

2197

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

785016

ACC

10000/105/432

AC, WA
NOV. 19

2198

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785016

10000/105/432

AC, WAR CRIMES, POLICY & DIRECTIVES, ETC.
NOV. 1943 - FEB. 1944; OCT. 1944 - AUG. 1945

COMMENTS ON THE PROPOSALS OF THE YUGOSLAV GOVERNMENT

1 The Sub-Commission which has been responsible for dealing with the question of War Crimes and advising thereon or supervising investigation is the Legal Sub-Commission.

They are judicially minded know what evidence is necessary to prove a case, are in the best position to avoid pitfalls of international law and of supervising and looking after the needs of a commission of enquiry.

2 It has consistently recognised that the subject of War Crimes was primarily an Army matter (e.g. para 5 of 4-A). This is logical and sensible (see also 12-13). It is still felt that the responsibility should be AFHQ. AC is the vehicle for governing Italy. The enquiry is not concerned with the government of Italy but is concerned with the collection of evidence on the subject of War Crimes which AFHQ has consistently kept under its own hands. AC is merely being used as a convenience to avoid a little donkey work. The practical arguments against AC being responsible are not so strong as formerly now that hostilities have ceased and there are some advantages in having an AC officer as a buffer between the Mission and Italian Officials and for arranging for the attendance of witnesses etc. It may be felt that these advantages outweigh the fact that AC is stepping out of its special sphere. Further AC has to some extent acquiesced on the position and has not repeated its objections contained in paras 3 and 5 of BB. On the other hand AFHQ has never specifically answered these objections.

3 There are several objections to the Yugoslav proposals. It is not, as the Italian request is, a Mission to investigate a particular incident or incidents. They have not particularised. The Mission is a "fishing" Mission to see if they can find out anything. There are no particular allegations disclosed. There are many objections to this type of "fishing" enquiry though we do not wish to appear to oppose a just enquiry nothing but generalities has at present been put forward. The enormous scope of the proposals is disclosed by the 8 page document at 4-B. It is probable that by now the thousands of persons there referred to, have been collected and moved by DER Sub-Comsn. If so there will be no evidence to be obtained in these places.

It seems to me that it would be better if this Mission should first interrogate returning nationals. If it then obtains evidence of any atrocity that the incident should be specified and that a local enquiry may then be properly made. The wide roving commission seems to improper undesirable and impracticable.

4 The Government can fairly be allowed reasonable facilities to assist itself that all Yugoslav nationals have been traced and suitably dealt with and that none are detained in prison, internment or elsewhere and that their consular officials shall be supplied with lists of prisoners and shall have the opportunity of visiting them. If any such visit discloses evidence of an atrocity it may then be made the subject of an enquiry. It is suggested that the DER Sub-Comsn is a suitable body to clear these matters with the Mission and that enquiries shall be permitted into specified and defined allegations.

5 With regard to para I-1 of the enclosure to flag A (33-A). A roving commission through Italian Archives everywhere is unreasonable so is the request to visit all prisons, camps, etc. The Mission should specify the atrocities into which enquiring is desired. Para I-2. The size of the Mission is reasonable - it would not be capable of carrying out an enquiry on the scale outlined in I-1 under a year or more. Para I-2. AC has not cars sufficient for its own requirements AFHQ can better

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Para I-2. The size of the Mission is reasonable - it would not be capable of carrying out an enquiry on the scale outlined in I-1 under a year or more.

Para I-2. AC has not cars sufficient for its own requirements AFHQ can better afford to provide cars. HQ Comdt is the proper person to comment on this.

Para I-3. Has finance any comment - does legal consider that this expense would legally come within the Armistice Terms.

Para I-4. This Commission should strongly oppose any right to remove documents from Italian Archives, which might thereby become disorganised and unintelligible.

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Properly authenticated copies can always be made. No Italian Nationals should be allowed to be called as witnesses before the commission unless there is a reasonable belief that they can supply evidence on specified facts.

Para I-5 - It is submitted that now that the war is over this is an inversion of the reasonable and practical procedure. The Mission should only visit places specified in an allegation.

Para I-6 - Each group would require an attendant officer as a go-between, between the Mission and Italian Officials and to arrange for the calling of witnesses accommodation for the enquiry etc. The number of groups should be specified.

Para I-7 - If a roving commission is allowed "several months" may be very optimistic.

Para I-8 - The wording is confused - many of these persons will not be under arrest "to arrest and hold". The offence will not have been "proved" the enquiry in only unilateral. The intention is that the Allies should arrest and hold persons alleged to be incriminated by the enquiries without any limitation as to the type of offence charged or as to the satisfactory nature or sufficiency of the evidence. The Allies must first be satisfied that a prima facie case has been made out and that the crime is of importance.

Flag E - Accommodation - If desired this HQ can ask RAAC to arrange, this Commission has no powers.

GA Section
24 Aug 45

[Signature]
S.H. WHITE Lt Col,
CA Section

1443

2202

MMIA (Major PINKNEY)

Apologies for being so long in answering your phone call.

The pertinent letters are 13A on which this Section wrote 14A and 14B and 15A.

15A was addressed to you but should have gone to Land Forces Greece. Unless, therefore, you communicated with Land Forces Greece it seems that your interest has finished. On the other hand I cannot see that anyone other than you can deal with the Government over CUBALONIA. See also Folio 13D and 13E.

CA SECTION
14 June 45

D. D. Birmingham
A.D. BOWMAN
Lt Colonel,
CSO CA Section.

(5)

CA Section:

M/W have been informed and asked to supply necessary information. See MMIA letter 6/6 of 16 June 45.

Web Games Commission (copy to you)

Rep. P. Pinkney
MMIA
16 June

CSO.

Enclosure referred to by Scarciano is with War Games Circ. 1. Please ask for it from AF. (17).

6 July

TPM

(7) 14.2

Legal (Col. B. B. B.)

late spoke. see 27A

9 July

D. D. Birmingham
CAS.

(8)

CA. Sec.

Inform to new AFHQ. further

2203

Unless, therefore, you communicated with Land Forces Greece it seems that your interest has finished. On the other hand I cannot see that anyone other than you can deal with the Government over CEFALONIA. See also Folio 13D and 15E.

CA SECTION
14 June 45

(5)

H. D. Hamlin
A.D. ECHAM CATER
Lt Colonel,
CSO CA Section.

CA Section:

M/W have been informed and asked to supply necessary information. See M112 letter 6/6 of 16 June Engrt.

Web Crimes Commission (copy to you)

Regt Penkley
M112
16 June

CSO.

Enclosure referred to by Scoviamore is not War Crimes Circ. 1. Please ask for it from A.F. (179).

6 July

7 *14.2*

Legal (Col Bickins)

late spoke. see 27A

9 July

H. D. Hamlin
CAS.

CA. Sec.

No need to press A.F.H.Q. further on 34 H, regardless of *Ints* *cc*
13/8 pursue

775/14/8. *WE* 20/8

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Minute 2 (Cont'd).

- 2) The main point arising out of this is that while AFHQ and its COMMITTEE were instructed by the CCS to go into this matter and make decisions, they have in fact passed the main burden of the work to Allied Commission, completely overriding the recommendations of this Commission (Folio 13b) that it was impossible to take on this additional work during hostilities.
- 3) You will note also that not only are Civil Affairs Section and Displaced Persons Sub-Commission involved, but Land Forces Sub-Commission and the Chief Commissioner have written letters on the subject (Folio 13b & 13d).
- 4) It is for decision :
 - a) whether you write to AFHQ repeating the Chief Commissioner's recommendations of Folio 13b and protesting that this Commission was not invited to attend the 1st Meeting of the COMMITTEE set up, since Allied Commission has been appointed to supervise investigations; or,
 - b) whether you call a small conference of the interested parties in this Headquarters to discuss the procedure to be adopted.

3rd April, 1945

R.R. Gripps
R. R. GRIFFS, Col.
CSO CA SECTION

2

CSO
Stop this mission at once
because my own unit has been
agreed. Letter sent to Greek Representative 15/apr/45.

3

To Public Safety + Public Security
Please see 20a for information and necessary action
Hawley 1441
CS Sec.

Declassified E.O. 12356 Section 3.3/NND No. 785016Minute 2.To: VP CA Section.

1) Correspondence to date is as follows:

Folio 13 B dated 2 Oct 44. G-5 are advised by this Commission of the desire of the Yugoslav and Greek Representatives to the Advisory Council to investigate the treatment of their Nationals who were POW or interned in Italy; and it is pointed out that that in the opinion of the Commission such investigations should not be undertaken until hostilities cease.

Folio 13D & 13E 20 Oct 44. G-5 are advised by this Commission of the desire of the Ministry of War to investigate mass murder of Italian Troops by Germans at CEFALONIA.

FILE 6/13.2/CA 18 Oct 44. G-5 concur in opinion that it would be injudicious to commence these investigations at this time pointing out the possible disruption of Italian administration and the difficulties of the shortage of Allied personnel to supervise investigations; and inform us that our letter has been sent to CCAC.

11c 3 Jan 45. TAM.413 COS Directive

11a 15 Mar 45. G-5 calls for designation of members for an AFHQ COMMITTEE
11d to put into effect TAM.413.

13a 30 Mar 45. Decisions of 1st Meeting of AFHQ COMMITTEE :

- a) Appoints Allied Commission as Agency to supervise National Missions in Italy;
- b) Appoints Land Forces GERMANY as Agency to supervise Mission to CEFALONIA;
- c) Both to be guided by directives from the AFHQ Committee, either direct or through Staff channels.
- d) "Before taking any further steps the respective governments should be asked by Allied Commission to state their detailed proposals with regard to their respective Missions and tasks." **1440**
- e) "On receipt of these proposals a further meeting will be held at which Allied Commission would be represented to decide further questions such as the limitations and conditions under which the Missions should operate."

/Minute 2 (Cont'd).....

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To. VP.

See 34a. & b.

- ① 15 copies received. proper distribute to all R.C.s, Legal & P.B. Corp. Est. Sec.
- ② Suggest coming letter calling attention to para 116 & instructing R.C.s. to pass such reports through this H.Q. (G.R.O. 697/44 per with client comm. with A.F.H.Q. on this subject).
- ③ It may well be that G.1(A) will come out with a similar instruction of American units & for mutual within a short time.

Agreed

R.D. Giff

CHS.

16 JAN. 45.

1439

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785016

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

15W

Ref 4/29 A/CA .

24 August 45

SUBJECT : War Crimes

TO : Polad (2)
DP & R S/O
Legal S/O
PS S/O
Finance S/O
Establishment Sec.

- 1 Will you please detail an officer to attend a conference upon the arrangements for a Yugoslav Mission to investigate "War Crimes committed in Italy" which will be held in the room of the VP Civil Affairs Section at 1100 hrs on Monday 27 Aug.
- 2 The papers relating to the Meeting will be circulated shortly.

153

S. H. WHITE
Lt Colonel,
for VP CA Section

Copy to : VP CA Section

1438

2381

Jugoslav Mission to Investigate War Crimes

Summary of position

2 Oct 44

In Sep 44 the Yugoslav Mission approached Polad, with a view to obtaining leave to investigate War Crimes; this was forwarded to AFHQ on 2 Oct with the comment that it was considered that the matter was one for AFHQ to staff and organize and further that AC had not the requisite staff. The application in question made no reference to any particular allegation but sought permission in the broadest terms "to obtain evidence which may later be useful" and for that purpose to be granted facilities to interrogate displaced Yugoslavs and to inspect camps and prisons and to "investigate" the Italian authorities concerned, i.e. ministries, prefects, chiefs of police, questori, etc.

This wide request was amplified by an 8 foolscap page pro-memoria specifying by name 102 camps it desired to visit and reserving the right to visit others. Mentioning by name 91 prisons it desired to visit and reserving the right to add others. Stating that Yugoslavs were ordered to reside in confino in certain remote villages. The number of such villages is estimated at from 500-700, that so far it has only been possible to identify the 146 villages there specified. The document then referred to forced labour battalions (into which it is stated 60,000 Yugoslavs had been impressed) and to Prisoner of War camps all of which it was desired to investigate. The scope of the enquiry is frankly stated to be to ascertain the names of politically persecuted persons, the damage suffered by them and to ascertain the names of those responsible for "intentionally causing the death of so many thousands". This letter was forwarded to AFHQ on 4 Oct with the comment "you will observe that the investigation proposed is extremely detailed and broad in its scope".

17 Dec 44

On 17 Dec AGWAR cabled AFHQ that "the request of Yugoslav Government to investigate suspected War crimes".... "should be approved". This telegram refers specifically to the request but does not appear to appreciate that the request was not to investigate any particular facts which could properly be described as "suspected war crimes"; the request was for a general investigation to see if facts could be found from which war crimes might be deduced.

On 3 Mar (TAM 413) COS cabled to the same effect (the cable of 17 Dec was strictly speaking US view only) namely that the request to investigate suspected War crimes should be granted. The cable said that the investigation should be under the aegis of the Allied Military Authority ^{gr} if for military reasons an investigation by the Yugoslav Mission was

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It also stated that a directive on the general question was in preparation.

30 Mar 45

On 3

20 Aug 45

On 20 Aug an AFHQ Staff Study with drafts of the proposed action was sent to this HQ for approval.

The study accepts the Yugoslav proposals and attached are drafts of letters proposed to be sent out to enable the proposals to be carried out.

Among the draft letters for approval is one to AC stating

- a) that the Yugoslav proposals are approved;
- b) that the consent to them of the Italian Govt shall be obtained;
- c) that AC will supervise and accommodate the Mission - and impliedly provide staff and cars.

The following comment is made on the above:

The protest of AC that AFHQ should be responsible and that AC has no staff available has not been specifically dealt with.

TAF 415 definitely says that supervision should be by the Allied Military Authority (or AFHQ).

That no general directive has been received.

That there is no evidence on the file that the meeting to consider procedure was ever called.

AGENDA

To consider:

- 1 The procedure to be followed (an outline of a possible procedure is attached).
- 2 Whether any objection shall be made to the Yugoslav proposals (the proposals and the possible objections are attached).
- 3 Whether AC shall object to being made responsible for supervising the mission.

Until 30 Mar it was consistently recognized that the subject of War Crimes was primarily an Army matter. It is submitted that the responsibility should be AFHQ's. AC is the vehicle for governing Italy. The enquiry is not concerned with the government of Italy but is concerned with the collection of evidence on the subject of War Crimes, a matter which AFHQ has consistently kept under its own hands. AC is merely being used as a convenience to avoid a little donkey work. The practical arguments against AC being responsible are not, now that hostilities have ceased, so strong as they formerly were. There are also advantages in having an AC officer as a buffer between the Mission and Italian Officials and for arranging for the attendance of witnesses etc. It may be felt that these advantages outweigh the fact that AC is stepping out of its normal sphere. Further AC, by not repeating its objections, has to some extent acquiesced on the position; on the other hand AFHQ has never specifically answered those objections. If AC steps out of its proper sphere it may create a precedent for an unknown number of other missions possibly also on other subjects.

- 4 If AC is to be responsible, what arrangements should be made as to staff, accommodation, transport, etc.

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- 4 If AC is to be responsible, what arrangements should be made as to staff, accommodation, transport, etc.

CA 5
23 AUG. 1945

11/10/45

Suggested Procedure

The enquiry should be divided into two stages.

1. In the first stage members of the Mission should be permitted to interview freely their own nationals. There should be no necessity to visit at this stage the many camps and villages mentioned by name the presumption is that all Yugoslavs will have left or will shortly be leaving. DFR will arrange for these interviews to take place at convenient camps. No Allied officer need be present unless thought desirable in which case arrangements could probably be made that such interviews shall take place only in presence of a DFR officer. This may be desirable to protect the Yugoslav from having evidence suggested to them and from threats.
2. The Italian Government should be given the opportunity of being present at all interviews, they should be satisfied that the persons have not been previously prompted and their evidence suggested to them. This right of the Italian Government to be present should apply to all interviews not merely of displaced persons they should also have the right to question in order to lead out explanations or to lead to rebutting evidence.
3. DFR should be prepared to satisfy the Mission that substantially all displaced persons have been cleared or made available for interview. It may be assumed that Yugoslavs who desire to continue to reside where they are and avoid being treated as displaced persons have no desire to claim to be victims of a war crime.
4. With regard to Prisons Public Safety should arrange to obtain lists to Yugoslavs imprisoned and make arrangements for simple interview as above. PS should be prepared to satisfy the Mission that the List is complete and that no person is deliberately being concealed alternatively the Mission should have facilities to satisfy itself.
5. At this stage the examination should be confined to the prisoner and the Italian Government should be represented.
6. At the end of this stage the Mission should formulate allegations defining the principal facts complained of complete with names places and dates and where possible (by name or description) the witnesses which desire to examine.
7. The supervising authority will then make arrangements for the second stage namely necessary particular enquiries which will, when desirable, be held locally.

1435

2213

JUGOSLAV PROPOSALS

I The Government of Democratic Federative Yugoslavia express their satisfaction about the decision taken by the Allied Commission, permitting to send in Italy a Yugoslav Mission for investigation of war crimes.

The Yugoslav Government have the intention to form, as soon as possible the respective mission to be sent in Italy, kindly requesting the Allied Commission to effect that this Mission might arrive in Italy to start with its work.

At the same time the Yugoslav Government have the honour, with reference to the Appendix "A" of said letter, to give the respective information:

1 The function of the Mission is to investigate: the archives where might be found evidence about war crimes committed upon the Nations of Yugoslavia: the camps where Yugoslav internees and prisoners have been located, and the examination of witnesses and suspect Italians and Yugoslavs about crimes committed by Italians and their complices. Further to take necessary steps to find out proved Italian criminals and their accomplices and to hand them over to Yugoslav tribunals; to inspect camps and jails where war criminals and traitors of Yugoslav people are located and to collect evidence of their crimes.

2 The Mission will consist of ten persons, four officers and six civilians. The Mission will arrive at Bari by air, and proceed by cars. The Allied Commission is kindly requested to put at the disposal of the Mission 3 cars. The interpreters will be provided by the same Mission.

3 The Headquarters of the Mission would be at the Yugoslav Delegation to the Advisory Council for Italy in Rome and would have a Representative to Allied Force Headquarters at Caserta. Financial means would be furnished on charge of expenditures for the occupation according the Armistice terms with Italy.

4 The Mission will investigate written evidence, taking away documents from Italians archives or making photographs; examining suspect people and witnesses in presence of two members of the Mission. In order to get hold of the people in question the Mission will apply to competent military authorities.

5 The Mission would have to investigate several thousand cases wherever archives, camps, jails and persons wanted for examination might be found.

6 Several groups of the said Mission are supposed to investigate

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6 Several groups of the said Mission are supposed to investigate simultaneously in different areas.

7 It is presumed that the investigations will take several months. **1434**

COMMENTS ON THE PROPOSALS OF THE YUGOSLAV GOVERNMENT

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- 3 The Government can fairly be allowed reasonable facilities to assure itself that all Yugoslav nationals have been traced and suitably dealt with and that none are detained in prison, internment or elsewhere and that their consular officials shall be supplied with lists of prisoners and shall have the opportunity of visiting them. If any such visit discloses evidence of an atrocity it may then be made the subject of an enquiry. It is suggested

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Para I-2 - The size of the Mission is reasonable - it would not be capable of carrying out an enquiry on the scale outlined in I-1 under a year or more.

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Para I-5 - It is

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

~~SECRET~~

Ref: 1/29 A/CA.

18 May 45

SUBJECT: War Criminals

TO: See Distribution below.

- 1 Instructions have been received from AFHQ that the matter of the handling of War Criminals is one that requires to be given the greatest consideration.
- 2 The recently reported suicide of HENSEN and the press interview by GOMHIN are incidents that should never have been permitted.
- 3 It must be clearly understood that Officers and other personnel of AC/ACD who have, in the course of their duties, to deal with persons who are suspect of War Crimes and others who may have to give evidence, or are held as witnesses in such cases are dealt with in the following manner:

War Criminals will be held in the closest surveillance to ensure that they do not attempt suicide and likely or potential weapons are not permitted in their possession.

Witnesses who are held in detention for that purpose will, if necessary, be treated in like manner.

Press interviews of suspected war criminals and witnesses and enemy prisoners or internees will not be permitted and no statements for the press by such will be released.

All such persons will be handed over to G-2 Section, 5 or 3 Army as soon as possible and this Headquarters will be notified forthwith by Signal. Outside Army Area immediate instructions for the disposal of such persons will be sought from this Headquarters.

INCOMING MESSAGE *C.A. Sec.*

HEADQUARTERS ALLIED COMMISSION

20A

Originator's Reference: *EX 74713*
Date/Time of Origin: *MAY 13 1403*Message Centre No: *E/701*
Date Time Recd: *MAY 14 0935*
Precedence: *PRIORITY*FROM: *14 MAY 1945*
AGWAR SIGNED CG MTOUSA CLUE NAJAGTO: CG 15 ARMY GROUP, 5TH ARMY, 8TH ARMY, PENBASE, SAR/MTO, 12 AIR
FORCE, 15 AIR FORCE, CG PENBASE SOUTH, ADRIATIC DEPOT, ALLIED
COMMISSION.

SECRET.

SECRET

For compliance by all units under your command is paraphrased message WX 81347 from AGWAR "Suicide of HENLEIN and press interview by GOERING are disturbing indications as to manner of handling suspected war criminals. It was desired to have HENLEIN fully interrogated as possible witness and perhaps to include him as defendant in prosecutions being planned under presidential directive. (Reference letter to ETO and MTO, 8 May 1945 AGO 000.5) (6 May 1945). OBSWDOAS, subject: War Crimes, enclosing copy Executive Order number 9547 of 2 May). Press interviews with suspects and enemy prisoners and internees may seriously prejudice trial. Utmost care should be taken to prevent suicide by suspected war criminals who should be held under closest surveillance. Every

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

30 March 1945

-2 APR 1945

SUBJECT: War Crimes.

TO : Headquarters, Allied Commission, APO 394.

1. Reference your following letters:

ACC 383.6-1 dated 2 Oct 1944 (Greek and Yugoslav Missions to Italy)

11/1.B/A.S dated 4 Oct 1944 (Yugoslav Mission to Italy).

MMIA S/1/121 dated 24 Oct 1944 (Italian Mission to CEFALONIA),

and our G-5: 000.5-1 dated 15 March 1945.

2. The requests forwarded with your letters were referred to CCS who have directed the SAC to permit the Greek and Yugoslav Governments to send missions to ITALY to investigate War Crimes of Italians against Greeks and Yugoslavs, and the Italian Government to send a mission to CEFALONIA to investigate crimes of Germans against Italians, in each case under the aegis of Allied Military Authorities. If military considerations should preclude this course the required investigations are to be conducted through Allied Military Authorities.

3. The Chief of Staff has established a committee at this HQ under my chairmanship to advise him on the implementation of this directive.

4. It was decided at the first meeting of the committee that

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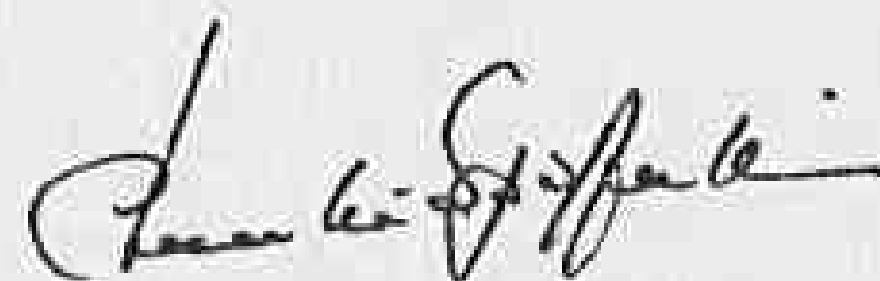
Declassified E.O. 12356 Section 3.3/NND No.

785016

d. on receipt of these proposals a further meeting would be held, (at which AC would be represented), to decide further questions such as the limitations and conditions under which the Missions should be admitted, arrangements with the Greek and Italian Governments for their introduction, the procedures to be followed, the supervision to be exercised, etc.

5. You are, therefore, requested to (a) inform the Greek and Yugoslav delegates to the Advisory Council for Italy and the Italian Government of the substance of the decisions of the CCS and this HQ as indicated in paras 2 and 4 above, and (b) request from each, for consideration at this HQ, their detailed proposals regarding the functions and organization of their mission, the procedure they wish to adopt and the action they propose or anticipate as a result of their enquiries. A list of some of the points that these proposals should cover is attached at Annex A. You may of course add any further points which you wish to be included.

6. At the next meeting of the committee your representative will be invited to be present to assist in determining the conditions and procedures under which these missions are to operate.



CHARLES M. SPOFFORD
Brigadier General, G.S.C.
Assistant Chief of Staff, G-5

Copies to:

Major General W. G. White G-1(U.S.)
Brig. General A. Richmond JAG (MTOUSA)
Lt. Col. J. E. M. Gunning JAG (Br)
Lt. Col. B. Passingham G-1(Br)

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APPENDIX "A" to

List of points to be included in the detailed
proposals of the Greek, Yugoslav and
Italian War Crimes Missions.

1. Function of the Mission.
2. Organization of the Mission, viz:
 - a. Total numbers and whether civilian or military.
 - b. How is it proposed to provide transport, office, and other equipment?
 - c. Will interpreters be provided by the Mission?
3. Where will the HQ of the Mission be located and to what organization will it be attached for rations, quarters, finance and general administration?
4. What procedure for investigation of suspects, collection of evidence and form of record is proposed?
5. What is the estimated number of cases to be investigated and the approximate areas where investigations are to be conducted?
6. Is it proposed to investigate in different areas at the same time?
7. Over what period of time will the investigations continue?
8. What action is proposed as a result of the investigation?

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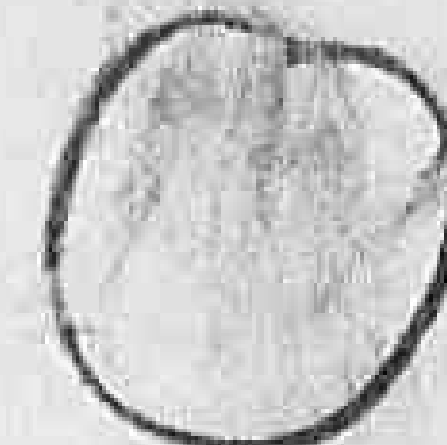
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ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

*Noted
ARC*



G-5: 000.5-1

15 March 1945

11a

SUBJECT: War Crimes.

18 MAR 1945

TO : Headquarters, Allied Commission,
APO 394.

1. Under date of 27 February 1945 you were advised of the receipt of TAM 413 and the substance of this directive on the above subject.
2. There are enclosed herewith for your information copies of letters which will commence action to implement the CCS policy.
3. You will be advised of further action in this matter.

CHARLES M. SPOFFORD
Brigadier General, G.S.C.
Assistant Chief of Staff, G-5

3 Incls: 2
copies 1 trs
fr Chief of Staff — #
AFHQ, dtd 12 Mar 45 — 11D +

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Declassified E.O. 12356 Section 3.3/NND No. 785016

CONFIDENTIAL

AFHQ MESSAGE CENTER
INCOMING MESSAGE

WAR
FIXED: 032226Z
Recd: 040330A

AFSC N33

mis

ROUTINE

FROM: AQWAR FROM CCS

TO: AFHQ TO ALEXANDER INFORMATION COMMUNICATION ZONE ETOUSA
AMSSO FOR ECS

REF NO THIS MESSAGE

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

785016

REF NO THIS MESSAGE: WX-86232, N334/04 continued

It is considered highly important that war crimes be promptly investigated, available evidence gathered, and suspected criminals detained before the passage of time hampers such action by reason of the death and disappearance of witnesses and before the efforts of the criminals and their friends to obstruct justice can be successful. Consequently the requests of the Greek, Yugoslav and Italian governments should be approved unless strictly military considerations in ITALY and GREECE forbid such action. The investigations should be conducted under the aegis of Allied Military Authorities.

If the requests of those governments to send in their own missions are denied for military reasons then the AFHQ so far as practicable, should undertake the necessary investigations in ITALY at once and an appropriate investigation on CEFALONIA should also be undertaken by proper Allied Military Authorities.

It is expected that action by CCS on directive referred to above will clarify situation with regard to coordinating war crimes investigations in

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

785016

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12 March 1945

SUBJECT: War Crimes.

TO : JAG (US)
JAG (BR)
G-1 (A)
G-1 (B)
G-5

1. The CCS in TAM 413 of 3 January 1945 have directed SAC to permit the Greek and Yugoslav Governments to send missions to Italy to investigate war crimes of Italians against Greeks and Yugoslavs and the Italian Government to send a mission to Cefalonia to investigate crimes of Germans against Italians, in each case under the aegis of Allied Military Authorities. If military considerations should preclude this course, SAC is to conduct the required investigations through Allied Military Authorities. A copy of TAM 413 is annexed.
2. You are hereby requested to designate a member of your Section as member

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Declassified E.O. 12356 Section 3.3/NND No. 785016

copy

CONFIDENTIAL

12 March 1945

SUBJECT: War Crimes.

TO : The Secretaries,
Combined Chiefs of Staff,
1091 Constitution Avenue,
Washington, D.C.

1. Reference is to TAM 413 which directed Supreme Allied Commander to permit the Greek and Yugoslav Governments to send missions to Italy to investigate war crimes of Italians against Greeks and Yugoslavs and the Italian Government to send a mission to Cefalonia to investigate crimes of Germans against Italians, in each case under the aegis of Allied Military Authorities. If military consideration preclude this course, Supreme Allied Commander was required to conduct the investigations in question through Allied Military Authorities.

2. In order to facilitate compliance with TAM 413,

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ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

RS/as

G-5: 000.5-1

3 March 1945

- 5 MAR 1945

SUBJECT: War Crimes.

TO : Headquarters, Allied Commission,
(Attn: Civil Affairs Section),
APO 394.

Reference your 4/29.1/CA 1 March 45.

Enclosed herewith is a paraphrase of MC in 14269, of
18 Dec 44, a Message Center original of which was forwarded
to you under cover of our G-5: 000.5-1 of 21 Dec, subject as
above copy also enclosed.

Incls:
as above

Roland Segalini
ROLAND SEGALINI
Captain, CAC
Executive Officer



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785016

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PARAPHRASE OF CABLE

CONFIDENTIAL

FROM: AGWAR from HILLDRING signed MARSHALL

TO : AFHQ to McNarney

Ref No: W-78475, 17 December 1944

108

Subject is war crimes investigation by Italian, Yugoslav and Greek Governments.

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COPY

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ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

NPS/EHM/jjlr

G-5: 000.5-1

21 December 1944

SUBJECT: War Crimes.

TO : Headquarters, Allied Commission, APO 394.

1. On 18 October we wrote you in response to your inquiry concerning alleged crimes committed by the Italian Government against Greek and Yugoslav nationals. On 7 November we wrote a similar letter to the Military Mission to the Italian Army in response to their inquiry about alleged war crimes committed by the Germans

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Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

SECRET

Tel. 178101

1 Mar 45

Ref: L/29.1/CA. ✓

SUBJECT: War Crimes.

TO: G-5 AFHQ.

ga

Reference your 3-5 000.5.1 dated 27 Feb 45.

- 1 There is no trace of your letter dated 21 Dec 44 forwarding
MC IN 11269 dated 18 Dec 44, having been received by this Headquarters.
May further copies be sent please.

For the Chief Commissioner.

R. R. [Signature]
G.R. U-100N, Brig.,
VP CA Section.

GB/eg

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785016

CA SECTION

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

(89)

G-5: 000.5-1

27 February 1945

-1 MAR 1945

SUBJECT: War Crimes.

TO : Headquarters, Allied Commission, APO 394.

1. Under date of 21 December 1944 we forwarded to your Headquarters a copy of MC IN 14269 dated 18 December 1944 on the above subject. This signal was sent to you for information only.

2. TAM 413 dated 3 January 1945 has instructed this Headquarters to proceed along the lines indicated in MC IN 14269 of 18 December 1944.

3. You will be advised of further action in this matter.

T.A. Ham

Brigadier

CHARLES M. SPOFFORD,
Brigadier General, G.S.C.,
Assistant Chief of Staff, G-5.

28 FEB 1945

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

785016

COPY

SUBJECT: War Crimes

Military Mission Italian Army
R O M E
S/I/121
24 Oct 44

TO : A.F.H.Q.

1. Attached is a translation of a letter received from the Ministry of War requesting authorization to send Italian military personnel to CEFALONIA to enquire into the mass murder of Italian troops of the "ACQUI" Division by the Germans during September 1943.
2. May this HQ please be informed whether the request of the Italian War Ministry can be granted.

L. BROWNING
Major General
M.M.I.A.

cgl

1419

COPY

COPY
TRANSLATION

FROM Ministry of War

Ref 302912/CA
313-1-10

To MMIA

Date 20 Oct 44

SUBJECT: Mass Murder at CEFALONIA

At the end of the heroic resistance which the "ACQUI" Div put up against the Germans on CEFALONIA, from 14th to 22nd September, 1943, the Germans carried out a horrid massacre of about 450 officers and 5,500 men of this Division.

We must seek to make known to the World this barbarous crime against every

COPY

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

11/1B/as

4th October, 1944.

SUBJECT : Greek and Yugoslav ex-Prisoners of War and Internees

TO : G-5 Allied Force Headquarters, APO 512

I refer to our A/cc 383.6-1 of 2nd October.

1. Since writing to you the Yugoslav Delegation to the Advisory Council has prepared and handed to this Commission a Pro-Memoria on their aims and objects in proposing an investigation into the treatment of Yugoslavs in the past, and I enclose a copy for your information.
2. You will observe that the investigation proposed is extremely detailed and broad in its scope and reinforces the feeling of this Commission that it would be inappropriate during the continuance of hostilities in Italy.

See file 4/29.3/4

G. R. UPJOHN. Brigadier
VP Civil Affairs Section,
Deputy Chief of Staff, for
Acting Chief Commissioner.

YMB.

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

785016

C O P Y

-2-

3. This Commission is, however, of the opinion that the present is not the proper time for making such investigation. In the first place, it would seem that such a Commission would have to be coordinated with the work of the Allied War Crimes Commission sitting in London. Secondly, this Headquarters has no officers who could be spared to under take this important work. Thirdly it is the opinion of this Headquarters that an investigation of the type envisaged by the Greek and Yugoslav authorities would be both prolonged and detailed, calling for the examination of witnesses, the production of records and reports and so on, and such investigation might in some localities seriously disrupt the work of the Italian administration; this cannot be tolerated while hostilities are proceeding on Italian soil. In this connection it must be remembered that in most areas of liberated Italy the civil administration is understaffed, and in the course of the next few weeks this situation will get worse rather than better as epuration proceeds and personnel are drawn from southern regions in preparation for duty in the more heavily populated centres in the north.

4. This

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Declassified E.O. 12356 Section 3.3/NND No. 785016**SECRET**

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref. 11/2)A/Ca

19 Jan 45

SUBJECT : Investigation of War Crimes.

TO : See Distribution

- 1 The enclosed copy Directive CR/15000/3-1(B) from AFHQ as to investigation of war crimes is forwarded for information and action as necessary.
- 2 Attention is drawn to paragraph 11 (b). All such reports will be forwarded by Regional Commissioners to this HQ for onward transmission to AFHQ.
- 3 A copy of GRO 69

Sheet 4DOMINION FORCES.

27. Dominion Formations and Units will comply with these instructions in relation to all war crimes except those affecting members of their own Dominion Force, in relation to which they will comply with such instructions as may be issued by the appropriate Dominion HQ.

Reference to
for
 Major General,
 DAG, C-1 (B).

JTM.

Copy to :- G-in-C, Mediterranean. (2)
 HQ MAJF (2)
 Cdn Sec GHQ 1 Ech. (2)
 UDF AGH HQ Main (2)
 HQ

Appendix 'A' to
AFHQ letter CR/15380/3-1 (A)
dated 11 Jan 45.

WAR CRIMES.

(a) Attention of all Provost Officers should be directed to the provisions of GRC 697/44, dealing with the responsibility of units and formations in relation to war crimes in general, and in particular to the Provost procedure for investigating such cases.

(b) On receipt of information of a suspected war crime, the DPM/AFM/DPM of Formation/District/Area concerned will initiate a preliminary investigation, collecting such immediate evidence as is available. He may obtain the technical assistance of the nearest SIB Section, though it is pointed out that immediate SIB help may not always be available.

(c) An interim report containing such initial information, as under, should be forwarded direct to DPM, HQ, SIB.

2254

"Place"
"D to"

6. The Army Commander will transmit to this Headquarters the reports of commissioners designated by him.
7. Commissioners, military counsel and defense counsel will be designated by this Headquarters to take testimony and make report in respect of the investigation of the crimes when either witnesses or the accused are not under the command of an Army Commander or for any other reason investigation by direction of an Army Commander is not practicable. Commissioners designated by this Headquarters will conform to the procedure set forth herein except that their reports will be submitted directly to this Headquarters.
8. Commissioners are authorized to receive any evidence which would have probative value to a reasonable man.
9. Officers may be detailed as investigators to assist commissioners.
(G OOO.5/567)

By command of Lieutenant General MATS: 1-1 (

