

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

ACC

10000/105/763

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

10000/105/763

DEFASCISM, ORG ACC, POLICY
JUNE 1944 - MAR. 1946

VP. CAS.

Suggested letter and memo - based almost entirely on your

original memo and our conversation - see attached.

3 Apr 45

~~W. H. ...~~
~~DC-1A~~

Ex C.

2

To see 7a 476.

27 Apr.

Spelman

3

CA Sec

Letter signed & returned to you for despatch, but

please correct date.

While you kindly send a copy of DF/3A/CA of

10 Apr 45 for file in this office.

Office AEC

29 Apr 45

Spelman

27 Apr.

Sperry

3

CA Sec

Letter signed & returned to you for despatch, but
please correct date.
While you kindly send a copy of DF/S.A/CA of
10 apr 45 for file in this office.

Office of EC
29 apr 45

E. Gordon ^{by}

2855

MINUTES

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

HEADQUARTERS ALLIED COMMISSION
AFO 394
CIVIL AFFAIRS SECTION

(13A)

Ref : DF/3.A/CA ✓

4 Mar 46

SUBJECT : Expiration

TO : CLO POLZANO

(2A)

- 1 Reference ACLO/RE/L/O9/A of 25 Feb 46 passed to this HQ by you, it is not clear what position Dr. KATZBURG holds.
- 2 The matter raised is one for which the Italian Government is now entirely responsible.
- 3 It is noticed in para 1 of the letter that the Ministry of Justice has already been requested to give instructions on the application of Expiration proceedings to Nazis.

BY COMMAND OF THE CHIEF COMMISSIONER



M. CARR, Brig.
VP CA Section

2854

225

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 04-7-10 BY 104A

25 Feb 46
28 FEB 1946

135/ach

SUBJECT : Epuration
TO : C.L.G. Bolzano
REF. : ACIO/BZ/L/09/A.

1. The Epuration Commission is doing its work now under DL 702 of the year 45. This decree concerns only Fascists. The Commission, however, is applying the same also to Nazis *by* analogy. The Commission has already informed the Ministry of Justice that it needs badly some instructions as far as Nazis are concerned.
2. The President appointed by the Ministry, Dr. Dell'Aire, has resigned and has been substituted by the Primo Pretore of Bolzano, Dr. Leoncellis. Members of the Committee are Vice-Prefect Gilardi, Dr. Favcovio, bank official, and membro supplente is Dr. Manning Rodolfo, lawyer in Bolzano.

2853
Dr. Max Katzung
Dr. MAX KATZUNG
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

SUBJECT : Expiration

TO : C.A.O. Bolzano

REF. : AUSA/MS/2/09/A.

1. The Expiration Commission is doing its work now under DM 702 of the year 45. This decree concerns only Fascists. The Commission, however, is applying the same also to Nazis *by analogy*. The Commission has already informed the Ministry of Justice that it needs badly some instructions as far as Nazis are concerned.

2. The President appointed by the Ministry, Dr. Dell'Aira, has resigned and has been substituted by the Prime Pretore of Bolzano, Dr. Leoncellis. Members of the Committee are Vice-pretect Galardi, Dr. Favcovio, bank official, and membro supplente is Dr. Manning Rodolfo, lawyer in Bolzano.

2853

Dr. Max Katherberg



DR. MAX KATHERBERG

2

MR. a.c. (for C.A. See)

Will you kindly let me know what you would like done.

*Shkiew, Colonel
C.A. Bolzano.*

2572/46.

C O P I A

(128)

COMMISSIONE PROVINCIALE DI PURGAZIONE
B O L L E T T I N O

RISERVOIO PURGAZIONE REGIONE DI
B O L L E T T I N O

Numero dei casi trattati dalla Commissione Provinciale di Purgazione dalla costituzione al 31 dicembre 1945

Categorie

Schede personali

Indagini completate e nessuna proposta di ulteriori azioni.....
Sospensioni proposte.....
Indagini non completate.....
TOTALE SCHEDE RICEVUTE.....

	Urgente	Normale	Ritardata
	345	1443	
	53	107	
	9	382	1329
	412	1932	1329

Opposizioni

Udiense completate e sospensioni non ordinate.....
Sospensioni ordinate.....
Udiense non ancora completate.....
TOTALE OPPOSIZIONI RICEVUTE.....

	20	42	
	29	23	
	2	30	
	51	95	

Sospensioni

Non essendo stata ricevuta alcuna opposizione.....
Per ordine della Commissione.....

	2		
	27	23	

Numero dei casi trattati dalla Commissione Provinciale di Espurazione della costituzione al 31 dicembre 1945

Categorie

	Urgente	Normale	Ritardata
<u>Schede personali</u>			
Indagini completate e nessuna proposta di ulteriori azioni.....	345	1443	
Sospensioni proposte.....	58	107	
Indagini non completate.....	9	382	1329
TOTALE SCHEDE RICEVUTE.....	412	1932	1329

Opposizioni

Udienze completate e sospensioni non ordinate.....	20	42	
Sospensioni ordinate.....	29	23	
Udienze non ancora completate.....	2	30	
TOTALE OPPOSIZIONI RICEVUTE.....	51	95	

Sospensioni

Non essendo stata ricevuta alcuna opposizione.....	2		
Per ordine della Commissione.....	27	23	
TOTALE DELLE SOSPENSIONI.....	29	23	

IL PRESIDENTE
f.to Leoncelli

2852

DP/3A/CA

CA SEC (5)
5016
11A

HEADQUARTERS FIFTH ARMY
G-5 SECTION
APO 464 Do AMB

9.6.1945 130V/MS

202-V

3 July 1945

SUBJECT: Neo Fascists

REF: See Distribution

1. Since instructions were last sent out by this HQ with regard to the treatment of Neo-Fascists by our cable #P235 dated 16 June 1945, additional instructions have been received from AFM, which may be summarized as follows:

a. Except as otherwise expressly directed by AFM, Neo-Fascists - military personnel in Italian custody on charges of atrocity, collaboration and the like against Italians or of other specific crimes will be left in Italian custody for trial and disposition in Italian Courts according to Italian law without regard to their possible status as prisoners of war. This is true even if such Italians now in Italian custody may formerly have been in Allied custody. On the other hand prisoners of war and surrendered enemy personnel in Allied custody including former Fascist republican troops (Neo-Fascists) required by the Italian Government for trial by them should NOT be handed over without prior authority from AFM.

b. It is understood that members of Italian Fascist Republican troops are trying to surrender to Allied military authorities. If the surrender is accepted by such Allied authorities such Fascists will be retained as surrendered personnel as directed by AFM letter AG 306.9/153 LCG-C of 18 May 1945. On the other hand if the surrender is accepted by Italians and not by Allied authorities such Fascists will be confined by the Italian authorities and held and tried etc., under Italian law.

2. Instructions have been given by the Provost Marshal to all MP units not to accept Neo-Fascist POWs from Italian custody except on the express application of the Provincial Commissioner concerned.

Such applications will in future only be made if previous authorization has been obtained from AFM through proper channels.

3. If Neo-Fascists, who have been recorded POW status and are in Allied custody, are required by the Italian authorities for trial for specific crimes, a report of the relevant facts should be forwarded to AFM for consideration.

296

2851

and authorization for the PW concerned to be returned to Italian custody
art 1. 826

For the Assistant Chief of Staff, G-5:

[Handwritten signature]

THOMAS J. MITCHELL,
Lt. Colonel, M.C.,
Executive.

DISTRIBUTION:

AG-af S, G-5, IV Corps for
PO's in Italy, Lombardy and Piemonte.
PO's in Italy and Veneto Regions.
PO's in France, Trente and Verona.

cc: G-5, 15 Army Group.
Hq Allied Commission. (5)
G-1, G-2, G-3, G-4.
DG, FM, MIA Liaison Officer.

CA Dist - Legal
PS
MMA
IPW s/c
DF/3R/CA

0610

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

10A

HEADQUARTERS ALLIED COMMISSION

AFC 354

Office of the Executive Commissioner

file

Ref: DM/3A/GA.

2 July 45.

You will recall that, during the discussion on Exemption at the Regional Commissioners' Meeting on Thursday morning, the Regional Commissioner, Lombardi, raised an objection to the introduction into ASB territory of a representative of the Italian Government who would organise the appointment of delegates to prepare for Commissions under the Italian Government decree. Other R.Cs did not take quite such a strong view but the Chief Commissioner stated he would take the matter up with the Prime Minister.

The Chief Commissioner has, however, reconsidered the matter and has decided not to approach the Prime Minister as he does not want to change, at the moment, agreed policy with the Government. It must further be borne in mind, although the point was not raised at the Conference, that if the Italian Government is not permitted to organise matters as early as possible, the appointment of Provincial Commissions for disqualifying fascists from being entered on Electoral Lists may be delayed and the final preparation of the lists unduly prolonged.

The Chief Commissioner has therefore decided to permit the Government representative, Sig. FRANCESCHINI, to enter ASB territory for this purpose. I attach copies of his instructions and a letter of introduction by the V.P., Civil Affairs Section, which makes the position clear. The representative will, of course, comply with your wishes when working in your Region.

I desire to emphasise again that Commissions under G.O. 35 will not cease to sit until Government Commissions are ready to hear cases. It is unlikely that this will be before 1 Sept. 45.

As the Executive Commissioner is at present away in London, I am writing the above on his behalf.

E. Tabor

Special Agent in Charge
District
Subordinate
Executive
Vice

2850

file

Copy to the [unclear]

10B

COPY

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref: 9/10/E/CA.

26 June 45.

SUBJECT: Dott. FRANCESCO SELLI.

TO : RC LIGURIA Region.
RC PIEMONTE Region.
RC LOMBARDIA Region.
RC VENETIA Region.

1. This letter will serve to introduce Sig. FRANCESCO SELLI who has come up to AEG Territory on behalf of the Italian Government to organize the appointment of provincial delegates, the collection of evidence and other matters of a preparatory nature leading to the appointment of Expiration Commissions under DLL 159.
2. It is requested that you will afford him every possible assistance in this work.

G.R. UPJOHN, Brig.
VP CA Section.

2045

FILE

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

Ja

Ref: M/S. 1/30.

April
23 April 1952.

SUBJECT: Refugees - Northern Italy.

TO : The Honorable Alexander Kirk,
American Embassy,
119, Via Vittorio Veneto,
Rome.

With reference to your discussion yesterday with
the Chief Commissioner, I am instructed by him to forward for
your information the attached copy of memo M/S. 1/30, subject
as above.

Ja

Signature,
Executive Commissioner.

2847

0613

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

CONF.

RE ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION.

Ref: 9/102/CA.

25 June 45.

Dear

The enclosed are letters of introduction to the Regional Commissioners in the North. Their names are :-

- Turin.....Colonel R. MUCCHIAI.
- Milan.....Colonel C. MONTI.
- Genoa.....Brigadier E. CASI.
- Astoria.....Brigadier J.M. DENTON.

I will be glad if, on arrival in the Region, you will report to each Regional Commissioner before starting work in order to discuss your mission.

Please do not cross the Security Control Line which now runs down the western boundary of the Provinces of Cordoba and Trieste.

(Sgt.) G. B. THURM,
Brigadier.

Dott. Franceschelli,
Alto Commissariato per le Pensioni,
contro il Fascismo,
Palazzo del Viminale,
Rome.

1848

~~TOP SECRET~~

~~TOP SECRET~~
8179

5001.1945

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

CIA SECTION
TRM/AMB/STP
(Handwritten initials: JAB)

DF/SA/CA 15/cso/b6

G-5: 383.6-11

21 April 1945

SUBJECT: Release of Neo-Fascist Italian PWs by Allied Forces to Italian Government.

TO: Headquarters, Allied Commission, APO 394.
70

1. Reference is made to your letter of 5 April 1945 DF/SA/CA and memorandum annexed thereto wherein it is suggested that neo-fascist Italian prisoners of war be turned over to the Italian Government for trial without delay in cases where they are suspected of war crimes against Italian nationals.

2. The force of the argument for a speedy trial in the cases indicated, and the wholly anomalous position of the Allies in according the high standards of prisoner of war status to persons suspected of having committed outrages is admitted. It is agreed that crimes committed by Italians against Italians do not involve any issue for determination by the United Nations War Crimes Commission.

3. Attention is invited, however, to the directive of the Combined Chiefs of Staff in EAK 425. It was there stated that the policy of the Allied Nations is that Italian neo-fascist troops in uniform and organized and fighting in accordance with the provisions of international law will be treated as German prisoners of war under the Geneva Convention. It is the view of this Headquarters that neo-fascists suspected of war crimes can be turned over to the Italian Government for trial only if German prisoners of war can be turned over. It is clear that this can be done pending hostilities only with express authorization from the Combined Chiefs of Staff. It is not possible at this time to state what the position will be after unconditional surrender of the German armed forces.

T.R. Henn

T. R. HENN,
Brigadier, G.S.,
Deputy Asst. Chief of Staff, G-5.

*10 JAB
NFA
JAB/A*

~~TOP SECRET~~

CONFIDENTIAL

SEPARATION ALLIED COMMISSION
410 394
DEVIL STAFFS MATRONS

16 April 45

1779 am/24

Subject: Defectors - North Italy.
Re: See Distribution

SEPARATION OF FASCISTS FROM WHITE ADMINISTRATION AND ARMS AND POWERS

1. Separation will play an even more important role in the North than in areas already liberated. A quick and effective operation may be decisive in securing a successful administration.
 - a) At the same time, this does not mean that there will be wholesale expulsions, any plan for such would not only demoralize the administration but might have grave political effects. (e.g. It is believed from reliable sources that the Judges of Florence, Lombardy and Venezia have refused to take the oath of allegiance to the Fascist Republican Government).
 - b) Separation will therefore be conducted on the following lines:
 - a) The first entry operation will be carried out in accordance with Executive Memorandum 17 of which a revised edition has been issued. This will be followed by the setting up of Italian Provincial Operations Commissions under the terms of GO 25. If provisions not yet liberated as of this date, GO 25 may be posted at any time after entry at the discretion of the Army or IV Corps, or the Regional Commissioner, without reference to Headquarters Allied Operations. This liberation may be delegated to Provincial Carabinieri.
 - b) However, as the General Order sets up rigorous time limits, it should not be posted until suitable persons to sit on the Commissions have in fact been selected.
 - c) Supplies of GO 25, together with Administrative Instructions and books printed in Italian for the use of the Italian Commissions, have been distributed.
 - d) An amount of GO 25(1) has been signed. It effects payments to be made to suspended personnel in provinces for the financial order then distributed.
 - e) The amount of GO 25(1) has been signed. It effects payments to be made to suspended personnel in provinces (cravattini). Copies of GO 25(1) will

If such is found to be the case it will be advisable to remove these people from office. There would be no objection to the known individuals being appointed by AGS if considered suitable but it must be fully realized by the Italian that AGS is appointing authority, and not AS or any other body.

5. In other cases it may be found that there has been a real situation for the recent offices have not been filled. In this case, personnel will be transferred locally, or replacements must be requested from Headquarters under command. The former is to be preferred as the number of minor officials can be supplied by the Italian Government to not large, and some delay in implementation is to be anticipated. If serious shortage of personnel makes it absolutely necessary, minor officials may have to be temporarily reinstated although they have previously been removed. Supervisory control of training has local population of an immediate investigation of the persons being nominated in accordance with the procedure outlined in para 2 above.

6 - FUNCTION OF BUSINESS COURTS :-

Paragraph 7.7 above does not deal with the question of business concerns which are not stated or semi-statal.

- a) In the case of business concerns which are being to their operations it is desired to operate but have ceased to operate or operate effectively to the extent made by AGS or operations under special orders and it is desired to continue operations the AGS removes the special orders.
- b) AGS may be asked to appoint a Receiver and Manager (see Executive 2.2/1103/L dated 17 March 1945).

7 - FUNCTION OF BUSINESS COURTS :-

6. It is not legal for AGS to set up special Allied Courts to deal with financial matters or complications with the Italian Republic Government or business. AGS Courts are confined to trying offences against personnel from the General, Regional, or Provincial Orders or, in exceptional circumstances (see Article 14 of Specialized Instructions for Allied Military Courts), offences against Italian law.

Officers who also realized that AGS Courts may not try enemy prisoners of war or war criminals.

7. On the other hand, it may be anticipated that local AGS may have set up local but illegal Courts to try such personnel and collaborators. It will be the duty of AGS to do all in their power to suppress these Courts and to report on this difficulty but essential duty, the following plan has

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...the ... the ... with the ...

RE-EVALUATION OF MILITARY OPERATIONS

- 1) ...
 - 2) ...
 - 3) ...
- ... 27 March 1943.

RE-EVALUATION OF MILITARY OPERATIONS

- 4) ...
- 5) ...
- 6) ...
- 7) ...

1 - IMPROVEMENT OF PRISONERS OF WAR POLICIES:

- 9. as formerly, this will continue to be a normal function of ESS/GIC and only under the powers conferred on them in para 10 of Executive Summary 67 will Army officers arrest and intern fascists who are not charged with a specific offence.
- 10. It may be anticipated that in a large number of cases there will have been complete arrests and imprisonments by Partisans and it may be for the arrival of the Allies. Valona prison congestion becomes intolerable it will probably be in the best interests of all concerned to leave such persons in place until a more settled state is reached and their individual cases can be investigated by the appropriate authority. In retaining such prisoners, all officers must be satisfied that (a) the prison officials can provide an effective guard, and (b) the prisoners are being properly cared for and fed, and are not the subject of mistreatment by prison guards, Partisans or others.

G. R. W. *[Signature]*
 G. R. W. WYTHAM BRIS,
 VP G. Section

BY THROUGH OF THE CHIEF COMMISSIONER:

DISTRIBUTION:

- AC Unsettled-Mercha Reg.
- AC Toulouse Region
- AC Dalmatic Region
- AC Liguria Region
- AC Piemonte Region
- AC Lombardic Region
- AC Venetia Region
- AC 5 Army
- AC 6 Army
- AC 5/6
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Scale of Distribution:

- (a) HQ
- (b) P. HQ
- (c) S/30
- (d)
- (e)
- (f)

284

HEADQUARTERS ALLIED COMMISSION
APO 374
CIVIL AFFAIRS SECTION

88

W/CA

[Handwritten signature]

9 April 45

SUBJECT : Defascism - North Italy.

TO : Economic Section
Legal Sub-Group
Sub Safety Sub-Group

89

It is proposed to issue the attached directive immediately.

If you have any comments will you please inform this Section by 1000 hrs tomorrow 10 April 45.

The attention of Economic Section is particularly drawn to sub-heading B.

A.D. WHELAN CARTER
Lt Colonel
for VP CA Section

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

SECRET

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

DE/3A/CA

5 April 1945

SUBJECT: Fascist Problems in N. Italy.

TO: G-5 Section, Allied Force Headquarters

1. Reference is made to your G-5: 370.64-3 of the 26 Feb and 14 Mar 45 with enclosures thereto.
2. It is the opinion of this Commission that the whole subject of the treatment of Fascist personnel in Northern Italy requires detailed consideration and certain decisions on matters of policy will have to be made. The attached memorandum which contains the views of this Commission upon this subject is therefore submitted with a request that any necessary decisions thereon be made by you as a matter of urgency and at the earliest possible moment. In particular your attention is drawn to the recommendations under in paras. 6 and 7 as to handing over certain classes of fascists to be tried by Italian Tribunals at an early date.
3. In the light of the memorandum attached it is not considered that Allied Investigation Units should be set up as they will only touch on the fringe of the problem and will, it is felt certain, lead to confusion in the minds of the Italians. It has always been the policy in dealing with Fascist personnel to carry out investigation and trials by means of Italian Agencies and the responsibility of the Allied Commission is confined to seeing that the work is carried out by the Italian Government. To start special investigation units for the purpose which you outline may well give rise to the belief that the Allied Authorities carry out this work. This cannot be as there is neither the personnel nor sufficient knowledge of local conditions for operation and such proceedings to be carried out by the Allies.

FOR THE CHIEF COMMISSIONER:

G. H. BROWN
G. H. BROWN, Brig.
VP CA SECTION.

2842

790

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

INVESTIGATION OF FASCIST JUDICIAL AND COLLABORATORS.MEMORANDUM

76

1. It is necessary to consider the following categories of Fascists:
 - a) those whom it is proposed merely to dismiss from their official posts without imposing further punishment (expulsion);
 - b) those who have collaborated with the Fascist Republic and Germans since 8 September 1943;
 - c) those who have committed Fascist crimes as set out in D.L. 159 but have not necessarily collaborated with the Germans since the Armistice, e.g., Hostiles;
 - d) war criminals who have committed war crimes (i.e., acts of atrocity and the like) solely against Italians;
 - e) war criminals who have committed such crimes wholly or in part against members of the United Nations;
 - f) members of any of the above categories who are actively engaged in fighting against the Allies and who seize the opportunity of the Allied advance to surrender and become prisoners of war.

2. As to category (a), it is thought that the plans made by this Commission for the expulsion of State officials will be sufficient to satisfy the intentions of the Allies in this respect.

These plans include:

 - a) the immediate expulsion of notorious Fascists from leading positions in accordance with Executive Memorandum No. 67;
 - b) the setting up of Italian Commissions for each province by the Provincial Commissioner to carry out a systematic expulsion of the State Administration. This is done by the early posting of GO 35;
 - c) the ultimate implementation of D.L. 159 and ancillary decrees under which the Italian Government will carry out expulsion.

3. D.L. 159 provides special punishments for those who have collaborated with the Germans since 8 September 1943. The Italian Government have produced a draft decree (based on the model set up in France for ximi-

L/C

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

lar purposes), to which this Commission has agreed in principle, whereby these collaborators will be brought to trial before special courts consisting of a Judge as President and four lay members drawn by lot from a larger list produced by the local CLN and screened by the local President of the Tribunale.

It is not believed that it will be necessary to set up special investigating units as suggested, for under the Italian system, it is anticipated that a very large number of denunciations will be made. Indeed if, as is probable, any time elapses between the withdrawal of the Germans and the entry of the Allies, it is thought that the local CLN will have looked up a very large number of these collaborators and will have their dossier waiting for investigation by the judicial officials.

4. Class (c) is a highly complex class and the acts showing that the accused is a fascist criminal range over a long period of years. It is thought that these cases can only be adequately investigated by Italian judicial personnel. They will be dealt with not by the Special Courts mentioned in paragraph 3, but by the High Court of Justice in Rome for more serious cases or by the local Courts of Assize for less serious cases.
5. War criminals. The investigation of war criminals in their true sense is a matter in which this Commission has limited its activities to the onward transmission of evidence obtained of crimes actually committed in Italian territory. It is understood that the evidence in such cases when complete is sent forward in order that the cases may ultimately come before the United Nations War Crimes Commission.

It is felt, however, that war crimes committed by Italians solely against Italians do not come within the scope of the United Nations War Crimes Commission, since ex-hypothesi the crimes were not committed against any of the United Nations. It is difficult to see any justification for refusing to allow such cases to be tried immediately by Italian Courts under Italian law, and it is considered that much misunderstanding and possible ill-feeling will be caused if any attempt is made on the part of the Allies to prevent the holding of these trials.

If such trials are allowed, it is not believed that any special investigating unit will be required to enable the necessary evidence to be obtained against the persons accused. It is believed that such evidence will be readily available locally and that large numbers of persons will be only too anxious to produce it. Any evidence which does come into the possession of Allied authorities would, of course, be forwarded to the appropriate Italian Tribunal.

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6. persons in class (f) would, on the basis of present instructions, be required to be held in custody in order that charges against them may be investigated at a later date by the United Nations War Crimes Commission. This may be satisfactory in the case of persons who are charged only with war crimes against United Nations' personnel and where no local Italian interests are involved. In the case of persons who are alleged to have committed war crimes not only against members of the United Nations, but also against the local inhabitants, it is felt that their retention in the comparative comfort of imprisonment, in anticipation of a trial before some far distant and somewhat nebulous tribunal, may lead to considerable discontent. It is strongly recommended that in such cases authority be given for the persons charged to be handed over to Italian Courts for trial, at least in connection with the offenses committed by them against the Italian population. The stipulation may be made that if they are acquitted or inadequately punished by such tribunals, the Allies reserve to themselves the right to bring charges in respect of their crimes against members of the United Nations before the United Nations War Crimes Tribunal. In this case also the previous remarks as to special investigating units appear to apply.
7. For the reasons stated above, it is the opinion of this Commission that no special investigation units are required. The rapid administration of justice in these cases does require a sufficient number of qualified Instructional Judges to investigate cases in accordance with Italian law. These persons must be Italian personnel, they must be qualified, and they are likely to prove difficult to obtain, at least in sufficient numbers. The Italian Government is being pressed to provide a sufficiency.
8. It is felt that some difficulty may be caused by persons classified in ~~f~~ above who seize the opportunity of the Allied arrival to make themselves prisoners of war and obtain the benefits of the Geneva Convention, hoping thereby to escape the vengeance of the patriots for their past activities. It may well be a military necessity to accept the surrender of these individuals, together with other members of the opposing army, in the initial stages. It is felt, however, that the Geneva Convention imposes no obligation upon the detaining power to do more than comply with the rules for the treatment of a prisoner during the time he is held in captivity and to arrange for his repatriation at the conclusion of this captivity. It does not impose upon the detaining power any obligation to continue captivity for any particular length of time. It is considered, therefore, that in appropriate cases, prisoners of war should be officially released from their captivity and set at liberty. Arrangements can be made, without infringing the obligations of the Geneva Convention, for such prisoners to be arrested by the civil police immediately such release becomes effective.

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G. R. HUGHES, Brig.
VF CA SECTION.

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ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 370.64-3

14 March 1945

SUBJECT: Patriot Problems in N. Italy.

16 MAR 1945

TO : Headquarters, ALCOM, APO 394. *ga*

1. Reference your TS/18/18/CA of 1 March.
2. Inclosed are copy of letter, G/117 of 6 March, H.Q. S.O.M. to G-5, together with Appendix "A", thereto.

For the Asst. Chief of Staff, G-5:

15 MAR 1945
A. C.

Julius Byles
JULIUS BYLES,
Major, FA.

2 Incl:
as stated para. 2.

Request to draft a Reply

4. VC

I do not want of the idea
I do not see what purpose of which has to
do with the matter they ought to be left up to
by the line

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C O P Y

Subject: Italian Patriot Problems.

SECRET

HQ SOM
CMF

REF: G/117

6 March 1945

To: G-5, AFHQ.

Copies to: Office of the Resident Minister, AFHQ.
SOM Liaison Staff, AFHQ.
HC No. 1 Special Force, c/o 59 Area CMF.

Reference your 370.64-3 dated 5 March 1945.

1. The comments of HQ Allied Commission are noted.
2. The purpose of this HQ's suggestion, reference G/117 dated 23 Feb 45, was to emphasize the importance of showing to Italian partisans that Fascist war criminals or traitors or collaborators will be effectively brought to justice whether before the United Nations War Criminals Commission or before tribunals established by the Italian Government.
3. Presumably, if both United Nations' Commissions and Italian Tribunals are to be set up, it may be considered advisable to have a joint Anglo-American-Italian centre to investigate cases against accused persons and to decide the category into which they fall. Alternatively, there would be United Nations commissioners on the one hand and Italian commissioners on the other hand.
4. What is considered to be important is that whatever the ultimate arrangements may be, advance representatives should move in with AMO to investigate charges and to take into custody accused persons, and thereby to prove to Italian partisans that the Allies are taking the matter seriously from the outset.
5. As regards the composition of these advance units, this HQ had not considered it appropriate to make suggestions, but if suggestions are required, suitable personnel could be made available from CI and PWB sources. In addition, the SF Unit of No. 1 Special Force and similar detachments of OSS who would be advancing with the Armies should be available and suitable when their operational role is finished. A

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the comments of HQ Allied Commission are noted.

2. The purpose of this HQ's suggestion, reference G/119 dated 23 Feb 48, was to emphasize the importance of showing to Italian partisans that Fascist war criminals or traitors or collaborators will be effectively brought to justice whether before the United Nations War Criminals Commission or before tribunals established by the Italian Government.
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5. As regards the composition of these advance units, this HQ has not considered it appropriate to make suggestions, but if suggestions are required, suitable personnel could be made available from CI and PWB sources. In addition, the SF Unit or No. 1 Special Force and similar detachments of OSS who would be advancing with the Armies should be available and eligible, when their operational role is finished. A provisional suggestion for discussion is attached at Appendix "A".

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/s/ J. G. BEYFOR
/s/ J. G. BEYFOR, Lt. Col. G.S.
For Maj. Gen. Comd., SOM

Distribution:

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COPY

AP ENEMA "A"

60

FASCIST CRIMINAL INVESTIGATION UNITS

Suggestions for composition and instructions.

COURSE A.

Assuming United Nations representatives and Italian representatives operate separately from the outset.

1. Italians to make their own separate arrangements for selection and training.
2. AC to decide number of centres in which investigation units are required (e.g. GENOA, TURIN, MILAN, CREMONA, BOLOGNA, PAVIA, UDINE) and areas with which they are to deal.
3. AC to decide establishment of unit:-
say 2 CI (US and Br)
2 PWB (US and Br)
2 others,

plus clerical staff. At least one officer should have legal experience. Administration of units and training of accused persons to be arranged by AMG.

4. United Nations advance parties to be selected by AC from CI, PWB, OSS and 1 SF personnel and any other available sources; agencies to be told to submit names.
5. CI and PWB in conjunction with 15 Army Group to prepare for use by each unit:-
 - (a) review of local Partisan and Fascist activities.
 - (b) card indices of local Partisan personalities, and "black list" persons.
6. AC to produce syllabus for units regarding duties, procedure, taking of evidence and custody of accused persons.
7. AC to organise short instructional course for selected

2036

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- 2 PWB (US and Br)
- 2 others,

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- (a) review of local Partisan and Fascist activities.
- (b) card indices of local Partisan personalities, and "black list" persons.

6. AC to produce syllabus for units regarding duties, procedure, taking of evidence and custody of accused persons.

7. AC to organise short instructional course for selected personnel, including lectures by:-

- (a) AMG Officers: on previous experiences of dealing with fascist criminals and accused persons in Central and South Italy.
- (b) AC officers: on the eventual scope of the United Nations Commissions, the categories of offences with which it will deal and the type of evidence it will require to support an indictment.
- (c) CI and PWB officers: on Republican Fascists, their leading personalities, their organisations and their relations with their German counterparts.
- (d) PWB officers: on the forms of publicity (radio, leaflet, placards, etc) which will be given to the work and location of the units and their proceedings

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/ (e)

- (e) CI officers: on the security aspect and on principles of interrogation.
- (f) AC officers: (or diplomatic representatives): on the political problems and background, and the relations of Italian Government and CLNMI.
- (g) No. 1 Special Force and OSS officers: on experiences of Allied Liaison Officers with Italian Partisans, and the problems, political and military activities and sentiments of the Partisans, with particular reference to their political differences and the work of CLNMI in the field.

COURSE B.

Assuming that the investigation units are composite units, doing preliminarily investigation on behalf of both the United Nations Commission and the Italian Government.

As in Course A, except that:-

1. This will need modifications
2. Consultation with the Italian Government would be needed on the location of units.
- 3, 4, 5 & 6 Consultation with Italian Government and CLNMI would be needed on the size, composition and personnel of units and preparation of syllabus and "black lists".
7. Separate courses would be necessary for linguistic reasons, but the basis of instruction would need to be harmonised.

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

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

DF/3A

~~SECRET~~/CA

1 March 1945

SUBJECT: Patriot Problems in N. Italy.

TO: G-5 Section, Allied Force Headquarters.

Reference your G5/370.9-3 dated 26 February 1945.

1. The points raised and some of the suggestions made by SO(M) on this matter are at present under study. Full comments will be made to you in due course.
2. In the meantime the following two points are raised:
 - a) There is confusion in para 2 as to Fascist war criminals. The position is that war criminals can only be tried after their crimes have been submitted to the United Nations War Crimes Commission in Courts set up by that Commission. Other Fascists can only be tried in Italian Courts. The Italian Government are now actively considering setting up special tribunals in the North for this purpose.
 - b) In regard to special investigation units, referred to in para 3 (a), information is sought as to whether it is contemplated that these will be Allied or Italian. If the former, who will provide and train the expert personnel required?

[Signature]
G. S. HUGHES, Brig-
VP CA Section.

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

Serial TS/CSO/9

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S/1254

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

HA

DSJ/PML/as

CIV. AFFAIRS SECTION

26 February 1945

G-5: 370.64-3

SUBJECT: Patriot Problems in N. Italy.

TO : Headquarters, Allied Commission, APO 394.

The attached observations by S.O.M. on MJPS Paper No. 265 (Final) are forwarded for your information, comment, and return at your earliest convenience.

For the Asst. Chief of Staff, G-5:

J. S. Jackling
J. S. JACKLING
Colonel

2850

Incl:
as above

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43

HQ SOM,
CAF.

Ref: G/117.
23 February 1945

SUBJECT: Italian Patriot Problems.

TO: G-3 Special Operations, AFHQ.
for G-5, AFHQ.

COPY TO: Office of the Resident Minister, AFHQ.
SOM Liaison Staff, AFHQ
HQ NO.1 Special Force, c/o 59 Area, CAF.

Reference WJPS Study P 265 dated 18th February.

1. The issue on which Italian Patriots feel strongest is the treatment of Fascists. Partisan leaders, whatever their political creed, are all anti-Fascists; twenty years of Fascist rule have reached their climax in the wave of arrests, reprisals and atrocities of the last few months. Numerous reports from enemy-occupied ITALY show that:
 - a) many Partisans consider that the Allies have been over-lenient to Fascists in the South;
 - b) extremist elements make this leniency an excuse for anti-British and anti-American propaganda.
2. This issue cannot be avoided by offering food, clothing and employment to Partisans. It can only be met by positive action to convince the Partisans that the British and American military authorities are assisting the Italian Government to bring Fascist war criminals to justice.

3. It is suggested that for this purpose:

- a) Special investigation units should be established in all principal cities and charged with the duty of compiling lists of accused persons and taking them into custody pending the establishment of appropriate tribunals;
- b) the maximum publicity be given to the establishment

2832

Reference WJPS Study F 265 dated 18th February.

1. The issue on which Italian Patriots feel strongest is the treatment of Fascists. Partisan leaders, whatever their political creed, are all anti-Fascists; twenty years of Fascist rule have reached their climax in the wave of arrests, reprisals and atrocities of the last few months. Numerous reports from enemy-occupied Italy show that:

- a) many Partisans consider that the Allies have been over-lenient to Fascists in the South;
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2. This issue cannot be avoided by offering food, clothing and employment to Partisans. It can only be met by positive action to convince the Partisans that the British and American military authorities are assisting the Italian Government to bring Fascist war criminals to justice.

3. It is suggested that for this purpose:

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- a) Special investigation units should be established in all principal cities and charged with the duty of compiling lists of accused persons and taking them into custody pending the establishment of appropriate tribunals;
- b) the maximum publicity be given to the establishment and location of these units;
- c) they should be furnished in advance with all information available regarding Partisan formations and Fascist personalities in their area.
- d) British or American officers who have had experience of liaison with the Partisans behind the lines should be attached to these units in the initial phases.

4. Action on such lines should contribute to the restoration of order and deprive extremist elements of their strongest argument for retaining their arms and adopting a hostile attitude to the occupying forces.

(Signed) J. G. BERTON, Lt. Col. G.S.
for Maj. Gen. Comd. SO(4).

Copy IT/1 Mar 45.

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

4087
 REAR HEADQUARTERS
 ALLIED CONTROL COMMISSION
 Public Safety Sub-Commission

7 June 1944

SUBJECT: Notes of Meeting between Lt.Col.
 Gibson, G.S.I.(b), HQ, AAI, and
 Col. Young, Public Safety Sub-
 Commission, ACC.

1. A discussion took place on Monday 5 May 44 between Lt.Col. Gibson G.S.I.(b), HQ, AAI and Col. Young, Public Safety Sub-Commission, ACC, on the subject of the Italian Espionage Decree.

2. This discussion was necessary to examine those matters which would concern both Military Security as well as political offenders. For example, many individuals who will be the subject of Italian investigation, will have already been examined and perhaps detained by the Military Security services. It must be decided what, if any, information at the disposal of the military authorities may be passed to the Italian Government.

3. On this point, Lt.Col. Gibson intimated that HQ, AAI would be prepared for Security Branch, ACC, to extract any appropriate information from their security files for transmission to the Italian Government. Lt.Col. Gibson said he would prefer ACC to accept the responsibility of deciding what data could be properly supplied and what should be withheld for reasons of Military Security.

It was agreed that if such a scheme was decided upon, the Italian Government should give an undertaking not to use such material either in evidence or to put it to any official use.

4. The Deputy Commissioner of Espionage has already requested facilities for his representatives to be allowed access to PW Cages and interrogation points to obtain early information of fascist activities. Such a permission could not however be granted.

5. It is also anticipated that some individuals who have already been interned on grounds of Military Security will be subjects who should be charged with political offences. In such

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cases it was agreed that on the representation of the Italian Government such persons would normally be transferred into their custody, providing that if they were not convicted, and not consequently imprisoned, they would be returned to Allied Military custody.

5. It would appear that only to a limited extent would the reasons for investigation of an individual on the grounds of Military Security be synonymous with those for the prosecution of political offenses and therefore it is not anticipated that such security information will be suitable for the Spuration Commission.

It should not be forgotten that most of the events with which the High Commissioner will be concerned will be those which have taken place before the arrival of the Allies in Italy. He therefore should have much more information on these matters than we. In addition the S.I.M. are in possession of a great deal of Italian political information and are probably better informed on these matters than any other authority. S.I.M. is already an integral part of the Italian Government Intelligence and would appear to be the most logical source of information for the Spuration Commission.

Copy to: VP Adm Sec
 Chief Legal Officer ✓
 Lt. Col. Gibson, G.S.I(b), HQ, AAI.

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14754/ GRU/PA 20A
REAR HEADQUARTERS
ALLIED CONTROL COMMISSION ON
LEGAL SUB-COMMISSION
APO 394.

14 June 1944

REFERENCE : ACC/4082/L.
SUBJECT : "Euration" Investigations.
TO : Public Safety Sub-Commission.
(Att. Col. A. Young).

1. Reference telephone conversation (Col. Upjohn - Col. Young) it is confirmed that H.E. Berlinguer, Deputy Commissioner for the "Euration" of Fascism, has called upon the Chief Legal Officer with the proposal that a small staff of investigators from his Commission might be allowed access to the cages, or points where the suspects are detained for interrogation by the Military Security Police, with a view to obtaining early information about important fascist activities and identifying the responsible organisers. In this way lists of leading fascist personalities might be prepared in advance and thus enable immediate action to be taken as soon as further territory is occupied.

2. Would you please consider this proposal and if deemed both favourable and workable kindly ascertain in what manner it can best be rendered effective.

A. R. Thackral
A. R. THACKRAL
for Chief Legal Officer. 2020

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

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission

(18)

ACC/14754/EG

9 June 1944

SUBJECT : Espionage

TO : Vice-President, Administrative Section. ✓

1. On the morning of 9 June 1944, I received a visit from Sig. Berlinguer, the Deputy High Commissioner for Espionage. He explained that since the High Commissioner as such was not a Minister, the work of his Commission could proceed uninterrupted by the resignation of the Italian Government.

2. He asked for information regarding the following individuals:-

- LAURO, Achille
- ROSSI, Cesare
- TRIGNANI, Giuseppe.

This I gave him verbally, dealing only with their fascist background and antecedents as known from Military Intelligence sources.

3. I emphasized to him that such information was not to be directly used for any official purposes and he willingly gave his consent. He said that he had found this information most useful and asked that the same procedure be followed in future cases.

4. I also advised him that if the High Commissioner wished to prosecute TRIGNANI, his transfer to Italian custody from the camp in which he is now interned, would be most favorably considered, provided an assurance was given to return this prisoner to military custody if not subsequently imprisoned by the Commission.

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5. Sig. Berlinguer also enquired about the powers of arrest of individuals whom the Commission wish to prosecute and who were living in Allied Military Territory. I advised him that such arrests were fully approved but that in each instance he should advise the local AEC officer of the action taken and in the case of the suspect holding an official position, the AEC authorities should be consulted beforehand.

(1A)

in addition.

Alyoung

A.E. YOUNG,
Colonel,
Deputy Chief Public Safety Sub-Comm.

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