officers, and will be extended liberties and privileges not heretofore available to them. The units organized by the United States will be under the ultimate command of American officers, and will be subject to American military law and regulations.

Italian personnel volunteering for assignment to these service units will continue to be paid the present rates of pay for labor prescribed by the Army pursuant to its obligations under the Geneva Convention governing prisoners of war. However, a portion of this will be paid in cash and the remainder in Post Exchange coupons instead of the entire sum being paid in coupons as at present. The amount not paid in cash may be credited to the individual's account with the Treasury of the United States if he so elects.

Service units will be organized along American military lines to perform service functions for our forces similar to those now being performed by American service units. The arrangement is expected to release thousands of American soldiers for other duty.

Lieutenant General Brehon Somervell, U.S. Army Commanding General, Army Service Forces, is responsible for the organization, training and utilization of the units. Brigadier General John M. Bager, U. S. Army, former Chief of Staff, Fifth Service Command, Columbus, Ohio, has been named Commanding General of the units, which will be under the overall supervision of the Service Commands in which they are stationed.

Training will be conducted under existing mobilization ^{325g} programs for the type of service to be performed, with the omission of tactical and weapon training and such other modifications as may be deemed advisable. Instruction in the English language will be stressed, with particular reference to vocabulary relating to the tasks of the individual units. Existing housing facilities will be used.

The present prohibition against fraternization will not apply between members of the Italian service units and American military personnel, but military discipline and the prescribed military courtesies

will

(18)

will be strictly observed. Friends and relatives of members of the units may visit them at the discretion of the American unit commander.

Members of the service units will wear easily recognizable uniforms, including a green brassard bearing the word ITALY in white block letters, to be worn on the left sleeve. The garrison (overseas) cap will be worn, with a red and green circular cloth patch bearing the word ITALY in the position normally occupied by military insignia.

The Army will continue to be responsible for the housing, feeding, medical and religious care in the same manner as at present.

Only those Italian personnel who volunteer, in writing, for assignment to the service units, will be accepted. They must in addition be found mentally and physically qualified, and be "cleared" by Military Intelligence.

Those who are accepted will sign an application for assignment to an Italian service unit, in which the individual will promise to serve at any task excepting actual combat that will aid in the prosecution of the joint war effort against Germany. Infractions of any orders or regulations issued by the American military authorities will make the individual subject to having all privileges withdrawn and may result in disciplinary action in accordance with American military law and regulations.

END+

The Army will continue to be responsible for the housing, feeding, medical and religious care in the same manner as at present.

Only those Italian personnel who volunteer, in writing, for assignment to the service units, will be accepted. They must in addition be found mentally and physically qualified, and be "cleared" by Military Intelligence.

Those who are accepted will sign an application for assignment to an Italian service unit, in which the individual will promise to serve at any task excepting actual combat that will aid in the prosecution of the joint war effort against Germany. Infractions of any orders or regulations issued by the American military authorities will make the individual subject to having all privileges withdrawn and may result in disciplinary action in accordance with American military law and regulations.

END

3252

(18)

SECRET

SEC GEN

S-3371

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

HQ AGC, APO 394
Sec'y Gen.
Rec'd 29 May 1515
CMS/CF/jw OFEO

G-5: 383.6

26 May 1944

SUBJECT: Italian Prisoners of War in Allied Control.

TO : Headquarters, Allied Control Commission, APO 394
(Attention: Chief Commissioner)

Receipt is acknowledged of your memorandum CC/G/297 of 15 May 1944, transmitting a letter of Marshal Badoglio, dated 10 May 1944 (File No. 1405). Both communications deal with the utilization of Italian prisoners of war by the British and United States Governments. You are requested to inform Marshal Badoglio that this letter has been brought to the attention of the Supreme Allied Commander, who will no doubt refer it, through the Combined Chiefs of Staff, to the United States and British Governments.

Charles M. Spofford

CHARLES M. SPOFFORD
Colonel, G.S.C.,
Asst. Chief of Staff, G-5.



Wm 29/44

3251

G. S. 20 May

SECRET

(80)

TOP SECRET

1206

NIF
also SF

GEN MACFARLANE (CHIEF COMM)

18 MAY 1944

TOP SECRET

V. 16

PRIORITY

GEN MACFARLANE

A.F.H.Q.

DURING HIS PRIVATE TALK WITH ME TODAY BADOGLIO PRESSED STRONGLY FOR FURTHER INFORMATION REGARDING THE RADIO AND PRESS REPORTS ON THE SUBJECT OF THE USE BEING MADE BY THE AMERICAN AND BRITISH GOVERNMENTS OF ITALIAN PRISONERS OF WAR PD PAREN TO AFHQ FOR MRS BRITISH MINISTER RESIDENT AND AMERICAN POLITICAL ADVISER FROM AGC MAIN FROM MACFARLANE PERSONAL PAREN I TOLD HIM THAT I WAS WITHOUT OFFICIAL INFORMATION ON THIS SUBJECT BUT THAT IN DUE COURSE WE MIGHT EXPECT CLARIFICATION

363.6-

3259

MOEL MASON MACFARLANE
Lieutenant General
Chief Commissioner

TOP SECRET

79

FIDM/TJ

NF

Ref. CC/F/304.

18th. May, 1944.

folio #73

Thank you for your letter No. 1405 of May 10th on the subject of Italian prisoners of war.

2. I am without official information regarding the reports in newspapers to which you refer and am, therefore, as yet unable to reply to your questions.
3. I have forwarded a copy of your letter to Allied Headquarters in Algiers and am hoping for an early reply.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

S.E. Marshal Pietro Badoglio,
Il Presidente del Consiglio dei Ministri.

3214

Cy 8/18/44

(78)

TOP SECRET

M203

AF

ACC MAIN (GEN MACFARLANE C COM)

17th. May, 1944.

TOP SECRET

V16

PRIORITY

GEN MACFARLANE

A.F.H.Q.

follow #76

follow 75

C C / G / 297
SUBJECT MY MEMORANDUM NUMBER CHARLIE CHARLIE SLANT GEORGE SLANT TWO NINE SEVEN OF
FIFTEENTH MAY TO CHIEF OF STAFF ENCLOSING LETTER FROM BAIUGLIO REGARDING PRISONERS OF WAR
PD PAREN TO AFHQ PERSONAL FOR BRITISH RESIDENT MINISTER FROM ACC MAIN FROM MACFARLANE
PERSONAL PAREN SEE ALSO TELEGRAM FOX FOUR FIVE THREE SEVEN FIVE TO ME FROM GENERAL
GAMMELL PD PARA TWO PD I HAVE TODAY READ STATEMENT IN HOUSE OF COMMONS BY JAMES GRIGG
AND ARTICLE ON ITALIAN PRISONERS OF WAR IN TIMES OF MAY TENTH PD IT IS VERY PROBABLE
THAT BAIUGLIO WILL FOLLOW UP HIS LETTER WITH A REQUEST FOR VERBAL EXPLANATIONS AND
DISCUSSION PD IN THE MEANTIME IN ACCORDANCE WITH ABOVE QUOTED TELEGRAM I WILL STALL
HIM PD PARA THREE PD I HEAR THAT YOU ARE HOPING TO VISIT ITALY AGAIN VERY SHORTLY PD
I HOPE YOU WILL BRING WITH YOU ALL AVAILABLE INFORMATION TO ENABLE NOEL CHARLES TO
REPRESENT THE POINT OF VIEW OF HQ TO THE ITALIAN GOVERNMENT PD I AM NATURALLY KEEPING
NOEL CHARLES FULLY INFORMED OF THE SITUATION PD

3136

3248

NOEL MASON MACFARLANE
Lieutenant-General,
Chief Commissioner.

TOP SECRET

77

Office
CC/CC/CC/CC
SECRET

1
13/TM/RJ

NF
also SF

Ref. CC/C/297.

15th. May, 1944.

MEMORANDUM:

TO: Allied Force Headquarters.
(ATTENTION: Chief of Staff).

1. Reference is made to my memorandum, No. CC/C/184, of the 8th. April enclosing a communication from the Italian Government regarding Italian prisoners of war in Allied hands, with the request that it should be brought to the attention of the Governments of the United States and British Commonwealth.

2. I have now received a further letter from Marshal Badoglio, copy enclosed, with regard to press reports that the United States and British Governments have made certain arrangements for the utilisation of Italian prisoners of war without previous agreement with the Italian Government and in contravention of the terms of the Geneva Convention. The letter reviews the various developments which have taken place as regards the status of these prisoners of war, including their utilisation in Italy, and concludes by reiterating the following requests, which it is claimed derive from Italy's co-belligerent status;

(a) The Italian soldiers at present detained should all cease to have the status of prisoners, without recourse to a volunteer system, because this is contrary to our basic military law.

(b) The Italian units which should not be smaller than a battalion, should in law and fact be under the command of Italian officers and non-commissioned officers, and be subject to the rules of Italian discipline (Allied penal code).

(c) In every territory, Italian units should be commanded by an Italian General, representative of Italian military interests.

(d) In Italy, all prisoners of war should be immediately liberated.

3. The retention

- - 2 - -

3. The retention of Italian prisoners of war in Italy is not only of doubtful legality, but is also a potential source of friction and inefficiency, since in the same territory there are Italian units fighting at the front as co-belligerents and, immediately in the rear, other Italian units engaged on lines of communication work who are treated as prisoners.

4. I have already requested information regarding the steps which have been taken by the United States and the British Governments in order that I may be in a position to answer some of the enquiries put to me by the Italian Government.

5. I am sending copies of this communication to Mr. Alexander Kirk and Sir Noel Charles.

NOEL MARION MACFARLANE,
Lieutenant-General,
Chief Commissioner.

3246

(76)

SECRET
ALLIED CONTROL COMMISSION
INCOMING MESSAGE

MSG Center No : 13/14
Classification : SECRET
Precedence : PRIORITY
From : FREEDOM FROM GENERAL GAMMETH
To ACTION : ACC MAIN FOR GENERAL MASON MACPARRLANE

HEADQUARTERS
14 MAY 1944
A. C. C.

Date Time Rec'd : MAY 14 0054
Date Time Sent : MAY 13 1353
Reference NR : E45375
Cite : FHGAB

REFERENCE YOUR LETTER CC/P/259 OF 3 MAY. TRANSFER OF ITALIAN PW
FROM 1 COUNTRY TO ANOTHER IS BEING CARRIED OUT ON A LARGE SCALE
AND WORLD WIDE BASIS BOTH BY AMERICANS AND OURSELVES. HAVE
DISCUSSED YOUR PROPOSALS WITH US POLITICAL ADVISER AND RESIDENT
MINISTERS AND DECIDED NOT NECESSARY OR DESIRABLE AT PRESENT TO
NOTIFY SUCH TRANSFER TO THE BADOGLIO GOVERNMENT.

ACC DIST

ACTION: SECY GEN 2

INFO : DCC

FILE

ACTION COPY

Chief Com'n

Political Section

SECRET

111 3245

15

RESTRICTED

M192

NF
also SF

ACC MAIN (GEN MACFARLANE C COM)

12th. May, 1944.

RESTRICTED

V16

PRIORITY

GEN MACFARLANE

A.F.H.Q.

GRATEFUL FOR VERY EARLY REPLY PAREN TO AFHQ PERSONAL FOR GENERAL GAMMELL FROM
ACC MAIN FROM MACFARLANE PERSONAL PAREN TO MY CHARLIE CHARLIE SLANT PETER SLANT
TWO FIVE NINE OF THIRD MAY

CC/P/254

1
b/c #7V

3136-

32.1

NOEL MASON MACFARLANE
Lieutenant-General.
Chief Commissioner.

RESTRICTED

(74)

TRANSLATION

OFFICE OF THE CHIEF OF THE GOVERNMENT

TO: GENERAL NOEL MASON MACFARLANE
Chief of the Allied Control Commission

File No. 1405

My dear General:

HQ ACC. APO 394

Sec'y Gen.

Trans. Rec'd 12 May 1944

DFE

Salerno, 10 May 1944

new #66
Political Section
Please forward this and then discuss with me. hm 12-5-44
With your letter of April 8th last, you informed me that, with reference to our discussions on Italian military personnel still detained as prisoners of war by the Governments of the United States and the British Commonwealth, you had called the attention of these Governments to the reasons presented by me, which prevented the R. Government from adhering to their point of view in regard to these fundamental principles:

- a) - status of prisoners of war maintained for Italian Military Personnel, notwithstanding the co-belligerency of the Italian People;
- b) - the volunteer enlistment asked of prisoners of war, which would have placed them in conflict with the fundamental Italian military law of general compulsory military service, and with the Italian military penal code, which prevails for prisoners of war even during their imprisonment;
- c) - the command of units which the respect for military pride and honour requires be given, by right and in fact, entirely to Italian officers and non-commissioned officers, if the Italian military personnel are to go along with the military effort, as the Italian People desire;

Now, to my surprise, I understand from the reports of the "Stars and Stripes" (inclosure 1) and from the London Radio (Inclosure 2) that Italian military personnel are to be organized into special units, commanded in fact by Allied officers, of volunteer workers who would retain their status as prisoners of war.

If this were really so, the Italian R. Government would be confronted, without any prior notice and while negotiations in the matter are still pending, with an accomplished fact which takes no account either of its rights, or of its desires.

It is well to undertake briefly a survey of the situation.

2 - During the month of October last, a Commission of American Officers reported officially to the Italian Prisoner of War Camps in America that the intention existed to establish "an Italian Army of military volunteer workers," created "by direct understanding between the Government of the United States and the Italian Government." It added that "detailed provisions were under study by the Italian and American Staffs." At any rate, the details furnished appeared to promise restitution to the prisoners of their full military character, and the command over the units of the Italian military organization into the hands of Italian officers and non-commissioned officers and with "regulations and penal code in effect within the R. Italian Army", etc. etc.

TRANSLATION of 1405 d 10 May 44 from Marshal Badoglio (continued):

Nevertheless, knowing that the concept of "volunteer enlistment" is contrary to the general compulsory military service of our fatherland; knowing that it is also contrary to the provisions of art. 4 of the Convention (which prescribes that all prisoners of war be treated in the same manner, with distinctions shown only for rank and state of health); and recognizing the necessity, in a matter so grave, for an order by the Italian Government, the senior Italian general was duty bound to call the attention of the American Command to these points. They were taken into consideration by the American Command and submitted to study and editing at Washington, with the assistance of the above general, during the early days of December last, for a project of complete organization, on Italian model, of all prisoners of war. The American Authorities concluded that they had formed the subject of an agreement to be submitted for signature by the Italian and British Governments.

3 - At the beginning of December last, British Headquarters of India informed the prisoner of war camps in India that "an agreement had been signed between the United Powers and the R. Italian Government, on the basis of which "volunteer" units were to be formed, to be used "in every part of the world" and "at the discretion of the Allied Powers"; volunteers, however, who would retain the "status" as prisoners of war.

It would appear that units of this kind were sent from India to Ceylon and Australia; that similar units were sent from South Africa and Kenya to Sierra Leone, to Nigeria, and the Gold Coast.

4 - In North Africa, still on the basis of a self-styled agreement, as referred to above, the Italian prisoners of war were, beginning in November last, similarly regrouped in part into labour companies, commanded in fact by Allied officers. Those - officers and soldiers - who justly insisted upon receiving an order from the Italian Government or who declared themselves unwilling to work on tasks prohibited by the Geneva Convention, were either sent to America as undesirables (and among them are valuable officers and men completely loyal to the legitimate Italian Government), or kept in special camps in North Africa under a much more rigorous treatment than that to which the labour companies are subjected.

Two of the above companies have been sent to Gibraltar. All attend to various tasks, even if explicitly prohibited by the Geneva Convention.

5 - The London radio last night (inclosure 2) broadcast that something similar has been done in Great Britain. The brief nature of the communication does not permit a detailed study.

6 - From North Africa transfer has been made to Italy, among others, of the following units or personnel, however, always remaining "prisoners of war":

- a company of specialized workers at Bari (637th Italian Pioneer Company) which accomplishes works of various kinds valuable to the war effort;

- in December about 150 officers were sent to Sicily to organize labour companies;

3242

TRANSLATION of HQ 405 at 10 May 44 from Marshal Badoglio (continued):

- early in May, 170 officers were disembarked at Naples, held for a few days in the prison camp at the front at Aversa and then sent to Sicily for the formation of other labor companies;

- veterinary officers, to render service to Allied military units, without being liberated from their prisoner status;

- in Sicily there are being organized some units of American military police composed of prisoners, retained as such;

- it also appears that Italian prisoners of war, of origin, rank and branch unspecified, are used here and there in the Peninsula with various Allied Commands even as servants, cooks, etc. of non-Italian personnel, still remaining as prisoners of war.

7 - Now, all this is in conflict:

a) -- with the actual state of affairs. The ^{consent in several terms} [generic consensus] given by me to General Eisenhower and my first brief message to the prisoners of war on Oct. 11, 1943, did not authorize at all the formation of units without the agreement of the Italian Command in the determination of the procedures of formation, command, dependency and namely, without due regard for the natural rights of the Italian Nation and for those granted to the Nation's signatories of the Geneva Convention;

b) - with the Geneva Convention which prescribes (art. 2) that prisoners be not exposed to public curiosity, (art. 3) their individuality and their honor be protected and (art. 31) they be not used for work directly connected with war operations, particularly transport of materials destined for fighting units.

Now: the prisoners of war are not spared from public curiosity when they are sent to their fatherland to work as prisoners of war, bearing the signs and bonds of their captivity, almost as if they were criminals;

Neither their standing as Italian soldiers nor their honor is being respected when, with their status as prisoners of war, tired of long captivity in small camps, or with the prospect of the chance to come somehow to Italy, they are asked to accept participation in units under the orders and the discipline of a foreign nation.

Even less so when they have to do work explicitly prohibited by the Geneva Convention, until such time that the convention has been forsaken by the Government, the only one which can take such action.

It is sufficient to remember that even during his captivity the Italian soldier must still be considered on duty, subject in every respect to the Italian military penal law (art. 16 and 215 of C.P.C.). Therefore, the prisoner of war cannot act in conflict with the terms of the Geneva Convention, which is a law adopted by the Italian Government, unless he has been ordered by and has the consent of the Italian Government;

3247

e) - with the state of co-belligerency of the Italian Government.

Neither the prisoners of war, nor the Italian People can understand how a soldier can be co-belligerent if he is then treated as a prisoner.

TRANSLATION of 1409 d 10 May 44 from Marshal Badoglio (continued):

Also the comparison made in the American communication as to the slight favors which the Italian military personnel, co-belligerent, are being granted over German prisoners of war, enemies, shows the little consideration that is given to the Italian dignity and the Italian effort to cooperate for the common victory.

8- The history of the agreements proposed by the Allied Governments (January proposals rejected by the Italian Government; proposals of March by General MacFarlane not accepted by the Government and which prompted by submission of the just and conciliatory proposals of April 3, 1944) is too well known to make it necessary for me to recall now the particulars.

Essentially the Italian Government has repeatedly maintained, in its effort to give, also with prisoners of war, its maximum contribution to the co-belligerency, that

- See list in enclosure note*
- the Italian soldiers at present detained must all cease from their status as prisoners, without application for the volunteer system, because in this case it is contrary to our fundamental military law;
 - the Italian units to be not smaller than a battalion must be under the rightful and actual command of Italian officers and non-commissioned officers, and according to regulations of Italian discipline (Allied penal code);
 - in every territory, Italian units be commanded by an Italian General, representative of the Italian military interests;
 - in Italy, all prisoners of war be immediately liberated.

9- In the light of these considerations, I beg you, dear General, to obtain, with all the urgency required by the importance of this matter, an official declaration by the Allied Governments.

Please consider what I already felt my duty to tell you upon other occasions, namely that a most inescapable moral law binds the R. Government to the protection of the material fate, but even more the dignity and military honor of its sons.

Very cordially yours,

/s/ BADOGLIO

3240

73

Incl. No. 1

ITALIAN POWs REORGANIZED

(Stars & Stripes - U.S. Bureau)

NEW YORK, May 8. The latest news from the POW front is that Italian prisoners in U.S. camps may now volunteer for special service units organized on a military basis which will aid the Allies "in any duties except actual combat", the War Department announced this weekend.

While still technically leaving the Italians prisoners, the move will leave them more on their honor, and they will receive more privileges than ordinary prisoners. Britain is planning to do the same thing with their English-based prisoners, it was said here.

It's understood that Italian volunteers may be used either in this country or abroad. The arrangement, a War Department spokesman said, "is expected to release thousands of U.S. soldiers for other duties".

Currently there are 50,136 Italians on POW rolls in this country. Most of them were captured in the North African campaign. Italians who volunteer for special service duties and are found "mentally and physically qualified" will be in charge of Italian officers and NCOs, although U.S. officers will be in "ultimate command" and the Italian units will be subject to U.S. military law and regulations.

The Italians' duties, the War Department said, will be freight-handling, general labor and other such tasks. Actually, it was said, Nazi prisoners are being used for such tasks also but under close guard. Italian prisoners will continue to draw 80 cents daily in addition to their subsistence, as prescribed by international law. However, they will get a part of this in cash instead of having to take it all out in PX coupons as ordinary prisoners do.

(Article published in
"Stars & Stripes" of
9 May 1944.)

3239

73

Incl. No. 2

The British Minister of War has announced that numerous Italian prisoners in Great Britain will shortly be mobilized upon their request into military units, commanded by higher British officers, but always under Italian officers and non-commissioned officers, and equipped with the national war flag.

These volunteer combatants will have special treatment compared to those who have declined this offer. In fact, they will be given greater freedom of movement and increased pay.

These provisions, concluded the British Minister of War, refer only to prisoners stationed in Great Britain.

(COMMUNICATION MADE BY RADIO LONDON
at 1630 hours on 9/5/44)

3238

78

785015



IL CAPO DEL GOVERNO

HQ ACC. APO 394

Sec. x Gen.

Rec'd 1 May 1944

By [Signature]

Salerno, 10 maggio 1944

N. 1405 prot.

Al Signor Generale Noel Mason MacFarlane
Capo della Commissione Alleata di Controllo

Caro Generale,

Con la Sua lettera dell'8 aprile u.s., Ella mi comunicava che, in merito alle nostre discussioni sui militari italiani tuttora detenuti quali prigionieri di guerra dai Governi degli Stati Uniti e della Comunità Britannica, aveva richiamato l'attenzione dei Governi medesimi sulle ragioni, da me fatte presenti, che impedivano al R. Governo di aderire al loro punto di vista circa i principi fondamentali:

- a) - dello status di prigionieri di guerra mantenuto per i militari italiani anche con la coobelligeranza del popolo italiano;
- b) - della volontarietà richiesta ai prigionieri di guerra, la quale li avrebbe messi in contrasto con la legge militare fondamentale italiana dell'obbligo generale al servizio militare, e col Codice Penale Militare Italiano, che si estende ai prigionieri di guerra anche durante la prigionia;
- c) - del comando delle unità che il rispetto della personalità e dell'onore militare richiede sia lasciato, di diritto e di fatto, intieramente agli ufficiali e sottufficiali italiani, se i militari italiani, come il popolo italiano desidera, hanno da correre allo sforzo bellico.

Ora, con mia grande sorpresa, apprendo dalle comunicazioni del giornale "Stars and Stripes" (allegato 1) e dalla radio di Londra (allegato 2) che i militari italiani sarebbero organizzati in unità speciali, comandate di fatto da ufficiali alleati, di lavoratori volontari che dovrebbero conservare lo status di prigionieri di guerra.

Se così realmente fosse, il R. Governo Italiano sarebbe messo, senza alcun preavviso e mentre le trattative al riguardo sono tuttora pendenti, di fronte ad un fatto compiuto che non tiene alcun conto né dei suoi diritti, né dei suoi desideri.

3237

73

- 2 -

E' bene rifare brevemente un esame della situazione.

2 - Nel mese di ottobre u.s. una Commissione di ufficiali americani comunicava ufficialmente ai campi di prigionieri di guerra italiani in America che si intendeva costituire "una armata italiana del lavoro volontario militare", creata "da intesa diretta fra il Governo degli S.U. ed il Governo Italiano". Aggiungeva che le "norme dettagliate erano allo studio degli Stati Maggiori Italiano ed Americano". I particolari ad ogni modo forniti parevano promettere la restituzione ai prigionieri della loro intera personalità militare, ed il conferimento alle unità della organizzazione militare italiana col comando affidato agli ufficiali e sottufficiali italiani e con "regolamenti e codice penale in vigore nel R.E. Italiano", ecc.ecc.-

Tuttavia, sapendo che il concetto della "volontarietà", è contrario all'obbligo generale militare del nostro Paese, conoscendo che esso è pure contrario al disposto dell'art. 4 della Convenzione (il quale prescrive che tutti i prigionieri di guerra siano trattati nello stesso modo, con le sole differenze dovute al grado ed allo stato di salute), e riconoscendo la necessità che, in materia così grave, fosse necessario un ordine del Governo Italiano, il Generale italiano più anziano fu in dovere di richiamare l'attenzione del Comando americano su questi punti. Essi furono presi in considerazione dal Comando americano e portarono all'esame e redazione a Washington, col concorso del Generale suddetto, ai primi di dicembre u.s., del progetto di una organizzazione completa, a tipo italiano, di tutti i prigionieri di guerra. L'Autorità Americana concluse che essa avrebbe formato l'oggetto di un accordo da sottoporre alle firme dei Governi Italiano e Britannico.

3 - Al principio del dicembre u.s. il Q.G. Britannico dell'India comunicava ai campi prigionieri di guerra dell'India stessa che era "stato firmato un accordo fra le Potenze Unite e il R. Governo Italiano", sulle basi del quale si dovevano formare unità, "di volontari", da essere impiegate "in ogni parte del mondo", ed "a discrezione delle Potenze Alleate", volontari che però avrebbero conservato lo "status" di prigionieri di guerra.

Risulterebbe che unità di questo genere furono mandate dall'India a Ceylan ed in Australia; che unità analoghe furono inviate dal Sud Africa e dal Kenya nella Sierra Leone, nella Nigeria, nella Costa d'Oro.

- 3 -

4 - Nel Nord Africa, sempre sulla base di un sedicente accordo come quello surricordato, i prigionieri di guerra italiani furono, a partire dal novembre u.s., in parte raggruppati, similmente, in compagnie lavoratori, comandate di fatto da ufficiali Alleati. Coloro - ufficiali e soldati - che pretesero giustamente di ricevere un ordine dal Governo Italiano o che si dichiararono non disposti a lavorare in compiti proibiti dalla Convenzione di Ginevra, furono o mandati in America come indesiderabili (e sono tra essi ufficiali di valore e militari di truppa pienamente leali verso il Governo legittimo d'Italia) o trattenuti in campi speciali nel Nord Africa stesso, con trattamento assai più rigoroso di quello a cui sono sottoposte le compagnie lavoratori.

Delle compagnie suddette due sono state mandate a Gibilterra. Tutte attendono a compiti vari, anche se esplicitamente proibiti dalla Convenzione di Ginevra.

5 - La radio di Londra di ieri sera (allegato 2) informa che qualcosa di analogo è stato praticato in Gran Bretagna. La forma succinta della comunicazione non consente un esame approfondito.

6 - Dall'Africa Settentrionale sono stati trasferiti in Italia, però sempre rimanendo "prigionieri di guerra", fra gli altri, le seguenti unità o personali:

- una compagnia di operai specializzati, a Bari (637 th Italian Pioneer Company) che compie lavori di vario genere a profitto dello sforzo bellico;

- in dicembre circa 150 ufficiali inviati in Sicilia per costituire compagnie lavoratori;

- nei primi di maggio sono stati sbarcati a Napoli, poi tenuti qualche giorno nel campo prigionieri del fronte, ad Aversa e poi inviati in Sicilia per la formazione di altre compagnie lavoratori, 170 ufficiali;

- ufficiali veterinari, per prestare servizi ad unità militari alleate, senza essere liberati dallo stato di prigionia;

- In Sicilia si stanno organizzando, con prigionieri, conservati tali, alcuni reparti di polizia militare americana;

- Risulta pure che prigionieri di guerra italiani, di provenienza, grado, arma imprecisati, sono impiegati quasi solo nella penisola presso comandi vari Alleati anche come attendenti, cuochi ecc. di personali non italiani, sempre rimanendo prigionieri.

.1. (78)

- 4 -

nieri di guerra.

7 - Ora, tutto questo è in contrasto :

a) sia con la realtà dei fatti. Il consenso generico dato da me al Generale Eisenhower ed il mio breve primo messaggio ai prigionieri di guerra, dell'11 ottobre 1943, non autorizzava ne affatto la costituzione di unità senza il concorso del Comando Italiano nella determinazione delle modalità di formazione, di comando, di dipendenza, e cioè senza la doverosa tutela dei diritti naturali della Nazione Italiana e di quelli concessi ai popoli firmatari della Convenzione di Ginevra;

b) sia con la Convenzione di Ginevra che vuole (art. 2) che i prigionieri siano sottratti alla pubblica curiosità, (art. 3) che siano tutelati nella loro personalità e nel loro onore, e che (art. 31) non siano adibiti a lavori che hanno diretto rapporto con le operazioni della guerra e particolarmente a trasporti di materiali destinati ad unità combattenti.

Ora : non si sottraggono i prigionieri di guerra alla pubblica curiosità quando li si mandano in Patria a lavorare quali prigionieri di guerra coi segni e coi vincoli della loro cattività quasi che fossero delinquenti ;

non si rispetta nè la loro personalità, nè il loro onore quando prigionieri di guerra stanchi del trovarsi da tanto tempo rinchiusi in stretti campi, o nella prospettiva di poter venire comunque in Italia, vengono invitati ad accettare di entrare a far parte di unità agli ordini e con la disciplina di una Nazione straniera.

Tanto meno poi quando debbono compiere lavori esplicitamente proibiti dalla Convenzione di Ginevra, sino a che non si sia ad essa rinunciato da parte di chi solo può fare la rinuncia, e cioè il Governo.

Basti ricordare che anche durante la prigionia, il militare italiano deve essere considerato sempre come in servizio, con piena estensione nei suoi riguardi della legge penale militare italiana (art. 16 e 215 del C.P.G.). Quindi il prigioniero di guerra non può andare contro la Convenzione di Ginevra, che è legge adottata dallo Stato Italiano, se non ne ha l'ordine ed il consenso del suo Governo;

c) sia con lo stato di cobelligeranza dello Stato Italiano.

Nè i prigionieri di guerra nè il popolo italiano possono comprendere come un soldato possa essere cobelligerante se

./ 78

- 5 -

poi è trattato da prigioniero.

Del resto, il paragone che è stato fatto nella comunicazione americana, dei lievi vantaggi materiali che, rispetto ai prigionieri di guerra tedeschi, nemici, si concederebbero ai militari italiani cobelligeranti, dimostra quale poco conto taluno faccia della dignità italiana e dello sforzo italiano per concorrere alla vittoria comune.

8- Troppo noto è lo svolgimento degli accordi proposti dai Governi Alleati (proposte del gennaio non accettate dal Governo Italiano; proposte del marzo del Generale MacFarlane non accettate dal Governo e che mi hanno dato modo di presentare le eque proposte conciliative del 3.4.44) perchè io abbia qui a ricordarne i particolari.

In sostanza, cioè, il Governo Italiano ha ripetutamente sostenuto, nell'intento di dare, anche con i prigionieri di guerra, il massimo apporto alla cobelligeranza che :

- i militari italiani tuttora detenuti devono cessare dallo status di prigionieri, tutti, senza ricorrere al volontarismo, perchè questo è, in questo caso, contrario alla nostra legge fondamentale militare;
- le unità italiane, che han da essere non inferiori al battaglione, siano di diritto e di fatto comandate da ufficiali e sottufficiali italiani, con i regolamenti di disciplina italiani (codice penale alleato);
- in ogni territorio le unità italiane siano comandate da un Generale italiano, rappresentante degli interessi militari italiani;
- in Italia i prigionieri di guerra siano tutti subito liberati.

9- Ciò posto, io La prego, Signor Generale, di ottenere, con tutta l'urgenza che l'importanza di questa materia richiede, una precisazione ufficiale dai Governi Alleati in merito.

Voglia tener ben presente quanto già altra volta ho avuto il dovere di dichiararle, e cioè che una imprescindibile

- 6 -

legge morale fa obbligo al R. Governo di tutelare, dei suoi figli, la sorte materiale ed ancor più la dignità e l'onore militare.

con tutta cordialità

Barbagli

3232

(13)

All. N. 1

ITALIAN POWs REORGANIZED.

(Stars and Stripes U. S. Bureau)

NEW YORK, May 8. The latest news from the POW front is that Italian prisoners in U. S. camps may now volunteer for special service units organized on a military basis which will aid the Allies "in any duties except actual combat", The War Department announced this weekend.

While still technically leaving the Italian prisoners, then more on their honor, and they will receive more privileges than ordinary prisoners. Britain is planning to do the same thing with their English-based prisoners, it was said here.

It is understood that Italian volunteers may be used either in this country or abroad. The arrangement, a War Department spokesman said, "is expected to release thousands of U.S. soldiers for other duties."

Currently there are 50,136 Italians on POW rolls in this country. Most of them were captured in the North African campaign. Italian who volunteer for special service duties and are found "mentally and physically qualified" will be in charge of Italian officers and NCOs, although U.S. officers will be in "ultimate command" and the Italian units will be subject to U.S. military law and regulations.

The Italian's duties, the War Department said, will be freighting-handling, general labor and other such tasks. also but under close guard. Italian prisoners will continue to draw 80 cents daily in addition to their subsistence, as prescribed by international law. However they will get a part of this in cash instead of having to take it all out in PX coupons as ordinary prisoners do.

*Actually, it was said,
Nazi Prisoners are being
used for such tasks*

(ARTICOLO PUBBLICATO SUL GIORNALE
STAR AND STRIPES-
del 9 maggio 1944)

3231

(13)

All. N. 2

Il Ministro della Guerra britannico ha comunicato che numerosi prigionieri italiani dislocati in Gran Bretagna saranno quanto prima mobilitati, dietro loro richiesta, in formazioni militari, al comando di ufficiali superiori britannici, ma alle dipendenze sempre di ufficiali e sottufficiali italiani, forniti dell'insegna nazionale di guerra.

Questi volontari combattenti avranno uno speciale trattamento di fronte agli altri che hanno declinato l'offerta. Infatti ad essi sarà data una maggiore libertà di movimento ed una paga aumentata.

Questi provvedimenti, ha concluso il Ministro della Guerra britannico, riguardano soltanto i prigionieri dislocati in Gran Bretagna.

(COMUNICAZIONE FATTA DA RADIO LONDRA
alle ore 16.30 del giorno 9.5.1944)

3230

73

1917