

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

785015

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10000/101/456

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PRISONERS OF WAR (MISCELLANEOUS), &
ZUCARDELA CASE
JUNE 1944

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

Separate files in this folder:

1. Restitution of Documents & Property of PW
2. Control of Escaped Allied PW
3. Italian PW in German Hands
4. Surplus PW Officers at Camp 131
5. Italian Air Force PW in Sicily
6. Italian Officer PW in Egypt
7. Shortage of Items in Army No. 304, PW Camp in Egypt
8. Killing of Italian PW by Guards
9. Whereabouts of Corporal Filippo Tosca
10. Italian PW of Americans in Bizerta Region
11. Incandela Case

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383-6-X-10

Fucandela Case

LIST OF PAPERS

B

File under No. 383.6-X(10)

HQ ACC, APO 394
Sec'y Gen.

15. PWs OF AMERICANS IN BIZERTA REGION

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
#404 POL A/C 383.6	GAZZERA STONE	17 JUNE 26 "	ACC AFHQ	

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File under No. 383.6-X(10)

HQ ACC, APO 394
Sec'y Gen.

15. PWs OF AMERICANS IN BIZERTA REGION

SERIAL NUMBER	FROM--	DATE	TO--	SYNOPSIS
#404 POL A/CC 3236	GAZZERA STONE	17 JUNE 26 "	ACC AFHQ	

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

Decl.

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WAS/RJP

DSG

A/CC 383.6

26 June 1944

SUBJECT: Italian PWs detained by Americans in the Region of Biserta
TO : Chief of Staff, Allied Force Headquarters

1. Reference is made to attached translation of letter N. 404, pol di prot., dated 17 June 1944, from the Italian High Commissioner for Prisoners of War relative to above subject.
2. General Gurnea points out certain irregular conditions and suggests that provisions of the Geneva Convention are being violated.
3. May this matter please receive attention and information provided upon which reply to the Italian Government can be made.

MILVY P. STONE
Captain, USAR
Acting Chief Commissioner

1 Incl:
Ltr (transl.) N. 404, per para 1

cc: Army sub-Commission

Hq ACC - Sec'y Gen.
DISPATCHED
Date-Time 26 Jun 2000
Via AG m/c
Remarks <i>DR</i>

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TRANSLATION

THE HIGH COMMISSION
For Prisoners of War

Cava dei Tirreni, 17 June 1944

N. 404 POL 01 prot.

TO: ALLIED CONTROL COMMISSION
SALERNO

SUBJECT: Italian PW Detained by Americans in the Region of Risorta.

1. We have just learned to our great surprise, that two camps for Italian PW are still existing in Tiris, maintained by American military authorities, strongly contrasting with the regulations of the Geneva Convention of 27th July, 1929.

2. It seems there is, in the first of all, a general concentration camp, in which are interned all the Italian soldiers who have not yet signed or have not wished to sign a declaration of collaboration with the legitimate R. Government in Italy.

The R. Government does not know what formula of such nature has been submitted without its knowledge to Italian soldiers, but I must point out that the procedure of making an artificial distinction between prisoners of war, based on each ones political sentiments, would not rest with its consent. Italian law considers the prisoners themselves entirely subject to military regulations and having, all inclusively, the same military duties. Thus it would not be consented to any of them to avoid, by means of the expression of political sentiments, the duties deriving from the present compulsory conscription existing in Italy.

Besides, a PW, according to Italian law, can assume no obligation toward the Power holding him prisoner, other than that established by the Geneva Convention or ordered by the Italian Government, without incurring the grave punishments of the military penal code of war.

Moreover, while the regulations of Article 4 of the Geneva Convention do not permit differences of treatment unless based on the military grade or the state of health of the PW, in this camp the treatment is much more severe than in other camps. For example, the officers, even those of high rank, (with the exception of the Generals) are forbidden to have an attendant, so that even the colonels have to wash their pens and draw their food rations from the kitchen, there being no mess for them. Such restrictive treatment is in contrast with Article 22 of the Geneva Convention.

3. There is also another camp, we are informed, in the same region and under the control of the American authorities, a disciplinary and political "punishment camp", where almost a prison regime is adopted, here again contrary to the Geneva Convention. Apart from the facts that now PW can be punished or persecuted for his political ideas and that all PW not being punished should all be treated in the same way as said before, no disciplinary punishment should exceed thirty days. Thus a continual punishment such as that of the above-mentioned camp, is not consented by the Geneva Convention (Art. 46).

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ties, strongly contrasting with the regulations of the Geneva Convention of 27th July, 1929.

2. It seems there is, in the first of all, a general concentration camp, in which are interned all the Italian soldiers who have not yet signed or have not wished to sign a declaration of collaboration with the legitimate R. Government in Italy.

The R. Government does not know what formula of such nature has been submitted without its knowledge to Italian soldiers, but I must point out that the procedure of making an artificial distinction between prisoners of war, based on each one's political sentiments, would not meet with its own end. Italian law considers the prisoners themselves entirely subject to military regulations and having, all in themselves, the same military duties. Thus it would not be consented to any of them to avoid, by means of the expression of political sentiments, the duties deriving from the present compulsory conscription existing in Italy.

Resides, a P.W. according to Italian law, can assume no obligation toward the power holding him prisoner, other than that established by the Geneva Convention or ordered by the Italian Government, without incurring the grave punishments of the military penal code of war.

Moreover, while the regulations of Article 1 of the Geneva Convention do not permit differences of treatment unless used on the military grade or the state of health of the P.W. in this camp the treatment is much more severe than in other camps. For example, the officers, even those of high rank, (with the exception of the Generals) are forbidden to have an attendant, so that even the colonels have to wash their pens and draw their food rations from the kitchen, there being no mess for them. Such restrictive treatment is in contrast with Article 22 of the Geneva Convention.

3. There is also another camp, as we are informed, in the same region and under the control of the American authorities, a disciplinary and political "punishment camp", where almost a prison regime is adopted, here again contrary to the Geneva Convention. Apart from the facts that now P.W. can be punished or persecuted for his political ideas and that all P.W. not being punished should all be treated in the same way as said before, no disciplinary punishment should exceed thirty days. Thus a continual punishment such as that of the above-mentioned camp, is not consented by the Geneva Convention (Art. 42).

4. I imagine that these irregular conditions I have pointed out are due to some incorrect information or misunderstanding on the part of the superior local authorities. I earnestly beg the A.C.C. to bring the above facts to the knowledge of the authorities who have the power to correct such undesirable conditions.

I offer my thanks for what information the A.C.C. wishes to give me regarding whatever decisions will be adopted.

THE HIGH COMMISSIONER
(General Pietro Gazzera)

/s/ P. Gazzera

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