

0 6 7 6

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

785016

ACC

10000/105/448

ITALY
YUGOSLAVIA
APRIL

0677

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

785016

10000/105/445

ITALIANS LISTED AS WAR CRIMINALS BY
YUGOSLAVIA & OTHER ALLIED GOVERNMENTS
APR. 1943; APR. 1945 - OCT. 1946

I.

OFFICE NOTE

A copy of Folio 127 intended for Mr. Goshie, Secretary of ACI, was put in an envelope wrongly addressed to the Secretary, Yugoslav Delegation to A.C.I.I.

The Yugoslav Delegation therefore have two copies, one referred to above and the one addressed to Dr. Smolaka.

Mr. Goshie was consulted on this matter on 22 October and he did not feel that the error could have any unfavourable repercussions.

A copy of 127 for the Secretary to ACI was delivered personally by Brigadier Carr on the afternoon of 22 October.

MC
M. CARR,
Brigadier.
Exec. Comm.

22 October 1946.

Chief Commissioner.

5

approved

Attached is submitted for your signature

*information that if you hand to
All correspondence is in duplicate and I suggest that if possible
Col Hamilton, second copy should be sent through name of
McLan Brigadier Ex Comm.*

17/10/46

2130

0679

785016

Minute 2

To: The Office of the Ex. Comm.

Reg. minute 1.

Attached letter to AFHQ G-5 and inter-office memorandum are submitted for retention if approved.

Trop. Meller
cgs
OAG

7 OCT. 1946

Ex. G. 358

3.

CAS.

Letter signed. be signed and copies to both P. Madsen & to P. S. Mc (Security). Will you take action and have distribution listed on the appropriate copy please.

M. and Roy
Ex. Comm

8/10/46

4

Letter distributed to AFHQ and copies sent as per distribution at folio 122

Trop. Meller
cgs
OAG

8/10/46

memorandum are not to be used for issuance of orders.

7 OCT. 1946
EX. 308.

Trop. Mella
CPS
CAG

3.

CAS

Letter signed. We should send copies to
both P. O. & to P. S. Sec (Security). Tell you
take action and have distribution of
on the appropriate copies please.

McLard Day
Ex. Comm.

8/10/46 4

Letter distributed to AFHQ and copies
sent as per distribution of John 122
Trop. Mella
CPS
CAG

8/10/46

213

To: Ex Comm 6

Reg. John 123-124-125
Draft at John 127 is submitted for the
approval of the Ex. Comm. min.
21/10
Trop. Mella
CPS

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

785016

MINUTE

3rd October 1946

TO : A/Ex. Commissioner.

I have spoken again to AFHQ G-5 (Lt. Col. WHITE) on the 3rd October on the subject of proper channels to be followed as regards requests from Allied representatives in Italy for arrest of listed war criminals.

Col. WHITE said that if representatives of Allied Governments in Italy present to ALCOM requests for arresting listed war criminals, the Allied representatives should be informed that they can forward such requests either to AFHQ or to the Italian Government, since the Allied Commission is not the correct channel either to AFHQ or to the Italian Government for any Allied Government who has some sort of diplomatic relations with Italy. ALCOM is the correct channel only for AFHQ if the latter wants to ask the Italian Government to arrest a listed war criminal.

The procedure laid down on this subject by AFHQ G-5 letter of 4 February as amended by G-5 letter of 28 February 1946 to the effect that the Allied Commission will act as a channel to AFHQ A-3 Branch for the arrest of listed war criminals, applies only to requests made by the Yugoslav representative on the Advisory Council for Italy, since Yugoslavia has no diplomatic relations with the Italian Government.

See File
"H"
SD/266-01 As regards the French request for arresting three listed Italian war criminals, Col. WHITE said that ALCOM must not take any action on the letter from GHQ of 12th September until AFHQ G-5 clarifies the matter with GHQ-A Branch, so much so since one of the three listed Italian war criminals wanted by France, namely VALENTE, is employed by the Allies in Italy. It would be just the wrong thing to do to ask the Italian Government to arrest him.

135

J.V. Vella
J.V. VELLA, Capt
Civil Affairs Section.

4/29.8/8 *SV*

12813

132

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

Ex. Comm.

G-5: 936.21 P

Seen by CC.

19 October 1946

OCT 23 1946

SUBJECT: Listed War Criminals

TO : Chief Commissioner,
Allied Commission,
APO 794.

122

125

Reference your letter 4/29.8/B/CA of 7 October.

1. You will note from this Headquarters signal FX 72714 of 16 October that the procedure referred to in your letter is no longer applicable. ALCOM has no responsibilities in connection with Italian War Criminals (not even those required by Yugoslavia) with the exception that it may have to deal with cases where the criminal is in Venezia Giulia or Udine.

2. ALCOM will remain the channel with which AFHQ will communicate with the Italian Government, should it desire to do so, on any War Criminal matters.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

A. L. Hamblen

A. L. HAMBLEN,
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

711

2131

EN
(CAATV)

0 6 8 3

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

HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Executive Commissioner

131

Ref: 4/29.8/B/CA

24 October 1946.

Dear Mr. Goshie,

I am enclosing, for your information, copy of the under-mentioned letter on the subject of requests for listed war criminals:

Supplementary letter addressed to Dr. Modliaka,
with reference to this Commission's letter
4/29.8/B/CA of 21 October 1946 (copy handed to
you on 23 October).

(21)

Very truly yours,

Brigadier.
Executive Commissioner.

Mr. J.L. Goshie,
Secretary,
Advisory Council for Italy.
119 Via Veneto, ROME.

2130

0 6 8 4

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

785016

130

Ref: 4/29.8/B/CA

24 October 1946

My dear Doctor Bradlake,

127

I refer to my letter No. 4/29.8/B/CA of the 24 October 1946.

In order to make the position quite clear, I am writing to inform you that the instructions referred to in the second paragraph of my letter of 24 October came from the Supreme Allied Commander who, in turn, had received them from the Combined Chiefs of Staff.

Very truly yours,

/s/ Ellery W. Stone
ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Copy to: AGHC, C-5.
Polad (A)
Polad (B)
LESC (MIA)
Public Safety Div.
[REDACTED]

2129

0 6 8 5

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

*War Crimes
file*

129

C 65690
OCT 19445A

11/130
OCT 201435
ROUTINE

ATHQ C-3
ALCON, INFO: GHQ GMP

UNCLASSIFIED:

Reference should be to Pan 696. Ref our BX 78714. Repeat 696 non 695.

AC DIST

- C.A. Section -

ACTION - RE COMAR 2

INFO - CHIEF COMMISSIONER

FOIAD A

FOIAD B

FOIAD

FILE

2128

OCT 20 1946

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

NO ALCOHOL SIGNED STONE

2117450 OUTCAST

AWHD for -5 SECTION

5263

SECRET

[illegible]

YOUR FOX XRAY SEVEN TWO SEVEN ONE FOUR OF ONE SIX OCTOBER ONE NINE FOUR
SIX PD LAM ASSESSING IN VIEW OF THIS COMMISSION LETTER FOUR SLANT TWO
NINE POINT EIGHT SLANT BAKER SLANT CHARLEY ARLE OF NINE MARCH ONE NINE
FOUR SIX TO YOUR HEADQUARTERS WHICH REFERRED ONLY TO ITALIANS LISTED AS
WAR CRIMINALS BY THE UNITED NATIONS WAR CRIMES COMMISSION AND THIS
COMMISSION LETTER SIX FIVE ONE SEVEN OF ONE THREE APRIL ONE NINE FOUR
SIX WHICH WAS A FOLLOW UP OF ABOVE QUOTED LETTER THAT FAN SIX NINE FIVE
OF NINE OCTOBER ONE NINE FOUR SIX REFERS ONLY TO ITALIAN LISTED AS
WAR CRIMINALS BY THE UNITED NATIONS WAR CRIMES COMMISSION PD THIS IS ALSO
IN KEEPING WITH ARTICLE 17 OF THE REVISED ARRESTEE TREATY PD I
AM PROCEEDING ACCORDINGLY IN CONVEYING THE NEW PROCEDURE TO APPROPRIATE
GOVERNMENTAL REPRESENTATIVES PD BOTH POLA IS AGREE PD ON ORAL INSTRUCTIONS
RECEIVED FROM COLONEL HABLEL ON ONE EIGHT OCTOBER ONE NINE FOUR SIX CMA
PARA FOUR OF YOUR FOX XRAY SEVEN TWO SEVEN ONE FOUR OF ONE SIX OCTOBER ONE
NINE FOUR SIX IS BEING INTERPRETED THAT THE MATTER IS ONE TO BE RAISED
WITH THE AMERICAN AND BRITISH GOVERNMENTS

LINGUIST

INTERNAL 21:27
C.C.
Polads (A)
Polads (B).

Office of the Executive Commissioner

/s/ M. CARL, Brigfor Rear Admiral,
Chief Commissioner..

Long
URGENT
3. Forward Special
"EIGHT" NOT "THREE EIGHTS"
343
Intercontinental concluded

0687

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

785016

File 127

OS: 4/22/84/102

21 October 1946

My dear Mr. [Name],

Your letter Nov. 11/26/46 of 14 October 1946 addressed to the Supreme Allied Commander on the subject of your previous requests for the arrest and handing over of all Italian war criminals who have been listed by the United Nations War Crimes Commission was just about to be transmitted when new instructions from [Name] made it unnecessary.

I have been instructed to inform you that since the Allied Military Government has been abolished throughout the whole of Italy with the exception of VENETIA GIULIA and the province of TRIESTE, requests for delivery of Italians who have been listed by the War Crimes Commission must be taken up directly with the Italian Government by the nation requesting the alleged criminals.

Very truly yours,

Gen. Henry W. Stoen
Major General, USA
Chief, [Name]

Copy to: AHC, 2-5.
Filed (A)
Filed (B)
LSC (204)
Public Safety Division.

Copy Forwarded to [Name] Bontarone

Copy Sent to Secretary A.S.I. 21/X.

[Name] Bontarone is informed that if [Name] Bontarone attempted to use the A.S.I. Commission as a medium between his office & the Italian Govt. in this matter the Allied Commission would refuse to act.
M.C.

2126

PH 10-10-46

0 6 8 8

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

HEADQUARTERS ALLIED COMMISSION
APO 794
Office of the Chief Commissioner

Ref: SD/266/CI-154

24 October 1946.

SUBJECT: Listed Italian War Criminals

TO : The French Representative
Allied Commission

Reference is made to your letter No. 2984 dated 20 September 1946 and enclosures.

I am directed to inform you, on instructions received from AFHQ, that the Combined Chiefs of Staff have ruled that since the Allied Military Government has been abolished throughout the whole of Italy with the exception of VENETIE GIULIA and the Province of UDINE, requests for delivery of Italian who have been listed as war criminals by the United Nations War Crimes Commission must be taken up directly with the Italian Government by the nation requesting the alleged criminals.

/s/ Elmer W. Stone

ELMER W. STONE
Rear Admiral, USNR
Chief Commissioner

Copy to: AFHQ, G-5.
Polad (A)
Polad (B)
LSCG (NIA)
Public Safety Div.
~~Security Division~~

2125

0 6 8 9

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

785016

FX 72746

OCT 171041A

H/7257

OCT 181030

ROUTINE

AFHQ SIGNED SACMED CITE FHGEG
GHQ CMF, INFO: ALCOM ROME

RESTRICTED:

In view fan 696 sent to you under this Headquarters FX 72714 of 16 October.
Reur AG/00407 undated and Alcom AC/4119/5/L of 19 August. Presume Alcom will
take no further action under your 16443/A3 of 12 September beyond informing
the French Liaison Officers of the CCS decision as to channels and this
Headquarters signal 04145 B will not require cancellation.

AC DIST

INFO ACTION - EX COMMR 2

INFO - CHIEF COMMISSIONER

FLOAT

FILE

*Action taken
by Public Safety
(Security Gov)*

*For the
C. H.*

Ex Com 10

18/10

*125
for file*

2124

0690

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

785016

FX 72714
OCT —

W7242
002 171530
URGENT

125

AFHQ SIGNED BUREAU CITY PHONE
ALCOM ROME

INFO: GRC GEF

URGENT

(C) NAF

NOW FAN 696
MC 22/X

The following is text of GRC signed (FAN 695) of 8 October.

"Reference Alcom letter 6547/EC of 13 April 1946 to GRC GEF. Your request for Italians, including those mentioned in RAF 1165 who are wanted as War criminals by any of the United Nations will be handled as follows since Allied Military Government has been abolished throughout the whole of Italy with the exception of Venezia Giulia and the province of Udine. The request for the delivery of Italians who are alleged War Criminals will be taken up directly with the Italian Government by the Nation requesting the alleged criminals."

2. Ruling will be applied to requests already made which have not yet been complied with, Governmental representatives who have made such requests will be so informed forthwith.

3. Governmental Representatives of United Nations other than British and US will be informed of the above ruling as and when they submit requests to you to arrange for alleged War Criminals to be handed over.

4. In event of a governmental representative questioning validity of above ruling he should be advised that matter is one to be raised through Diplomatic channels.

5. The ruling is considered to debar AFHQ or Alcom from acting as a medium for communication between Yugoslav Governmental Representative and Italian Government on matters connected with surrender of alleged Italian War Criminals. Should he raise question Yugoslav representative should be informed accordingly.

2123

AC DINE

Action: Executive Commissioner (2)
Info: Chief Commissioner
File
Skeleton

0691

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

785016

HEADQUARTERS ALLIED COMMISSION

Office of the Chief Commissioner

APO 794

SECRET

October 1946.

Ref: 4/29.8/B/CA

SUBJECT: Listed War Criminals

TO : ALLIED FORCE HEADQUARTERS,

Attention: G-5 Section

1. The enclosed communication Pov.br. 1128/46 of 14 October 1946 addressed by Dr. Smolaka to the Supreme Allied Commander is transmitted to your Headquarters.

2. Copies, in duplicate, of all correspondence referred to and in possession of this Headquarters, are enclosed.

W. H. Stone

ELMER W. STONE
Rear Admiral, USNR
Chief Commissioner

8 Enclosures.

*Letter cancelled and
expressed by now of
Brigadier General Can
18 Oct. 1946
J. H. Stone cfr
cfr*

2122

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

785016

Jugoslav Delegation
To The Advisory Council For Italy

Pov. br. 16/46

Rome, January 5, 1946

SUBJECT: Arresting and Handing over of Italian War Criminals.

TO : Allied Force Headquarters.

On behalf of the Yugoslav Government the Yugoslav Delegation to the Advisory Council for Italy has the honour to state as follows:

1. A.F.H.Q. have received lists of War Criminals issued by the United Nations War Crimes Commission with orders of the United Kingdom and the United States Governments, transmitted by the Combined Chiefs of Staff, to find the War Criminals according to these lists and to hand them over to the interested Governments of the United Nations.

2. The United Nations War Crimes Commission had listed more than 500 Italian War Criminals proposed by Yugoslavia.

As the Yugoslav Government has not been notified as yet that any of the listed War Criminals in Italy was found, you are courteously requested to inform this Delegation whether and what has been done for finding out listed Italian War Criminals.

3. Not even those Italian War Criminals, listed by the United Nations War Crimes Commission, who are kept by Allied Authorities in Italy, and were requested by this Delegation, have not yet been handed over to Yugoslav Authorities

These Italian War Criminals are :

- 1/Gastone Gambaro/ list 5th, Serial number 88 of the United Nations War Crimes Commission - requested by our act Pov.br.1179-45 dated 18 August 1945
- 2/Pietro Lotti /5th list, serial number 95 of the UNWCC - requested by our act Pov.br.1366/45 dated 11 September 45
- 3/Fernando Di Furia/5th List, serial number 85, - requested by our act Pov.br. 1798/45 dated 14 November 45
- 4/Giuseppe Gaetani /5th list, serial number 86, 12 list, serial number 88 requested by our act Pov.br.1798/45, 14 November 45
- 5/Giuseppe Pardini /5th list, serial number 102/ requested by our act Pov.br. 1798/45 dated 14 November 45
- /Dott.Divencenzo /5th list serial number 115 - requested by our act Pov.br. 1798/45 dated 14 November 45
- 7/Pumo, major /12 List, serial number 87 - requested by our act Pov.br. 1798/45 dated 14 November 45.

2121

4. AFHQ is herewith courteously requested on behalf of the Yugoslav Government to find out, and,

A. to arrest without delay all Italian war criminals who had been listed by United Nations War Crimes Commission on proposal of Yugoslavia, in order to prevent their escape.

B. to hand them over to Yugoslav Authorities.

It is obvious that war criminals quoted under 3 should be included.

Dr. SLOVEN J. SMOLAKA
Deputy Representative of Yugoslavia,
Advisory Council for Italy.

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

C O P Y

Pov.Br. 37/46

Rome, 8 January 1946.

SUBJECT : Arresting and handover of Italian
War Criminal PARINA Guido.

TO : Allied Force Headquarters.

On behalf of the Yugoslav Government the Yugoslav
Delegation to the Advisory Council for Italy has the honour
to state as follows :

1. A.F.H.Q. have received lists of War Criminals issued
by the United Nations War Crimes Commission, with orders of the
United Kingdom and the United States Government, transmitted
by the Combined Chiefs of Staff to find the resp. war criminals
according to these lists and to hand them over to the interested
Governments of the United Nations.

2. PARINA Guido, Colonel, Comandante del Presidio
Cernomelj, 23rd Inf. Regt. "Como", "Isonzo" Div. operating in
district of Cernomelj (Yugoslavia), Italian war criminal listed
by the United Nations War Crimes Commission (12th list, serial
No 78) is living at Gorizia, Via Masoni. He is responsible
for murder and other crimes.

3. Application is made herewith on behalf of the Yugoslav
Government that necessary measures be taken to arrest him, to
prevent him from escaping and to hand him over to Yugoslav
Authorities.

/s/ Dr. Sloven J. SMODI 2119
Deputy Representative of Yugoslavia,
Advisory Council for Italy.

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

785016

C O P YC O N F I D E N T I A LHEADQUARTERS ALLIED COMMISSION
Office of the Chief Commissioner
APO 394

16 February 1946

Ref: 4/29.8/CA

Dear Dr. Smolaks,

Allied Force Headquarters have forwarded to me your letter Pov. br. 57/46 of 2 January 1946 and have forwarded instructions as to procedure to be adopted in the future.

In future all requests for arrests of persons whose names are included in the lists issued by the United Nations War Crimes Commission will be addressed to this Headquarters who will take action in the matter. Such requests will be forwarded to DARM (SIB) c/o JAG, Naples, by this HQ, who will be asked to effect the arrest and inform you of the action taken. The action thereafter will be the responsibility of SIB and not of Allied Commission.

If the person concerned is not on the War Crimes Lists and his arrest is desired, you should forward all applications of this nature for inclusion in the War Crimes Lists to the War Crimes Commission through the usual diplomatic channels.

There is forwarded for your perusal copy of letter addressed to DARM (SIB) c/o JAG Naples, along with list of persons who are on the War Crimes Lists and whose arrest you have requested.

Very truly yours,

/s/ M.S. LUSH
Brigadier,
Acting Chief Commissioner,

DR. SLOVEN J. SMOLAKA,
Deput Representative of Yugoslavia,
Advisory Council for Italy,
R O M E.

2118

Yugoslav Delegation
To the Advisory Council for Italy

C O P Y

Pov. Br. 273/46

28 February 1946

Dear Brigadier Lush,

I have the honour to acknowledge receipt of your letter Ref. 4/29.8/CA of 16 February 1946 regarding the handover of Italian War Criminals.

On behalf of the Yugoslav Government I have the honour to request herewith formally that all Italian War Criminals, listed by the United Nations War Crimes Commission, be arrested and handed over to the Yugoslav Authorities. As most of them are living at their proper home in Italy, it will be easy to find them out.

I beg you, will you be so kind as to arrange that I may be informed about every action taken in this matter. Particularly I would appreciate to be informed about the arresting of the Italian War Criminals quoted in your letter 4/29.8/CA of 16 February 46, since I have not received as yet any informations from DAMP (SIB).

Very truly yours,

/s/ Dr. Sloven J. SMODLARA,
Deputy Representative of Yugoslavia
Advisory Council for Italy.

Brigadier M.S. LUSH
Executive Commissioner
HQ. AC.

2117

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

785016

C O P Y

Jugoslav Delegation
To The Advisory Council for Italy
Pov.br.677/46

22 June 1946

Dear Admiral Stone,

1. Reference is made to my letter Pov.br.273/46 of 28 February 1946 to the Allied Commission's letters Ref: 4/29.8/CA of 9 March 1946 and to para two(2) of the A.C. letter Ref: 4/29.8/CA of 1 May 1946.

2. The Yugoslav Embassy in London with its note of 10 May 1946 informed the British Foreign Office that our Delegation was authorized to make proposals on behalf of the Yugoslav Government and to be informed by the Allied Authorities in Italy in all matters dealing with traitors, war criminals etc. The British Foreign Office replied to the Yugoslav Embassy in London that the competent authorities in Italy have been requested to help our Delegation in dealing with these matters.

3. I apply to you that AFHQ may kindly forward to me the list of names of the Italian war criminals listed by the United Nations War Crimes Commission in London on request of the Yugoslav Government, who have been arrested up to date, with the annotation in which prison each of them is being detained. I beg to be informed too about the measures taken up to date for an efficient capturing and handing over of the Italian War Criminals. An early reply will be much appreciated.

Very truly yours

Dr. SLOVEN J. SMOLAKA,
Acting Representative of Yugoslavia
Advisory Council for Italy

Rear Admiral
Elmer W. Stone
Chief Commissioner
Allied Commission.

2116

0698

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

785016

C C P Y

HEADQUARTERS ALLIED COMMISSION
APO 754
CIVIL AFFAIRS SECTION

Ref : 4/29.8/CA

6th Aug 46

SUBJECT : Handover of Italians Listed
by UNWCC to the Yugoslavs.

TO : Dr. Sloven J. SMODLAKA
Deputy Representative for Yugoslavia,
Advisory Council for Italy,
ROME

1. Reference your Prov.br.677/46 dated 22 June 46.
2. This Headquarters has been informed that the question of the handover to the Yugoslav Authorities of Italians registered with UNWCC as war criminals wanted by Yugoslavia is under discussion between the proper Authorities.
3. Until that discussion is concluded it will not be possible to comply with your request contained in paragraph 3 of your above quoted letter.

FOR THE CHIEF COMMISSIONER:

M. CARR, Brigadier,
VP CA Section.

2115

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

785016

C O P Y

SECRET

SUBJECT : War Crimes - Handover of Italians Listed
by UNWCC to the Yugoslavs.

GHQ CME
I6422/2/A3
26 Jul 46

HQ Allied Commission
APO 394
Civil Affairs Section

Reference your letter 4/29.8/CA dated 29 Jun 46.

1. The question of the handover to the Yugoslav Authorities of Italians registered with UNWCC as War Criminals wanted by Yugoslavia is under discussion between the British and American Governments.

2. Until that discussion is concluded it will not be possible to comply with the request contained in para 3 of Dr. SMOGLAKA's letter of 22 June .

Brigadier,
I/C Administration.

2114

Copy to :- Brit Polad
US Polad
G-5



DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

Pov.br. 1128/45

Rome, 14 October 1945

TO : Supreme Allied Commander, Mediterranean Theatre.

THROUGH : Chief Commissioner, Allied Commission.

On behalf of the Yugoslav Government I have the honour to
state as follows:

1. By the Article 20 of the "Additional Conditions of the
Armistice with Italy" the Italian Government was obliged to comply
with the following: "Benito Mussolini, his chief Fascist associates
and all persons suspected of having committed war crimes or
analogous offences whose names appear on lists to be communicated
by the United Nations will as soon as possible be apprehended and
surrendered into the hands of the United Nations. Any instructions
given by the United Nations for this purpose will be complied with."

2. Upon request of the Yugoslav Government 716 Italians
have been inserted in the Lists of the United Nations War Crimes
Commission until September 1945.

Mr. Attlee, in the absence of Mr. Devin, in his note No. U.
6275/29/12 of 15 December 1945, informed the Yugoslav Ambassador
in London that the Combined Chiefs of Staff had authorized the
Supreme Allied Commander, Mediterranean, to hand over to Allied
Governments criminals of Italian or other ex-enemy nationality
wanted by them.

The Yugoslav Representative to the Advisory Council for
Italy requested subsequently in his letters Pov.br. 15/46 and
Pov.br. 37/46 dated 5 and 8 January 1946, from A.F.H. : "A. To
arrest without delay all Italian War Criminals who have been
listed by the United Nations War Crimes Commission on proposal
of Yugoslavia, in order to prevent their escape. 5. To hand them
over to the Yugoslav Authorities."

After that Brigadier Lush, in capacity of the Acting Chief
Commissioner, informed us in his letter No. 4/29.8/CA of 16 February
1946, that A.F.H. have forwarded to him instructions as to
procedure to be adopted for the arresting of the requested Italian
War Criminals, i.e. that all requests will be addressed to H.A.C.
who will take action in the matter and forward the requests to DMR
(SIB), c/o JAG, Naples. Brig. Lush informed us at the same occasion
that orders to DMR (SIB) to arrest persons listed by the War
Crimes Commission have already been issued.

DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

Pov.br.1128/45

Rome, 14 October 1945

TO : Supreme Allied Commander, Mediterranean Theatre.

THROUGH : Chief Commissioner, Allied Commission.

On behalf of the Yugoslav Government I have the honour to
state as follows:

1. By the Article 20 of the "Additional Conditions of the
Armistice with Italy" the Italian Government was obliged to comply
with the following: "Benito Mussolini, his chief Fascist associates
and all persons suspected of having committed war crimes or
analogous offences whose names appear on lists to be communicated
by the United Nations will as soon as possible be apprehended and
surrendered into the hands of the United Nations. Any instructions
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8375/29/13 of 15 December 1945, informed the Yugoslav Ambassador
in London that the Combined Chiefs of Staff had authorized the
Supreme Allied Commander, Mediterranean, to hand over to Allied
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wanted by them.

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Italy requested subsequently in his letters Pov.br.16/46 and
Pov.br.37/46 dated 5 and 8 January 1946, from A.F.H. : "A. To
arrest without delay all Italian War Criminals who have been
listed by the United Nations War Crimes Commission or proposal
of Jugoslavia, in order to prevent their escape. - 3. To hand them
over to the Yugoslav Authorities."

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Commissioner, informed us in his letter No. 4/20.8/CA of 16 February
1946, that A.F.H. : "A. have forwarded to him instructions as to
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War Criminals, i.e. that all requests will be addressed to H.Q.A.C.
who will take action in the matter and forward the requests to DAMP
(SIB), c/o JAG, Naples. Brig. Lush informed us at the same occasion
that orders to DAMP (SIB) to arrest persons listed by the War
Crimes Commission have already been issued.

...Since



DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

=2=

54

Since no Italian war criminal had been handed over to Yugoslavia the Yugoslav Representative A.O.I. requested again in his letter Gov. br. 273/46 of 26 February 1946, "that all Italian war criminals, listed by the U.N. War Crimes Commission, be arrested and handed over to the Yugoslav authorities." Brig. Lush replied that the "request has been passed to AFHQ for action by DAF (SIB)".

92

As even after that reply no one was handed over, we requested in our letter Gov. br. 577/46 of 22 June 1946, addressed to the Chief Commissioner, that a list of names of those listed Italian war criminals who have been arrested up to date may be forwarded to us.

111

Unexpectedly we received a letter from the Vice President, Civil Affairs Section (No. 4/29.8/CA dated 6 August 1946), informing us that "the question of the handover to the Yugoslav Authorities of Italians registered with UNWCC as war criminals wanted by Yugoslavia is under discussion between the proper Authorities," and "until that discussion is concluded it will not be possible to comply with" the request of the Yugoslav Representative A.O.I."

N.R.

We were even more surprised with the explanation given to the Yugoslav Embassy in London from the British Foreign Office in their note No. U. 505/71/73 of 17 July 1946, where it is supposed that "as the Yugoslav Government will appreciate the number and in some cases the situation of the Italians in question raises problems which require careful consideration".

A

The foregoing viewpoint of the Allied Authorities are in contradiction to the quoted statement of Mr. Attlee of 15 December 1945, and the Yugoslav Government consider that there should not be any reason why this matter, which has definitely been settled by the British and U.S. Governments should again be brought under discussion, even less considering that all the United Nations Governments have agreed that all war criminals must be punished.

According to Art. 29 of the "Additional Conditions of the Armistice with Italy" the Italian Government is bound to hand over all Italian war criminals. The same obligation is included in Art. 8 of the new Armistice Draft as well as in Art. 36 of the Draft of the Peace Treaty with Italy. The Yugoslav Government, being a member of the United Nations has the right to demand that the Armistice with Italy be complied with for the benefit of the Yugoslav Government and that all Italian war criminals listed on request of the Yugoslav Government be handed over.

4. In view of the foregoing it is requested that without further delay necessary orders may be issued to your dependent authorities as well as to the Italian Government in order to:

2112

DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

-2-

54

Since no Italian war criminal had been handed over to Yugoslavia the Yugoslav Representative A.C.I. requested again in his letter Pov.br.273/46 of 28 February 1946, "that all Italian war criminals, listed by the U.N. War Crimes Commission, be arrested and handed over to the Yugoslav authorities." Brig. Lush replied that the "request has been passed to AFHQ for action by DAF (SIB)".

92

As even after that reply no one was handed over, we requested in our letter Pov.br.677/46 of 22 June 1946, addressed to the Chief Commissioner, that a list of names of those listed Italian war criminals who have been arrested up to date may be forwarded to us.

111

Unexpectedly we received a letter from the Vice President, Civil Affairs Section (No. 4/29.8/CA dated 6 August 1946), informing us that "the question of the handover to the Yugoslav Authorities of Italians registered with UNWCC as war criminals wanted by Yugoslavia is under discussion between the proper Authorities," and "until that discussion is concluded it will not be possible to comply with" the request of the Yugoslav Representative A.C.I."

N.R.

We were even more surprised with the explanation given to the Yugoslav Embassy in London from the British Foreign Office in their note No. U.605/71/73 of 17 July 1946, where it is supposed that "as the Yugoslav Government will appreciate the number and in some cases the situation of the Italians in question raises problems which require careful consideration".

The foregoing viewpoint of the Allied Authorities are in contradiction to the quoted statement of Mr. Attlee of 15 December 1945, and the Yugoslav Government consider that there should not be any reason why this matter, which has definitely been settled by the British and U.S. Governments should again be brought under discussion, even less considering that all the United Nations Governments have agreed that all war criminals must be punished.

F

According to Art. 29 of the "Additional Conditions of the Armistice with Italy" the Italian Government is bound to hand over all Italian war criminals. The same obligation is included in Art. 8 of the new Armistice Draft as well as in Art. 38 of the Draft of the Peace Treaty with Italy. The Yugoslav Government, being a member of the United Nations has the right to demand that the Armistice with Italy be complied with for the benefit of the Yugoslav Government and that all Italian war criminals listed on request of the Yugoslav Government be handed over.

4. In view of the foregoing it is requested that without further delay necessary orders may be issued to your dependent authorities as well as to the Italian Government in order to:

2112

.....A.



DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

=5=

- A. arrest without delay all Italian war criminals who have been listed by the United Nations War Crimes Commission on request of Yugoslavia, in order to prevent their escape;
- B. to hand them over to the Yugoslav authorities.
5. Will you please inform me about steps taken with your earliest convenience

Dr. Stojan J. Stokich
DR. STOJAN J. STOKICH,
Yugoslav Representative a.i.
Advisory Council for Italy.

2111

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

0704

Pov.br.1128/46

Rome, 14 October 1946

123A

TO : Supreme Allied Commander, Mediterranean Theatre.

THROUGH : Chief Commissioner, Allied Commission.

On behalf of the Yugoslav Government I have the honour to state as follows:

1. By the Article 20 of the "Additional Conditions of the Armistice with Italy" the Italian Government was obliged to comply with the following: "Benito Mussolini, his chief Fascist associates and all persons suspected of having committed war crimes or analogous offences whose names appear on lists to be communicated by the United Nations will as soon as possible be apprehended and surrendered into the hands of the United Nations. Any instructions given by the United Nations for this purpose will be complied with."

2. Upon request of the Yugoslav Government 716 Italians have been inserted in the Lists of the United Nations War Crimes Commission until September 1946.

Mr. Attlee, in the absence of Mr. Bevin, in his note No. U. 6375/29/73 of 13 December 1945, informed the Yugoslav Ambassador in London that the Combined Chiefs of Staff had authorized the Supreme Allied Commander, Mediterranean, to hand over to Allied Governments criminals of Italian or other ex-enemy nationality wanted by them.

The Yugoslav Representative to the Advisory Council for Italy requested subsequently in his letters Pov.br.16/46 and Pov.br.37/46 dated 5 and 8 January 1946, from A.F.H.: "A. To arrest without delay all Italian War Criminals who have been listed by the United Nations War Crimes Commission on proposal of Jugoslavina, in order to prevent their escape. - B. To hand them over to the Yugoslav Authorities."

After that Brigadier Lush, in capacity of the Acting Chief Commissioner, informed us in his letter No. 4/29.8/CA of 16 February 1946, that A.F.H. have forwarded to him instructions as to procedure to be adopted for the arresting of the requested Italian War Criminals, i.e. that all requests will be addressed to H.A.A.C. who will take action in the matter and forward the requests to DAMP (SIB), c/o JAG, Naples. Brig. Lush informed us at the same occasion that orders to DAMP (SIB) to arrest persons listed by the War

2110

Rome, 14 October 1946

TO : Supreme Allied Commander, Mediterranean Theatre.

THROUGH : Chief Commissioner, Allied Commission.

On behalf of the Yugoslav Government I have the honour to state as follows:

1. By the Article 29 of the "Additional Conditions of the Armistice with Italy" the Italian Government was obliged to comply with the following: "Benito Mussolini, his chief Fascist associates and all persons suspected of having committed war crimes or analogous offences whose names appear on lists to be communicated by the United Nations will as soon as possible be apprehended and surrendered into the hands of the United Nations. Any instructions given by the United Nations for this purpose will be complied with."

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The Yugoslav Representative to the Advisory Council for Italy requested subsequently in his letters Pov.br.16/46 and Pov.br.37/46 dated 5 and 8 January 1946, from A.F.H. "A. To arrest without delay all Italian War Criminals who have been listed by the United Nations War Crimes Commission on proposal of Yugoslavia, in order to prevent their escape." "B. To hand them over to the Yugoslav authorities."

After that Brigadier Lush, in capacity of the Acting Chief Commissioner, informed us in his letter No. 4/29.8/CA of 16 February 1946, that A.F.H. "A. have forwarded to him instructions as to procedure to be adopted for the arresting of the requested Italian War Criminals, i.e. that all requests will be addressed to H.Q.I.C. who will take action in the matter and forward the requests to DAMP (SIB), c/o JAG, Naples. Brig. Lush informed us at the same occasion that orders to DAMP (SIB) to arrest persons listed by the War Crimes Commission have already been issued.

...since

2110

-2-

Since no Italian war criminal had been handed over to Jugoslavija the Yugoslav Representative A.C.I. requested again in his letter Pov.br.273/46 of 28 February 1946, "that all Italian war criminals, listed by the U.N. War Crimes Commission, be arrested and handed over to the Yugoslav authorities." Brig. Lush replied that the "request has been passed to AFHQ for action by DAMF (SIB)".

As even after that reply no one was handed over, we requested in our letter Pov.br.677/46 of 22 June 1946, addressed to the Chief Commissioner, that a list of names of those listed Italian war criminals who have been arrested up to date may be forwarded to us.

Unexpectedly we received a letter from the Vice President, Civil Affairs Section (No. 4/29.8/CA dated 6 August 1946), informing us that "the question of the handover to the Yugoslav Authorities of Italians registered with UNWCG as war criminals wanted by Yugoslavia is under discussion between the proper Authorities," and "until that discussion is concluded it will not be possible to comply with" the request of the Yugoslav Representative A.C.I."

We were even more surprised with the explanation given to the Yugoslav Embassy in London from the British Foreign Office in their note No. U.603/71/73 of 17 July 1946, where it is supposed that "as the Yugoslav Government will appreciate the number and in some cases the situation of the Italians in question raises problems which require careful consideration".

The foregoing viewpoint of the Allied Authorities are in contradiction to the quoted statement of Mr. Attlee of 15 December 1945, and the Yugoslav Government consider that there should not be any reason why this matter, which has definitely been settled by the British and U.S. Governments should again be brought under discussion, even less considering that all the United Nations Governments have agreed that all war criminals must be punished.

According to Art. 29 of the "Additional Conditions of the Armistice with Italy" the Italian Government is bound to hand over all Italian war criminals. The same obligation is included in Art. 8 of the new Armistice Draft as well as in Art. 38 of the Draft of the Peace Treaty with Italy. The Yugoslav Government, being a member of the United Nations has the right to demand that the Armistice with Italy be complied with for the benefit of the Yugoslav Government and that all Italian war criminals listed on request of the Yugoslav Government be handed over.

4. In view of the foregoing it is requested that without further delay necessary orders may be issued to your dependent authorities as well as to the Italian Government in order to:

2109

Since no Italian war criminal had been handed over to Yugoslavia the Yugoslav Representative A.C.I. requested again in his letter Pov.br. 273/46 of 28 February 1946, "that all Italian war criminals, listed by the U.N. War Crimes Commission, be arrested and handed over to the Yugoslav authorities." Brig. Lush replied that the "request has been passed to AFM for action by DAME (GIB)".

As even after that reply no one was handed over, we requested in our letter Pov.br. 677/46 of 22 June 1946, addressed to the Chief Commissioner, that a list of names of those listed Italian war criminals who have been arrested up to date may be forwarded to us.

Unexpectedly we received a letter from the Vice President, Civil Affairs Section (No. 4/25.8/GA dated 6 August 1946), informing us that "the question of the handover to the Yugoslav Authorities of Italians registered with UNWCC as war criminals wanted by Yugoslavia is under discussion between the proper authorities," and "until that discussion is concluded it will not be possible to comply with" the request of the Yugoslav Representative A.C.I."

We were even more surprised with the explanation given to the Yugoslav Embassy in London from the British Foreign Office in their note No. U.605/71/73 of 17 July 1946, where it is supposed that "as the Yugoslav Government will appreciate the number and in some cases the situation of the Italians in question raises problems which require careful consideration".

The foregoing viewpoint of the Allied Authorities are in contradiction to the quoted statement of Mr. Attlee of 15 December 1945, and the Yugoslav Government consider that there should not be any reason why this matter, which has definitely been settled by the British and U.S. Governments should again be brought under discussion, even less considering that all the United Nations Governments have agreed that all war criminals must be punished.

3. According to Art. 29 of the "Additional Conditions of the Armistice with Italy" the Italian Government is bound to hand over all Italian war criminals. The same obligation is included in Art. 8 of the new Armistice Draft as well as in Art. 38 of the Draft of the Peace Treaty with Italy. The Yugoslav Government, being a member of the United Nations has the right to demand that the Armistice with Italy be complied with for the benefit of the Yugoslav Government and that all Italian war criminals listed on request of the Yugoslav Government be handed over.

4. In view of the foregoing it is requested that without further delay necessary orders may be issued to your dependent authorities as well as to the Italian Government in order to:

.....A.

0709

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

- A. arrest without delay all Italian war criminals who have been listed by the United Nations War Crimes Commission on request of Yugoslavia, in order to prevent their escape;
- B. to hand them over to the Yugoslav authorities.
5. Will you please inform me about steps taken with your earliest convenience

Yugoslavia
DR. SLOVEN J. MADLARA,
Yugoslav Representative e.l.
Advisory Council for Italy.

2108

HEADQUARTERS ALLIED COMMISSION
APO 794

Civil Affairs Section

4/29.3/E/CA

7 October 46

SUBJECT: - Listed War Criminals

TO : - AFHQ G-5 Section.

1. With reference to the subject of requests for the arrest of listed war criminals and telephone conversation (Lt. Col White G-5) - (Capt Vella AC CA Section) this Commission is now following the procedure given below.

2. If representatives of Allied Governments in Italy which have any form of diplomatic relations with Italy present to the Allied Commission requests for arresting listed war criminals, the Allied representatives will be informed that they can forward such requests either to AFHQ, or the Italian Government.

3. ALCOM is the correct channel for communication with Italian Government only if AFHQ wants to ask that Government to arrest a listed war criminal.

4. The procedure laid down on this subject by AFHQ G-5 letter of 4 February as amended by G-5 letter of 28 February 46 to the effect that the Allied Commission will act as a channel to AFHQ A-3 Branch for the arrest of listed war criminals, applies to requests made by the Yugoslav representative on the Advisory Council for Italy since Yugoslavia has no diplomatic relations with the Italian Government.

For the Chief Commissioner

S/ M. CARR, Brigadier
T/ M. CARR, Brigadier
VP CA Section

DISTRIBUTION

Polad "A"
" " "B"
Public Safety S/C (Security Div)
Legal S/C
GHQ A Branch, GMP

2107

HEADQUARTERS ALLIED COMMISSION
APO 794
CIVIL AFFAIRS SECTION

Ref : 4/29.8/B/CA

7th Oct 46

SUBJECT : War Criminals.

TO : Polad "A"
" " "B"
Legal S/C
Public Safety S/C (Security Div).

There has been some confusion in the past as regards handling through proper channels requests from Allied representatives in Italy for arrest of listed War Criminals.

On 3rd October 46 in a telephone conversation between AFHQ (Lt.Col. WHITE) and AC Civil Affairs Section (Capt. VELLA) the following procedure has been agreed upon pending confirmation from AFHQ G-5:-

If representatives of Allied Governments in Italy present to the Allied Commission requests for arresting listed War Criminals, the Allied representatives should be informed that they can forward such requests either to AFHQ, or to the Italian Government, since the Allied Commission is not the correct channel of communication either to AFHQ or to the Italian Government for any Allied Government which has some sort of diplomatic relations with Italy.

ALCOM is the correct channel only for AFHQ if the latter wants to request the Italian Government to arrest a listed War Criminal.

The procedure laid down on this subject by AFHQ G-5 letter of the 4th February as amended by G-5 letter of the 28th February 46 to the effect that Allied Commission will act as a channel to AFHQ A-3 Branch for the arrest of listed War Criminals applied only to requests made by the Yugoslav representative on the Advisory Council for Italy, since

0712

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

785016

- 2 -

Yugoslavia has no diplomatic relations with the Italian Government.

In future, Public Safety S/C (Security Div) will be the only Branch at this Headquarters which will deal with applications for the arrest of listed War Criminals.

FOR THE CHIEF COMMISSIONER :



M. CARR, Brigadier,
VP CA Section.

2105

HEADQUARTERS ALLIED COMMISSION
Office of the Chief Commissioner

APD 794

SECRET

Ref: 9009/212/EC.

17 August 1946.

SUBJECT: Restitution of Yugoslav Property
by Italian Government.

TO : ALLIED FORCE HEADQUARTERS.
Attention: G-5 Section.

1. In reply to your letter G-5: 912.23-1 dated 20 July 1946, I attach herewith a draft reply to be sent by the Supreme Allied Commander to the Chairman in Turn of Rotation to the Advisory Council as directed in para 2 of your letter.

2. You will note that paras 2 and 3 of the draft letter deal with the facts of the action taken on each of the requests made by the Yugoslav Delegation for the restitution of ships and property. I wish to emphasize here what I have already included in the draft reply at para 3, that many verbal requests have been made to the Italian Government in order to try and hasten replies.

3. With regard to para 5 of your letter under reference, an examination of the letters and statements enclosed with your letter does not reveal any fresh claims which require reference to the Italian Government. As regards property other than ships, the Italian Government has not so far been pressed or directed to make restitution in view of the fact that the validity of the claims is being argued by A.C.I. The submission of the claims, however, to the Italian Government for action does in itself imply restitution. In one case (Serial No. 4), the Italian Government has rejected the Yugoslav claim as being unjustified after investigation. As regards ships, in all cases where claims appear to be justified the Italian Government have been directed to make restitution, and the Yugoslav Delegation have been so informed.

4. Para 4 of the draft reply is concerned with the legal aspect of the whole matter and in this connection I have consulted my legal advisors and wish to make the following main points in amplification thereof:

(a) Dr. Smolaka has on a number of occasions referred to Article 9 of the new Armistice Terms in order to justify the Yugoslav contentions. The new Armistice, as you are aware, has not been signed and therefore does not apply.

(b) Article 33(A), also quoted by Dr. Smolaka, was obviously designed to cover the period of hostilities and the participation of Italy in the war effort. No claims which fall under the title of compensations or reparations to be dealt with at the Peace Conference should be enforced under the provisions set out therein.

(c) Dr. Smolaka maintains that, under Article 15 of the Armistice Terms, the Italian authorities are bound to effect all

2104

TO : ALLIED FORCE HEADQUARTERS.
Attention: G-5 Section.

1. In reply to your letter G-5: 942.23-1 dated 20 July 1946, I attach herewith a draft reply to be sent by the Supreme Allied Commander to the Chairman in Turn of Rotation to the Advisory Council as directed in para 2 of your letter.
2. You will note that paras 2 and 3 of the draft letter deal with the facts of the action taken on each of the requests made by the Yugoslav Delegation for the restitution of ships and property. I wish to emphasize here what I have already included in the draft reply at para 3, that many verbal requests have been made to the Italian Government in order to try and hasten replies.
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4. Para 4 of the draft reply is concerned with the legal aspect of the whole matter and in this connection I have consulted my legal advisors and wish to make the following main points in amplification thereof:
 - (a) Dr. Smolaka has on a number of occasions referred to Article 9 of the new Armistice Terms in order to justify the Yugoslav contentions. The new Armistice, as you are aware, has not been signed and therefore does not apply.
 - (b) Article 33(A), also quoted by Dr. Smolaka, was obviously designed to cover the period of hostilities and the participation of Italy in the war effort. No claims which fall under the title of compensations or reparations to be dealt with at the Peace Conference should be enforced under the provisions set out therein.
 - (c) Dr. Smolaka maintains that, under Article 15 of the Armistice Terms, the Italian authorities are bound to effect all necessary repairs at their expense to any Yugoslav ships which it is agreed should be restituted. This, in accordance with the Cunningham-De Courten Agreement, should be done only as directed by SACRED and not automatically.
5. With reference to para 9 of your letter of 20 July, it has now been agreed in your G-5: 942.23-1 of 30 July that the question of granting permission to visit ports (except those under AMG control) shall be a matter of arrangement

between the Yugoslav and Italian authorities concerned, and that this matter should not be referred to in the draft letter attached. The Yugoslav Delegation has been informed of this decision.

6. Dr. Spodlake complains that with re ard to ships the location of a number of these was known to the Allied authorities although they had stated to the contrary. It is emphasised that all information known to this HQ regarding locations was passed to the Yugoslav Delegation as rapidly as possible.

Ellery W. Stone
ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

DISTRIBUTION: Chief Commissioner
Executive Commissioner
Polad (A)
Polad (B)
VE, CA Section
A/VP, Econ Section
Navy Sub-Commission
Float

2103

DRAFT OF LETTER TO BE DESPATCHED BY SACRED TO THE CHAIRMAN OF
THE ADVISORY COUNCIL FOR ITALY.

1. In reply to your letter dated 9 July 1946 in which you enquire about the position regarding the claims made by the Yugoslav Representative to the Advisory Council for Italy, I forward the following information.
2. With regard to the lists of vessels which you have forwarded and which you request should be restituted, at Appendix 'A' to this letter particulars are given showing the action taken in respect of each vessel listed.
3. Similarly, at Appendix 'B' details are shown of the property listed by you and the action taken in each case. It is pointed out that most of these cases have been represented not only in writing, but also in the form of verbal requests to the Liaison Officer of the Italian Ministry of Foreign Affairs to the Allied Commission who, in turn, has noted the requests with their references and raised them again with the Italian Government.
4. Dealing with the legal position of the claims made:

(a) It is pointed out that the disposal of Allied shipping in Italian hands is governed not only by the Armistice Terms, but also by the subsequent and supplementary document known as the Cunningham - De Courten Agreement. Article 15 of the Long Armistice Terms makes no reference to sunken ships or their salvage. The obvious intention of the contracting parties at the time was to secure immediately as much merchant shipping as possible in order to foster the war effort. Hostilities having ceased, Article 15 does not apply to ships to be salvaged in order that the Yugoslav Government may reorganise its merchant navy for trade purposes. On the contrary, sub-para C of paragraph 2 of the Cunningham - De Courten Agreement specifies:

"The Government of Italy will declare the names and whereabouts of:

- (i) Warships;
- (ii) Merchant Ships;

now in their possession which previously belonged to any of the United Nations. These vessels are to be returned forthwith as may be directed by the Allied Commander-in-Chief. This will be

2102

with regard to the lists of vessels which you have forwarded and

which you request should be restituted, at Appendix 'A' to this letter

particulars are given showing the action taken in respect of each vessel listed.

3. Similarly, at Appendix 'B' details are shown of the property listed by you and the action taken in each case. It is pointed out that most of these cases have been represented not only in writing, but also in the form of verbal requests to the Liaison Officer of the Italian Ministry of Foreign Affairs to the Allied Commission who, in turn, has noted the requests with their references and raised them again with the Italian Government.

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2102

"The Government of Italy will declare the names and whereabouts of:

- (i) Warships;
- (ii) Merchant Ships;

now in their possession which previously belonged to any of the United Nations. These vessels are to be returned forthwith as may be directed by the Allied Commander-in-Chief. This will be without prejudice to negotiations between the Governments which may subsequently be made in connection with replacing losses of ships of the United Nations caused by Italian action."

(b) It appears, therefore, obvious that the loss of Allied ships caused by

Italian action should be dealt with either under the title of reparations in the Peace Treaty or by direct negotiations between the Allied Government concerned

and the Italian Government. On the other hand, all seaworthy ships identified as Yugoslav should be returned by the Italian Government without delay.

Furthermore, in its memorandum of 12 March 1946 the British Admiralty directs that ships found in enemy waters should be treated in the same way as is set out in para 4(a) above referring to the Cunningham - De Courten Agreement. The terms of this British Admiralty memorandum were conveyed to the Yugoslav Delegation in the Navy Sub-Commission letter, Reference 4874 dated 9 April 1946 (copy at Appendix 'A.1').

(c) It would appear, therefore, that there are no means under the Armistice Terms or any other existing instruments through which the Allies can demand from the Italian Government the salvage and reconditioning of Allied shipping sunk in Italian waters. On the contrary, as stated above, the loss of Allied ships caused by Italian action should be dealt with either under the title of reparations in the Peace Treaty or by direct negotiations between the Allied Government concerned and the Italian Government. In this connection it is to be noted that the French authorities have accepted the latter point of view and have settled similar claims to those of Yugoslavia by direct negotiations with the Italian authorities.

(d) As far as restitution of other private property is concerned this is a matter which needs no special text to justify itself. Private property under International Law is technically as fully protected against plunder by occupying forces as it is in Common Law against thieves and should be restored or compensation made in all cases where the validity of such claims has been fully established.

5. As regards the facts themselves and the accuracy of the claims of the Yugoslav Delegation, all such claims have been brought to the attention of the Italian Government who are thus in a position to dispute them and to produce their own evidence if they so desire.

APPENDIX "A"

1. SUNKEN SHIPS.

Serial No.	Name of Ship	Action Taken
1.	S/S JURAJ SUBIC	Jugoslav Delegation informed of the position by letter No. NSC/4874 of 9 April 1946 (copy at Appendix 'A.1').
2.	S/S JUGOSLAVIJA	
3.	Yacht TIHA	
4.	S/S SOCI	
5.	S/S SARAJEVO	
6.	S/S TOPLA	
7.	S/S DUBROVNIK	
8.	S/S DRAVIA	
9.	S/S UNK	
10.	Schooner ALDA	
11.	M/V USPOMEN (RICORDO)	
11.bis	S/S BISTRICA (TODO)	

2. OTHER SHIPS.

12.	S/S UOLA (Monte Maggiore)	Traced, located and request made for return to the Yugoslav Authorities by letter No. NSC/5269 dated 12 July 1946 to the Italian Ministry of Marine. Yugoslav Delegation informed by letter No. NSC/5271 of same date.
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13.	M/S BUDMER	Traced, located, now awaiting permission of C-in-C MED to return to Yugoslavian authorities.
14.	M/V VILA (VINEA)	

15.	Trawler Br. 2 (ARBE)	Traced, located and request made for return to the Yugoslav authorities by letter No. NSC/5270 dated 12 July 1946 to the Italian Ministry of Marine. Yugoslav Delegation informed by letter No. NSC/5272/ dated 12 July 1946. 100
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16.	Trawler Br.4 (JUNO)	Information requested of Italian Ministry of Marine verbally, who reported "no trace known". Additional inquiries are being made.
17.	Tugboat BOJANA (ZARA)	

18.	Tugboat J.P.1	Information requested from the
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3. Yacht TIHA
4. S/S SOCA
5. S/S SARAJEVO
6. S/A TOPOLA
7. S/S DUBROVNIK
8. S/S DRAVIA
9. S/S UN.
10. Schooner ALDA
11. M/V USPORENA (RICORDO)
- 11.bis S/S BISTRICA (TOLO)

Jugoslav Delegation informed of the position by letter No. NSC/4874 of 9 April 1946 (copy at Appendix 'A.1').

2. OTHER SHIPS.

12. S/S UOLA (Monte Maggiore)

Traced, located and request made for return to the Yugoslav Authorities by letter No. NSC/5269 dated 12 July 1946 to the Italian Ministry of Marine. Yugoslav Delegation informed by letter No. NSC/5271 of same date.

13. M/S BUDEMER
14. M/V VILA (NINEA)

Traced, located, now awaiting permission of G-in-C MED to return to Yugoslavian authorities.

15. Trawler Br. 2 (ARBE)

Traced, located and request made for return to the Yugoslav authorities by letter No. NSC/5270 dated 12 July 1946 to the Italian Ministry of Marine. Yugoslav Delegation informed by letter No. NSC/5272/ dated 12 July 1946. **100**

16. Trawler Br. 4 (JUNO)
17. Tugboat BOJANA (ZIRA)

Information requested of Italian Ministry of Marine verbally, who reported "no trace known". Additional inquiries are being made.

18. Tugboat J.P. 1
19. S/S ZRAMNJA (ISTO)
20. M/V ISTOK II
21. M/V VILA
22. M/V MIRABAIAR
23. M/V MARJAN

Information requested from the Italian Ministry of Marine who reported that they had no trace of these craft. The Yugoslav Delegation informed by letter No. NSC/5098 dated 31 May 1946.

0721

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

785016

-2-

Serial

No.

Name of Ship

Action Taken

24. Customs Patrol Boats

Information has been received about MB.
No.32. Now awaiting permission of C-in-C
MED to return this to Yugoslav authorities.
No information to date on the remainder.

25. Yugoslav Custom Ships.

Partial information on this list of 98 ships
was forwarded to Yugoslav Delegation by
NSC/5301 of 19 July 1965.

2099

COPY.

APPENDIX 'A.1'

HEADQUARTERS ALLIED COMMISSION
APO 394
Navy Sub-Commission.

SECRET

130/4874
9 April 1945.

From: Navy Sub-Commission, HQ Allied Commission.
To : Yugoslav Delegation to the Advisory Council for Italy.
Subject: Salvage of Yugoslav ships sunk in Italian waters.
Reference:(a) Yugoslav Delegation letter Br. 1554 of 13 November 1945.

1. It is considered that claims for the costs of salvage of liberated ships sunk in Italian waters are justifiable in point of form under the Armistice Terms. However, since the conclusion of the Armistice a distinction has been drawn between current occupation expenses, which can properly be charged to the Italian Government, and restitution, which is considered to be a matter for settlement by the Peace Treaty. The cost of salvage of liberated ships fall into the category of restitution.

2. It is the responsibility of the Yugoslav Government to make all necessary arrangements for salvage. In order to facilitate the salvage of Yugoslav ships therefore, it is advised that a Lire account be obtained from the Italian Government. It must be emphasized that the final disposal of this account is not considered to come under the terms of the Armistice, but is a matter left to be determined by the Peace Treaty.

(Sgd) G. L. WARREN,
REAR ADMIRAL,
CHIEF, NAVY SUB-COMMISSION, AC.

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785016

APPENDIX "B".

Serial No.	Subject	Action Taken.
1.	9 Machines from Tobacco Factory at LUBIANA.	Passed to Italian Ministry of Foreign Affairs on 11 September 1945 and again on 12 June 1946.
2.	Machines and tools by TRIFLETI.	Passed to Italian Ministry of Foreign Affairs on 8 November 1945 and again on 14 June 1946. Italian Government replied to the effect that investigations are being made on 11 July 1946. Yugoslav Delegation advised on 15 July 1946.
3.	13 Mail Wagons of Yugoslav Railway.	Passed to the Italian Ministry of Foreign Affairs on 5 November 1945 and again on 5 June 1946. Yugoslav Delegation informed on 13 June 46 that this case should be taken up with E.C.I.T.O.
4.	Property looted by Italian Brigata dei Carabinieri Albanesi Lorenzo.	Passed direct Italian Ministry of Foreign Affairs on 5 November 1945 and again on 14 June 1946. Information received that the Carabinieri denies all charges brought against him. Yugoslav Delegation informed of this on 2 August 1946.
5.	The Yugoslav Insurance Company 'Yugoslavia' Contracts.	Passed to Italian Ministry of Foreign Affairs on 14 June 1946 and again on 9 July 1946.
6.	Stamps and Post cards of 12 million Yugoslav pre-war Dinars.	Passed to Italian Ministry of Foreign Affairs on 14 June 1946 and again on 19 July 1946.
7.	Material for construction railway CROMELLY - VERBOVSKO.	Passed Italian Ministry of Foreign Affairs on 14 June 1946. Requested again on 9 July 1946.
8.	Yugoslav Bank Drzavna Hipotekarn Banka Bonds and Papers.	Passed Italian Ministry of Foreign Affairs on 14 June 1946. Requested again on 19 July 1946. 2097
9.	Machine "Grosswucht" Split.	Passed Italian Ministry of Foreign Affairs on 14 June 1946. Requested again on 9 July 1946.
10.	Archives of District Court in KOTOR.	Passed to Italian Ministry of Foreign Affairs on 18 May 1946 and again on 3 June 1946. Yugoslav Delegation advised on 22 June that inquiries are being made to locate archives.
11.	Archives of Sibenik Trogir, etc.	
12.	Objects plundered Gallery of Arts, SPLIT	
13.	2 Paintings from Church of LATOV	
14.	Many collections and	Passed to Italian Ministry of Foreign Affairs

Machines and tools
by TRIFLETI.

Passed to Italian Ministry of Foreign Affairs on
8 November 1945 and again on 14 June 1946.
Italian Government replied to the effect that
investigations are being made on 11 July 1946.
Yugoslav Delegation advised on 15 July 1946.

3. 13 Mail Wagons of
Yugoslav Railway.

Passed to the Italian Ministry of Foreign Affairs
on 5 November 1945 and again on 5 June 1946.
Yugoslav Delegation informed on 13 June 46 that
this case should be taken up with E.C.I.T.O.

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Lorenzo.

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Affairs on 5 November 1945 and again on 14 June
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2 August 1946.

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Company 'Yugoslavia'
Contracts.

Passed to Italian Ministry of Foreign Affairs
on 14 June 1946 and again on 9 July 1946.

6. Stamps and Post cards
of 12 million Yugoslav
pre-war Dinars.

Passed to Italian Ministry of Foreign Affairs
on 14 June 1946 and again on 19 July 1946.

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railway CROMETLY -
VIGOVSKO.

Passed Italian Ministry of Foreign Affairs on
14 June 1946. Requested again on 9 July 1946.

8. Yugoslav Bank Drzavna
Hipotekarn Banka Bonds
and Papers.

Passed Italian Ministry of Foreign Affairs on
14 June 1946. Requested again on 19 July 1946.

9. Machine "Grosswucht"
Split.

Passed Italian Ministry of Foreign Affairs on
14 June 1946. Requested again on 9 July 1946.

10. Archives of District
Court in NOTOR.

Passed to Italian Ministry of Foreign Affairs
on 18 May 1946 and again on 3 June 1946. Yugoslav
Delegation advised on 22 June that inquiries
are being made to locate archives.

11. Archives of Sibemik
Trogir, etc.

12. Objects plundered Gallery of Arts, SPLIT

13. 2 Paintings from
Church of LATOV

14. Many collections and
objects from Museum
in ZARA.

15. Picture of Interior
Court DUBROVNIK.

16. Ancient Columns from
Museum in SPLIT.

17. Classical Sculpture
in marble CETINJE.

Passed to Italian Ministry of Foreign Affairs
on 14 June 1946 and again on 9 July 1946.

18. Lighthouse equipment

Passed to Italian Ministry of Marine on 3 July 46

0725

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

785016

4/29.8/CA

CAS

[Signature]

PA 77610

11/6/46

SEPT 091328B

SEPT 100900
PRIORITY

ADMIN: SIGNED: SACRED CITY: FIERCE
AGWAR WASHINGTON: CABINET OFFICERS: WHITEHEAD, INFO: ALCON: HOME: CDS: MED
MAIN 13: CDS: FOR CCS FOR BOS

119

RESTRICTED

RESTRICTED:

Subject is seizure by Jugoslavs of Italian fishing vessels. Reference NAF 1198.
This is NAF 1244.

1. Notified for information that Italian Government confirms that all fishermen captured by Jugoslavs on 19 May 1946 have been repatriated.
2. The vessels have not been returned.

AO DIST

INFO ACTION - E. C. COMB 2

INFO - CHIEF COMMISSIONER

FROM 2

CAS

POLAD (A)

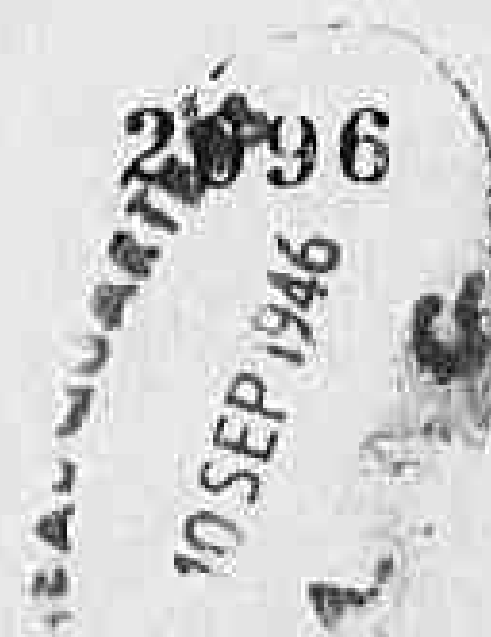
POLAD (B)

FILE

REPLY



90 SET 1946



RESTRICTED

0726

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

785016

4/29-8/10/46

C.7 Section

copy

704
20/8

copy

118

Ref. : 6517/168/EC

12 August 1946.

SUBJECT: Italian Occupation of Yugoslavia.

15 AUG 1946

TO : G-5 Section,
A.F.H.Q.

1. Forwarded herewith is a publication edited under the auspices of the Italian Ministries of War and Foreign Affairs, entitled "Notes Relative to the Italian Occupation of Yugoslavia".

2. The Italian Government states that this publication is to be considered an official document with the object of showing the surrounding conditions in which the Italian troops lived and worked in Yugoslavia and the dealings and intercourse between them and the local population.

By Command of Rear Admiral Stone:

/s/N.W.HIND-SMITH

for

Brigadier,
Executive Commissioner.

Copy to: CA Sec
Polad A
Polad B



2095

0 7 2 7

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

785016

118 B

copy

copy

Ref. : 6517/168/EC

12 August 1946.

SUBJECT: Italian Occupation of Yugoslavia.

TO : G-5 Section,
A.F.H.Q.

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2. The Italian Government states that this publication is to be considered an official document with the object of showing the surrounding conditions in which the Italian troops lived and worked in Yugoslavia and the dealings and intercourse between them and the local population.

By Command of Rear Admiral Stone:

/s/N. W. HIND-SMITH

for
Brigadier,
Executive Commissioner.

Copy to: CA Sec _____
Polad A
Polad B

2094



0 7 2 8

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

785016

HEADQUARTERS ALLIED COMMISSION
APO 479

Civil Affairs Section

2nd August 46

4/29.3/CA

SUBJECT: - Report on Italian Crimes.

TO : - DR. SLOVEN J. SMODLAKA,
Acting Representative of Yugoslavia,
Advisory Council for Italy.

Dear Dr. Smodlaka,

I acknowledge receipt of the Report on Italian Crimes against Yugoslavia and its peoples sent to me in duplicate under cover of your letter dated 20th August 1946.

I will forward it to higher military authorities.

Yours faithfully,

M. CARR, Brigadier,
VP CA Section.

2093

0729

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



DELEGATION OF THE FEDERAL PEOPLE'S
REPUBLIC OF JUGOSLAVIA
TO THE ADVISORY COUNCIL FOR ITALY

Br.1268/46

20 August 1946

Dear Brigadier Carr,

I have the honour to transmit to you under cover two copies of the 'Report on Italian Crimes against Yugoslavia and its Peoples' by the State Commission for Investigation of War Crimes in Belgrade, one copy for yourself and the other one to be kindly forwarded to that officer of A.F.H.Q. who is dealing with these matters.

Encl. as above.

Believe me, dear Brigadier Carr,

Very truly yours

J. Smodlaka
DR. SLOVEN J. SMODLAKA,
Acting Representative of Yugoslavia
Advisory Council for Italy.

M. CARR, Brigadier,
Vice President
Civil Affairs Section,
H.Q.A.C.

2092

0730

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

HEADQUARTERS ALLIED COMMISSION
APO 794
Civil Affairs Section.

111

6th August 46

1/29.8/CA

SUBJECT: - Handover of Italians Listed
by UNWCC to the Yugoslavs.

TO : - Dr. Sloven J. Smollaka,
Deputy Representative for Yugoslavia,
Advisory Council for Italy,
ROME.

92

1. Reference your Prov.br. 677/46 dated 22 June 46.
2. This Headquarters has been informed that the question of the handover to the Yugoslav Authorities of Italians registered with UNWCC as war criminals wanted by Yugoslavia is under discussion between the proper Authorities.
3. Until that discussion is concluded it will not be possible to comply with your request contained in paragraph 3 of your above quoted letter.

For the Chief Commissioner:

Joseph Mella capt
M. GALL, Brigadier,
VP CA Section.

See

109

2091

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0731

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

HEADQUARTERS ALLIED COMMISSION.
CIVIL AFFAIRS SECTION.

(110)

Ref: 4/29.8/CA

3rd August, 1946

SUBJECT: War Crimes - Italians against
Yugoslavia.

TO : AFHQ. G-5

In continuation of this Headquarters letter 4/29.8/CA of the 2nd August, it would appear that GHQ are prepared to consider representations which are based on diplomatic correspondence. Since despatch of this Headquarters letter under reference, two GHQ CMF letters 3374/2/A2 of the 25th July have been received.

It is to be observed that in one of the two letters particulars are given of escapes. Copies of the two GHQ letters are enclosed for easy reference.

It is feared that if this policy of keeping Dr. Smolke informed is adhered to, it will mean a large increase in correspondence with Dr. Smolke.

FOR THE CHIEF COMMISSIONER.

M Carr Brigadier

M. CARR, Brigadier.
VP. CA. Section.

2090

696

0732

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

785016

SUBJECT: War Crimes - Handover of Italians listed
by UNWOC to the Yugoslavs

C.A. Ser.

9784

100
10-22/24
26 Jul 46

29 LUG 1946

1. Allied Commission
Art 374
Chief Airframe Section

93
Reference your letter 1/23. VCA dated 29 Jun 46.

1. The question of the handover to the Yugoslav authorities of Italians registered with UNWOC as war criminals wanted by Yugoslavia is under discussion between the British and American Governments.

2. Until that discussion is concluded it will not be possible to comply with the request contained in para 3 of Mr. Slobodan's letter of 22 June.

Philip B.
J. Brigadier,
I/O Administration.

2089

al

Copy to:- Unit 510
18 FOLIO
C-5



HEADQUARTERS ALLIED COMMISSION.
APO 394.
CIVIL AFFAIRS SECTION.

Ref: 4/29.8/CA

2nd August, 1946

SUBJECT: War Crimes: Italians
against Jugoslavs.

TO : AFHQ G-5

1. Following on your G-5:937 of the 11th April 1946 and with particular reference to para 4 of that letter, a letter was sent to Dr. Smoljan (reference No. 4/29.8/CA of 1 May 1946) a copy of which is enclosed.

2. Your Headquarters letter G-5:911.30 of 3rd May 1946 rescinded your above mentioned letter of the 11th April 1946.

This Headquarters continues to receive from Dr. Smoljan a number of requests for the arrest and/or handing over of alleged Yugoslav traitors basing his applications on consent having been given by the British Foreign Office and U.S. State Department. This Headquarters is at present holding requests concerning twenty-seven alleged traitors. In one case it is stated the offender is under the custody of the Allied Military Authority in Italy and in another that the offender is in P.O.W. Camp 206 at Afragola.

3. Can this Headquarters please be informed if the policy set out in the enclosed letter of 1st May 1946 to Dr. Smoljan still holds good, and that your Headquarters is not prepared to consider representations which are based on diplomatic correspondence.

An early reply will be appreciated.

FOR THE CHIEF COMMISSIONER.

MC
M. CARR, Brigadier.
VP. CA. Section.

2088

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

785016

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref. 4/29.8/CA.

29 June 1946

SUBJECT : War Criminals

TO : AFHQ (A - 3)

Enclosed copy of a letter Pov.br.677/46 of the 22nd June 1946 from Dr. Smolaka seeking information as to the progress being made in regard to the arrest and handing over of Italian War Criminals, is passed to your Hdqs.

The first two letters referred to in the opening paragraph of Dr. Smolaka's letter are his formal request, dated 28th February for the handing over of all listed Italian War Criminals and the letter transmitting that request to your Hdqs (4/29.8/CA of 9th March 1946). Paragraph 2 of the last letter quoted informed Dr. Smolaka that all his applications for the arrest and handover of listed Italian War Criminals had been transmitted to your Headquarters.

Dr. Smolaka was informed on 1st May 46 that your Headquarters does not have copies of Foreign Office or State Department letters, and if he desires to make representations on the basis of diplomatic correspondence, such representations should be made through diplomatic channels.

Can this Headquarters please be advised as to the nature of the reply which should be sent to Dr. Smolaka.

FOR THE CHIEF COMMISSIONER

MC 2087
M. CARR, Brig.
VP CA Section.

Copy to M.E.I.A.

0738

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



JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

For. br. 685/46

24 June 1946

24 GIU. 1946

Dear Brigadier Carr,

On behalf of the Yugoslav Government I have the honour
to state as follows:

CHRETIĆ conte Filippo, Italian Tenente colonnello, is
listed by the United Nations War Crimes Commission, Fifth List,
Serial Nr. 77 (where his name is spelled by mistake as CHRETIĆ)
as "Major, with 'Venezia' Division, operating in Monte Negro, Aug.-Sept.
1941", charged for "terrorism, pillage (Rogue Regulations, 1907, Arts.
1-11)", with the annotation: "before the war was a harrister at
Venice". Actually he is living at Sarteano, province of Siena.

Application is made herewith on behalf of the Yugoslav
Government, that necessary measures be taken to arrest him, to
prevent him from escaping and to hand him over to the Yugoslav
Authorities.

Very truly yours,

Dr. SLOVEN J. SMOGLAR
Dr. SLOVEN J. SMOGLAR,
Acting Representative of Yugoslavia
Advisory Council for Italy

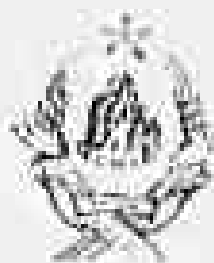
Brigadier R. CARR,
Vice President
Civil Affairs Section
A.A.C.

2086



0738

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



JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Pov. br. 582/45

24 June 1946

24 GIU. 1946

Dear Brigadier Carr,

On behalf of the Yugoslav Government I have the honour to state as follows:

The Italian General Paolo BERARDI is listed by the United Nations War Crimes Commission, Twelfth List, Nr. 37, as: "Commander of the 'Bessari' Division, operating in Slovenia & Croatia" from 1941-1945, responsible for "murder and mass murder, and other crimes". Gen. BERARDI was repatriated in Italy from England on 5 November 1945.

Application is made herewith on behalf of the Yugoslav Government that necessary steps be taken in order to find Gen. BERARDI and to hand him over to the Yugoslav Authorities.

Very Truly Yours

Dr. Stoyan J. MODLARA

Dr. Stoyan J. MODLARA,
Acting Representative of Yugoslavia
Advisory Council for Italy

2085

M. CARR, Brigadier,
Vice President
Civil Affairs Section
Allied Commission Headquarters.



0737

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

785016

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

O-5: 911.90

MA 1 RECD

3 May 1946

7 MAG 1946 MAY 7 1946

SUBJECT: Italian - Yugoslav Relations

TO : Chief Commissioner, Allied Commission
APO 394

1. Letter, Subject, War Crimes - Italian against Yugoslavs, file G-5: 937, dated 11 April 1946 is rescinded.
2. So long as diplomatic relations do not exist between Italy and Yugoslavia, and as long as the Allied Commission retains its responsibilities under the Italian armistice terms, Yugoslavia, through its accredited representatives, has the right to take up questions regarding Italy through the Allied Commission. It should be the policy of the Commission to confine its activities in such questions to those of a post office. Care should be exercised that the matters so passed between the two governments are confined to those of Italian - Yugoslav interest and not those relating to Allied/Yugoslav interest.
3. The Representative of Yugoslavia on the Advisory Council for Italy is of course, authorized to correspond with the Allied Commission on matters which are within the province of the Advisory Council.
4. The decision as to whether the Allied Commission should serve as an intermediary as contemplated in paragraph 2 above, or should receive communications as contemplated in paragraph 3 above will rest with the Chief Commissioner. In this connection it should be readily recognizable that until normal intercourse is resumed between Italy and Yugoslavia, it cannot be expected that communications can be handled as satisfactorily or as expeditiously as through normal diplomatic channels.

BY COMMAND OF BRIGADIER GENERAL MORGAN:



2084
A. L. HANDELMAN
Brigadier General, USG
Assistant Chief of Staff, G-5

Copies to:
Brit. Field
U.S. Field

Copy retained: Office of EC

1 Spoke off

0738

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

785016

HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Executive Commissioner

SECRET

Ref. : 6517/EC

28 May 1946.

SUBJECT: Italian War Criminals wanted by Yugoslavia.

28 MAY 1946

TO : C.H.Q.
C.H.F.

I refer to CHQ letter No. 16422/2/A-3 dated 21 April 1946 and my letter No. 6517/141/EC dated 29 April 1946. The information required has taken considerable time chiefly owing to the fact that the Italian Government were precluded from discussion. I would urge that the Ministry of War be brought into consultation in this matter particularly as, (i) General Infanti, ADC to the King, alleges that he has seen the list at A.F.H.Q., (ii) an Italian investigation commission has been set up to ascertain responsibilities which Italian commanders might have incurred in territories outside Italy (vide my letter No. 6517/141/EC dated 20 May 1946 to G-5 A.F.H.Q.).

In so far as the list referred to is concerned, the facts on the attached sheet in fact answers your questions. You will note that this information sometimes confirms facts as already stated in Appendix 'A' to C.H.Q. 16422/2/A-3 of 21 March 1946 and in some cases corrects or adds to this information already given.

Colonel W. Pidsley, D.S.O., will represent the A.C. at the meeting which I suggest be called for June 6, preferably at 11.30 or 14.00 hrs.

For the Chief Commissioner:

2083

Copy to:- Land Forces S/C.
CAS for CLA.Brigadier,
Executive Commissioner.

785016



0740

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

785016

4/29.8/1946 ✓

(82)

3 MAG. 1946.

May 1946.

Ref: 6517/163/40.

My dear Mr. Prime Minister:

With further reference to your letter No. 440 dated 9 April 1946 on the subject of the handing over of Italian war criminals to Yugoslavia I have to inform you that the American and British Governments are fully aware of all the implications of this question and are giving it their active consideration.

It will materially assist the Allied authorities if you will forward as soon as possible the results of the enquiries now being made by the Ministry of War which you mention in the last paragraph of your letter.

Yours very truly,

W. S. Ellery W. Stone

WILLIAM W. STONE
Rear Admiral, USN
Chief Commissioner

Dott. Alcide De Gasperi
President of the Council of Ministers
Italian Government
Rome.



2081

Copy to:

Polad (A) } 6517/EC dated 13 April 46 and
Polad (B) } 6517/156/EC dated 16 April 46 refer.
CA Section }

0741

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

785016

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION.

Ref: 4/29.8/6

1st May, 1946

Dear Dr. Smolika,

1. With reference to your POW.MR 231/46 of the 13th February 1946, and this Headquarters' letter 4/29.5/CA of 23rd February 1946, a reply has now been received from AFHQ.
2. As regards the question of listed Italian War Criminals, in accordance with the procedure already notified to you, all your applications for the arrest and handover of Italian War Criminals listed by the United Nations War Crimes Commission have been transmitted to DARE (SIB) Naples or to AFHQ for action.
3. As regards the extradition of alleged Yugoslav Traitors, AFHQ state that so far as they are aware appropriate instructions have been issued in all cases in which the US and British Governments have agreed to return Yugoslavs. AFHQ further state that all such persons who have been found have already been returned, and that others will be returned as they are found.

Neither AFHQ nor this Headquarters have copies of the British Foreign Office or State Department's letters referred to in your communication under reference. This also applies to other applications of a similar nature made by you. If, therefore, it is desired to make representations on the basis of diplomatic correspondence, such representations should be made through diplomatic channels.

mo
M. CARR, Brigadier.
VP. CA Section.

2080

Dr. Sloven J. Smolika,
Deputy Representative for Yugoslavia.
Advisory Council for Italy.

0 7 4 2

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

785016

Ref: 6547/436/30

16 April 1946

My dear Mr. Prime Minister,

I have to acknowledge your letter ref. No. 440 dated 9 April 1946 on the subject of the handing over of Italian war criminals to Yugoslavia.

This matter has been referred to the proper authorities and if I have any information to give you I will of course communicate at once.

Yours very truly,

M. S. LUSH

Brigadier,
Acting Chief Commissioner.

Copy to: Chief Commissioner
Polad 'A'
Polad 'B'
- G.A. Section. -

2079

0743

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

785016

u/29.8/cn

SECRET

74

Ref: 6517/EC.

13 April 1946.

SUBJECT: War Criminals.

15 APR 1946

TO : Allied Force Headquarters.
Attn: G-5 Section.

1. I forward herewith copy of a representation received from the Ministry of Foreign Affairs concerning the alleged surrender of Italian War Criminals to Yugoslavia.
2. Whatever may be the accuracy or otherwise of the Reuters reports, the facts are that the Yugoslav Representative on the Advisory Council has requested the surrender of all Italians listed by Yugoslavs as war criminals.
3. This matter has, I understand, been the subject of telegrams between the British Embassy - British Legation AFHQ, and therefore AFHQ. US polad has associated himself with the views of the British Legation who reflects those of the British Embassy.
4. The matter was referred to HACHED recently by General Infante.

M S. LUSH

121/10.

Brigadier,
Acting Chief Commissioner.

Copy to: Chief Commissioner
 Poland (A)
 Poland (B)
 G-5 Section
 File
 Float

V.P. 7th March 1946
 13/4
 File 84

152078

0744

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

785016

DRAFT

IL RICHIEDO INFO

PAGE THREE

No. 440

Rome, April 9th, 1946.

Dear Admiral Steno,

According to a Western news item dated March 26th it appears that the Governments of the United States and of Great Britain have informed the Government of Yugoslavia that instructions were imparted to the Allied Forces Headquarters at Caserta for the delivery to the latter of Italian war criminals.

I deem it superfluous, dear Admiral Steno, to call your attention upon the extreme seriousness of such a step, should the information be correct. In fact I cannot conceal that a request of delivery to Yugoslavia of Italian subjects would arouse in this country a dangerous reaction and a justifiable indignation since very grave news is daily received of criminal acts perpetrated by the Yugoslav Authorities against Italians, as also testified by repatriated POWs and by the "fuibe" of the Trieste and Istria regions.

The feelings thus aroused would necessarily react upon certain aspects of the internal situation, the gradual normalization of which ought not to be perturbed, especially during the period preceding the elections to the Constituent Assembly.

Furthermore, only too well known are the methods followed now by Yugoslav Courts, giving no guarantee whatsoever of compliance with the most elementary principles of justice.

On the other hand there are strong juridical arguments which give support to the fact that in this matter the treatment envisaged for Italy, according to the Moscow Declaration itself, differs from the one established for Germany. In this connection I beg to inform you that the Ministry of War, in order to ascertain the responsibilities into which Italian Commanders as well as other military personnel in territories formerly occupied by Italian troops might have incurred, and in order to punish those who may prove guilty of war crimes, is carrying out an accurate inquiry, the result of which will be notified to the Allied Commission as soon as possible.

(sgd) DE CASATI.

2077



0745

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

785016

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 937.

11 April 1946.

SUBJECT: War Crimes - Italian against Yugoslavs.

TO : Headquarters, Allied Commission,
APO 394.

Reference your 4/29.8/CA of 21 February.

1. Will you please inform Dr. Smodlaka that so far as this Headquarters is aware appropriate instructions have been issued as to all cases in which the U.S. and British Governments have agreed to return Yugoslavs. It is believed that all such persons who have been found have already been returned; others will be returned as they are found.

2. It is considered that confusion is caused by the fact that Dr. Smodlaka is corresponding with ALOM on Military matters. His Government has an accredited mission with XIII Corps and the return of wanted persons is dealt with between XIII Corps and that mission.

3. There are three channels of communication available to Yugoslavia:

a. On diplomatic matters the proper channel is Belgrade and Washington or London through the appropriate Embassy.

b. On military matters the proper channel is the Yugoslav mission and XIII Corps.

c. On matters concerning the Governing of Italy and the special subject of listed war criminals the proper channel is by Dr. Smodlaka to ALOM.

4. If it is desired to make representations that promises contained in certain diplomatic correspondence have not been honoured, that complaint should be made through diplomatic channels. This Headquarters is quite unable to deal with references to correspondence of which it does not receive copies.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

*The question was discussed
at a Conference with E.C.
Brig. Gen. Hantler - Poland
4/30 on April 26th. New
instructions will be issued
4/9-5. MC 26/4*



A. L. HADDEN
Brigadier General, G.S.C.
Assistant Chief of Staff, G-5.

0 7 4 6

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

785016

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

69A

Ref : 4/29.8/CA

3 April 1946

SUBJECT : Italian War Criminal

TO : AFHQ (A-3)

The attached is passed to you for action as this Headquarters has no power to arrest and hand over these War Criminals.

FOR THE CHIEF COMMISSIONER

pk

M. CARR, Brig.
VP CA Section

2 Encls

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

C O P Y

(68A)

OFFICE OF THE REPRESENTATIVE OF YUGOSLAVIA
ON THE
UNITED NATIONS WAR CRIMES COMMISSION

P. No. 561

March 11, 1946

To : Allied Forces Hq (G-1)
APO 512

CROWCASE report that Ferruccio SANTOLINI, ISN 153497,
was released to the Italian Government on September 9, 1945.

This individual has been listed as a war criminal by the
United Nations War Crimes Commission (List 12 Ser. No. 176)
at the instance of the Yugoslav Government on account of war
crimes committed in Yugoslavia. It is, therefore, requested
that steps be taken to have him handed over to the Yugoslav
authorities in Italy, who will arrange to have him sent to
Yugoslavia for trial.

2075

(Dr. R. Zivkovic)
Yugoslav Representative
on the United Nations
War Crimes Commission.

0 7 4 8

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

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 000.5-6

28 February 1946

SUBJECT: Italian War Criminals.

TO : Headquarters, Allied Commission,
APO 394.

Will you please delete "the DAPM (SIB) c/o JAG Naples" in
para 2 of this Headquarters letter G-5: 000.5-6 of 4 February and
substitute "AFHQ - A 3" and for "SIB" at the end of para 2. a sub-
stitute "AFHQ".

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

F. G. A. Parsons
F. G. A. PARSONS,
Brigadier,
Acting Assistant Chief of Staff, G-5.

Stamp	2074
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Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref : 4/29.8/CA ✓

19 Mar 46

SUBJECT : War Criminal Generale GLORIA

TO : Rt.Rev.Mons, Joseph P. McGeough
Secretariat of State of HIS HOLINESS
VATICAN CITY

My dear Monsignore,

Your letter No 116873/SA of 11 March 1946 on the
above subject has been received in this office.

It has been forwarded, together with the Memorandum
from Generale GLORIA, to the Military authorities concerned.

Yours very truly

MC
M. CARR, Brig,
VP CA Section

2073

26.8

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

(63)

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref : 4/29.8/CA

16 Mar 46

SUBJECT : War Criminal - Generale GLORIA

TO : GHQ for A J

The attached letter from the Secretariat of State Vatican City, and attached Memorandum from Generale GLORIA are forwarded to you for such action as you may deem necessary.

FOR THE CHIEF COMMISSIONER

HA
M. CARR, Brig.
VP CA Section

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref: 4/29.8/CA

9 Mar 46

SUBJECT: Arrest and handover of Italian War Criminals.

TO : G.H.C. (A-3).

1. Reference is made to AFHQ letter G-5: 000,5-6 of 4 Feb.
copy attached.

2. Dr. Smolaka, Deputy Representative of Jugoslavia, Advisory
Council for Italy has now formally requested that all Italian War
Criminals listed by the United Nations War Crimes Commission, be
arrested and handed over to the Yugoslav Authorities.

3. A copy of his letter is attached for your perusal.

FOR THE CHIEF COMMISSIONER.

MC

M. CARR, Brigadier,
VP CA Section.

Copy to : M.M.I.A.
Public Safety S/C (Security Br)
AFHQ (G-5) Your ref. G-5: 000.5.

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

785016

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JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Pov.br.577/46

22 June 1946

24 GIU. 1946

Dear Admiral Stone,

54

1. Reference is made to my letter Pov.br. (273/46) of 20 Feb. 1946; to the Allied Commission's letters Ref. 4/29.8/34 of 9 March 1946 and to para two (2) of the A.C. letter Ref. 4/25.3/34 of 1 May 1946. - 77

2. The Yugoslav Embassy in London with its note of 16 May 1946 informed the British Foreign Office that our Delegation was authorized to make proposals on behalf of the Yugoslav Government and to be informed by the Allied authorities in Italy in all matters dealing with traitors, war criminals etc. The British Foreign Office replied to the Yugoslav Embassy in London that the competent authorities in Italy have been requested to help our Delegation in dealing with these matters.

3. I apply to you that A.C. may kindly forward to me the list of names of the Italian war criminals, listed by the United Nations War Crimes Commission in London on request of the Yugoslav Government, who have been arrested up to date, with the indication in which prison each of them is being detained. I beg to be informed too about the measures taken up to date for an efficient capturing and handing over of the Italian War Criminals. An early reply will be much appreciated.

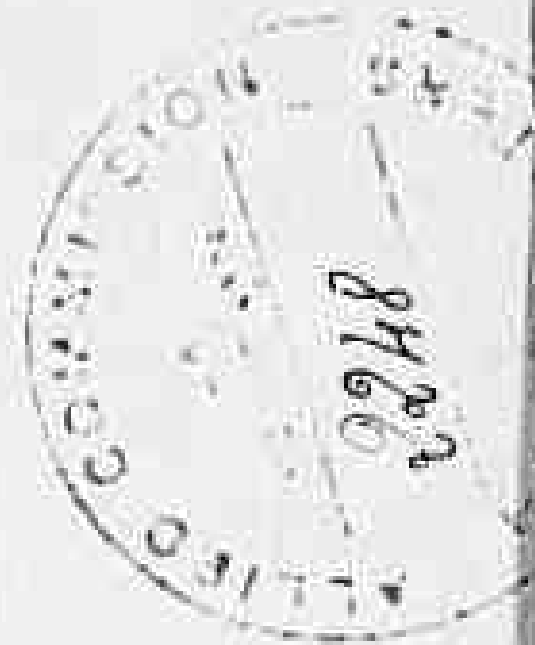
Very truly yours

2070

Dr. Zicvey J. Suciak

DR. ZICVEY J. SUCIAK,
Acting Representative of Yugoslavia
Advisory Council for Italy

Rear-Admiral
Mervyn W. Stone,
Chief Commissioner
Allied Commission.



YUGOSLAV DELEGATION

REV. 44.577/48

22 June 11:46

24 GIU. 1946

Deep Admiral Stone,

1. Reference is made to my letter For. Cr. 270/22 of 25 Feb. 1946; to the Allied Commission's letters Ref. 4/23.8/CA of 3 March 1946 and to pere two (2) of the A.C. letter Ref. 4/25.8/CA of 1 May 1946. - ()

2. The Yugoslav Embassy in London with its note of 10 May 1946 informed the British Foreign Office that our Delegation was authorized to make proposals on behalf of the Yugoslav Government and to be informed by the Allied Authorities in Italy in all matters dealing with traitors, war criminals etc. The British Foreign Office replied to the Yugoslav Embassy in London that the competent authorities in Italy have been requested to help our Delegation in dealing with these matters.

3. I apply to you that AMU may kindly forward to me the list of names of the Italian war criminals, listed by the United Nations War Crimes Commission in London on request of the Yugoslav Government, who have been arrested up to date, with the annotation in which prison each of them is being detained. I beg to be informed too about the measures taken up to date for an efficient capturing and handing over of the Italian War Criminals. An early reply will be much appreciated.

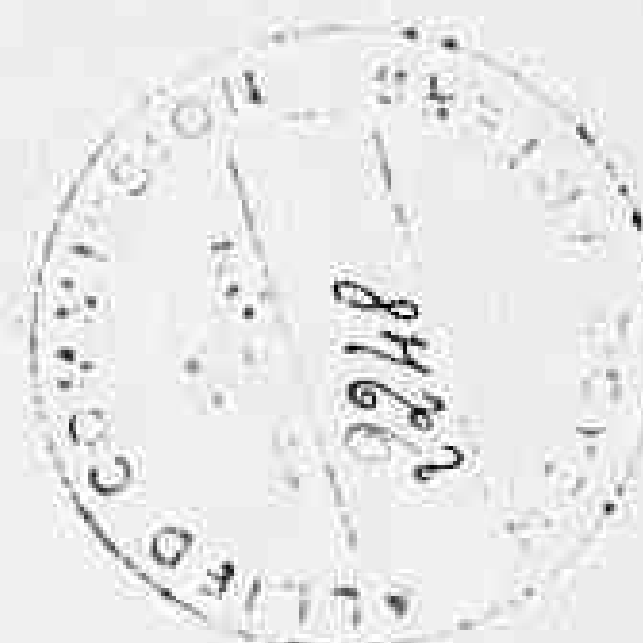
Very truly yours

2070

Ernst Lorenz / Bruno de Kay

DR. GLOVER C. TUGELAKA,
Acting Representative of Tugela via
Advisory Council for Field

Rear Admiral
Henry W. Stone,
Chief Commissioner
Allied Commission.



785014

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Pov.Br. 273/45

28 February 1945

12 MAR 1945

Dear Brigadier Lush,

I have the honour to acknowledge receipt of your letter Ref. 4/29.8/CA of 10 February 1945 regarding the handover of Italian War Criminals.

On behalf of the Yugoslav Government I have the honour to request herewith formally that all Italian War Criminals, listed by the United Nations War Crimes Commission, be arrested and handed over to the Yugoslav Authorities. As most of them are living at their proper home in Italy, it will be easy to find them out.

I beg you, will you be so kind as to arrange that I may be informed about every action taken in this matter. Particularly I would appreciate to be informed about the arresting of the Italian War Criminals quoted in your letter 4/29.8/CA of 10 February 45, since I have not received as yet any informations from DAIT (GIB).

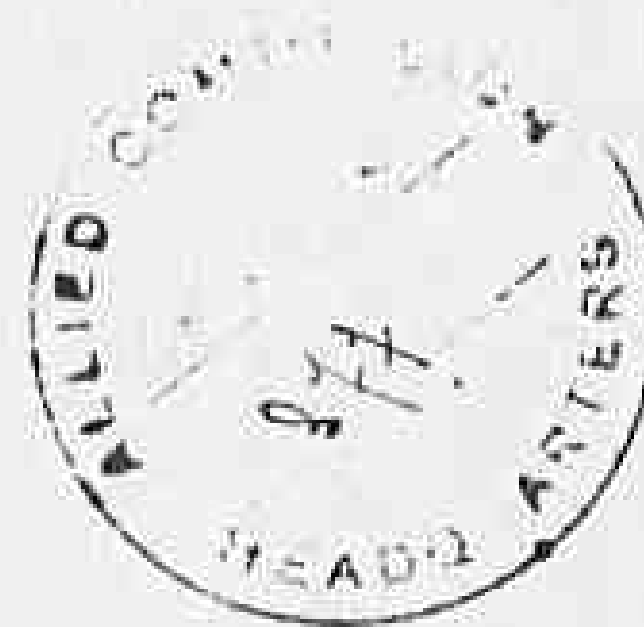
Very truly yours

Dr. Stjepan J. Smoljanić

DR. STJEPAN J. SMOLJANIĆ,
Deputy Representative of Yugoslavia
Advisory Council for Italy

Brigadier A.S. LUSH,
Executive Commissioner
H.A.A.C.

Copy retained by Office of EC



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

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref: 4/29.8/ca

March
4 Feb 46

Dear Dr. Smodlaka,

50
Your letter Pov.br. 275/46 of 26 Feb is acknowledged.

Action has been taken in accordance with this HQ letter 4/29.8/CA of 16 Feb, and FARINA, Guido name appears on the list sent to the DAFM (SIB). For your perusal there is forwarded to you copy list of names forwarded to the DAFM.

Yours very truly,

MC

M. CARR, Brigadier,
Vice President,
Civil Affairs Section.

Dr. SLOVEN J. SMODLAKA,
Deputy Representative of Yugoslavia,
Advisory Council for Italy.

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

785016

49

Prov.Br. 37/46

Rome, 8 January 1946.

SUBJECT: Arresting and handover of Italian war criminal FARINA Guido.

TO: Allied Forces Headquarters.
WAR CRIMES BRANCH

On behalf of the Yugoslav Government the Yugoslav Delegation to the Advisory Council for Italy has the honour to state as follows:

1) A.F.H.Q. have received lists of War Criminals issued by the United Nations War Crimes Commission, with orders of the United Kingdom and the United States Government, transmitted by the Combined Chiefs of Staff to find the resp. war criminals according to these lists and to hand them over to the interested Governments of the United Nations.

2) FARINA Guido, colonel, Commandante del Presidio Cernomelj, 23rd Inf. Regt. "Como", "Isonzo" Div. operating in district of Cernomelj (Yugoslavia), Italian war criminal listed by the United Nations War Crimes Commission (12th list, serial No 78) is living at Gorizia, Via Sacconi. He is responsible for murder and other crimes.

3) Application is made herewith on behalf of the Yugoslav Government that necessary measures be taken to arrest him, to prevent him from escaping and to hand him over to Yugoslav authorities.

S. S. M. S. S.
DR. SLOVEN J. SLODLAKA,
Deputy Representative of Yugoslavia,
Advisory Council for Italy.

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

785016

CONFIDENTIAL

HEADQUARTERS UNITED COMMISSION
APO 934
CIVIL AFFAIRS SECTION

48A

Ref : 4/29.8/CA

25 Feb 46

SUBJECT : Arrest and Hand-over of Italian
War Criminals.TO : DAHM (SIB),
c/o JAG, WAREH.

AIA 37

Reference this HQ letter 4/29.8/CA of 16 February.

Please have the u/s persons whose names appear in the War Crimes List
arrested and handed over to the Yugoslav Authorities:

- a) MAINGRE GERARD Carlo, Divisional General, ex O.C. 23rd "Ferrara" Division, stationed at Niksic in Yugoslavia (Montenegro) in May 1943, listed by the United Nations War Crimes Commission, List No 2, Item 57. Maineri is now reserve Officer, living in Rome, Via Salaria 241.
- b) CIANCABILLA Fulvio, Colonel, O.C. 23rd Inf. Regt., operating in Province of Ljubljana in Yugoslavia, from 11.4.41 - 8.8.43, is listed by the United Nations War Crimes Commission, List No 5, Item 80. He is in active service, C.O. of the 28th Infantry Regiment "Friuli".

Their arrest has been asked for by Dr. SMOLJAKA, Deputy Representative
of Yugoslavia to the Advisory Council who forwarded the particulars given above.

mc
M. GALT, Brig,
VP CA Section
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Copy to : AMIR (G-5)
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Declassified E.O. 12356 Section 3.3/NND No. 785016

CONFIDENTIAL

(41A)

Ref: 4/29.8/CA.

16 February 1946.

SUBJECT: Arrest and Hand-over of Italian
War Criminals.

TO: DAPM (SID),
c/o JAG, NAPLES.

Reference is made to letter from AFHQ, G-5 Section, ref. G-5, 000.5-6 dated 4 Feb 46 addressed to this Headquarters, copy of which is attached.

1. There is attached hereto list of persons in the War Crimes List which Dr. Smolaka, Deputy Representative of Yugoslavia to the Advisory Council for Italy, has requested be arrested and handed over to the Yugoslav authorities.

2. It is presumed that you will take the necessary action and arrange for the Yugoslav representatives being informed so that they may take over the prisoners named.

M. S. LUSH

Brigadier,
Acting Chief Commissioner.

2065

CONFIDENTIAL

418

PERSONS LISTED AS WAR CRIMINALS BY THE UNITED NATIONS WAR CRIMESCOMMISSION AND REQUESTED BY THE YUGOSLAVGOVERNMENT

GIUNTA, Francesco,	2nd List.	Serial No.	34	
SPIGO, Umberto,	5th List	"	"	111 Roma, Piazza Fulvio. Commander of the 28 Regimento Infanteria Friuli.
MCCARIO, Alessandro,	5th "	"	"	96 Commander of the Division "Calabria" posta militare 95.
CHINISI, Domenico,	5th "	"	"	79 Roma. Procura Generale Presso il Tribunale Supremo Militare.
BONINI, Silvio,	5th "	"	"	71 Roma. Via Emilia 132.
TICCI, Carlo,	2nd "	"	"	45 Roma. Via Veneto, 145.
BOBOTI, Mario,	2nd "	"	"	41 General. Napoli, Villa Mercedes.
FINZIO-BIROLI, Alessandro	2nd	"	"	40 General Roma, Ministero della Guerra.
FANTUSATI, Giovanni,	15th	"	"	279 Listed as FANTUSATI. Director of Franchetti K.L. for civilians at ALATRI. Roma. Via Tronco 6.
DE SANTIS, Domenico,	15th List	"	"	272 Listed as DESSANTIS, Director of Franchetti K.L. for civilians at ALATRI. Roma. Via Castelfidardo, 37.
GAMBARA, Gastone,	5th "	"	"	88
LOTTI, Pietro,	5th "	"	"	95
FURLA, Fernando Di.	5th "	"	"	95
GAETANI, Giuseppe,	5th "	"	"	86
PARDINI, Giuseppe,	5th "	"	"	102
VIGORZO, Dott. Di.	5th "	"	"	115
FURIO, Major	12th "	"	"	87
FARINA, Guido,	12th "	"	"	78 Colonel. Commandante del Fascio Cernomelj, 23rd Inf. Regt. "Como" "Isone" Div. operating in district of Cernomelj (Yugoslavia) living at Gorizia, Via Macchi.

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CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION

Office of the Chief Commissioner

APO 394

Ref: 4/29.8/CA.

16 February 1946.

Dear Dr. Smolake,

Allied Force Headquarters have forwarded to me your letter Pov. br. 37/46 of 8 January 1946 and have forwarded instructions as to procedure to be adopted in the future.

In future all requests for arrests of persons whose names are included in the lists issued by the United Nations War Crimes Commission will be addressed to this Headquarters who will take action in the matter. Such requests will be forwarded to DAFM (SIB) c/o JAG, Naples, by this HQ, who will be asked to effect the arrest and inform you of the action taken. The action thereafter will be the responsibility of SIB and not of Allied Commission.

If the person concerned is not on the War Crimes Lists and his arrest is desired, you should forward all applications of this nature for inclusion in the War Crimes Lists to the War Crimes Commission through the usual diplomatic channels.

There is forwarded for your perusal copy of letter addressed to DAFM (SIB) c/o JAG Naples, along with list of persons who are on the War Crimes Lists and whose arrest you have requested.

Very truly yours,

M. S. LUSH

Brigadier,
Acting Chief Commissioner,

Dr. SLOVEN J. SMOLAKA,
Deputy Representative of Yugoslavia,
Advisory Council for Italy,
R O M E.

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JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Rev. Dr. 231/46

14 FEB. 1946

15 February 1946

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Dear Brigadier Carr,

1. With reference to your letters 4/29.5/34 of 24th January and of 4th February 1945.

2. The Yugoslav Government informed us about the following:

In connection with the note of the British Foreign Office No. P.16234/729/92 dated 3 October 1945 and the note of the State Department No. 800.401-DR/7-1845 dated 19 October 1945, both concerning the extradition of 23 Yugoslav traitors, the Foreign Office informed the Yugoslav Government on 18 December 1945 that the British Military Authorities in Germany, Italy and Austria had received particular instructions for the extradition of the respective traitors, and that our delegations in the a/n countries may apply directly to the British Military Authorities for extradition of those traitors.

British Prime Minister Mr. Attlee informed the Yugoslav Ambassador in London with the note of the Foreign Office No. 20957/729/92, dated 19 December 1945 that he had instructed the representatives of His Majesty in Italy to find out the a/n traitors and to hand them over to the Yugoslav Government.

Finally, by a note of the Prime Minister Mr. Attlee the Yugoslav Ambassador in London was informed in December 1945 that Allied Forces Headquarters were actually authorized to extradite the war criminals of Italy.

3. The conclusion from all the foresaid seems to be that the extradition of the Yugoslav traitors and of all Italian War Criminals listed by the United Nations War Crimes Commission has already been decided through diplomatic channels and that the British Authorities in Italy have been instructed from the Government of the United Kingdom to hand over the a/n Yugoslav traitors as well as the Italian War Criminals and to collaborate in those matters directly with the Yugoslav Delegation.

4. After all this it does not appear clear to us why A.T.H.C. do still keep on the stand point that the matter has to be dealt through diplomatic channels, refusing to collaborate with our Delegation. I beg you therefore, will you kindly inform me as soon as possible whether the instructions of the British Government quoted in para 2 of this letter, have been received by the British Military Authorities in Italy.

Yours very truly Drlj. S. S. Blasko

Dr. SLOVEN SMOLAR, Deputy Representative of Yugoslav Advisory Council for Italy

Brigadier M. Carr, Vice-President



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Aug 17. - no holiday

DR. CLOVIM BRODLAKA,
Deputy Representative of Yugoslav
Advisory Council for Italy

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ALLIED COMMUNICATIONS
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JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY
POV. br. 247/45

14 February 1946

1 FEB 1946

Dear Brigadier Carr,

On behalf of the Yugoslav Government we have the honour to state as follows:

- 1) A.T.H.C. have received the lists of War Criminals issued by the United Nations War Crimes Commission with orders of the United Kingdom and the United States Government, transmitted through the Combined Chiefs of Staff to find the respective war criminals according to these lists and to hand them over to the interested Governments of the United Nations.
- 2) MAJNARI CARLINA Carlo, Divisional General, ex- G.O. 13rd "Perrera" Division, stationed at Niksic in Yugoslavia (Montenegro) in May 1945, is listed by the United Nations War Crimes Commission, list No. 2, item 37, charged for murder, wanton destruction of property and other crimes (Hague Regs., 1907, arts. 23(g), 46, 47). Meineri is now Reserve Officer, living in Rome, Via Salaria 244.
- 3) STANKOVIC Suvilo, Colonel, G.O. 23rd Inf. Regt., operating in Province of Ljubljana in Yugoslavia, from 11.4.41 to 8.8.45, is listed by the United Nations War Crimes Commission, list No. 2, item 60, for systematic terrorism and wanton destruction of property. Actually he is in active service, G.O. of the 26th Infantry Regiment "Friuli".
- 4) Application is made herewith on behalf of the Yugoslav Government that necessary measures be taken to arrest them, to prevent them from escaping and to hand them over to the Yugoslav Authorities.

Yours very truly

2061

Dr. SLOVEN J. BRONJARA

Dr. SLOVEN J. BRONJARA,
Deputy Representative of Yugoslavia
A.C.I.

Brigadier H. CARR,
Vice President
Civil Affairs Section
H.A.A.C.

E.C. I shall give names
checked & forwarded
to J.A.P. with a copy
to Smolke.
p. 15/2.



TO THE ADVISORY COUNCIL FOR ITALY

ECV. Nr. 247/46

14 February 1945

14 FEB 1945

Dear Brigadier Carr,

On behalf of the Yugoslav Government we have the honour to state as follows:

1) A.P.H.S. have received the lists of War Criminals issued by the United Nations War Crimes Commission with orders of the United Kingdom and the United States Government, transmitted through the Combined Chiefs of Staff to find the respective war criminals according to these lists and to hand them over to the interested Governments of the United Nations.

2) MAJNARI CERIANA Carlo, Divisional General, ex- O.C. 23rd "Terra" Division, stationed at Niksic in Yugoslavia (Montenegro) in May 1942, is listed by the United Nations War Crimes Commission, List No. 1, Item 37, charged for murder, wanton destruction of property and other crimes (Hague Regs., 1907, Arts. 23(2), 46, 47). Majnari is now reserve officer, living in Rome, Via Salaria 211.

3) STANCARILLA Fulvio, Colonel, O.C. 23rd Inf. Regt., operating in Province of Ljubljana in Yugoslavia, from 11.4.41 to 8.8.43, is listed by the United Nations War Crimes Commission, List No. 3, Item 30, for systematic terrorism and wanton destruction of property. Actually he is in active service, O.C. of the 26th Infantry Regiment "Trilun".

4) Application is made herewith on behalf of the Yugoslav Government that necessary measures be taken to arrest them, to prevent them from escaping and to hand them over to the Yugoslav authorities.

Yours very truly

2061

Dr. Stojan J. Stojanovic

Dr. STOJAN J. STOJANOVIC,
Deputy Representative of Yugoslav
A.C.I.

Brigadier A. Carr,
Vice President
Civil Affairs Section
E.A.A.C.

*EC: I shall check names
checked & forwarded
to D.A.P.M. with a copy
to Smollett.
pk 15/2.*



CONFIDENTIAL36PERSONS LISTED AS WAR CRIMINALS BY THE UNITED NATIONS WAR CRIMESCOMMISSION AND REQUESTED BY THE YUGOSLAVGOVERNMENT

GIUNTA, Francesco,	2nd List.	Serial No.	34	
SPIGO, Umberto,	5th List	"	"	111 Rome. Piazza Fulvio. Commander of the 28 Reggimento Infanteria Friuli.
MACARIO, Alessandro,	5th "	"	"	96 Commander of the Division "Calabria" posta militare 95.
CHINICI, Domenico,	5th "	"	"	79 Rome. Procura Generale presso il Tribunale Supremo Militare.
BONINI, Silvio,	5th "	"	"	71 Rome. Via Emilia Est 132.
TUCCI, Carlo,	2nd "	"	"	45 Rome. Via Veneto, 145.
ROSOTTI, Mario,	2nd "	"	"	41 General. Repalle, Villa Mercedes
IRIZIO-SINOLI, Alessandro	2nd	"	"	40 General Rome, Ministero della Guerra.
FANTUSATTI, Giovanni,	15th	"	"	279 Listed as FANTUSATTI. Director of Freshetti K.L. for civilians at ALTRI. Rome. Via Tracene 6.
DE SANTIS, Domenico,	15th List	"	"	272 Listed as DESSANTIS, Director of Freshetti K.L. for civilians at ALTRI. Rome. Via Castel-fidardo, 37.
GAMBARA, Gastone,	5th "	"	"	88
LOTTI, Pietro,	5th "	"	"	95
FURIA, Fernando Di.	5th "	"	"	85
GASTANI, Giuseppe,	5th "	"	"	86
PAUDINI, Giuseppe,	5th "	"	"	102
VIGENZO, Dott. Di.	5th "	"	"	115
FUMO, Major	12th "	"	"	87
FARINA, Guido,	12th "	"	"	78 Colonel. Commandante del Presidio Gornomelj, 23rd Inf. Regt. "Como" "Isone" Div. operating in district of Gornomelj (Yugoslavia) living at Gorizia. Via Masoni.

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

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ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 000.5-6

4 February 1946

SUBJECT: Arresting and Handover of Italian War Criminal.

TO : Headquarters, Allied Commission,
APO 394.

1. Will you please deal with the enclosed letter from Dr. Smodlaka (Pov/Br 37/46 of 8 January) and inform him that any further applications for the arrest of persons whose names are included in the lists issued by the United Nations War Crimes Commission should be addressed to you.

2. The manner in which requests from Dr. Smodlaka will be dealt with in future will be:

a. If the person referred to is in the War Crimes List:-
Allied Commission will request the DAFM (SIB) o/o JAG Naples *AFHQ - A-3* to effect his arrest and inform Dr. Smodlaka of the action taken. Action thereafter will be the responsibility of *SIB AFHQ* and not of the Allied Commission.

b. If the person concerned is not in the List:- Dr. Smodlaka will be so informed and told that any application for his inclusion in the War Crimes list will be forwarded, with the necessary supporting particulars, to the War Crimes Commission through the usual diplomatic channels.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

F. G. A. Parsons 2059
F. G. A. PARSONS,
Brigadier,
Acting Assistant Chief of Staff, G-5.

Encl: as above.

Copies to:
G-2
Br POLAD
US POLAD
DPM
A-3

8/2
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266.002



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

785016

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Pov.Br. 37/46

Rome, 8 January 1946.

33

SUBJECT: Arresting and handover of Italian war criminal FARINA Guido.
TO: Allied Forces Headquarters.

On behalf of the Yugoslav Government the Yugoslav Delegation to the Advisory Council for Italy has the honour to state as follows:

1) A.F.H.Q. have received lists of War Criminals issued by the United Nations War Crimes Commission, with orders of the United Kingdom and the United States Government, transmitted by the Combined Chiefs of Staff to find the resp. war criminals according to these lists and to hand them over to the interested Governments of the United Nations.

2) FARINA Guido, colonel, Commandante del Presidio Cernomelj, 25rd Inf. Regt. "Como", "Isonzo" Div. operating in district of Cernomelj (Yugoslavia), Italian war criminal listed by the United Nations War Crimes Commission (12th list, serial No 78) is living at Gorizia, Via Maconi. He is responsible for murder and other crimes.

3) Application is made herewith on behalf of the Yugoslav Government that necessary measures be taken to arrest him, to prevent him from escaping and to hand him over to Yugoslav Authorities.

Dr. Sloven Smolaka
DR. SLOVEN J. SMOLAKA,
Deputy Representative of Yugoslavia,
Advisory Council for Italy.

*for file 374
has already been
b. info all handled
HE 20/12*

2058



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

785016

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY
Prov. Nr. 146/46

31 GEN 1946
30 January 1946.

(29A)

Dear Brigadier Carr,

(28A)

Reference your letter 4/29.8/AC of 24 January 1946.

I am in state to inform you already that the concrete requests addressed to Brigadier General A.L. TAMBLIN were in no relation with the letters of your Headquarters 4/29.4B/CA of 13 Oct. 45 and 4/29.8/CA of 3 Dec 45.

In your letter 4/29.4B/CA referring to the Italian War Criminal Pietro Lotti, you pointed out that you were "instructed to say that there is no authority for the handing over as War Criminals of persons who have not been listed by the United Nations War Crimes Commission". - This Delegation, on behalf of the Yugoslav Government, did request handing over only for those Italian War criminals who have been listed by the United Nations War Crimes Commission.

In your letter 4/29.8/CA of 3 December 45 you were directed to say that the matters regarding the hand-over of definite Yugoslav traitors and war criminals are being dealt with by the British and US Embassies in Belgrade and not through military channels. - But this delegation is claiming only the hand-over of those War Criminals and Traitors, whose handover was already authorized through diplomatic channels by the British and American Government.

Accordingly we requested KFM this time to put in act only the decisions of the British and US Government and of the UNW Crimes Commission.

We informed the Yugoslav Government about the contents of your letter.

Yours very truly

Dr. Slobodan J. Smoljan
DR. SLOVEN J. SMOLJAN
Deputy Representative of Yugoslav
Advisory Council for Italy.

Brigadier
M. CARR,
Vice President
Civil Affairs Section
M.A.C.



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

785016

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Pov.br.16/46.

27K

Rome, January 5, 1946.

SUBJECT : Arresting and Handing over of Italian War Criminals.
TO : Allied Force Headquarters

On behalf of the Yugoslav Government the Yugoslav Delegation to the Advisory Council for Italy has the honour to state as follows :

1. A.F.H.Q. have received lists of War Criminals issued by the United Nations War Crimes Commission with orders of the United Kingdom and the United States Governments, transmitted by the Combined Chiefs of Staff, to find the War Criminals according to these lists and to hand them over to the interested Governments of the United Nations.

2. The United Nations War Crimes Commission had listed more than 500 Italian War Criminals proposed by Yugoslavia.

As the Yugoslav Government has not been notified as yet that any of the listed War Criminals in Italy was found, you are courteously requested to inform this Delegation whether and what has been done for finding out listed Italian War Criminals.

3. Not even those Italian War Criminals, listed by the United Nations War Crimes Commission, who are kept by Allied Authorities in Italy, and were requested by this Delegation, have not yet been handed over to Yugoslav Authorities.

These Italian War Criminals are :

- 1/ Gastone Gambarà /5th list 5th, serial number 88 of the United Nations War Crimes Commission - requested by our act Pov.br.1179-45 dated 18 August 1945/
- 2/ Pietro Lotti /5th list, serial number 95 of the UNWCC - requested by our act Pov.br.1366/45 dated 11 September 1945/
- 3/ Fernando Di Furia /5th list, serial number 85, - requested by our act Pov.br.1798/45 dated 14 November 1945/
- 4/ Giuseppe Gaetani /5th list, serial number 86, 12th list, serial number 88 - requested by our act Pov.br.1798/45, 14 Nov. 1945
- 5/ Giuseppe Pardini /5th list, serial number 108 - requested by our act Pov.br.1798/45 dated 14 November 1945/
- 6/ Dott. di Vincenzo /5th list, serial number 115 - requested by our act Pov.br.1798/45 dated 14 November 1945/
- 7/ Fumo, major /12th list, serial number 87 - requested by our act Pov.br.1798/45 dated 14 November 1945/

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

4. A.F.H.Q. is herewith courteously requested on behalf of the Yugoslav Government to ~~find~~ find out, and:

A. To arrest without delay all Italian War Criminals who had been listed by United Nations War Crimes Commission on proposal of Yugoslavia, in order to prevent their escape.

B. To hand them over to Yugoslav Authorities.

It is obvious that War Criminals quoted under 3. should be included.

Dr. Sloven J. Smolaka

DR. SLOVEN J. SMOLAKA;
Deputy Representative of Yugoslavia,
Advisory Council for Italy.

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Pov.br.17/46.

Rome, 5 January 1946.

SUBJECT : Arresting and Handing over of Italian War Criminals,
Fantusati Giovanni and De Santis Domenico.

TO : Allied Force Headquarters.

On behalf of the Yugoslav Government the Yugoslav Delegation to the Advisory Council for Italy has the honour to state as follows :

1. A.F.H.Q. have received lists of War Criminals issued by the United Nations War Crimes Commission with orders of the United Kingdom and United States Government, transmitted by the Combined Chiefs of Staff, to find the War Criminals according to these lists and to hand them over to the interested Governments of the United Nations.

2. We inform you that the listed Italian War Criminals :

- A. Fantusati Giovanni, director of Fraschette K.L. for civilians at Alatri /1941/, /listed as Fantussatti Giuseppe, director of Fraschette K.L. for civilians at Alatri/1941/ - 15th list, serial No. 379, of the United Nations War Crimes Commission ; and
- B. De Santis Domenico, director of Fraschette K.L. for civilians at Alatri /1942-43/, /listed as Dessantis, director of Fraschette K.L. for civilians at Alatri /1942-43/ - 15th list, serial No. 272, of the UNWCC ;

are living in Rome, Fantusati Giovanni in Via Trasene 6, and De Santis Domenico in Via Castelfidardo 37.

3. A.F.H.Q. is herewith courteously requested on behalf of the Yugoslav Government to arrest without delay the a/m Italian War Criminals in order to prevent their escape, and to hand them over to Yugoslav Authorities.

Dr. Slobodan J. Smoljaka
DR. SLOVEN J. SMOLJAKA,
Deputy Representative of Yugoslavia,
Advisory Council for Italy.

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JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

POV.br.18/46.

Rome, 3 January 1946.

SUBJECT : Arresting and Handover of Italian War Criminals
Spigo Umberto and others.

TO: Allied Force Headquarters.

On behalf of the Yugoslav Government the Yugoslav Delegation to the Advisory Council for Italy has the honour to state as follows:

1. A.F.H.Q. have received lists of War Criminals issued by the United Nations War Crimes Commission, with orders of the United Kingdom and United States Government, transmitted by the Combined Chiefs of Staff, to find the resp. war criminals according to these lists and to hand them over to the interested Governments of the United Nations.

2. Here are indicated the whereabouts of following Italian War Criminals listed by the United Nations War Crimes Commission :

1. SPIGO Umberto, General, 5th list, serial No. 111, Rome, Piazza Trivio, commander of the "28 regimento infanteria Friuli"
2. MACARIO Alessandro, General, 5th list, serial No. 98, commander of the division "Cajabria", posta militare 98
3. CHINICI Domenico, General, 5th list, serial No. 79, Rome, Procura Generale presso il Tribunale Supremo Militare
4. BONINI Silvio, General, 5th list, serial No. 71, Rome, Via Emilia 132
5. TUCCI Carlo, General, 2nd list, serial No. 45, Rome, Via Veneto 145
6. ROBOTTI Mario, General, 2nd list, serial No. 11, Rapallo, villa Mercedes
7. PIRZIO-BIROLI Alessandro, General, 2nd list, No. 40, Rome, Ministero della Guerra.

3. A.F.H.Q. is herewith courteously requested on behalf of the Yugoslav Government to arrest without delay the a/m Italian War Criminals in order to prevent them to escape or to hide them, and to hand over the a/m War Criminals to Yugoslav Authorities.

D. Lovrenovic
DR. SLOVEN J. SMOGLAJA,
Deputy Representative of Yugoslavia,
Advisory Council for Italy.

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

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JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Por. br. 19/45.

Rome, 5 January 1946.

SUBJECT : Arresting and Handover of Italian War Criminal
GIUNTA Francesco

TO : Allied Force Headquarters.

On behalf of the Yugoslav Government the Yugoslav Delegation to
the Advisory Council for Italy has the honour to state as follows :

1. A.B.H.Q. have received lists of War Criminals issued by the
United Nations War Crimes Commission, with orders of the United Kingdom
and the United States Government, transmitted by the Combined Chiefs of
Staff, to find the resp. war criminals according to these lists and to
hand them over to the interested Governments of the United Nations.
2. GIUNTA Francesco, ex-Governor of Dalmatia, Italian war criminal
listed by the United Nations War Crimes Commission, 2nd list, serial No.
34/ was arrested by Allied Authorities in Italy not long ago. He is res-
ponsible for mass murder, executions of persons without trial and others
crimes committed in Yugoslavia.
3. Application is made herewith on behalf of the Yugoslav Govern-
ment in order that necessary measures would be taken to prevent him to
get released from prison, to escape, to hide or to commit suicide, and to
hand over him to Yugoslav Authorities.

Dr. Slobodan J. Smoljaka
DR. SLOBODAN J. SMOLJAKA,
Deputy Representative of Yugoslavia,
Advisory Council for Italy.

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

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COPY

Annexure 7 to 4/29.8/CA dated
11 Jan 46.

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref: 4/29.4B/CA.

13 Oct 45.

SUBJECT: Extradition of Pietro LOTTI,
Acting Representative of JUGOSLAVIA,
Advisory Council for Italy,
R O M E.

- 1 The Supreme Allied Commander has forwarded for action to this Commission a copy of your letter Prov. br. 1366/45 of the 11th of September 45, and I am instructed to say that there is no authority for the handing over as War Criminals of persons who have not been listed by the United Nations War Crimes Commission.
- 2 It is considered that the request made by you may properly be forwarded through diplomatic channels to that Commission.
- 3 When initiating such matters in future will you please address your letters to this Commission rather than directly to AFHQ.

FOR THE CHIEF COMMISSIONER.

(Sgd): M. CARR, Brig.,
VF CA Section.

Copy to: AFHQ, G-5 Sec. (Your G-5, 000.5-1 of 9 Oct refers.)

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

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C O P Y

Annex "C" to 4/29.8/GA dated
11 Jan 46.

ALLIED FORCE HEADQUARTERS
G-5 Section,
APO 512

G-5, 000.5-1.

3 October 1945.

SUBJECT: Pietro LOTTI.

TO: Headquarters, Allied Commission, APO 394.

1. This Headquarters has received from the Yugoslav representative to the Advisory Council for Italy the inclosed Pov. br. 1366/45 of 11 September 1945 in which request is made that Pietro Lotti, who is stated to be an Italian national in Allied Military custody, be turned over to the Yugoslav Government for trial as a war criminal.

2. This Headquarters is not authorized to turn over to Allied Nations as war criminals persons not listed by the United Nations War Crimes Commission, and has only a limited authority with respect to the turn over of persons so listed. It is believed that the request made in the inclosed letter may appropriately be forwarded by the Yugoslav authorities through diplomatic channels.

3. You are requested to advise the Yugoslav representative in accordance with the foregoing.

(Sgd.) A.L. HAMBLEN,
Brigadier General, GSC,
Assistant Chief of Staff, G-5.

Incl:
as above.

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

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HEADQUARTERS ALLIED COMMISSION
APO 39A
CIVIL AFFAIRS SECTION

Ref: 4/29.4B/CA.

13 Oct 45.

SUBJECT: Extradition of Pietro LOPPI.

TO: Dr. Sloven J. SMOLJAKA,
Acting Representative of Yugoslavia,
Advisory Council for Italy,
ROME.

1 The Supreme Allied Commander has forwarded for action to this Commission a copy of your letter Ref. No. 1566/45 of the 11th of September 45, and I am instructed to say that there is no authority for the handing over as War Criminals of persons who have not been listed by the United Nations War Crimes Commission.

2 It is considered that the request made by you may properly be forwarded through diplomatic channels to that Commission.

3 When initiating such matters in future will you please address your letters to this Commission rather than directly to AFHQ.

FOR THE CHIEF COMMISSIONER:

(Sgd.) H. CARR, Brig.,
VF CA Section.

Copy to: AFHQ, G-5 Sec. (Your G-5: 000.5-1 of 3 Oct 45 refers).

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

785016

COPY

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5:000.5-1

3 October 1945

SUBJECT: Pietro Lotti

TO : Headquarters, Allied Commission, APO 394

1. This Headquarters has received from the Yugoslav representative to the Advisory Council for Italy the inclosed Pov'br. 1366/45 of 11 September 1945 in which request is made that Pietro Lotti, who is stated to be an Italian national in Allied Military custody, be turned over to the Yugoslav Government for trial as a war criminal.

2. This Headquarters is not authorized to turn over to Allied Nations as war criminals persons not listed by the United Nations War Crimes Commission, and has only a limited authority with respect to the turn over of persons so listed. It is believed that the request made in the inclosed letter may appropriately be forwarded by the Yugoslav authorities through diplomatic channels.

3. You are requested to advise the Yugoslav representative in accordance with the foregoing.

A.L.HAMBLEY
Brigadier General, GSC
Assistant Chief of Staff, G-5

*Original of this letter appears
in file 4/29.43/ca.*

2019

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

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref : 4/29.45/CA

13 Oct 45

SUBJECT : Extradition of Pietro LOTTI

TO : Dr. Sloven J. SMODLAKA
Acting Representative of JUGOSLAVIA
Advisory Council for Italy
R O M E

- 1 The Supreme Allied Commander has forwarded for action to this Commission a copy of your letter Pov.br. 1366/45 of the 11th of September 45, and I am instructed to say that there is no authority for the handing over as War Criminals of persons who have not been listed by the United Nations War Crimes Commission.
- 2 It is considered that the request made by you may properly be forwarded through diplomatic channels to that Commission.
- 3 When initiating such matters in future will you please address your letters to this Commission rather than directly to AFHQ.

FOR THE CHIEF COMMISSIONER

M. Carr
M. CARR, Brig.
VP CA Section

2048

Copy to : AFHQ, G-5 Sec. (Your G-5: 000.5-1 of 3 Oct refers)

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

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C O P Y

JUGOSLAV DELEGATION

TO THE ADVISORY COUNCIL FOR ITALY
Fov.br.1360/45

Rome, September 11, 1945,

SUBJECT: Extradition of PIETRO LOTTI, Italian national, War Criminal.

TO : The Supreme Allied Commander
Mediterranean Theatre
Allied Force Headquarters

C a s e r t a.

1. According the Decision of the State Commission for Investigation of Crimes committed by the Invaders and their Accomplices Nr.2570, the a/n is listed as war criminal who has to be put on trial in Yugoslavia.
2. The Decisions of the Yugoslav State Commission concerning the a/m War Criminal, as well as his Accomplices, are enclosed herewith.
3. According reliable sources Pietro Lotti is actually held by the Allied Military Authorities, Mediterranean Forces.
4. Application is made herewith on behalf of the Yugoslav Government that the a/m, please be handed over to Yugoslav authorities.

/s/Dr. Sloven J. Smolaka,

/t/ Dr. Sloven J. Smolaka,
Acting Representative of Yugoslavia
Advisory Council for Italy.

Enclosure as stated.



C O P Y

DEMOCRATIC FEDERATIVE JUGOSLAVIA

S T A T E C O M M I S S I O N

FOR INVESTIGATION OF CRIMES COMMITTED
BY THE INVADERS AND THEIR ACCOMPLICES

F.BR.2576

D E C I S I O N

ASCERTAINING CRIMES COMMITTED BY THE INVADERS AND THEIR ACCOMPLICE.

THE CRIMINAL:

LOTTI PIETRO, Italian national, Questore di
Cattaro

THE VICTIMS OF THE CRIME:

ADOLF M U K, inv.br.2840
The names of another victims are not yet ascertain-
ed.

SHORT STATEMENTS OF FACTS AND QUALIFICATION OF THE CRIME.

1.) Murder, 2) Ill treatment of civilians. 3) Deportation of civilians. 4)
Internment of civilians under unhuman conditions. 5) Systematic terrorism through an
unobjective tribunal.

Pietro Lotti organized mass crimes committed by Italian occupant authorities in the district of Kotor (Cattaro) and issued orders for them. He misused both the position of "Questore di Cattaro" and the Military Courts with purpose of terrorising the population.

PARTICULARS OF THE CRIME.

(The Criminal, place, time and means of execution, the victims and the damages)

Pietro Lotti was questor of Cattaro beginning from May 1941 until the capitulation of Italy.

In the said quality, together with the Prefetto di Cattaro, Franco Scasselati, he was the main organiser and authority for mass imprisonments, ill-treating of civilians in jail, internments, deportations, handing over the imprisoned civilians to the extraordinary tribunal in the Cattaro District. In order to obtain this he managed an excellently organized Police apparatus.

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In the quality of organizer, authority and responsible official, he was accomplice in the crimes quoted in the Decision of the State Commission concerning the war criminal Franco Scasselati, F.br.2575, in the Section "Particulars of the Crime", under A, B, C, D, E, F.

(continued)

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

The report of the District Commission for the Kotor District Nr.16/144
dated December 16, 1944. Inv.br.2840.

DAMAGE

Not yet ascertained.

ACCOMPLICES

The accomplices are cited in the decision of the State Commission
concerning the War Criminal Franco Scassellati

Vladislav Samhaber signed

Beograd, April 21, 1945.

Secretary

Dr. Ivo Grbic, signed

President

CERTIFIED A TRUE COPY

Vladislav Samhaber, signed

CERTIFIED A TRUE TRANSLATION:

/s/ NIKO JAKSA, Secretary,
Jugoslavav Delegation,
Advisory Council for Italy.

DAMAGE

Not yet ascertained.

ACCOMPLICES

The accomplices are cited in the decision of the State Commission concerning the War Criminal Franco Scaszelati

Vladislav Sarbaker signed

Belgrad, April 21, 1945.

S e c r e t a r y

Dr. Ivo Grbic, signed

President

CERTIFIED A TRUE COPY

Vladislav Sarbaker, signed

CERTIFIED A TRUE TRANSLATION:

/s/ MIKO JAKSA, Secretary,
Jugoslavav Delegation,
Advisory Council for Italy.

2013



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

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COPY

DEMOCRATIC FEDERATIVE JUGOSLAVIA
STATE COMMISSION
FOR INVESTIGATION OF CRIMES COMMITTED
BY THE INVADERS AND THEIR ACCOMPLICES

F.BR.2575.

DECISION

ASCERTAINING CRIMES COMMITTED BY THE INVADERS AND THEIR ACCOMPLICES.

THE CRIMINAL

SCASSELATI FRANCO, Italian, Prefetto di Cattaro.

THE VICTIMS OF THE CRIME

ADOLF NUK, Inv.Br.2340

The names of other victims are not yet ascertained.

SHORT STATEMENT OF FACTS AND QUALIFICATION OF THE CRIME.

1. Murder. 2. Illtreatment of civilians. 3. Deportation of civilians. 4. Internment of civilians under inhuman conditions. 5. Plunder. 6. Intentional devastation and destruction of property. 7. Systematic terrorism through an unobjective tribunal.

Franco Scasselati organized mass crimes committed by Italian occupant authorities in the district of KOTUR (Cattaro) and issued orders for them. He misused both the position of "prefetto di Cattaro" and the Military Courts with the purpose of terrorising the population.

PARTICULARS OF THE CRIME

(The criminal, place, time and means of executions, the victims and damages).

Franco Scasselati was Prefetto of Cattaro from May 1941 until the capitulation of Italy.

Misusing his position of Prefect, together with the Questor of Cattaro Pietro LOTTI he was the main organizer of mass crimes committed in the district of Cattaro. For same purpose he issued orders to his organs for imprisonments, internments and shooting of citizens: On head of Italian punishment detachment he invaded villages, taking revenge against the population.

It is specially pointed out that among victims of the Prefect Franco Scasselati there were children, what illustrates

THE CRIMINAL

SCASSELATI FRANCO, Italian, Prefetto di Cattaro.

THE VICTIMS OF THE CRIME

ADOLF MUK, Inv.Br.2340

The names of other victims are not yet ascertained.

SHORT STATEMENT OF FACTS AND QUALIFICATION OF THE CRIME.

1. Murder.
2. Illtreatment of civilians.
3. Deportation of civilians.
4. Internment of civilians under inhuman conditions.
5. Plunder.
6. Intentional devastation and destruction of property.
7. Systematic terrorism through an unobjective tribunal.

Franco Scasselati organized mass crimes committed by Italian occupant authorities in the district of KOTOR (Cattaro) and issued orders for them. He misused both the position of "Prefetto di Cattaro" and the Military Courts with the purpose of terrorising the population.

PARTICULARS OF THE CRIME

(The criminal, place, time and means of executions, the victims and damages).

Franco Scasselati was Prefetto of Cattaro from May 1941 until the capitulation of Italy.

Misusing his position of Prefect, together with the Questor of Cattaro Pietro LOTTI he was the main organizer of mass crimes committed in the district of Cattaro. For same purpose he issued orders to his organs for imprisonments, internments and shooting of citizens: On head of Italian punishment detachment he invaded villages, taking revenge against the population.

It is specially pointed out that among victims of the Prefect Franco Scasselati there were children, what illustrates his criminal character.

A.

Franco Scasselati issued orders for imprisonment and organized illtreatment of citizens of the Cattaro district, in order to induce them to confess deeds they were charged for. He effected this through the Questor of Cattaro Pietro Lotti and Lieut. of Carabinieri Renato Candido. Almost all people who passed the jail of Cattaro, who had been investigated in the police or in the Carabinieri Station, suffered most cruel illtreatment: they have been compelled: to drink considerable quantity of Castor Oil,

to eat considerable quantity of salted fish then to drink dirty water with soap solution; many of them have been beaten with sticks, pounches, rubber sticks, feet or been stripped naked and then illtreated; because of the illtreatment they often fainted and even died. Often the fistings were taken into hospitals for medical treatment.

The illtreatment was performed either by the Police Agents or by the Carabinieri. Following persons specially distinguished themselves in such crimes: Battola Carlo, Vice-brigadier, Novacco Carlo, agent, Antonio Cancarolla, brigadier, Bela Scarpa, Garone, Namucci, Dr. Enco Sciuba, chief of the agents and other.

Number of 557 citizens, who later have been released as innocents were arrested and illtreated there from May 1941 until August 1943.

B.

By Prefetto Scasselati's order great number of arrested people had been illtreated by the Carabinieri and Police Agents and after directed in camps. In that way, upon orders issued by the Prefetto Scasselati from May 1941 until August 1943, 254 citizens of the Cattaro district, males, females, and children have been interned and deported.

I.

In 1941 there were 161 deported and interned people, i.e.

- 1) In May: 3 men in the camps at Tola and Mamula;
- 2) In July: 101 men in the camps at Presa, Closa, Coropoli, Chieti and Allessandria. Two of them died in Closa.
- 3) In August: 37 men in camps at Tola, Lipari, Chieti and Lanciano;
- 4) In September: 7 men, 6 of them and 1 woman in the camps at Drac Allessandria, Tola and Coropoli;
- 5) In October: 10 men; among whom one woman, in the camps at Polenza, Mamula, Tola and San Geminiano;
- 6) In November: 12 people, among whom one woman, one old man of 70, in the camps at Tola, Coropoli and Prevlaka;
- 7) In December: One man in the camp at Lipari.

II.

In 1942 there were 44 interned and deported people, i.e.

- 1) In January: 7 men, among whom 2 women, in the camps at Ustica, Padova and Prevlaka;
- 2) In February: 3 men in the camps at Fabriano and Prevlaka;
- 3) In April: 5 women in the camps at Prevlaka, Mamula and Perugia;
- 4) In June: 4 men, among whom children below 25, in the camps at Mamula, Naples and Udine;
- 5) In July: 5 persons, among whom 2 children of 4 and 8 of age, in the camp at Mamula;
- 6) In August: 4 men in the camps at Prevlaka and Mamula;
- 7) In October: 3 persons, among whom one woman, in the

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er, Novacco Carlo, agent, Antonio Cancarolla, brigadier, Bela Scarpa, Carone, Namucci, Dr. Enco Sciuba, chief of the agents and other.

Number of 557 citizens, who later have been released as innocents were arrested and illtreated there from May 1941 until August 1943.

B.

By Prefetto Scassellati's order great number of arrested people had been illtreated by the Carabinieri and Police Agents and after directed in camps. In that way, upon orders issued by the Prefetto Scassellati from May 1941 until August 1943, 254 citizens of the Cattaro district, males, females, and children have been interned and deported.

I.

In 1941 there were 161 deported and interned people, i.e.

- 1) In May: 3 men in the camps at Tola and Mamula;
- 2) In July: 101 men in the camps at Presa, Closa, Coropoli, Chieti and Alessandria. Two of them died in Closa.
- 3) In August: 37 men in camps at Tola, Lipari, Chieti and Lanciano;
- 4) In September: 7 men, 6 of them and 1 woman in the camps at Drac Alessandria, Tola and Coropoli;
- 5) In October: 10 men; among whom one woman, in the camps at Polenza, Mamula, Tola and San Geminiano;
- 6) In November: 12 people, among whom one woman, one old man of 70, in the camps at Tola, Coropoli and Prevlaka;
- 7) In December: One man in the camp at Lipari.

II.

In 1942 there were 44 interned and deported people, i.e.

- 1) In January: 7 men, among whom 2 women, in the camps at Ustica, Padova and Prevlaka;
- 2) In February: 3 men in the camps at Fabriano and Prevlaka;
- 3) In April: 5 women in the camps at Prevlaka, Mamula and Perugia;
- 4) In June: 4 men, among whom children bel **20 of 35**, in the camps at Mamula, Naples and Udine;
- 5) In July: 5 persons, among whom 2 children of 4 and 8 of age, in the camp at Mamula;
- 6) In August: 4 men in the camps at Prevlaka and Mamula;
- 7) In October: 3 persons, among whom one woman, in the camp at Prevlaka;
- 8) In November 9 men in the camp at Mamula;
- 9) In December: 4 persons, among whom 3 women and one child, in the camp at Prevlaka.

III.

In 1943 there were interned and deported people: 49:

- 1) In February: 25 men in the camp at Mamula;
- 2) In March: one man in the camp at Mamula;

- 3) In April: 5 persons, among whom 2 women, in the camps at Mamula and Pravilaka;
- 4) In June: One man in the camp at Mamula;
- 5) In July: 13 persons, among whom one woman, in the camps at Pravilaka, Mamula and Presa;
- 6) In August: 4 men in the camp at Pravilaka.

C.

Franco Scasselati assisted by Pietro Lotti, organized and issued respective orders for imprisonment of citizens of Cattaro district, from September 9 until September 17, 1941. On September 18 the arrested people were taken to the Extraordinary Tribunal. Six men were sentenced to death, one of them an old man above 60, whilst 11 persons had been sentenced to 5 years of prison. The condemned people were so ill-treated in prison that they were not able even to speak at the Tribunal. The shooting was performed immediately after adjudgement, at Mokra Ploca and Skaljari. The people condemned to prison have been passed in the prison "San Geminiano". Among the shot men there was a man arrested on 17th September during the night, and without any evidence condemned next morning straight away.

D.

A night before February 1942 a group of Partisans had taken prisoners at Gornji Grahovac some Italian soldiers, and released later. A revenge has been taken upon the innocent population.

I.

An Alpine Regiment lead by the Prefetto Franco Scasselati invaded on February 19 the locality Gornji Grahovac and in that occasion committed the following crimes:

- 1) Plundered all the houses of that village and turned out the cattle.
- 2) Burnt all the houses of same village, total 129.
- 3) Ill-treated and beat the people, in order that one man died and one became mad.
- 4) Depopulated the population, forcibly populating with them the localities Stologo and Preanj.

II.

The same day the a/m regiment invaded the village Donji Grahovac and committed the following crimes:

- 1) Plundered 9 houses in the village.
- 2) Burnt some houses.
- 3) Ill-treated and tortured the people, in order that some of them were compelled to stay 2 months in the hospital.

M.

On February 1942 Scasselati ordered two persons to be shot. Same people have been taken under suspect they were Par-

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- 2) Burnt some houses.
- 3) Ill-treated and tortured the people, in order that some of them were compelled to stay 2 months in the hospital.

20

E.

On February 1942 Scasselati ordered two persons to be shot. Same people have been taken under suspect they were Partisans. They were executed at Mokra Ploca the next day.

F.

On June 1942 at Verige, the Ammunition Depot exploded, in a moment when the workers were not on work. The real cause of the explosion was the heat developed by the sunshine.

In order to get rid of his own responsibility and to convince his superiors that sabotage effected by the workers was the real cause of the explosion, the Prefect Scasselati ordered shooting of 7 employees of the Depot. Among those people there was a man who had not been working in the Depot neither the day of explosion nor the day before.

The victims were executed on 11th June 1942 at Verige. Before they were shot, the victims of the crimes have been tortured by the Police-agents Dr. Sciuba and Battolo.

G.

On April 14, 1943 upon order of the Prefect Scasselati Adolf MUK was taken from the prison of Cattaro and transferred to the prison of Hercegnovi. He was left there until April 21, 1943, when he was taken to the locality "Debelli Breg" and there shot by 7 Carabinieri belonging to the Division Emilia.

H.

In June and July 1943, 58 persons have been taken from the prison of Cattaro and brought to the Tribunale Speciale per la Palmazia, then temporarily seated at Cattaro. A witness at the trial, Lieut. Renato Candian had tortured and ill-treated the accused in the prison before the trial began.

58 people have been sentenced to death, 49 of them have been graced to the long life prison and 9 have been executed in Lipci.

I.

Immediately after the capitulation of Italy, on September 1943 Carabinieri, with the assistance of Fascist, under command of the Deputy G.C. Carabinieri Station, Rabaglio, shot in the Commune of Krtola 15 men with machine guns and fired after that a bullet in the eye of each victim.

J.

On July 17, 1941 the Commune of BUDVA has been invaded by a regiment commanded by Col. Bertelli, and in that occasion following crimes had been committed:

- 1) 141 houses and all small and big cattle plundered.
 - 2) 141 houses and haystacks around burnt.
 - 3) 5 persons shot by Carabinieri, Fascists and Alpines.
- Three of them were above 65 years old. Six people were shot at Brajici, and three at Budva.

EVIDENCE

The report of the District Commission for Investigation of Crimes committed by the invaders and their accomplices for the district of Cattaro br.26/44, dated 16-XIII-1944. Inv.Br.2840.

G.

On April 14, 1943 upon order of the Prefect Scassellati Adolf HUK was taken from the prison of Cattaro and transferred to the prison of Herceg Novi. He was left there until April 21, 1943, when he was taken to the locality "Debelli Breg" and there shot by 7 Carabinieri belonging to the Division Emilia.

H.

In June and July 1943, 58 persons have been taken from the prison of Cattaro and brought to the Tribunale Speciale per la Dalmazia, then temporarily seated at Cattaro. A witness at the trial, Lieut. Renato Candida had tortured and ill-treated the accused in the prison before the trial began.

58 people have been sentenced to death, 49 of them have been graced to the long life prison and 9 have been executed in Lipci.

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THE DAMAGE

The damage consists in big and small cattle, as well as houses burnt with respective furniture. The damage amounts to:

Din.	12,000.000,	- for crime under "D"
"	12,000.000,	- for crime under "J"
Din.	24,000.000,	- total amount.

Damages performed in other crimes have not yet been fixed.

ACCOMPLISHMENTS

Pietro Lotti F.Br. 2576; Renato Candida F.Br. 2577; Battola Carlo F.Br. 2578; Novacco Carlo F.Br. 2579; Canaroli Antonio F.Br. 2580; Belle F.Br. 2581; Scarpa F.Br. 2582; Carone F.Br. 2583; Nannucci F.Br. 2584; Enco Sciuba F.Br. 2585; Bertelli F.Br. 2586; Kabagioli F.Br. 2587; Giunta F.Br. 50/I.

NOTE:

Extradition requested under
E.POV.BR. 92/45

Vladislav Sambaher, signed

21st
Belgrad, /April 1945.

President
Dr. Dusan Nedeljkovic, sgd.

Secretary
Dr. I. Gracic, sgd.

CERTIFIED A TRUE COPY

Vladislav Sambaher, sgd.

CERTIFIED A TRUE TRANSLATION

/s/???

NIKO JAKSA, Secretary
Yugoslav Delegation
Advisory Council for Italy.

